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C. T. Satyanarayana Singh,
 Ex-Assistant Secretary,
 The All India Young Men's Association,
 Loco Quarters,
B e z w a d a .

S. No. (1)

By. No. 19/Gm/47

4-2-1947 D/ 12/12 Decr., 1946.

My Dear Speaker & Hon'ble Members
 of the House,

Will the Speaker and the Hon'ble Members of the House support my Bill of All India Militarization for the real good and the benefit of the Home Land and Pass it? As you go through the Bill affixed herewith, you will understand how easy it is to put in Force.

With my greetings and good-wishes to the Constituent Assembly on the occasion of its first Assemblence,

Yours faithfully,

C.T. Satyanarayana Singh.

To
 The Speaker and the Hon'ble House,
 c/o The Hon'ble Speaker,
 The Constituent Assembly,
Delhi.

Received from the
 Personal Secretary to
 the President, with his
 letter 4-19.12.46

file *PP* *21*

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C. T. Satyanarayana Singh,
Ex-Assistant Secretary,
The All India Young Men's Association,
Loco Quarters, Bezwada.

C. T. Satyanarayana Singh's Bill of
All India Militarization.

- A. (a) The whole Country must be Militarized at once.
(b) Every caste and creed of the Nation of the country mut be militarized.

The Plan of complete Militarization.

- B. (a) Firstly every High School, every College, every Town and Rural areas must be given Military Training.
(b) Military Training must be given to the collegement the said Training to:-
i. Academic; ii. Technical and iii. Medical colleges in the Country.
(c) Military Training to the Academic collegesthe Training also to the Academic colleges where there are no University Training Corps (for Guns E.T.C. Refer G (g) (h) (I).)
(d) All the male Nurses shall be given Military Training under a physical Director of the Medical College attached to the hospital and where there is no such facility, the male nurses shall be trained under a physical Instructor of the town concerned to the hospital.
- C. (a) In every High School the said Training must be given compulsorily to All the Students of IV, V and VI Forms.
(b) The training shall be given to IV and V Forms in intime (School hours) and to VI Form in out of time (After School Hours).
(c) As the IV and the V Forms having two Drill Classes in a week the said training shall be given within four months period and as the School Final Class having one out of Period Drill Class in a week the said Military Training shall be given within EIGHT months period (Refer D(d) for number of classes).
(d) The complete Military Training shall be given only in the Drill Classes instead of the present Model of Drill.
(e) No need to appoint Extra Drill Teachers for the said purpose in High Schools and the Military Training shall be executed with the Drill Teachers that were appointed.
- D. (a) In every Academic College where there is no U.T.C. a Physical Director of B.A. qualification shall be appointed.
(b) In every Technical and Medical College, Physical Directors of B.A. qualification shall be appointed.
(c) One Physical Director shall be appointed to every 500 candidates.
(d) Military Training shall be given once in a week to all the College candidates in out of period (after college hours) and thus the complete Military Training shall be given within 25 (Twenty-five) Classes (eight months time).

(Continued)

- (e) Every college candidate must be compulsorily given Military Training.
- (f) All the Physical Directors must be paid by the college authorities concerned.
- E. (a) In every City and Town wherever there are Corporations, Municipalities, Panchayats and Unions, the concerning authorities must appoint Physical Directors and Physical Instructors to train the youths of the city and the town (Refer G(f).)
- (b) The Physical Directors and Instructors must be paid by the authorities concerned.
- (c) One Drill Teacher must be appointed to every 1000 candidates and the appointing of the Directors and the Instructors shall be increased as the number of candidates increase.
- (d) For the convenience of the Drill Teacher, the dwellings of large areas may be divided into Sections, the candidates into groups and the Teacher shall attend the Sections.
- (e) The Training shall be given once in a week either in morning or in evening and the period of class shall be for one hour from 5.45 P.M. to 6.45 P.M.
- (f) The Morning classes are intended only for the Labourers that are on employment at Nights.
- (g) The working hours of a Drill Teacher shall be SIX hours a day. After attending his classes, the Drill Teacher must go to every office including Government, Hospital, Mill, Factory, Press, Emporium, Library and Youth League Offices to enlist every youth compulsorily and in the remaining hours he shall be in the Institution concerned (Refer E(a).)
- F. (a) In all rural areas Military Training shall be given to the villages containing not less than 35 to 50 houses.
- (b) Every Physical Instructor shall attend four villages that are in the circumference of twenty-five miles and he shall be paid Rs.15-4-0 per month more than his pay (in normal days) towards T.A. and E.C.T.
- (c) Rural areas shall be trained for three months every year (i.e.) in March, April and May and in which 13 weeks period the complete Military Training shall be given attending the 25 classes twice & in a week every village.
- (d) All the vacancies arises in the Schools and Towns shall be filled up with the Physical Instructors that worked in the rural areas.
- (e) The District Boards and the Revenue institutions concerned to the rural areas must pay the Drill Teachers.
- G. (a) Every man must be trained from 14 to 45 years of age.
- (b) Every man shall be compulsorily trained between the ages of 14 to 25 to 26.
- (c) All Physical Directors and the Physical Instructors shall enjoy the holidays equally with the other teachers of the Institutions concerned excepting the teachers of rural areas.

(continued)

- (d) The Physical Instructors in rural areas shall enjoy holidays only Saturday and Sundays (*Continued in Page 4*)
- (e) Every Physical Director and every Physical Instructor will have ordinary scale of pay that is admissible as per G.O.
- (f) For Towns Higher-grade Physical Instructors of S.S.L.C. qualification and for Cities and Colleges Physical Directors of B.A. qualification shall be appointed.
- (g) While in the Military Training all the candidates for the present shall use Staves of five feet instead of Guns and the Staves must be supplied by the Institutions concerned.
- (h) The candidates of rural areas must possess the Staves of their own.
- (I) Every Drill Teacher shall be supplied with a Gun to explain every candidate just before the finishing of the Training the parts of the Gun and how it works and with one Bullet for every 25 candidates for experiment.
- (J) Every candidate shall be thoroughly taught the Shooting.
- (k) For the first and the final time in the month of May in every selected District Head Quarters a Shooting Training Camp shall be held for all the Drill Teachers of the Cities, Towns, Colleges and High Schools of the Districts concerned where all the teachers shall be taught the Shooting and the Drill by an Viceroy's Commissioned Officer (District Parade Inspector). The Shooting Training Camp period shall be one month only.
- (l) For the selected Drill Teachers for rural areas for the first and final time in the month of January for a period of one month only in every selected District Head Quarters a Shooting Training Camp shall be held where all the Teachers of the Districts concerned shall be taught the Shooting and the Drill by an V.C.O. (District Parade Inspector).
- (m) While in the Camps all the Teachers shall be paid an allowance of Rs. 35/- per head per month by the Institutions concerned.
- (n) Messings shall be arranged in the Camps where a Chota consisting of a Slace of Bread, $1\frac{1}{2}$ Tola of Butter and half a cup of Tea; A dinner, a supper and half a cup of tea in the evening shall be supplied and for which every teacher shall pay.
- (o) To avoid such camps, hereafter a V.C.O. shall be appointed in the Physical Director's and Physical Instructor's Training Schools to train Shooting. He shall be paid by the Government.
- (p) Each High School, College, City, Town and Rural Areas shall be examined by a District Parade Inspector within Training period every year and he shall be paid by the Government.
- (q) The Viceroy's Commissioned Officers only shall be ~~six~~ designated as the District Parade Inspectors and they will be under the supervision of the District Educational Officer receiving Instructions from the Captain who shall be in the office of the Public Instruction commanding all the District Parade Inspectors.
- (r) The Captain, a clerk and a Peon for him shall be paid by the Government.
- (s) The Standard National Regiments shall not be ~~ever~~ retrenched.

- (t) Every trained candidate shall be issued with a Military Training Certificate Book.
- (u) Every candidate shall pay a fee of Re.1/- to own a Military Training Certificate Book and Rs.2/- for a Duplicate.
- (v) All men that refuses to attend the Parade shall be punished.

H. The above Articles shall be applied also to the States. (This is applicable when the States joins in the Constituent Assembly).

*Continuation of G(d) } and two days for Maha Siva Ratri and a day
 G(d) } for New year's day. If the said festivities falls
 on working days the three classes shall be
 conducted in Saturdays and Sundays and double
 the salary for those three days shall
 be paid.*

C.T. Satyanarayana Singh I.

12th Decr., 1946.

जय सीताराम।

B
B.M.

No. 731/Com/47 Serial No. 2.
॥ धोहनुमतेनमः ॥ dt 23-1-47
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EC हर महादेव।

श्री सनातन धर्म महाबीर दल, देहली।



SHRI SANATAN DHARMA MAHABIR-DAL, DELHI.

स्थापित १९२४

संस्थापक: —

पूज्य पं० मदनमोहन मालवीय पं० संख्या

President's Office,
981, Tharamnagar, Naiwara,
18th January 1947.

Dear Doctor Sahib,

Have we received this?
We would be obliged if you could very kindly acknowledge the receipt of our letter of the 17th Dec '46 along with a rough copy of the Memorandum submitted to your goodself under Instructions from the Managing body of the Mahaveer Dal.

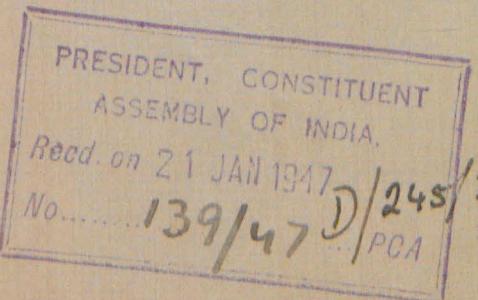
Pl. put back
92/147
We have the pleasure to bring to your kind notice that the Memorandum on Constitution for Free India is now ready and we are sending you 10 copies of the same under separate cover. We would be further obliged if you very kindly let us know the number of copies that would be needed by your nobleself for the use of the members of your Assembly and others connected with its working.

Pls. B/9
+ H. office
Thanking you very much in anticipation for the trouble.

Yours sincerely,
S. Subodh Singh
PRESIDENT.

To

Hon'ble Dr. Rajendra Prasad,
President, Constituent Assembly,
NEW DELHI.



*15 Com
Guru Nanak
Constituent
Assembly*

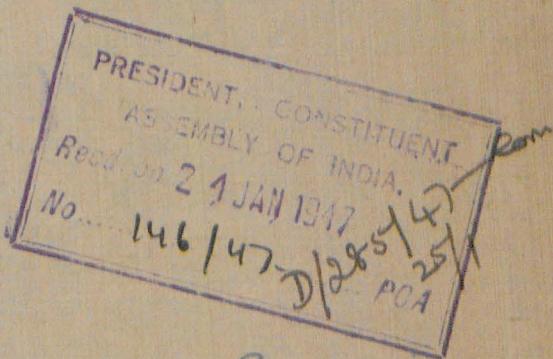
Schedule to memo of points for consideration by
the Constituent Assembly in framing the
Constitution.



As the composition of the legislature contemplated
by the 1935 Act is confusing and is not based on a
principle, the following reorganization is given for con-
sideration and incorporation in a future Govt. of
India Act:

25/1/47
One Lower House of the unit or the union Legislative
must be formed out of candidates elected
through

1. The general constituency
2. " Sikh "
3. " Muhammadan "
4. " Christian "
5. " Women's "



Contd
on a population basis. For the sake of convenience
the Europeans, the Anglo Indians and the Indian
Christians have been fused under one head as
the Christian constituency.

2. The upper House of the unit or the union
Legislative must be composed of the following interests:

1. Landholders 50 %
2. Commerce & Industry 20 %
3. Labors 10 %
4. Religious institutions 10 %
5. University 10 %

3. The following general qualification for being
a voter or a member of a legislative is prescribed

1. A person must have attained the age of 25.
2. He must not be of unsound mind and
stand so declared by a competent Court.

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3. He must not have been convicted of penal offences.
 4. He must be a native of India and must have resided in his constituency at least for 1 year prior to the date of election.
4. The following additional qualifications are prescribed for being a member of the lower house.
1. A High School education.
 2. A person must have been assessed to one of the following taxes :-
 - (a) under the Motor Vehicles Act.
 - (b) profession tax to the Municipality.
 - (c) property tax "
 - (d) house tax "
 - (e) income tax.
5. The following additional qualifications are prescribed for being a member of the upper house.
1. A High school education.
 2. A person elected through the Landholders' constituency must have landed property to the minimum value of Rs 500/- or must have been assessed to land tax of Rs 40/- a year.
 3. A person elected through the Commerce & Industry constituency must have owned or must have been the Director or the Manager of an Industrial concern having a minimum Capital of Rs 1 lakh or must have been assessed to income tax on an income of not less than Rs 60,000/- derived from Commerce & Industry.
 4. A woman shall be deemed to be qualified for being elected for a woman's constituency, if her husband is qualified to be elected through the general constituency.

5. The Scheduled Caste may be merged in Labours. The qualification of a candidate for being elected to the Legislative through the Labour Constituency must be that he should be a member of a registered Trade union connected with some industry. In these cases, he should have worked as a labourer and have earned a minimum wage of Rs 2/- a day.

6. The qualification of a candidate for being elected through the Constituency of Religious Institutions (temples & Puthis) must be that he should have been a trustee of a temple or Puthi or any other Religious Institution for a prescribed period prior to the date of election.

The Lower House of the unit or union Legislative must consist of members between 200 to 300 in number and the upper house $\frac{2}{3}$ or $\frac{3}{4}$ of that number.

(Sd) S. R. Chari,
(God-Incarnate)

Forwarded to the President of the Constituent Assembly in continuation of my letter of 12.12.46
submitting a memo of points for consideration by the Constituent Assembly.
W.F.
pp.117-56

On 20.1.47:

S. R. Chari

S. R. Chari,
(God-Incarnate)

The Hon'ble Dr. Rajendra Prasad,
President Constituent Assembly of India,
Council House, New Delhi.

Replies to other
Subject:- Memorandum on The Basic Principles of the Indian Constitution.

Dear Sir,

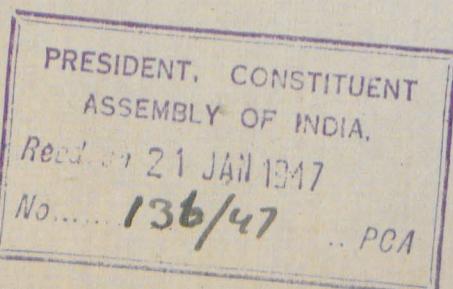
I beg to submit herewith my Memorandum entitled 'The Basic Principles of the Indian Constitution or a Memorandum to the Indian Constituent Assembly' regarding impending Constitutional changes in India for favour of your kind consideration. Kindly acknowledge its receipt.

I submitted the enclosed Memorandum to the Secretary, Indian Constituent Assembly with my letter dated the 22nd November, 1946, but he has returned it back to me with his D.O. letter No. CA/38/Gen/46 dated the 27th December, 1946 instead of according the same treatment to my Memorandum in accordance with your order as may be meted out to other ~~Memorandum~~ Memoranda as requested in my letter dated the 6th December, 1946 and did not even intimate the reasons of its non-acceptance as requested in my letter dated the 30th December, 1946. It is presumed that the Constituent Assembly shall have an open mind to receive all representations that may be submitted to it, whether it accepts or rejects the proposals contained therein. Hence the necessity of re-submitting the Memorandum to you. The black pencil marks on my Memorandum were made in your office. If you decline to accept the enclosed Memorandum, its reasons may kindly be intimated to me.

Yours truly,

Inder Lal
(Inder Lal)

Government Pensioner,
Mohalla Sangian,
Saharanpur.



*Pls per 1-
H. Roy, A. 2/11*

C. B. 2/11

-13-21

THE BASIC PRINCIPLES
of
THE INDIAN CONSTITUTION
(For Permanent Constitution)

or

A Memorandum to
THE INDIAN CONSTITUENT ASSEMBLY.

By

Inder Lal.

Introduction.

Various political parties in India have been demanding political reforms for India, but each of them wants to impose such conditions therein as may be beneficial to its own party. Consequently none of them has so far succeeded in producing a Constitution for India that may be readily acceptable to the main political parties of India.

An attempt has been made to set forth in these chapters the Basic Principles of the Indian Constitution and to reconcile the various warring elements in the cultural, economic, and political life of the country. Viewed with an unbiased eye these Basic Principles are likely to be found in the best interests of India, and as such are likely to be acceptable to all persons having the best interests of India, apart from their own party interests, at heart.

It ought to be clearly understood that the Basic Principles of the Indian Constitution are to be judged as a whole, and it might be unsafe to accept some principles without regard to their relation to others.

It must also be carefully noted that unless the Basic Principles of the Constitution are determined and accepted by the main political parties of India, the Constitution of one Union of India, with or without the Grouping of the Provinces, or of more than one separate and sovereign Unions, cannot remove misapprehensions of the Minorities living therein.

Some persons may find somethings unpalatable here and there. Such adverse critics have to bear in mind that upto the present time only two Constitutions worth the name have appeared. One such Constitution of Dominion Status for India was prepared by the Congress with the help of other political parties in India in 1928, and is known to this day as the Nehru Report. But this Constitution was rejected by the Mohammedans as well as by the Indian Princes.

(3)

Another Constitution was framed by the joint labours of the Indian and the British Statesmen at the Round Table Conferences held in London and was embodied in the Government of India Act 1935. But the scheme of Federation embodied therein was also subsequently rejected by the Indian Politicians as well as by the British Government in favour of the Cripps' proposals.

The Conciliation Committee also tried to bring out a compromise between the Hindus and the Mohammedans, but its Proposals were also rejected by the Muslim League.

If, in face of the collective labour of such great minds having been rejected, these Basic Principles of the Indian Constitution, which are the outcome of a single mind, be found defective or be rejected in toto, it is not to be wondered at.

The adverse critics of these Basic Principles are, therefore, kindly requested to bring out another Constitution of a National Government for India that may be on really democratic lines.

22nd
Nov., 1946.

Inder Lal
(Inder Lal)

(4)

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Chaptar 1. Linguistic and Cultural Autonomy.

1. Several linguistic and cultural regions in India are now spread over several provinces. For instance, Karnatak is now included in both the Bombay and Madras Presidencies, although its major portion is in Mysore State; Maharashtra (i.e. Mahratti-speaking regions) is now included in both the Bombay Presidency and the Central Provinces and Berar; the Telugu-speaking people of the Madras Presidency want to have their linguistic region constituted into a separate Andhra Province; the people of the Jhansi Division are agitating for the creation of a Bundelkhand Province; and the Ambala Division has nothing in common with the rest of the Punjab in language, culture, dress, and customs, and is therefore as unnaturally linked to the Punjab as Sindh was to the Bombay Presidency.

Such linguistic and cultural regions should be carved out of the several provinces over which they are now spread, and constituted into separate linguistic and cultural units. In particular, the Hindi-speaking and Urdu-speaking regions in Northern India should be clearly demarcated and constituted into separate linguistic and cultural units. In this connection, the constitution of a separate Linguistic and Cultural Unit consisting of Ambala, Meerut, and Agra Divisions with the status of an autonomous province should also be considered.

2. If the financial condition of any linguistic and cultural unit permits, without any help from the Central Government, but subject to other administrative considerations, that linguistic and cultural unit should be made a Governor's Province; otherwise, it should, for administrative purposes and to enable it to enjoy the full-fledged government of a Governor's province, be linked to some neighbouring linguistic and cultural unit.

3. Every linguistic and cultural unit so constituted should have a University of its own for promoting the language and culture of that unit through the medium of the popular language of that unit. The vernacular work in all courts and other public offices should also be done in the popular language of that unit, so that all parts of

India may enjoy full cultural autonomy.

4. The tremendous increase in the population of every province after each census decade is another reason for reconstituting provinces on a smaller scale.

5. At the present day there is no such language as Hindustani. The attempt on the part of some politicians to create a new language under the name of "Hindustani" out of the present spoken languages of Urdu and Hindi in order to make it the Lingua Franca of India is not likely to safeguard the cultural autonomy of India. A language is learnt not only to serve as a means of communication but also for acquiring knowledge, culture, morals, and precepts. All the knowledge, culture, morals, and precepts of the Hindus are embodied in Sanskrit and its derivative languages such as Hindi, Bangla, Gujrati, etc. All the knowledge, culture, morals, and precepts of the Mohammedans are embodied in Persian and Arabic and their derivative Urdu language. Even if a common Hindustani language consisting of Urdu and Hindi words of common use be created, it would be without the character-building knowledge, culture, morals and precepts of the Hindus and the Mohammedans. Moreover, Urdu facilitates the reading of Persian and Arabic, and Hindi facilitates the reading of Sanskrit, but Hindustani would not afford this facility either way.

It must also be noted that Hindustani is a very elastic term. It can be easily converted into Hindi or Urdu according to the wishes of the party in power, and as such will always remain the bone of contention between the two major communities of India.

Under these circumstances, the only correct solution of the Language problem is that every Linguistic and Cultural Unit, whether it be a province or part of a province in British India, should have the liberty to use its own vernacular both as a medium of instruction in public schools and colleges and as its official vernacular. For Inter-Provincial and Central Government purposes, English should continue to be used as a medium of communications as long as both the major communities of India may not recognise, by mutual consent, either Urdu or Hindi as the Lingua Franca of India.

Chapter 2. Ecclesiastical and Educational Policy.

1. In future no payments, if there be any, should be made from the State Funds to any temples, mosques, or churches or to their custodians or priests for the performance of any religious or other kindred work for members of any particular community.
This proposal is not intended to be made applicable to protected monuments.
2. Every educational institution receiving any grant from any State Fund should also be under an obligation not to impart any religious instruction to any student within its precincts. Educational institutions bearing communal names should also be debarred from receiving any grants-in-aid from public funds, and no religious lectures or discourses should be permitted within the boundaries of the educational institutions, but educational institutions named after particular personages should continue to receive grants-in-aid as ~~much~~ usual. Public Funds constitute the income of persons of all communities, and any aid to the religious and communal institutions of any particular community from the public funds in a more liberal way means aiding the religious and communal propaganda of that particular community from the joint fund over which all the communities have equal rights.
3. To regulate and control the religious practices and observances of all communities, according to their respective religious beliefs, in such a way as to avoid all causes of mutual friction and ill-will, should be made a special responsibility of the Provincial Governors under section 52 (1) of the G.I. Act 1935,
*rule rule - para 3(2)(cl) (ii) of chapter 9
with the intentionality of chapter 9.*
4. Certain political workers have during the past Civil Disobedience Movements made the temples the centres of their political activities thinking that, under the Government's policy of respecting the sanctity of the holy places, they would be immune from the clutches of the law in those holy places thereby causing great inconvenience and disturbance to the persons actually engaged in prayers. Stringent measures should therefore be embodied in the Constitution Act so as to ensure that the temples

shall not in future become the centres of the political activities of any political party or the refuge of the political offenders.

The provisions of the first four paras are intended to ensure that every citizen should have full freedom to practise his religion and that the State should not be a party to the religious and communal propaganda of any particular community.

5. Many students of University colleges and schools as well as their teachers or managers have taken active part during the past Civil Disobedience Movements. This created very baneful effects upon their studies as well as upon their future career. Stringent measures should therefore be embodied in the Constitution Act, whereby the students, teachers, or managers of any school or college recognised by any Indian University and receiving any grant from the public funds shall not be permitted to take any part in, or become associated with, any political movement in future, so that the political forces in the country may not under-mine the studies and future career of the student community.

N.B. Those political leaders, who decoy the students into political work, whilst their minds are quite raw in the art of politics, do not give the students the right lead. Instead of asking the students to undertake political work, the well-wishers of the country and, in particular, of the student community should make it a point to instruct the students to act upon the following four principles:

- (1) Every student must dissociate himself (or herself) entirely from all political movements, because his mind is raw and because it interferes with his regular studies.
- (2) Every student must devote as much attention to the development of his body as he devotes to the development of his mind, and must regularly take physical exercises, for the glory of a young man is his health.
- (3) Every student must lead the simple life of a Brahmchari (strict celibacy dictated by motives of piety and devotion), and must take simple food excluding all luxurious diet such as tea, coffee, etc. but not excluding nutrient diet like milk, ghee,

butter, and fresh fruits.

(4) Every student must consider it his foremost duty to serve his aged parents in their old age as best as he can, for in their blessings lies his happiness, both temporal and eternal.

6.

It should be the policy of the State to provide special facilities for the secular education of the children of the Depressed classes, and the Back-ward classes living in the 'excluded' and 'partially excluded areas.' These facilities should take the form of special schools, and special scholarships for higher secular education, co-education being permitted with their consent.

7.

Educational academies should be started in India:

- (1) for imparting the best professional education and for preparing the Indians for the Indian Civil service, the Indian Police Service, and the Indian Medical service,
 - (2) for imparting the best technological education in agriculture, and other industries.
 - (3) for imparting the best military education in all departments including military science and modern researches, military ~~mechanics~~ engineering, tanks, aircraft, submarines, destroyers, and all other kinds of war ships, etc.
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Chapter 3. The Public Services.

1. The term 'Public Services' referred to in this chapter should be taken to cover all the State Services except those connected with Defence, Internal Security, and Foreign and Political Affairs which have been separately dealt with in chapter 4 as 'Crown Services.'
2. Recruitment to all the ministerial and executive posts in the Public Services carrying a salary of Rs 30/- or more per mensem should be made by competitive written examinations open to the candidates of all communities subject to certain general qualifications, say, education, physical fitness, and relationship with Government servants. Such competitive written examinations should be conducted by the Public Service Commissions or by the Heads of Departments or Offices concerned. In order to ensure the utmost impartiality, only the Roll numbers of the candidates, and not their names or castes, should be allowed to appear on the answer books.
3. The results of the competitive examinations should be announced publicly and the appointments should be given to the best qualified and most successful candidates selected in order of merit, irrespective of the fact, whether as a result of the aforesaid competitive examinations the appointments are proportionately shared by the candidates of all communities or all the appointments go to the candidates of a single community or caste. Personal interview may be retained as an additional test only for candidates recruited for executive posts in the Public Services.
4. If posts in the Public Services be reserved for different communities on a communal basis, the candidates belonging to the communities having reserved quotas allotted to them shall have no incentive to make greater strides for securing success by dint of merit in the open competition.
5. If, however, communal reservation in the Public Services be deemed inevitable, the candidates belonging to the

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minority communities unable to secure their due share in the open competitive examinations may be recruited in the Public Services to the extent to which they would be entitled to on their population basis. This reservation should be for candidates belonging only to the minority communities in the Provinces and at the Centre, and not for the candidates of the majority community, and should also be subject to the proviso that, in case the candidates belonging to the minority communities may at any time secure more posts in the open competition than what they would be entitled to on their communal basis, their recruitment in the Public Services should also be correspondingly limited to the extent to which they might have been entitled to on their communal basis.

5. Taking all these points into consideration, it would appear advisable that the best way to ensure the recruitment of the most suitable candidates in the Public Services of the State is to abolish communal reservations therein.

6. The Central Government and every Provincial Government should permanently keep in being an "Anti-Corruption Enquiry Committee" consisting of some members of their respective Legislatures under a whole time paid Chairman of the rank of a High Court Judge to inquire into cases of corruption among the personnel of both the Crown and Public Services.

(12)

Chapter 4.

The Crown Services.

Section 1. Administration.

1. The Services connected with Defence, Internal Security, and Foreign and Political Affairs referred to in this chapter may be termed as "Crown Services" in contradistinction with all other State Services which have been dealt with in chapter 3 as "Public Services."
2. Defence and Internal Security should be treated as both inter-dependent, and not two separate subjects. There may be occasions when internal disorders may invite a foreign invasion. There may equally be cases when an apprehended foreign invasion may lead to internal disorders. In case of local disturbances the services of the military forces are in a majority of cases requisitioned to help the police to quell local disturbances, and on such occasions the British troops have commanded the confidence of all communities. As such Defence and Internal Security are both inter-dependent.
3. As long as the Crown commands the allegiance of His subjects, it is also His primary duty to protect His law-abiding subjects both from foreign invasion and from internal disorder. If this view be endorsed by Constitutional Jurists, control over Defence and Security Services should not be transferred to any one Communal Party Rule or a Combination of Communal Parties Rule, vide sub-para 2(1) of Chapter 9, until a National Government that represents, and enjoys the confidence of, all sections of the people is established in India (vide para 13 of chapter 10). Till that time it is in the interest of the general public that Defence should remain a reserved subject directly under the Governor-General acting in his discretion, and the two Security Services connected with the maintenance of internal security should remain reserved subjects directly under the Governors acting in their discretion, who are to exercise their authority in direct responsibility to the Crown (vide para 1 of chapter 10).
4. The population of India is about four hundred millions,

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and the pre-war peace strength of the Indian Army was about two hundred thousand Indian soldiers and 60 thousand British soldiers. Taking into consideration the fact that Russia, United States of America, Japan, and Germany, each with much lesser population than that of India, possessed a peace time army far more considerable than that of India, the future peace strength of the Indian Army should also be revised in proportion to her vast frontiers and huge population.

5. Foreign and Political Affairs and foreign trade relations should be controlled by the Crown both in respect of policy and executive control, due weight being given to the recommendations of the Privy Council of India referred to in Para 1 of Chapter 8.

Section 2. Recruitment.

6. A sufficient proportion of the British officers and troops, say 25 per cent, should be retained in the Crown Services especially for dealing with Communal riots. As regards the remaining three-fourth portion, recruitment to all the three departments of the Crown Services should be made in equal proportions from the six principal communities of India---the Caste-Hindus, the Muslims, the Scheduled Castes, the Sikhs, the Indian Christians, and the Anglo-Indian (including Domiciled Europeans)---so that no community may have preponderance over other communities in the key services of the State.

Section 3. Private Armies.

7. The recruitment of the Volunteer Corps or Private Armies under non-official control, their allied military activities of drilling, marching in processions in uniforms, and the possession and use of dangerous weapons by them, should be stopped by law, as their maintenance is a source of danger to the State and may also entail some increase in the Defence and Police Services over the normal strength of the Army and the Police.

But the recruitment of the Militia under official control may be encouraged, as they are likely to prove helpful to the Armed Forces and the Police in times of emergency.

Section 4. Defence of Frontiers.

8. In the modern world conditions an attack from a neighbouring country, however friendly, may be expected at any moment. It is therefore a matter of the first rate importance that the Frontiers of India should invariably be kept in a State of thorough preparedness to meet all emergencies, as the best means of preventing war is to be always prepared for war. With this end in view, certain tracts of strategic and military importance in India should be marked out as Military Zones. What tracts should be designated as Military Zones can be decided by Military Experts only. The following tracts are suggested for consideration:-

- (1) Gilgit, the northernmost district of Kashmir now under British control, as well as other districts in the northern half of Kashmir.
- (2) Ladakh, the eastern district of Kashmir, commanding the trade route to Sinkiang.
- (3) All areas of strategic and military importance in the north-west Frontier of India.
- (4) All areas of strategic and military importance in the north-east Frontier of India.
- (5) All Air Bases of military importance.
- (6) All Naval Bases and Port Towns of military importance.

Such Military Zones should invariably remain outside the ~~Repu~~ Reforms Scheme of Home Rule in India, just as Singapore has been kept separate from the Union of Malaya. The Military officers commanding the Military Forces stationed in the aforesaid Military Zones should be the Governors of the aforesaid Military Zones, so that the entire Civil administration of these Military Zones may be conducted in accordance with the military requirements of these Zones. As far as Civil administration is concerned, the Military Governors of these Military Zones should act under the direction of the Governor-General acting in its discretion.

This proposal is likely to afford greater facility in strengthening the military administration in the Frontier Tracts of India and should be examined on purely strategic and military considerations.

N.B. It is necessary to explain the implications of the Proposal made in Para 3 above:

(1) The Congress accepted Ministries in 1937 upon an explicit assurance from the then Viceroy that the Governors would not interfere with the policy and day-to-day administration of their Ministries and thereby debarred the Provincial Governors from exercising any effective control over the Provincial administration of their Provinces. Section 52(1)(a) of the G.I. Act 1935 also ~~knows~~ lays down a special responsibility upon the Provincial Governors for "the prevention of any grave menace to the peace or tranquility of the Province or of any part thereof." Both these things are quite incompatible.

The communal riot at Calcutta on the "Direct Action" day i.e. on the 16th August, 1946 and the following days and the recent long-drawn communal riots at Ahmedabad, Allahabad, Bombay, etc. in all of which the loss of Hindu lives and property has been enormous, have conclusively proved that the existing provisions of the law are not sufficient to meet the requirements of the situation. There is no provision in the existing Constitution to remove or penalise the Provincial Communal Ministry formed by separate and Communal electorates (or the Minister in charge of a particular department) if the said Communal Ministry commands the support of a large majority in the Local Legislature but fails to avert an apprehended famine or fails to maintain law and order ~~now~~ or fails to suppress the communal riots in a speedy and effective way or the said communal Ministry may itself instigate communal riots or may be bent on crushing the Minorities culturally, economically, or politically. The existing special responsibilities in Section 52 will be mere paper safeguards if there is no effective machinery for apportioning the responsibility for famines, riots, etc., between the Ministry and the Governor. There is at the same time no provision for the intervention of the Central Government or of the Governor-General into the affairs of the Provincial administration, although the Viceroy can intervene into the affairs of the Indian States in cases of gross misrule. All these omissions are responsi-

ble for the Bengal famine of 1943 which cost Bengal one and half a half million lives and for the long-drawn communal riots at Calcutta, Bombay, Allahabad, etc.

The ~~existing Provincial autonomy which has brought with it~~ ~~independent India's~~ ~~will over the country when~~ ~~the terrible~~, ~~unjustly~~ ~~perpetrated during the communal riots in Bengal and Bihar~~, ~~against the blessings of the so-called "Peoples Government" should~~ ~~speedily expire.~~ ~~be liquidated as soon as possible, as the people enjoyed greater~~ ~~internal security and prosperity under the highly mischievous British~~ ~~monarchy than they have had under the despotic popular~~ ~~Monarchs.~~

(2) The Indian States, whether Hindu or Muslim or Sikh, have all of them without exception remained organised in one group under British Paramountcy. But in case the British "quit India" in response to the demand of the Congress, there is great danger that a rift may occur in the Indian States Group. The Muslim States may fall in line with the Defence and Foreign Policy of the Muslim League, whilst the Hindu and Sikh States may be completely "isolated," as they would neither favour the Pan-Islamic Policy of the Muslim League, nor the anti-Imperialist Policy of the Congress, which carries a threat of the abolition of their dynastic rule.

(3) In an Independent Union of India, the Military budget shall also go up very high. The British Government has been able to protect India from foreign invasion and even to exercise Paramountcy jurisdiction over big Indian States not only by the strength of her Land, Naval, and Air Forces in India, which in view of her vast population and extensive frontiers have always been but too small in comparison with other countries, but also by her capacity to draft Land, Naval, and Air Forces from England and other Dominions in case of emergency. But an Independent India shall have to be self-contained for Defence and Paramountcy purposes, and shall have to maintain Land, Naval, and Air Forces on a far greater scale than at present, with its disastrous consequences upon the poor tax-payer of British India. Otherwise there is great danger that the

Provincial Units or Provincial Groups and Federated States, if there be any, taking advantage of the weakness of the Central Government may declare independence, as was the lot of the Great Moghul Empire after the death of Aurangzeb, or India may fall an easy prey to foreign invasion.

(4) The only penacea for all these undesirable consequences lies in keeping the Crown Services consisting of Defence, Foreign Affairs, and Law and Order entirely in the hands of the Crown till such time both the major communities of ~~REXIC~~ India show their mutual goodwill and complete confidence in each other by accepting joint electorates and no-reservations for any particular community in any sphere of public life.

Capital punishment should not also be abolished from the Penal Code, but the authority of the Provincial Governments to commute such sentences in special circumstances should not be infringed upon, otherwise no one shall enjoy "Freedom from Fear."

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Chapter 5. The Land Policy, Socialism, and the Fiscal Policy.

1. The entire Land Policy in respect of landownership, tenancy, ejectment, and production and equitable distribution of food-grains should be uniform throughout British India. If ~~land-ownership~~ ~~lordship~~ is allowed to exist in some provinces and abolished in others, the economic condition of the peasants in both groups of provinces would be quite different, and the deficit provinces shall not be able to get the requisite supply of foodgrains from the surplus provinces in times of famine, especially if India be partitioned.

To prevent economic disparity and famines throughout British India, it is therefore absolutely essential that the entire Land Policy should be uniform throughout British India. Land Policy should therefore be a Central subject. Land revenue may continue to be a provincial subject and may form part of the provincial income.

A Land Commission consisting of representatives of all provinces should be appointed to ascertain popular opinion and to chalk out a uniform Land Policy for British India in respect of ~~Landownership~~, tenancy, ejectment, and production and equitable distribution of foodgrains.

2. The State Policy in respect of Socialism i.e. State Control over Major Industries and Public Utility Services should also be uniform throughout British India, and should likewise be a Central Subject.

3. With the exception of the expenditure required to run the administration of the Crown Services and other Reserved Subjects, the entire Fiscal Policy of British India should be controlled by the Parliament of British India constituted under para 2 of Chapter 6, subject to the following limitations:

- (1) The Heads of revenue of the Central Union and the Provincial Governments should be quite separate. The Central Union Legislature should not be empowered to impose any surcharge upon any head of revenue of the Provincial Government, and vice versa.

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- 2) The Central Union and Provincial Legislatures should not be empowered to make any law imposing any tax or surcharge or relating to any monetary transaction that may have a retrospective effect.
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Chapter 6. The Legislatures of British India.

1. There are bi-cameral Legislatures in the six provinces of Bombay, Madras, Bengal, the United Provinces, Behar, and Assam, whilst in the remaining five provinces of the Punjab, the North-West Frontier Province, Sindh, Orissa, and the Central Provinces and Berar there are uni-cameral Legislatures.

As the Land Policy has been proposed to be uniform in all the provinces of British India, vide para 1 of chapter 5, and as fifty per cent seats in all the Central and Provincial Legislatures of British India are proposed to be ear-marked for Military, Landowning, Industrial, Commercial, and Labour interests, vide para 5 of chapter 10, there is no ostensible need for retaining a second chamber in the six provinces referred to above.

The Legislatures in all the provinces of British India should therefore be uni-cameral.

2. Election to both the Houses of the Central Legislature, to be designated in future as the "Parliament of British India," should be direct. The Chief merit of the system of direct election lies in the fact that the Central Legislative bodies shall not be influenced by nor depend for their existence upon the quota supplied by the Provincial Legislative bodies.

As soon as adult franchise may be introduced under the conditions mentioned in para 8 of chapter 10, the elections to the Lower House of the Parliament of British India should be made indirect.

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Chapter 7.

The Cabinets.

1. It has been clearly shown in sub-para 2 (1) of Chapter 9 that the system of appointing all the Ministers from the majority party of the Legislatures did not give satisfaction to the minority communities owing to the reasons set forth therein. It is therefore advisable that the Ministers of the Central and the Provincial Cabinets should in future be selected by the Governor-General and the Provincial Governors respectively in their discretion from the various political and economic parties in the Legislatures in such a way that every important political party such as the Congress, the Muslim League, the Depressed Classes, the Sikhs (in the Central Cabinet and in the Punjab only), the Parsees, the Anglo-Indians, and the Tribal people, and every economic party such as the Millowners, the Labourers (i.e. industrial labour), the Landlords, the Tenants (agricultural labour), and the Military may each have one Minister or one Parliamentary Secretary in the Cabinet who in their considered judgment is loyal to the Crown and loyal to the Constitution of the State. The presence of one Minister or Parliamentary Secretary in the Cabinet is quite sufficient to watch and safeguard the cause of a particular political or economic party, as the Congress was represented at the Round Table Conferences in London by one delegate only.

If any political party such as the Sikhs may not run separate elections to the Legislature, its representation in the Ministry should be omitted. If any other political party such as the Hindu ~~MANY~~ Maha Sabha, the Jamiat-ul-Ulema, the Ahrar Conferences, or the Shia Political Conference may run separate elections to the Legislatures in sufficient numbers like the Muslim League, its representation in the Ministry should also be secured.

Under such a system alone, a stable Ministry (i.e. without risk of frequent dissolutions) of the unitary type (in which every Minister is prepared to take responsibility for the whole policy of the Cabinet), enjoying the full confidence of all the political and

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economic parties but responsible to the Crown in the initial stages, vide para 13 of Chapter 10, is possible.

2. Under the present system, the ~~some~~ statutorily fixed Communal Party or a Combination of Communal Parties shall invariably form the Ministry, and the representatives of the Military and Economic (Landowning, Industrial, Commercial, and Labour) interests and several other smaller Minorities can never have any chance of entering the Cabinet.

3. It is also necessary that the Portfolio of Labour should in future be quite separate from that of the Depressed Classes.

The Depressed Classes perform certain specific kinds of labour, ~~and~~ ~~independent~~ ~~of the Nation~~, whilst the Minister in charge of Labour should be in charge of all kinds of Labour, performed by members of all communities.

4. As soon as a system of joint electorates with reservation of seats for Minorities be introduced, vide para 8 of chapter 10, a system of Diarchy should be introduced, and the Ministers and Parliamentary Secretaries in administrative charge of the departments of the Public Services should be appointed from amongst the elected members of the Legislatures, and be responsible to their Legislatures.

As soon as adult franchise be introduced, all the Ministers in administrative charge of all the departments of both the ~~Publik~~ Public and the Crown Services, which will then be merged into one State Service or National Service as stated in para 13 of chapter 10, should be appointed from amongst the elected members of the Legislatures, and be responsible to their Legislatures.

In this way a National Government, like the one now functioning in England, should be inaugurated in India.

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Chapter 8. The Privy Council of India and the Supreme Court of India.

1. There should be a Privy Council of India consisting of about twenty members of the Parliament of British India (referred to in para 2 of Chapter 6) and representing all its political and economic parties, and about ten representatives of the Indian States.

Its main functions shall be to discuss and recommend a uniform policy on matters of common concern between British India and the Indian States, or between India and other foreign countries, or such other matters of vital importance to the country as may be referred to it by the Crown or the Crown Representative. But no such recommendation shall be deemed valid unless it carries the concurrence of at least two-third representatives of the Indian States and of at least two-third representatives of British India.

2. The jurisdiction of the Federal Court should be so enlarged as to make it the Final Court of Appeal in India. It should then be designated as "The Supreme Court of India."

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Chapter 9.

The Communal Problem.

1. The first Communal Settlement in British India was arrived at at Lucknow between the Indian National Congress and the Muslim League in December, 1916, and is known to this day as the Lucknow Pact. This Pact related only to Communal representation in the Legislatures of British India and was embodied in the Government of India Act of 1919 with the exception that the Sikhs in the Punjab were also treated as a separate community and were given separate representation in the Legislatures. After some time this Pact was denounced by both the contracting parties and both of them could not come to any fresh settlement among themselves with the result that the British Prime Minister had to give his Communal Award, and this, as subsequently modified by the Poona Pact, was embodied in the Government of India Act of 1935.

It must be carefully noted that the Communal Problem of British India is really the Constitutional Problem of the whole of India. This will be explained in para 3 of this chapter.

2. The position of the important political parties of British India, as it stands today, may be roughly summed up as follows:-

(1) The Indian Congress wants to establish a National Government at the Centre with the future Constitution of India framed on the basis of one nation theory.

Under the modern practice of Legislative elections this should mean a Communal Party Rule or a Combination of Communal Parties Rule, ~~in which~~ whether in the Provinces or at the Centre, as explained below:-

In spite of the statutory provisions for minority safeguards in the G.I. Act 1935, vide section 12(1)(c) and section 52(1)(b), this system of Communal Parties rule under provincial autonomy has not given satisfaction to the minority communities in any province of India, because the conditions governing the democratic constitutions in Europe and America are non-existent in British India. Take, for instance, ~~in England~~ the case of England.

There are political (not communal) parties in England--Conservatives, Liberals, Labour, etc. which are elected on the basis of joint electorates and whose strength in the Parliament is not statutorily fixed. As such, sometimes one political party is in a majority and forms the Ministry, sometimes another political party is in a majority and forms the Ministry, and sometimes there is a coalition Ministry. But in British India there are political parties which are elected by separate communal electorates and whose strength in the Legislatures is statutorily fixed, whether in the Provinces or at the Centre. Here it must also be clearly noted that the political parties of British India, whether it be the Congress or the League or the Unionist, cannot claim to be "National Parties" but are in reality "Communal Parties," as their elections to the Legislatures are made not by the general electorates of their Constituencies but by their own separate Communal electorates, and as the strength of the respective parties in the Legislatures is statutorily fixed, the same party shall invariably remain in the majority and form the Ministry.

It must be most carefully noted that if a National Government on democratic lines is to be established in India, two preliminary conditions must be fulfilled:

- (a) that the elections to the Legislatures should be joint; and
- (b) that the strength of the various political and economic parties in the Legislatures of British India should not be statutorily fixed.

This will enable all the political and economic parties of British India to conjointly elect only such candidates from their constituencies in whom they all may repose confidence. Those who are dreaming of a National Government at the Centre must note most carefully that their dreams of a National Government in India on democratic lines cannot be realized in the absence of the aforesaid two conditions remaining unfulfilled. This is a matter which cannot be forced by the British Government upon any party against its will. It can be

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achieved only by the willing consent of the Congress and the League, if they repose confidence in each other.

The Conciliation Committee also recommended the setting up of a Communal Government in place of a National Government at the Centre, and with this end in view proposed that the Muslim representation from British India in the Union Legislature shall be, subject to joint electorates with reservation of seats for separate Communal electorates, on a par with the Caste-Hindus, and at the same time recommended the creation and development of a National Army. Both these things are quite incompatible.

If a National Army is to be created and developed or National Planning is to be undertaken, a National Government on democratic lines, as enunciated in para 13 of Chapter 10, should first be inaugurated.

(2) The Muslim League wants to divide India into two States-- a Muslim State, to be known as Pakistan, having two Zones, its Eastern Zone to consist of Bengal and Assam, and its Western Zone to consist of the Punjab, the North-West Frontier Province, Sind, and British Baluchistan, and a Hindu State of Hindustan consisting of the remaining portion of British India.

As thus constituted, the Pakistan State with an area of 392,970 sq. miles and a population of 10,70,04,783, according to the Census of 1941, would be the biggest and strongest of all the existing Muslim States in area, population, agricultural products, and mineral wealth, etc., bigger than most other existing Independent States of the world, and for Economical and Military reasons would be quite self-sufficient.

But the following points also deserve special mention in this connection:

(a) The Pakistan State is likely to claim a corridor between its Eastern and Western Zones and possibly corridors between these two Zones and the Muhammadan State of the Deccan through Hindustan

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and also the right of free passage of her armed forces along these Corridors. But the free Hindu State of Hindustan is not likely concede this right of Corridors or the right of passage of troops through her territories.

(b) The Pakistan State is likely to ask the Hindu State of Hindustan to pay subsidy for the protection of its Frontiers, especially in the North-West, against foreign aggression, as the Government of India used to pay the subsidy to the Amirs of Kabul during the reign of Amir Abdul Rahman and his son Amir Habibullah. But the Government of free Hindustan is not likely to ~~be~~ meet this demand unless she is given satisfactory control over the Defence and Foreign Affairs of Pakistan.

(c) The political life of British India influences with greater or less force the political life of the Indian States also. Whilst the people of British India demand complete independence, the people of Indian States also demand full responsible Government within their States. But like the British Indian politicians, they do not press for the abolition of the dynastic rule of their rulers at this stage, because they are not ruled by a foreign King. The Minorities of British India demand special treatment in educational grants and state services and special representation in the Legislatures, so do the different communities in the Indian States demand the same. If the demand of the Musalmans of British India to have a Muslim Nation^{al} Government in those parts of India where the Muslim population is in a majority be now conceded by creating a new Pakistan State, it is most likely that they may also subsequently put forth further demands for Muslim Nation^{al} Governments in those Hindu and Sikh States like Kashmere and Kapurthala, where the Muslim population is in a majority. It is also not improbable that the so-called national agitations started in Indian States may flare up into the whole of India resulting in the bitterest and most strained relations and bloody warfare between the two major communities.

As such the communal settlement embodying a division of India on the basis of two-nation theory will become the bone of

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contention and bloody warfare between the two major communities of India.

(d) The predominantly Muslim population of the North-West Frontier Province West of the Indus, who speak the same Pashtu language as the Afghans, and who in culture, dress and customs are more akin to the Afghans than to the Musalmans of India, may claim the right of self determination for themselves like the Congress and the League, and may decide to be unified with Afghanistan; and the predominantly Hindu population in the East of the Punjab, the West of Bengal, and Assam may similarly claim the right of self-determination for themselves, and may decide to remain within Hindustan instead of in Pakistan, just as the people of Northern Ireland, who are mostly Protestant Christians like the people of England, did not like to remain in the Irish Free State, whose people are mostly Roman Catholics, at the time the Irish Free State was constituted with the status of a Dominion. If the predominantly Hindu areas of Pakistan may elect to remain within Hindustan, the proposed Pakistan State would be very much reduced in her area, population, and natural resources, and for economic and military reasons would not be self-sufficient. Then, with the British gone out of India and with a much more powerful and rival Hindu State of Hindustan in her midst, she may ultimately be forced to enter into a sort of subordinate alliance with some more powerful neighbour like Russia, for in modern times no weak state can exist independently without such alliance.

(e) It must also be clearly understood that it is not the Creed but Domicile that determines a man's Nationality. If an Indian Muslim goes to a foreign country, say Afghanistan, he shall be treated there as a National of India and not as a National of Islam, and shall not be entitled to any post in the State Services or other rights of citizen-ship of that country. On the other hand a Hindu domiciled in Afghanistan is treated as a National of Afghanistan and entitled to all the rights of

citizenship of that country. Dewan Niranjan Dass held a very responsible post under the ex-King Amanullah. From this it is evident that it is the Domicile and not the Creed that determines man's nationality. Here it must also be noted that the greater greater part of the Muslim population of India is made up of converts from Hindooism Hinduism, whilst the descendants of the original invaders or immigrants are comparatively less.

(f) The claim of the Muslim League for a division of India into Hindustan and Pakistan--the Western Zone of Pakistan consisting of the Punjab, Sindh, North-West Frontier Province and Sindh and having, according to the Census of 1941, ~~38.87~~^{37.93} per cent non-Muslim Minorities in that area, and its Eastern Zone consisting of Bengal and Assam and having 48.31 per cent non-Muslim Minorities in that area-- is palpably more preposterous than the claim of the Congress and the Hindus for an All-India Union containing 23.78 per cent Muslim population or a British India Union containing 26.83 per cent Muslim population.

(3) The Hindu Mahasabha is in perfect agreement with the Congress on the question of a National Government at the Centre. But the Congress under the guidance of Mr. Gandhi conceded the Mohammadans greater representation in the Legislatures of British India under the Lucknow Pact referred to in para 1 above than what they were entitled to on their population basis.

The Hindu Mahasabha was founded in 1923 to rectify this position and to protect the economic and political rights of the Hindus in proportion to their numerical strength. Under the Communal Award of the British Prime Minister the Mohammadans have been conceded greater representation in the Punjab than what they were entitled to under the Government of India Act of 1919. The Hindu Mahasabha is against this Communal Award also. The Mahasabha is also against the division of India into Hindustan and Pakistan.

As far as the political problems of India are concerned the Hindu Mahasabha has little hold upon the Hindu public in comparison with the Congress.

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(4) The Depressed Classes are the oldest inhabitants of India. Under the Communal Award of the British Prime Minister they were given 72 seats in the Provincial Assemblies by separate electorates, whilst under the Poona Pact (1932) they were given 148 seats in Provincial Assemblies by joint electorates, the enhanced number of seats being at the expense of the Caste-Hindus. But the conjoint election for every depressed classes' seat can be made only from a panel of four candidates to be selected in a primary election of the depressed classes only. This system of primary election is to come to an end after the first ten years unless terminated sooner by mutual agreement. Now there is a powerful group among them that wants repudiation of the Poona Pact and separation from the Hindus.

(5) The Sikhs are concentrated mostly in the Punjab. They ruled over the Punjab before its conquest by the British in 1849. Since that time they have been supplying a gallant and valuable element to the Indian Army. They fought gallantly for the British in suppressing the Mutiny of 1857 and in both the European Wars. But their population even in their home Province of the Punjab in 1941 was 37,57, 401, i.e. 13.22 per cent. They are also against the division of India into Hindustan and Pakistan.

(6) The Indian Christians generally fall in line with the Congress policy. Their population in British India in 1941 was 32,45,706, and in Madras Province alone they numbered 20,01,082.

(7) The Tribal people live in "excluded areas" and "partially excluded areas." They are outside the purview of the Provincial Legislatures and are governed by Regulations made by Governors under Section 92 of the G.I. Act 1935 with the assent of the Governor-General. Their population in British India in 1941 was 167,13,256. It has to be ascertained from their Leaders whether they would like to come under the purview of the Provincial Legislatures: and, if so, steps should be taken to secure their due representation in Legislatures, Cabinets, Services, etc.

3. (1) Now let us examine the Congress claim of Complete Independence for India.

The idea of Independence is a very noble one and must be cherished by every self-respecting man, but only those nations can have it which have the unity of ideals within themselves.

As far as India is concerned, there are in the main four political parties in India--the Indian National Congress, the Muslim League, the Indian States and the British Government--each of them having its own special interests and each of them unwilling to part with those special interests in favour of the other. It is therefore advisable to state briefly these special interests.

(2) (a) The British Government is accused of being reluctant to part with power in favour of the Indians, and of keeping India permanently in-subjection with a "Divide and Rule" policy. These charges are without any foundation. The British Government would most willingly concede independence to India if it could be assured that the new independent state of India (i) would be able to form a stable Government free from internal troubles, (ii) would enter into a friendly defensive and offensive alliance with the British (not with Britain's opponents), and (iii) and would not adopt a tariff policy prejudicial to British Commercial interests.

(b) The Indian states occupy about one-third territories and about one-fourth population of the whole of India. They too would be quite willing to make settlement with the Congress, if they could be assured that their position would be secure with a Congress Government in power at the Centre. But they know full-well that the Congress is against Imperialism and cannot tolerate their Semi-Autocratic Rule in their States, and that as soon as the Congress is in power at the Centre in an Independent India, the first demand made upon the Indian States would be for the introduction of full responsible Government within their States to be followed by the second demand of the abolition of their dynastic rule, as the Dukes in Germany and Russia collapsed with the Collapse of the Kaisar and the Czar. On the other hand,

^(200m) They have entered into treaties with the Crown whereby the Crown has agreed to protect their rights and dignity and to render help in maintaining them on the throne. Such help was requisitioned by the Maharaja of Jammu and Kashmir during the Muslim rebellion in Kashmir in 1931 and was given by the Crown. The Indian States have also assured the Crown during both the great European Wars and on several other occasions that the entire resources of their states in men, money and materials are at the disposal of the Crown.

In view of these mutual advantages, the Indian States can hardly be ever expected to renounce their treaties with the Crown in favour of a subordinate alliance with the Congress Government at the Centre.

By the way, it would not be out of place to mention one thing more in this connection.

Now-a-days, no state tolerates interference by other states in her domestic affairs. Such interference may be either by the Government or by the people of another state. The Central Communist Inter-national was formerly a universal organisation, but a charge was brought against the Soviet Union that they were interfering with the life of other States. So it has now been made an indigenous institution. The Soviet Union also protested against the presence of the Blue Shirts from Spain fighting during this war on the side of Germany on the Russian soil. In both these cases the interference was by the Governments of Russia and Spain. As far as India is concerned, neither the Indian Princes have ever interfered with the affairs of British India, nor has the British Government, except in cases of gross misrule, ever interfered with the domestic affairs of the Indian States. On the other hand, the British Government, in pursuance of its treaty obligations with the Indian Princes, has, under section 12(1)(g) and section 52(1)(f) of the G.I. Act 1935, made sufficient provision to protect the rights of the Indian States and the rights and dignity of their rulers. The British Government also enacted the Indian States (Protection against disaffection) Act 1922 to

prevent the dissemination by books, newspapers, and other documents of matter calculated to bring into hatred or contempt or to excite disaffection against, Princes or Chiefs of States, in India or the Government or Administrations established in such states.

But there are many instances of such interference by British Indian Politicians in the domestic affairs of the Indian States. The Muslim Rebellion in Kashmir in 1931 was fomented by the Ahrar Volunteers from the Punjab. The Civil Disobedience movement in Rajkot (Kathiawar) was started by the Congress Volunteers from the Bombay Presidency.

N.B. Upon this issue Mr. Gandhi entered upon a fast (probably fast unto death). The then Viceroy Lord Irwin, howsoever he might differ from Mr. Gandhi on political questions, had great regard for the holly personality of the Mahatma Ji, and sent a letter of personal assurance to the Mahatma Ji that any settlement arrived at between him and the popular leaders of Rajkot would be acceptable to the Ruler of Rajkot. Then the Mahatma Ji broke his fast, but failed to effect any amicable settlement with the popular leaders of Rajkot.

It is also noteworthy that the Congress Leaders have hitherto made only the Hindu or Sikh States like Rajkot, Faridkot, Kashmir, etc. as the target of their agitation for responsible Government, although the Mohammedans enjoy more civic rights in Hindu or Sikh States than the Hindus have in Mohammedan States.

At the same time the fact cannot be denied that the two wings of the Indian Union cannot be allowed to have diametrically opposite constitutions i.e. one having Democratic and the other having Autocratic Constitution.

Under these circumstances it appears advisable that a Uniform Policy be chalked out with respect to all Indian States, whether Hindu, Muslim, or Sikh. This Uniform Policy should clearly define, among other things, the orbit of intervention by the Central Union (excluding the Royal Prerogative of the Crown) into the domestic affairs of the Indian States. At the same time Stringent Measures should be embodied in the Constitution Act to prevent the interference of the British Indian Politicians into the domestic affairs of the Indian States.

(c) The main differences between the Congress and the League are:

(i) The Land Policy.

The Congress is against Imperialism and wants to reduce the rights of the landlords, and, if possible, to abolish the Zamindari System altogether, and so does not enjoy the confidence of the landlords, whether Hindu or Mohammedan. The Muslim League wants to ensure that the rights of the landlords may not be jeopardised in any way in those Provinces in which the Muslims are landowners.

(ii) Formation of purely Congress or League Ministeries in the Provinces.

The Congress Ministeries have not been able to take any Muslim League Member in their Provincial Cabinets, nor could the Congress Party join ^{the} any Muslim League Ministry in ^{any} the Provincial Cabinet, because the Congress looks at every thing from the Indian point of view, whilst the League looks at every thing from the Islamic point of view.

(iii) No-Confidence in Majority Rule at the Centre.

The Indian National Congress framed a democratic constitution of Dominion Status for India in 1928 with the Co-operation of other political parties, commonly known as the Nehru Report. This was rejected by the Muslim League because it had no confidence in the Nationalist Government of the Congress, which it has always denounced as Hindu Raj, although the question of the vivisection of India into Hindustan and Pakistan was not raised at that time. For the same reason ^{it} now opposes an All-India Union, and demands a division of India into a Hindu State of Hindustan and a Muslim State of Pakistan. The Hindus and the Sikhs bitterly oppose this demand of the Muslim League under the plea of Akhand Hindustan (United India), but really because they have no confidence in the majority rule of the Mohammedans. The Congress is opposed to this partition on political and military considerations.

These are some of the special interests of the four main political parties of India. From this it is clear that there is no unity of ideals among them.

By the way, it would not be out of place to mention that

the British Government is charged with the responsibility of maintaining Law and Order in India. If the Government accedes to the demand of the Muslim League and sanctions a partition of India into Hindustan and Pakistan against the joint protests of the Congress, the Hindus and the Sikhs, it is apprehended that the events following the partition of Bengal in 1905 may again be repeated. If the Government accedes to the demand of the Congress and transfers its powers to an All-India Union against the protests of the Muslim League, it is to be equally feared that the Committee of Action of the Muslim League may try to bar the functioning of the All-India Union by every means in its power, and the peace of the country may be endangered.

In the interest of peace and order, it is to be sincerely hoped that the Government will not kindly impose any Constitution on India in the absence of an "Agreed Settlement" not only between the Congress and the League but among her three major political parties--the Congress, the League, and the Indian States.

It must also be clearly noted that any settlement between any two parties cannot coerce the remaining two parties to come to terms with them. But if a settlement be arrived at among any three parties, whichever they may be, the remaining fourth party, however strong it may be, shall readily accept their terms, or failing that may be coerced to come to terms with them.

(d) It must also be noted that the Hindus and the Muslims also have their own special interests. Some of them are given below:-

- (i) The Hindus want to make Hindi as the Lingua Franca of India, and the Mohammedans want to make Urdu as the Lingua Franca of India.
- (ii) The Hindus resent the slaughter of Cows. The Muslims consider the performance of Kurbani on Bakrid Day, which includes the slaughter of Goats, Sheep, or Cows, as a solemn religious duty enjoined upon every adult male Muslim who is sane (not lunatic) and who has property worth 52½ Tolas of Silver. There have been many Hindu-Muslim communal riots on Bakrid festival during the past.

~~(34)~~ 4. Fundamental Rights of the people have not been given in these Basic Principles, because however studeously they may be chalked out, the Executive Authority for enforcing the Fundamental Rights shall always be the majority party which shall always enforce them in its own way. Queen Victoria's Proclamation of 1st November, 1858 and the Defence of India Rules hold as good in Sindh as in other parts of India, but the Muslim League Ministry of ~~Sindh~~ Sindh has banned the publication of Satyarath Prakash (the holy book of the Arya Samajists) with Chapter 14 under the Defence of India Rules, which no other Provincial Ministry did under the D.I.R.

On the other hand, the inclusion of the Basic Principles enunciated in these Chapters in the Constitution Act would carry a surer guarantee of the protection of the rights of the citizens than the so-called Fundamental Rights.

~~(5)~~ 5. It should also be noted that there is no justification in appealing to any Foreign country, if any politicians be so inclined, for help in the communal settlement of British India. To invoke the aid of any Foreign or International Authority in the settlement of the domestic affairs of India is to give clear proof of the political bankruptcy of the Indian Statesmen.

~~(6)~~ 6. A satisfactory solution of all the controversial points of special interests of the various political parties referred to in para 3 above is given in these Basic Principles as shown below:-

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|---|---|
| (a) Stable Government at the Centre referred to sub-para 3(2) (a)(i). | In para 1 of Chapter 7. |
| (b) Treaty of alliance between India and Britain referred to in sub-para 3(2) (a) (ii). | In para 1 of Chapter 10. |
| (c) Trade Pact between India and Britain, referred to sub-para 3(2) (a) (iii). | In para 1 of Chapter 10. |
| (d) Protection of the rights of the Indian States and of the rights and dignity of their rulers referred to in sub-para 3(2) (b). | In para 1 of Chapter 8 and para 5 of Chapter 4. |

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- (e) Land Policy referred to in sub-para 3(2) (c) (i). In para 1 of Chapter 5.
- (f) No confidence in the Congress or the League Rule in the Provinces, referred to in sub-para 3(2) (c) (ii). In para 4 of Chapter 7.
- (g) No confidence in majority rule at the Centre, referred to in sub-para 3(2) (c) (iii). In para 3 of Chapter 10.
- (h) Language policy referred to in sub-para 3(2) (d) (i). In Chapter 1.
- (i) Religious observances of a contentious nature referred to in sub-para 3(2) (d) (ii). In para 3 of Chapter 2.
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Chapter 10. Constitution of India on the basis of Complete Independence.

1. It has been stated in para 3 of Chapter 4 that the Crown Services should be administered in direct responsibility to the Crown. This proposal requires some amplification.

At the present time the British Parliament, a representative body of the British people, is responsible for the good Government of India, the Crown having limited control over it. This proposal contemplates the transfer of the entire responsibility for the future Government of India from the British Parliament to the Crown, as was the case in India under the old Hindu and Mohammadan Kings as well as in many Oriental countries.

The Crown shall be at liberty to consult his Indian Ministers or British Ministers on Indian Affairs, but He shall no longer be bound to act up to their advice. He shall be at liberty to appoint as many British Officers and soldiers to Indian posts as he may deem necessary, as the Moghul Emperors of India gave appointments in India to non-Indian Mohammadans. The India Office shall not function in its present form. The Secretary of State for India shall no longer be responsible to the British Parliament, but ^{shall} function as Chief Secretary to the Crown in England.

The position of India will not be that of a Dominion which under the Statute of Westminister passed in 1931 carry the right of secession from the British Empire. On the other hand, by accepting the Imperial rule of the House of Windsor, India shall be presumed to have seceded from the British Empire and to have formed herself into a separate Independent State at the very time the entire responsibility for the future Government of India is transferred from the British Parliament to the Crown. In this way India shall have the same ^{status} of an Independent State under the House of Windsor as England now has.

The only difference between the two will be that in England the administration is carried on with the help of the

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Ministers appointed from amongst the elected representatives of the Parliament who are responsible ^{to} the British Parliament, but in India the administration, in the initial stages of independence, will be carried on with the help of Ministers appointed from amongst the elected representatives of the Legislatures but responsible to the Crown (vide para 1 of Chapter 7). But when a National Government will be inaugurated in India, vide para 13 below, all the Ministers shall be appointed from amongst the elected representatives of the Legislatures, and will be responsible to their Legislatures (vide para 5 below).

The foreign relations of India with Great Britain and all other States of the world will be in her capacity as an Independent State and not as a Dominion of the British Empire. As both the Independent States of Great Britain and India will be under the suzerainty of the same Sovereign, it will be necessary that both the sister states may have a Treaty of defensive and offensive alliance between them and also a Commercial Pact based on the principles of reciprocity and no-discrimination against each other.

2. Such annual expenditure of His Majesty as His Majesty may fix known as The Privy Purse, the pay and office expenses of the Secretary of State for India, and, in case His Majesty may desire to live in India, His Majesty's entire expenses during His Majesty's residence in India, should be included as non-votable items in the budget of the Central Government of India.

3. In the absence of an agreed settlement among the main political parties of India, referred to in para 3 of chapter 9, the only Constitution of Complete Independence for India that is most suitable for India is:

"A Unitary (not Federal) system of Government based on these Basic Principles with a Constitutional King as the Supreme Head of the State, in other words, Constitutional Monarchy under the House of Windsor," as stated in para 1 above. Its reasons are further explained in the next para ^{and again in} Para 10.

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4. (1) There appears to be no ostensible harm if a King of a different nationality be retained (not invited from abroad), if circumstances so warrant. The present King of England is of Scottish nationality. After the death of Queen Elizabeth, the Scottish King James VI became King of England also under the title of James I in 1605. At that time the Parliaments and administrations of both England and Scotland were quite separate, as proposed in these Basic Principles, and remained so for one century till 1707. Even at the present timethere is a similar Home Rule Movement in Scotland.
- (2) Experience also shows that Democracy has not suited Oriental countries, not because Democracy is bad, but because there must have been some inherent defects in its application to Oriental countries. Look at the cases of those Oriental countries where Democracy has been introduced. They are Turkey and China.

During the days of the Caliphs, the Ottoman Empire was so strong that it ranked among the six Great Powers of Europe. But since the introduction of Democracy, the last Sultan Abdul Majid was deposed, Turkey joined the last great European War (1914-18) on the side of Germany, lost the countries of Syria, Iraq, Transjordania, Palestine, Lebanon, and Hedjaz, and does not now occupy the proud position that it did during the days of the Caliphs.

During the reign of the old Manchu Dynasty, the Empire of the Rising Sun was so strong that it could resist several Big Powers single-handed. But since the introduction of the democratic ideas, the old Manchu Dynasty was dethroned, China lost the out-lying provinces of Outer Mangolia, Tibet, etc., one by one, and could not resist the single power of Japan without the help of the British and the United States of America.

As far as India is concerned, the inherent defects that led to the failure of democracy in India have been explained in sub-para 2(1) of Chapter 9.

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(3) This Constitution of complete Independence under the House of Windsor will on minute examination be found to be much better than, and more beneficial in the interest of India than, the Constitution of a Dominion under the Statute of Westminister.

5.

Capital, Labour and Efficiency in warfare, are the main bul-warks of a state. In them lies the Military strength of a Nation. They are more specially needed in Modern warfare, when air-craft, tanks, submarines, and parachutes, etc. are mainly used as Military weapons instead of the old rusty swords and guns.

In the recent World War, the Indian landlords, bankers, millowners, and labourers, (and not the Congress and the League, each of whom claims to be the future ruler of India) have contributed whole-heartedly to the War effort in men, money, and industrial products. Consequently, there should be effective representation in the Central and Provincial Legislatures of India of Military men and Capitalistic and Labour interests upon whose protection the future military strength of India will mainly depend. Men elected to the Legislatures from general or communal constituencies who have never seen the field and have no personal experience of warfare, can never be expected to defend the interests of the Military class in their respective legislatures, or to give correct opinion, or to shape the policy of their Legislatures, on Military subjects in the proper way.

With this end in view the Central and Provincial Legislatures should be constituted as follows:

Ten per cent seats to be reserved for Military men, whether Europeans or Indians, either in service or retired, by election or by nomination.

Thirty per cent seats to be reserved for Landowning, Industrial, and Commercial interests.

Ten per cent seats to be reserved for Labour interests.

Fifty per cent seats for general or communal constituencies to be divided among the various political or communal parties of India according to the Lucknow Pact or the Communal

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Award or on a population basis, and either by separate electorates, or by a joint electorate with reservation of seats for communal parties, or by joint electorates without any communal reservation, as the communities concerned may desire. But the principle of election, whether joint or separate, or reservation in joint electorates, should be uniformly adopted throughout British India in respect of all elections, whether of legislative bodies or of Municipal or Cantonment or District Boards or of Notified Areas, so that the party in power may not waive this principle in those cases in which its application is not to the advantage of that party.

There should be no special constituencies for Universities, women etc.

6. As a reward for the War services, Military men with meritorious services to their credit should be rewarded not only with titles, medals or decorations but also with Jagirs i.e. grants of land out of Nazul lands, as was the practice under the Hindu and Mohammedan Kings of India.

There should also be a general law for the whole of British India preventing the transfer of land held by Military men (i.e. men having military service to their credit) into the hands of non-Military men. Here it is not intended to create any martial class of a permanent nature.

7. At the same time it is also essential that the special position of the Landlords should not be overlooked in any future constitution of India.

The Landlords have always been recognised in India as a class of Nobles like the Barons of England, and the pillars and backbone of the state.

They should also be given effective representation in the legislatures of India, if abolition of the Zamindari System throughout British India may not be decided upon, vide para 1 of Chapter 5.

8. By the Government of India Act 1935, the Franchise has been made much wider. A special form of franchise shall have to

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be devised for the 50 per cent seats of the Military, Capitalistic and Labour interests referred to above. As regards general or communal constituencies, it has been made clear in sub-para 2(1) of Chapter 9 that the success of a National Government depends upto two things--that the elections to the legislatures should be joint and the strength of the various political (or communal) parties in the legislatures should not be statutorily fixed, otherwise there would be a Communal Party Rule or a Combination of Communal Parties Rule and not National Govt. In the absence of the aforesaid both conditions remaining unfulfilled, the franchise for general or communal constituencies should, in the initial stages of independence, be restricted to the stage at which it stood after the Montague-Chelmsford Reforms Scheme of 1919, by which about ten per cent adult population was enfranchised, so that there may not be any Communal Parties Rule. Pecuniary status and educational qualifications should be the only two requisite qualifications for franchise.

A further precaution should also be taken to avoid double voting i.e. those entitled to vote in Military, capitalistic, or labour constituencies should not be allowed to vote in general or communal constituencies, and vice versa.

As soon as joint electorates with reservation of seats be introduced by the willing consent of both the major parties of British India, the franchise should be extended to the stage at which it has been in force since 1st April, 1937 under the Govt. of India Act 1935, by which about on-third adult population was enfranchised.

When joint electorates be introduced, and at the same time the statutory fixation of the strength of the various political or communal parties in the Legislatures be abolished, then and not before that time, adult franchise should be introduced.

As soon as adult franchise be introduced under these conditions, the fifty per cent seats reserved for the Military, Capitalistic and Labour interests should be merged in the general electorate.

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It must also be most carefully noted that any extension of franchise without joint electorates ~~now~~ paves the way for a Communal and not National Government, and is positively more harmful than a restricted franchise.

9. The principles applied in the case of legislative elections-- whether separate or joint or reservation in joint elections, should be followed with the same precision in the case of Municipal elections as well as in the case of the elections of other local bodies also, so that the Party in power in the Legislative Assembly may not waive it in those cases where its application is not to the advantage of that Party.

10. It is necessary to furnish an apology for the proposal made in para 3 above. This proposal contemplates three things:

- (1) A Constitutional Monarchy in India.
- (2) The Constitutional Monarchy to be under the House of Windsor.
- (3) The Constitutional Monarchy to be based on the Basic Principles embodied in these Chapters.

It is necessary to explain them clearly.

(1) In India where both the Major Communities are equally strong enough to assert their rights by force and where both of them differ widely in their cultural, religious, economic, social and political ideals, the appointment of a President belonging to one or other Party as the Supreme Head of the State cannot give satisfaction to the other parties. Every action of such a President, however unprejudiced it may be, is liable to be interpreted by the other interested party as directed against its special interests. Under such circumstances, the Supreme Head of the State should be the person armed with very wide powers and capable of keeping all the parties with their divergent interests united and under control, and such a Supreme Head of the State can only be a Constitutional Monarch.

(2) As regards the House of Windsor, it must also be most carefully noted that this proposal has been made not to court the favour

the Government in any way, but as likely to command the unanimous approval of all the three Leading Political Parties of India. However, if the Political Parties of India can agree to have another Hindu or Muslim or Sikh or Christian Royal House as the future Constitutional Monarch of India, they may substitute that Royal House in place of the House of Windsor, and in that case it shall be optional and not compulsory to have the Treaty of Defensive and Offensive Alliance and the Commercial Pact between England and India referred to in Para 1. But the chief point to be aimed at is that the Constitutional Monarch or Supreme Head of the Independent State of India should be of ~~any~~^{any} Royal Blood and not a Commoner, and that the Monarchy should be permanent and hereditary.

(3) As regards the Basic Principles enunciated in these chapters, they are intended to secure equitable treatment to all communities ~~uniformly~~^{uniformly} in all parts of India. If these Basic Principles require some necessary amendments, they may be amended accordingly, provided the Basic Principles, as amended, are also enforced uniformly throughout British India, otherwise there is little prospect of any "Agreed Settlement" being arrived at among the Leading ~~THE~~ Political Parties of British India.

11. After the grant of Independence to India, the term "British India" cannot be made applicable to the territories in India now under British Rule. There has also been a tendency noticeable in many countries in recent years to change the existing names of their countries and towns into their old historic names. For instance, Persia is now known as Iran, Mesopotamia as Iraq, Russian Turkistan as Kazzak, Chinese Turkistan as Sinkiang, Manchuria as Manchukuo, Constantinople as Istanboul and so on.

The term 'Hindustan,' or the Land of the Hindus, cannot be made applicable to the whole of India minus the proposed Pakistan areas, as it finds no mention in ancient Hindu books. It was at first applied by the Mohammedan Conquerors to the territories lying between Delhi and Benares.

The names of India and her various provinces and cities, should therefore also be changed into their old historic names.

The present names and their corresponding old historic names are given below:-

<u>Present Names.</u>	<u>Old Historic Names.</u>
(1) India.	Bharat.
(2) British India.	Bharat Raj*
(3) Indian States.	Bharat States*
(4) Assam.	Kamrup.
(5) Bombay Presidency.	Maharastra and Gujrat.
(6) United Provinces.	Hindustan.
(7) Central Provinces.	Gondwana.
(8) Berar.	Vidarbha.
(9) Orisa.	Kalinga.
(10) Bihar.	Magadh.
(11) Nizam's Territories.	Deccan.
(12) Mysore State.	Carnatic.
(13) Central India.	Malwa.
(14) Delhi.	Indra Prastha.
(15) Agra.	Akbarabad.
(16) Allahabad.	Prayag.
(17) Benares.	Kashi.

N.B. Item Numbers (2) and (3) marked with a Sterisk are not old historic names, but are deduced from item No. (1).

12. The salvation of India lies not in handing over political power to the Congress Party or to the League Party or to both proportionately but in the following two things:-

- (1) that the economic depression of the country should be eased as soon as possible, and
- (2) that the future Government of India should be stable, unitary, and strong.

These Basic Principles are intended to give India Complete Independence, unity, peace, and prosperity under the rule of the House of Windsor with the prospect of a National Government at some future date (as explained in the next para), instead of mutual distrust and ill-will under the one party rule of the Congress or the League.

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IMPERIALISM

It is also necessary to remove some misunderstandings.

Some persons would be under the impression that the constitution proposed in these Basic Principles is of a reactionary nature.

This is not the case. These Basic Principles embody a complete solution of the Constitutional Problem of India, ^{as stated in para 6 of Chapter 9}, ~~as stated in para 9 of Chapter 9~~. As regards the communal safeguards, they fall under the following four headings:

- (1) Religious and Cultural safeguards.
- (2) Representation in the Services.
- (3) Representation in the Legislatures.
- (4) Representation in the Cabinet.

The provisions laid down in Chapter 2 do not warrant any patronization of any particular religion from the public funds, and are designed to ensure the free practice of religion to all Indians alike. Owing to the diversities of languages, customs, and modes of living in every part of India, full cultural autonomy for all residents of any particular area cannot be attained, unless there is an actual change of population, but the provisions laid down in Chapter 1 will go a long way to ensure linguistic and cultural autonomy. The provisions laid down in Chapter 3 ensure the recruitment of the most suitable candidates, irrespective of caste or creed, in the Public Services of the state. The provisions laid down in para 5 above ensure representation of all political parties and special interests in the Provincial and Central Legislatures. The provisions laid down in para 1 of Chapter 7 provide for the formation of stable and unitary cabinets. But the method of the appointment of, and the nature of the responsibility of, the Ministers are different and fall under the following three categories:

- (A) If the Political Leaders of ~~XXIV~~ British India may not agree upon having joint electorates and no-statutory fixation of the strength of the various political or communal parties in the Legislatures, vide para 2(1) of Chapter 9, 50 per cent seats in the Legislatures should be filled up by special

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interests, and the remaining 50 per cent seats by communal constituencies, vide para 5 above. The franchise should be restricted to the stage at which it stood after the Montague-Chelmsford Reforms Scheme of 1919, (vide para 8 above), by which about ten per cent adult population was enfranchised. The elections to both the Houses of Parliament should be direct, vide para 2 of Chapter 6. The Ministers are to be selected by the Governor-General or by the Governors from the various parties in the Legislatures, and the Ministry is to be responsible to the Crown, vide para 1 of Chapter 7.

(B) If the Political Leaders may agree to have joint electorates with reservation of seats for the various political parties in the Legislatures, the preceding principles should be modified. The franchise should be extended to the stage at which it has been in force since 1st April, 1937 under the G.I. Act, 1935, by which about one-third adult population was enfranchised. The Ministers in administrative charge of the departments of the Public Services and their Parliamentary Secretaries should be appointed only from the various political and economic parties in the Legislatures be responsible to their Legislatures. In this way a system of Diarchy will be brought about.

(C) If the Political Leaders may agree to have ^{joint} electorates and no statutory fixation of the strength of the various political or communal parties in the Legislatures--then, and not before that time, steps should be taken for the formation of a National Government at the Centre and in the Provinces. Adult franchise should be introduced. The fifty per cent seats reserved for special interests should be merged into the general electorates. Elections to the Lower House of the Parliament of British India should be made indirect. Both the Public and the Crown Services should be merged into one State Service or National Service. All the Ministers and their Parliamentary Secretaries should be selected from the Legislatures and should be jointly responsible to their Legislatures. The Crown shall then have

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the same powers in India as He now has in Great Britain and North Ireland.

The most undemocratic form of the constitution has been depicted in (A) above. That too is much better than the present system of Government, because under the former all the administrative power shall be vested in the hands of the Crown with the prospect of a National Government at some future date, whilst under the latter India shall be placed permanently under the party system rule of the Congress or the League without any prospect of a National Government on democratic lines at any future date.

14. The Constitution Act of India should be so worded that the onward March of India on the path of constitutional progress from alternative A to B and from B to C may be effected in future by the Viceroy without any further amendment of the Constitution Act, whenever he may be satisfied as to the feasibility of these alternatives..

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Chapter 11. The Principle of the Transfer of Power and the Right of Separation.

1. The Cabinet Mission have in their Award of the 16th May, 1946 declared the intention of the British Government to transfer power to India with the status of a Dominion or of Complete Independence. In this connection it must be carefully noted that "The Principle of the Transfer of Power" carries with it as a necessary corollary "The Right of Separation" also. This Right of Separation has been conceded to all the Dominions forming the Commonwealth of the British Empire under the Statute of Westminster, but no Dominion, not even Eire, which enjoys a greater degree of independence than other Dominions, has in her own interest thought fit to secede from the British Empire. The Union of the Soviet Socialist Republics has also under certain conditions conceded the right of secession to her National Republics, but no National Republic has in her own interest thought fit to secede from the Union. Probably this is due to the fact that the Basic Principles of the Constitution of the U.S.S.R. viz. Land Policy, Education, etc., are the same throughout the Union throughout the Union, whilst in the case of India, they differ, province by province, and no attempt has been made by the Indian Politicians to make them uniform throughout British India. Hence the Soviet model cannot apply to India.

This right of secession has also been admitted by the Congress in principle in the C.R. Formula presented to Mr. Jinnah by Mr. Rajgopalachari on the 8th April, 1944 with the approval of Mr. Gandhi as well as in the subsequent Gandhi-Jinnah Talks at Bombay from 9th September to 27th September, 1944, though the Talks failed owing to differences on details.

The Congress Leaders and the Congress Press are very jubilant over the Cabinet Delegation's Award as giving a decent burial to Pakistan. But it is quite inconceivable that the Union Centre may be strong if, as proposed by the Cabinet Delegation, its control over all the Provincial or Provincial Groups subjects--except Defence, Foreign Affairs, Communications, and the Finance necessary for these subjects--may be relaxed, and in case of a difference arising between

the Union Centre and the Provincial Authorities or Provincial Groups Authorities on any vital problem, say, Food Problem, Internal Security, or additional taxation to meet the expenses of a war, etc., there is bound to be a complete separation of the said Provincial or Provincial Groups Governments from the Union Centre at no distant date--nay, earlier than the ten-year period prescribed for a consideration of the terms of the Constitution, just as the grant of the Dewani to the East India Company resulted ultimately in the transfer of sovereignty to the Company. As such the Award is expected to give, not immediately but at a later date, a decent burial to Akhend Hindustan, the question of a separate sovereign State of Pakistan having been shelved at this stage owing to the inability of the British Government to hand over power to "two entirely separate sovereign States."

The prospects of having independent relations with all other States of the world, of proscription of all Un-Islamic literature and customs, of mass conversions to the cultural, religious, and political ideals of Islam, of introduction of Criminal and Civil Laws based on Mohammedi Shareat, and of improving the religious, educational, and economical standard of their co-religionists which the Muslims can have in a separate sovereign Muslim State cannot be matched by any concessions which the Congress Leaders or the Conciliation Committee hitherto offered them.

The Cabinet Delegation has in sub-paragraph 15(5) of their Award given the Provinces (not Sections A, B, & C referred to in sub-paragraph 19(1)) full freedom to form themselves into Groups. According to this statement the Punjab is at full liberty either not to join any Group or to form a Group with U.P. or Sindh. But the Delegation has in sub-paragraph 19(5) restricted the option given to the Provinces regarding formation of Provincial Groups in such a manner that they can avail of it, if they so desire, only in accordance with the Plan laid down in sub-paragraph 19(1) of the Award i.e. the Punjab can have the option either not to join any Group or to join only the N.W.Pakistan Zone, but not U.P. The Secretary of State, Lord Pethic-Lawrence, also made this clear in his broadcast on 16.5.46 and said that "if the Provinces ultimately agree," the three sections will become the three Groups.

From this it is evident that a decision to form Groups can be

taken only by the representatives of every Province voting separately and not by representatives of the sections A, B, or C voting jointly. As such the question of exercising the power given to the Provinces to opt out of the Groups under sub-clause 19(8) can arise only, if the Provinces have first elected to form themselves into Groups.

If the Pakistan Provinces, whilst making their Provincial Constitutions in sections A, B, C, decide, by the votes of the representatives of their respective Provinces taken Province by Province, to form themselves into Groups in accordance with the Plan laid down in subparagraph 19(1), the Muslim League shall have all that constitutes a separate sovereign Muslim State except Defence, Foreign Affairs, and Communications.

As the political demands of the Muslims have ever been on the increase during the last two generations, it is just possible that as soon as the Muslims succeed in achieving their "latest but not last demand" of a separate sovereign Muslim State of Pakistan by the disappearance of the uppermost tier of the Union and its amalgamation with the Provincial Groups or Provinces, another Pirpur Report may also furnish the Muslim Zones of Pakistan on the east and west with a ready excuse to make a fresh bid, if necessary with the aid of other Muslim or European Powers, for Muslim sovereignty over the whole of India.

2. The right of separation demanded by the Muslim League may be demanded by, and shall have to be conceded to, other communities as well. The people of South India, who belong to the Dravidian (not Aryan) race and who speak the Dravidian Languages--Tamil, Telegu, Malayalam, and Canarese--are likely to put forward their claim to have the whole of South India constituted into a separate Dravidian State, if they find the Union Centre as weak.

3. It has also to be noted that if the British are to retire from India, the Sikhs, the Mahrattas, the Ex-Royal Family of Oudh, and many other Ruling Princes of India may also advance their respective claims to the territories the British took from them by conquest or under leases and agreements for specific purposes, like Berar, Ceded districts in Madras, Gilgit in Kashmir, and Mount Abu in Rajputana,

~~in Rajputana, etc.~~ and a decision should be taken with the consent of their prospective claimants before their incorporation into any ~~provinces~~ province of independent India.

4. In case the British "quit India" in response to the demand of the Congress without satisfying the claims of the interested parties mentioned in the previous Paras, and a decision be taken by any such party for any disputed territory, such a decision will be forced, not by the votes of the electorates but, by the Award of the Sword of Victory.

5. The Indian Politicians have to note most carefully that the constitution of Autonomous Units of Provinces or of Provincial Groups with residuary powers vested in the Provinces and with the right of the Provinces to call for a consideration of the terms of the Constitution which covers the right of secession also, cannot but result, sooner or later, in disintegration of the Unity of India which has been the creation of British statesmanship alone and which never existed in India ~~intoxopresent~~ in its present form before British rule. It has also to be noted that unless the Union Centre be as strong as it has hitherto been under the British, there is little likelihood of the Indian States federating with or acknowledging the paramountcy of the proposed Union of India.

It is only with the sole idea of preserving intact the Unity and Peace of India that the Constitution of a Unitary form of Government with a strong Centre has been proposed in Para 3 of Chapter 10. For this it is absolutely essential that the Basic Principles of the Constitution such as Land Policy, State control over industries, education, recruitment to Services, etc., should be defined in the Union Constitution ~~as~~ for enforcement uniformly in all the Provinces of British India, though their actual enforcement may be left to Provincial Authorities.

It is also essential that the Heads of Revenue of the Union as well as the resolutions varying the provisions of sub-paragraph 15(1) i.e. allotment of more subjects to the Union than those mentioned therein should be discussed at the preliminary stage of the Constituent Assembly, so that the Provincial Units that may meet thereafter in

their respective sections to settle the Provincial or Group Constitutions, may not include the Heads of Revenue or the additional subjects of the Union in their Provincial or Group Constitutions.

6. It has been made clear in Para 1 above that the principle of the transfer of political power to the people (not to another sovereign ruler) carries with it the right of Separation also, i.e., if political power is to be transferred from the British Crown to the people of India, the claim of the Mohammedans of India, having a history of their own culture and political aggrandisement, to rule side by side with the Hindus cannot be suppressed indefinitely. The Constituent Assembly should therefore take the most momentous decision whether India shall be ruled in future as one united homogenous State by the British or partitioned into separate sovereign Hindu and Muslim States, but no politician should by any stretch of imagination dream of a conjoint Hindu-Muslim (i.e., Congress-League) Government in India after the departure of the British from India for any considerable length of time.

If Unity of India is to be preserved, these Basic Principles may be serviceable in hammering out the actual Constitution of a united India. If transfer of power to the people and separation of Hindu Muslim Zones be decided upon, it would be to the best advantage of both the Hindu and the Mohammedan Communities that the separation should be complete in all respects from the very beginning with such territorial adjustments as may be feasible. Grouping of Provinces in Sections A and C must result in complete separation at no distant date, and if complete separation takes place at a later date, the Hindus may lose more territory, possibly the entire area now included in B and C Sections, than they do now, the Mohammedans may be debarred from shaping the defence and foreign policy of their State, the tension between the two communities will remain unabated, and the position of the Minorities will be worse during the period of this political suspense.

Appendix A. The Chief Merits of 'The Basic Principles of the Indian Constitution.'

1. India shall deal with all States of the World including Great Britain in her new capacity as a Completely Independent State.
2. India shall take her Rightful place of Honor side by side with, and in no sense less dignified than, the Big Powers of the World in all International Conferences.
3. Owing to the Treaty of defensive and offensive alliance and the Commercial Pact referred to in Para 1 of Chapter 10, both the Independent States of India and Great Britain will be a Tower of Strength to each other on the basis of perfect equality for all future times, and their mutual relations in future will also be of closest friendship and co-operation.
4. As these Basic Principles strictly forbid any State aid for religious services, or religious instruction, or any preferential treatment to the candidates of any community in recruitment to the Public Services of the State, or any communal majority in the Legislatures or the Cabinets, or different Land Policies in different Provinces, no community shall seek to place herself in a more advantageous position over the other communities with the result that both the major communities of India shall look upon each other not with mutual distrust and ill-will but with love and amity like the members of a family.

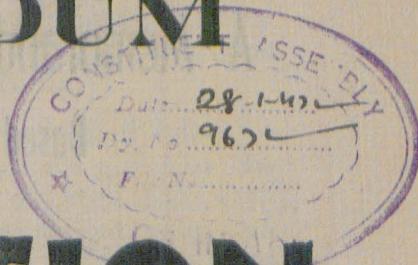
N.B. All the above advantages can accrue to India from the very day the Constitution embodied in these Basic Principles may be inaugurated in India.

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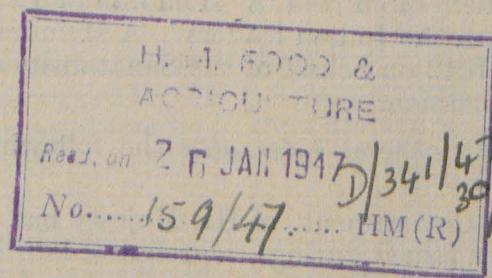
A

S/ MEMORANDUM
X Serial no. 8 ON
CONSTITUTION

(BASED ON ANCIENT DHARMIC CULTURE)



Con



Con-

BY
Dewan Shambhu Nath Chopra
PRESIDENT
Shree Sanatan Dharam Mahavir Dal,
DELHI.
981, Dharam Nagar (Nai Wara)
Ring 6766

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Ramrajya is Dharamrajya and Dharamrajya is Swarajya-Self Govt.

A Memorandum on Constitution For Free India

Based on Dharma, Religion or the Shariat

PRELIMINARY.

On the arrival of the Cripps Mission in India in the year 1942, Indian leaders of all shades of opinion presented Memoranda according to their policy. Political, religious and other groups took part in the cause of the advancement of the Indian Sub-Continent.

Sanatanists in India too took a lead and in accordance with their faith and belief submitted a Memorandum to "the Draft Declaration for discussion with the Indian leaders". A Memorandum was submitted on the 8th of April 1942 on behalf of the Sanatanists of India after due consultation and discussion.

Amongst others, *inter alia*. the following points were pressed in the Memorandum:—

1. That the Government of His Majesty has altogether ignored the sacred Magna Charta issued during the reign of late lamented Queen Victoria the Great, on which the British Government in India is established.
3. That India inspite of more than a century Rule of Great Britain is still 'India'—the Holy land of Gods and Goddesses of Hindustan and any system of Government other than that of the Holy days of the past is unsuitable to its people at large.
4. That the so-called "Self-Government" on the so-called elected system of selection which may or may not suit the western countries, is sure to prove a menace unless and until there are some or other safe guards lack of which is now too proving an hindrance in the advancement and formation of a National Government in India.
5. That the participation of Indian autocrats and aristocrats in the shape of the representatives of the Indian States in the Constitution making body makes the whole show a farce, unless and until the Indian Rulers are real rulers of the hearts of their subjects and rule according to the best Eastern Doctrines of Prajapita (father of the subjects), Parjapati (Defender of the honour of the subject) and Zil-i-Subhani (Be the shadow of the Almighty God on him) &c &c.
6. That the fears expressed in item No. C(i) are apparent proofs of the fact that the war Cabinet itself has no belief in its form lae and the question of the hostile provinces, sticking to the present constitutional position is a source of encouragement to those who are not true to their Motherland. Do such people deserve any encouragement or support from a democracy loving country like great Britain?
7. That the mere assertion of the fact, that if there would be more than one such hostile province these will be formed and recognised as a separate unit and thus to be petted by the British government is further a proof of some pre-arranged plan to see that the whole country—the continent of India is divided for good, an idea which stenches like any thing in the minds of true sons of the motherland.
8. That the granting of Full status as to the supposed Indian Union" to such hostile provinces and encouraging them with equal rights and the liberties of the Central power—the Indian Union; further excites them to form more than a couple of such alliances and as such there are real fears of India being cut into various pieces of equal rights and status.

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9. That the idea of transferring complete responsibilities from British to Indian Hands is no doubt alluring but surely the transfer from one brute force (as non--dharmic administrations are generally known) to another is not real Swarajya or self-government. Even complete liberty and freedom under a beastly power, never mind be it composed of Indians and Indians alone ; is not a credit to our Motherland-- India.

10. That the provisions sought for the protection of racial and religious minorities' in accordance with the so-called undertakings given by His Majesty's Government as laid down in item No.C(ii) are a sort of 'NO CONFIDENCE' move in the Indian Union. Imposition of such restrictions on a self-governing administration is a slur and should be deplored and avoided,

11. That the willingness of His Majesty's Government to revise the treaties of the Indian States whether or not they elect to adhere to the constitution is just like fighting in the darkness. But for the British the position of Indian India should have been quite different from what it is today

12. That it is apparent that Indians feel that there is very much interference in the posting and supporting of the Indian princes and they rightly believethat whatever good or bad there be in the administration of Indian states it is due to the supervision and control of the British Officials or the paramount power

13. That the question of the election of the constitution making body as laid down by the war cabinet in item No.(d) of the draft Declaration require some sensible checking to avoid the undesirables coming in power and safeguarding the best interests of the various faiths and beliefs in India. Spiritualism reigns in Hindus of Indian populace and it is on account of this spiritualism and spiritualism alone that this Holy land of the sacred Vedas is called *Rishi Bhumi* or the land of saints, real christians, *Sufies*, *Vali Alluhas* &c &c

14. That when face to face with elected representatives of the Independent India, nominated representatives of the rulers of Indian states will provide a 'bull fight' as the interests of both will be quite against each other and thus the National Assemblage of India would be put to ridicule.

16. That the Government of His Majesty should attach due importance to the religious faiths and beliefs of Indians and should on all occasions consult the real leaders of the masses and masters of their hearts-the religious, spiritual and sectional heads of the masses in addition to political leaders and agitators of communal differances.

17. That the Government of His Majesty ruling in the name of 'Defender of faith' should always care for the faith and belief of the near and dear subject of His Majesty the king Emperor and must consult their religious heads in all administrative and other affairs affecting the faith and belief of the masses.

18. That as at present arranged there is no safeguard to check a mutual fight between the Indian Unions and any of its rival Unions on any ground whatsoever although as is apparent this check is most urgent and essential.

19. That there should be provision for the Union to summon forces from different provinces and states under it in the hour of need-the chief symbol of an all India Unity.

20. That immediate steps should be taken to transfer the responsibilities of defence upon the Indian Legislature in the centre and through them to various provinces in the country.

21. That the future constitutional Government of India, should be run on Dharmic lines, avoiding all possibilities of communal clashes and full religious independence should be enjoyable by followers of all religions and

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beliefs and not on the lines of the so-called 'Self-government' enjoying little confidence of the populace and resulting in the ruin of the country and nation,

Towards the end of them emorandum it was assured that a constitution on these lines will be submitted in due course.

IN THE FULFILMENT OF THE ASSURANCE.

It is therefore in the fulfilment of this assurance that the Managing Committee of shree Sanatan Dharam Mahavir Dal, Delhi passed a resolution in its meeting of Sunday, 1st of December 1946 and asked its president (Dewan Shambhu Nath Chopra) to draft the assured constitution and passed it on Thursday the 5 th December, 1946.

IMMEDIATE NEED OF THE CONSTITUTION.

Had the British Government been wise enough to keep the above points in view there would have been no necessity of submitting a memorandum on constitution now. Our demand was honoured only so far as the question of the defence of India was concerned and all our pleadings on administrative and future welfare of the country were ignored with the result that communal troubles are brewing throughout the country and life and property of the masses are at stake. Throughout the world the trouble is being described as communal and religious although in the words of political leaders themselves it has nothing to do with Hinduism or Islam and is merely a result of competitive policy for gaining political superamacy in India Mania of democracy is sweeping the country towards Materialism and if no check is made serious results are apparent. Therefore the earlier we gather under the banner of spiritualism it is better. Let Mother India achieve its goal-independence from foreign yoke, influence and superamacy.

JAI HIND.

WESTERN SYSTEM X' RAYED.

The world is moving fast and without doubt the West is its leader. West is leading the world towards Materialism and Materialism had never been an objective of the East. This is not because the Easterners hate Materialism but surely because we know it for certain that without spiritualism there is no existance of civilisation in the whole of the universe.

The fight for Materialism is so great in the West that within a short period of about 20 years the West experienced two big battles of the world which are truly described as world wars in the language of westerners themselves. Dying declarations of the Nazi leaders and exposers coming out to light give a clear indication of the fact that there will again be such world wars and if such expectations come true the world shall have to face 4 or 5 such world wars in every century. Such state of affairs can not be called a credit to the western Civilization-surely an outcome of Materialism

Even to-day when rising of the enemies is decidedly a question of a decade, the hearts of big powers are not clear and every power is afraid of another. The Materialism has so much spoiled our character that we daily expect unholy alliances between the various sections of the so called BIG.

Britain is decidedly one of the big powers. We need not go in details and bother our heads with its being an "A" rate or "B" rate power. However we must not forget that it is in addition to its own problems that Britain is attending to the questions of India. Surely it is a credit to it but we must not rest with this idea and leave our fate in the hands of British friends who have nothing in their brains except the idea of crushing the opposite forces of their rivals in Europe. The question of India, therefore is but mere supplementary in their brains and they are giving attention to it, whatever is possible under the circumstances.

Britishers have agreed to "quit India" being pressed by circumstances and not merely as a mere gesture of goodwill. Surely there are other considerations as well. Naturally they wish to see India prosperous from their own points of view and their prosperity is the other name of their own prospects in India itself and through it in the whole of the EAST.

We do not want to accuse Britain. We should not like to accuse Britain. Britishers may be good at heart but whatever they have done for India is clear from India's unanimous demand of "Quit India": Indians tolerated the Muslim Rule for centuries and centuries and within a short period of a couple of hundred years India's declaration of the Britishers to "Quit India" is clear indication of the fact that their administrative policies based on Materialism and Materialism only could not find favour with Indians and they felt it for certain that they cannot remain under the British yoke any longer.

Till the reign of Queen Victoria, there was no retaliatory anti-British movement in India and whatever sacrifices the Indians were doing these were simply and purely from the point of view of patriotism and patriotism only. Magna Charta of Queen Victoria was the chief document of the Britishers to prevail upon Indians and to make them believe that there would be no interference in their religious matters. This solemn pledge was never honoured during the days of the successors of the Queen and the British people as a Nation took India just like a subjected country of slaves. Simultaneously with the ideas of Imperialism came the menia of reforms and the British politicians soon took over to themselves the garb of social reformers with the nefarious idea of changing the minds of the Indians from pure and simple religious minded pious personalities to ethiasts. This policy is responsible also for the creation of various new faiths and beliefs in the followers of both the communities and fresh creeds too crept in for popularising the pet British move of materialism in the name of religious reforms.

Prior to this religion was a mere personal belief but these mischief mongers and agents provocateurs of the Britishers soon gave it a communal turn and even today we are fighting with each other to the best satisfaction of our British friends.

The communalismophobia has gone so much astray that with the mere change of religious belief from Hinduism to Islam has compelled the Muslim League personalities to deny their origin from Mother India. Isn't it horrible? Surely it is, but the fight has gone so much that the question is being talked over throughout the world.

Inspite of all this opposition and British inspired moves, the Muslim League authorities have never even thought of Hijrat and it is due to their inner love to the Mother-land that they still wish to live in India and want the Britishers "to quit," just like foreigners. Such feelings can surely be of a community who thinks India as its own, never mind for political reasons or reasons other than the genuine ones, it disowns the motherly affection of India. If a leader of the Muslims today denies the mothership of India, there is no guarantee that in future all the Muslim leaders would follow suit specially when we know that the Muslim leader denying the mothership of India is only a political leader of the Muslims and in politics most things are done as mere suppositions, taking for granted &c &c. Only the other day Mr. M.A. Jinnah was at the head of the Indian National Congress and let us not be disappointed, still there is every likelihood of Mr. Jinnah's coming over to the congress. We should all honour the pious wish of Mr. Jinnah wanting complete liberty and freedom not only from British domination but from Hindus even. Let the Hindus come forward with similar motives and demands. When demands would be reciprocal the Hindu Muslim Unity is sure and certain. Friendship is only possible amongst equals and when both the Hindus and the Muslims are equal in their desire no power on earth can prevent them from achieving their cherished end - Independence.

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Pakistan had been the chief object of discussion in the political world since a few years and today it is a fearful bogey. Hindus are opposing Pakistan merely on account of fears of a division of their Motherland- India. Surely no Indian would like further divisions of India but we must not forget that from the very beginning we have been following the policy of administrative divisions and no time can be quoted from Indian History when this Vast Sub-continent or any other continent of the world was not similarly divided for administrative purposes. If in the years goneby we have been managing our own affairs in the same way, as our younger brothers persists we would not be doing any justice to our Motherland by refusing their demand of Pakistan and denying their right of owner-ship as true sons of Mother India. Most probably the Muslims are denying the mothership of India simply to get a share in maternal Administration and when this right of theirs is established there is every likelihood of their seeing the world's affairs eye to eye with their Hindu brother.

So far as the hoby of Pakistan is concerned, no power on earth can debar Muslims from having it. The provinces which the League wants to be included in this Pakistan are those, mostly or chiefly inhabited by Mis'tims. The Muslims are in clear Majority in these provinces from 71% in Bengal and Sind to 90% in N.W.F.P. The Northern Punjab viz Triyab with a Muslim population of 78% and Baluchistan with 88% are sure and certain the Muslim dominated Provinces and if they want to have a Union of their own, no Hindu has got a right to object. Hindus too can have the rest of India in the name of Devesthan if they so desire but India as a whole should remain India and both the brotherly administrations must unite to have a United India and one Union.

British illusions led Qaid-i-Azam to go to London with his right hand worker Nawabzada Liyaqat Ali Khan and thank God they are returning with a lesson — a lesson which they should not forget. Let Allah Walas be true to their God. It is everywhere and the Muslims are not supposed to go to anywhere and bow their heads before anybody else except God the Almighty God. Congerssite boast of the Pakistan being in their pocket Their Sardar asks Mr Jinnah to come to him for having Pakistan- a clear indication of the fact that the congress is willing to consider the question of Pakistan. Thus there remains only the question of details and 'give and take'. Apparently this is one of the political stunts — a stunt parallel to which we have just seen in the invitation of British Ministers including the premier. We have no faith in such stunts. If really Mr. Jinnah wants a Pakistan let him really influence the Muslim populace to quit from the rest of India and migrate into the Muslim Majority provinces. No one is going to stop it. Muslims in India are free in their movement and can settle anywhere they like. When the little Hindu Minority will feel otherwise it will also migrate to Hindu provinces of Davesthan. This process does not require sanction either from the Britishers or from the Majority party in India. It is no use begging the award of Pakistan from any power or party whatsoever. Such administrations are established and established by people with higher aspirations and require administrative abilities and qualif.cations to govern. Let us not forget that "Conquaring is always and everywhere easier than governing." The Muslim League can have Pakistan sure and certain, but whether or not it will be possible for it to govern is a question of the future. Let us however pray for the good and hope for the better.

Hindus are sure to feel the *Hijrat* of their neighbours. They will give them all sorts of assurances. They have uptodate provided and maintained best relations and they will go on keeping the tradition in future as well. So far as their own quitting the Pakistan area is concerned they will never do. They are accustomed to remain amongst foreigners There is no land on earth wherein the Hindus have not inhabited. When they can tolerate the barbarities of South Africa surely they will be able to bear the treatment of those who in blood are their own.

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With the award of Pakistan for mere administrative purposes to Muslims, if they still insist the Hindus would not hesitate to similarly honour the demand of the Sikhs in Amritsar District where they are in larger number than Hindus for establishing a Khalistan or Guruasthan to maintain the sanctity of the Sikh religion and its birthplace. This will also be a mere administrative measure as the Sikhs are upto date being regarded as part and parcel of Hindus. Inspite of being in nominal minority the Sikhs have special right to maintain the traditional honour of protecting Sikhism which came in existence for protection and they will surely protect in future as well. During recent communal disturbances they proved of immense good to both the communities and have gained the confidence of the both.

REASONS FOR REPRESENTATION.

Hindus have always been above communalism. They organised the Anti Communal Award Conference in Delhi in the year 1936 to put an A.I record of their verdict on the issue. The Congress also agreed and the Hindus thought their interests safe in its hands. During the last elections the Hindus strangled their own representative body the Hindu Mahasabha on the altar of Unity amongst Nationalists. The Indian National Congress in their manifesto assured Hindus of their firm conviction of remaining above communalism but the British Government succeeded in winning over the Congress. The Congress degrading its position from an all India body of all Indians accepted the position of a mere political party representing general populace minus the minorities.

Having accepted this position the Congress which before was an Indian National Congress has become a party of Non-Muslims-Sikhs-Parsees and Non-Harijans or Non-depressed Classes. In plain words it has lost the faith of the country and nation as a whole. All harbingers are singing the songs in its praises simply because it is in power. The power originally enjoyed these days by the Congress is the power mainly wielded by Swarana Hindus—the word which actually appeared in the Government communications. Thus in the real and proper sense the Congress is an imposter and the day the Swarana Hindus disown it, it is no where.

Fortunately the Congress has secured the best brains of the Swarana Hindus and the majority of the esteemed Congressites belongs to this sect of Hindus—the Sanatanists. Naturally therefore the Swarana Hindus have not come forward with a disclosure of the facts and the demand of their rights.

In its election manifesto the Indian National Congress assured full protection to religious rights and feelings together with a non-interfering policy in the traditional customs and usages but the experience has proved otherwise. Naturally there is question of mere days in the eruption, if ways and means are not mended. Hindus and specially Sanatanists are not the least inclined in tolerating the interferences in their religious creed and they would be the last to accept any change. According to them the Vedas are eternal and a source of all knowledge the world has. They are above communalism and religious bias of any kind. It is due to their this policy of toleration and forbearance that various faiths got rooted in this holy land of the great Rishis, Wali Allahs and the like saints &c. The Sanatanists do not mind the uprooting of various *mat matantras* (religious sects, and even the so called reformists or reformers who formed their own Samajas and separate secretarian bodies but would not accept or accede to any change in their own old faith and belief. The Congressites knowingly or unknowingly have broken the pledges of solemn assurances and naturally they lose the right to represent the Swarana Hindus—chiefly the Sanatanists. Sooner they themselves understand the better.

The Congress regime as a whole too have proved hopeless. The first quarter of the Congress superamacy is nothing but a stereotyped form of British Imperialism. The beautiful pictures of the SWARAJYA shown to

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the public are mere things of dreams. Even the declared policy of various departments has nothing to do with Nationalism. Mere Indianisation in name is not what is desired. India expects something of Eastern glory. Educational Curriculam, Medical system, and the boasted most Self-Government Departments which should have been overhauled by this time have not even been touched. Heavy taxation is in store for the poor tax-payer. To shield nefarious moves and to hypnotise the ignorant masses slogans for raising the standards are being prepared and the Indians are going to be befooled in the name of Nationalism. To tip the goodboys of the Government enormous increases are being made in the salaries of the favourites and the right of even ordinary bread and butter is being snatched from the exposers of the truth. Capitalists are being openly encouraged and awarded and the poor labourers are being merely petted and assured of a grand future

The "Quit India," movement was started to save India from the western influences which according to Mahatma Gandhi are injurious but the Constituent Assembly is inaugurated to make a Constitution for India on the lines of the same British-designed democracy- a farce and an open farce as agreed by the universal experts of democratic creed. During olden days selected People with experience of the world at large used to write Shastras and upto date these are nicknamed after the names of their authors- single personalities. Shariat- the Islamic law is all pervading. Where are the Maulves and Pandits to look after the defence of Muslim and Hindu faiths and belief in the Constituent Assembly? Will it ignore religion altogether? Can it ignore religion altogether? Let us hope for the good and submit a basic principle at present to start with. More when the time will come.

BASIC CONSTITUTION FOR INDIA

"Let Heaven's light be our Guide"

SUFFRAGE: India being the sacred land of great Rishis, walli Allahs and the like high and pious personalities, must honour the religious perceptibilities of all mankind living in India. Every Indian having faith in Almighty God through His various religions, faiths and beliefs would have a vote for administrative purposes on maturity. All people living in India and following any approved religion will be reckoned as Indians for this purpose of suffrage without any distinction of caste, creed and colour. This right of vote is sure to end all communal troubles.

CIVIC COMMITTEE: All temples, mosques, churches and Gurudwaras will have civic committees attached to each. These civic Committees will look after the welfare of the areas of population inhabited there. All worshippers, *pujaries*, *nimazies* and the like will automatically be the members of the committee which will elect its punchs and other office bearers according to the needs and necessities of the populace.

CITY COMMITTEE: This committee will be set up in all places-cities and towns and will comprise of elected members from the civic Committees. The main function of the committee would be to supervise, regulate and look after the working of the various civic Committees co-operating with it. Only the city or town interests as a whole will be taken up by this committee and complete independance is to be enjoyed by various civic Committees under it. Inter civic Committee afairs of the matters which could not be settled between the two Administrative Committees themselves may be referred to this city committee. City Sub-Committees too can be formed in big cities with same or similar objects in view.

PROVINCIAL COMMITTEES: Representatives of the various city and Sub- Committees assembled together will form a Provincial Committee for identical objects and supervision and smooth working.

One member for every 25 civic Committees or part will do.

CENTRAL COMMITTEE: From all provinces representatives are to be taken to form a Central Committee which will be responsible for the general Administration of the country and will guide the officials in all sphers of administration. One or two percent members of the provinces can serve well.



The principal aim and object of this assembly is unity in the midst of the diversity of religion, culture, tradition, social status etc. This unity can only be achieved under one form of Government whose primary duties will be protection of all the peoples irrespective of caste, creed, social status etc. The attempts of the Government should be genuine democracy which will ensure a fair and just deal in matters, political and economic, religious and cultural to all classes and communities. It shall be the rule of the people by the people for the people. Now how can this Government be formed? If peoples living under the Government can realise that it is functioning justly, fairly and faithfully in the interest of them. There will naturally be unity among them. To attain this object we must bear in mind that two nations theory in a country which is already one and united economically and politically cannot be maintained and the preposterous Communal Award both inside and outside the legislature must go and joint electorate with adult franchise must be introduced to make a stable and successful Government.

Now if we seriously think over the matter we can realise that a nation is a political term with a technical meaning. A nation comes into existence, when people of a geographically defined territory, for defence against foreign invasion and for ensuring the progress of their common economic advantages, form themselves into a political society with a central organisation of Government. These aggregate the peoples may be of different religious affiliation - though the essence of all religions are the same - or they may even belong to different races speaking different languages, as in Switzerland. The religion is not essential factors in the constitution of a nation. It is also always overlooked by communal leaders that in political philosophy nation and nationalities are two different concepts. Nationality implies membership of a nation. India is the homeland of nationalities with differences of race, language and culture, yet they have a common heritage. This theory is genuinely devised to perpetuate everlasting concord and strife among the people to the advantage of the third party.

The poison of separate electorate was injected by Lord Minto in 1908 in the body politics of India resulting in the two major communities drifting apart in a gradual manner. It culminated in the bitter

Received for formal consideration
15th October 1947
Secretary, 4-1-47
C. S. S. Society
En. M.R.C.

- A - 78

relationship as at present exists among the people who once lived like brothers and good neighbours. Hinduism never taught the Hindus to become intolerant of other religions. Islam which meant peace also, never taught the Muslim to be aggressive on the other community.

The majority of the members of the Indian Central Committee regard "the principle of communal electorates as inherently vicious and unsound." They "desired to see them abolished throughout India as soon as possible."

The members of the said committee "are convinced that until Muslimes and Hindus are brought together in common electorates there is little prospect of the evolution of a spirit of common citizenship, without which the system of responsible Government cannot satisfactorily develop. It is a matter for regret that on this important and highly controversial subject it has not been found possible to arrive at an unanimous conclusion." The majority "have held that wider considerations should be allowed to override the wishes of particular communities." The members "consider that in Bengal, as far as Hindus and Muslimes are concerned, there should be no separate electorate and no reservation of seats, but that the two communities should vote together in a joint electorate.

In Burma the neighbouring province of Bengal, has no separate electorate for the Muslimes though they are in a minority.

The Indian Association in a resolution dated 20th April 1945 "favo(u)r the principle of joint electorates which is likely to neutralise the pernicious effects of communalism."

The future of the country, its prosperity and everything depend on unity and failing unity, India's fate will be that of China - fratricidal warfare will engulf the entire country.

In view of the facts that all the Nationalist leaders whether of Hindus, Muslimes or other communities, favo(u)r the joint electorate as the panacea of all evils. If this joint electorate is restored, all discord will disappear and there will be peace and concord and Bengal will be in a position to regulate its economic condition in the interest of all the people of the province.

A WORKABLE CONSTITUTION FOR A FREE AND DEMOCRATIC INDIA.

1. This constitution promotes the chances of a coalition functioning in the centre.
2. It provides the adequate safeguards to every Indian however weak or backward he may be.
3. Grouping is made compulsory on equal footing.
4. Provincial autonomy is maintained.
5. The rights of Muslims and Sikhs have been safeguarded in the union Assembly and Punjab Assembly respectively.
6. The states rulers have been allowed to remain constitutional Heads and to represent their cause in the upper House, while the states people are given full freedom as in respect of British India people.

CONSTITUTION.

1. The Head of the Country should be a President elected on wide Franchise just as the President of U.S.A.
2. There should be a union Assembly of 450 members, each of them representing one million people and 50 seats should be kept reserved to represent minorities and organisations left unrepresented otherwise.
3. The President of the Country will select his ministers from among the elected members of the house in consultation with party leaders.
4. The union government shall deal only with Defence, Foreign Affairs and Communications. Nothing is defined in the 'state paper' about the scope and functions of these three subjects.

The union government dealing with Defence shall have the power to advise the provincial or state governments to meet the situations in such a way as union government thinks fit in the grave situations in which the Defence and Integrity of the country and lives and properties of its people are threatened whether on account of internal disturbances or an outside attack.

Every provincial government and part of the union shall depute equal number of representatives to the Advisory Committee. The main function of this Committee will be to secure co-operation of every province and part of the country in adopting country wide food or other necessary programmes, to avert the famines.

5. Grouping should be made compulsory subject to the following conditions:-

(a) Every province shall send equal number of representatives to the Group Assembly, it will encourage the provinces to join the groups as in this way they would have no fear of others' domination.

(b) The leader of the majority party in the Group Assembly shall form his ministry dealing with all the subjects at present entrusted to the centre with the exceptions of Defence, Foreign Affairs and Communications.

(c) The Provincial Governments should retain Provincial Autonomy and the subjects at present held.

(d) Responsible governments should be set up in all states. The big states may have their rulers constitutional Heads of the states as King of England, if the people of respective states so desire. The small states should be grouped in order to bring them in a size of a province in all respects. The rulers of these states should be pensioned off and may be allowed to form an upper house as the House of Lords in England to represent their cause. The states should be free to join any provisional group or to form their own groups, subject to the rules and provisions laid down in respect of provinces.

The Muslims and Sikhs should be given the rights of veto on major communal issues in the Union Assembly and Punjab Assembly respectively, but the decision of the President of the country in the former's case and of Lahore High Court in latter's case should be

Py No. 393 - Cons
of 5/3/47. *Pr. no. 17*
Siwan Sub-Divisional Landholders Association.

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SIWAN

Molvi Md. Qassim M.L.A.

President

Mr. Phuleshwari Saran Singh *PRESIDENT, CONSTITUENT*

Secretary

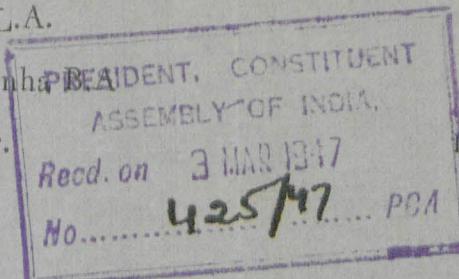
Md. Gulam Haider.

Joint Secretary

P.O. SIWAN.

Dated

794



Extract copy of the resolutions passed on 23rd of Feb

February 1947. in the meeting of the Siwan Sub-divisional Landholders Association in which Landholders from all parts of this sub-division took part.

Babu Hules Narain Singh President Petty Landholders Association Bihar presided.

Resolution No 8.

" Resolved that the Prime Minister England and the Constituent Assembly be requested to provide separate seats for the Petty Landholders (zamindars) in the legislature who form the real middle class of this Province and are the backbone of the society and who are so far unrepresented though their numerical strength is not less than 15 lacs in this Province and one crore in British India."

B. H. S.
Hon. Secretary
25.2.47.

Copy forwarded to the President
Constituent Assembly for information
B. H. S. 25.2.47

Dy No. 394-
d-51a/47

PRESIDENT, CONSTITUENT
ASSEMBLY OF INDIA.
Recd. on 3 MAR 1947
No. 424/47 PCA

Pr. no. 18

- 104 -
P76 Sirdar Saukar Road
Rash Behari Avenue P.O.
Calcutta 29. 25 Feb. 47

Dear Sir,

The following humble suggestions are submitted though they may not be unknown to the great minds working on the constitution:-

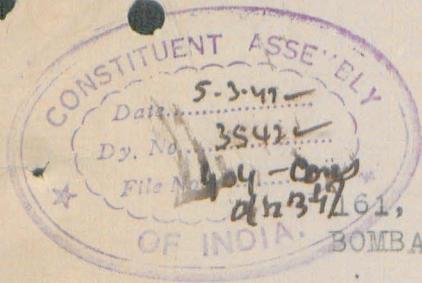
1. Personal religion to be effective only on the attainment of majority.
2. Conversion to be effective only after one passes a test of knowledge of the religion discarded and that adopted.
3. Legislators to lose their seat on a resolution of no-confidence by 2/3 majority of the Constituency subject to a time limit and re-affirmation of no-confidence.

A Brahmin is considered a Sudra until the Upanayan ceremony. "Accident of Birth" is thus discounted in the case of caste. Also in the present conditions. Communism also discounts it in the case of property. There is support in the Sastras in that a Grihastha is considered a thief if he appropriates to his use more than what is absolutely necessary. It follows naturally that religion should not depend on "Accident of Birth", and not the least on personal whims or other selfish considerations or force.

Religious controversies may be averted. Census should show separately "infants" under the age of 18 without the mark of religion.

Yours faithfully

S. V. Iyer



115-
MHB 18/2
Sr. no. 23

~~Copy~~
not for circulation
To

The Secretary to the Constituent Assembly,
New Delhi.

Dear Sir,

I am desired by Seth Hoosain S.
Merchant to enclose herewith copies of his
pair of questionnaires on the political
situation of even date.

yours faithfully,


Secretary to
Seth Hoosain S. Merchant.

Enc.

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C O P Y.

161, Nishanpada Road,
BOMBAY, Feb. 27, 1947.

To The Editor of the

Sir,- Would not doubts arise about the Cabinet Mission's scheme being of British origin and workmanship if such Scheme succeeded in resurrecting the unity and brotherhood on the basis of unsullied parties patriotism among all ~~patriotism~~ in British and Indian Indias?

Is the British Premier's appeal to Indian parties (both of British India and the Indian States?) "to sink their differences" in order that they may be ready to administer India with justice and efficiency as a Central Government to prove a camouflage for a plan for some form of Central Government for British India where Indian patriots might be trained as traitors to India?

Who dare accuse either the British-created Communalists in India whose loyalty to the alien power transcends their patriotism or the Indian Princes - the creatures and exploitees of Britain on the one hand and the exploiters of their countrymen as agents of the paramount power and as principals for themselves on the other - of suffering from an over-abundance of patriotism?

Does the creation of Indians as agents of Britain for the exploitation of India amount to granting self-government to India?

Is Britain so steeped in sin as never to merit the guidance to a true and enduring alliance with free India?

Yours faithfully,

(Sd.) HOOSAIN S. MERCHANT.

161, Nishanpada Road,
BOMBAY, February 27, 1947.

The Editor,
present.

Sir,

1. Are the announcements of (a) the death of the Trinity of Indian Communalism, Loyalty to Britain and Traitorousness to India created and nurtured by Britain through "Morley-Minto" and subsequent "Reforms" granted to India and (b) the resurrection of unity based on unsullied patriotism of pre-Communalism era, implied in or by Britain's appeal to "all parties" in India to "sink their difference"
2. Is not one solitary party in British India - the august Muslim League - without the Constituency and within the Interim Government created under the Cabinet Mission's Scheme rejected by that party?
3. Are the League's non-co-operation with the Constituency and the obstructive activities of its five ministers in the Interim Government to be rewarded by the gift of a dominating position in "some form" of Central Government or a separate "loyal-traitor" Central Government over the British Indian three provinces of Punjab, Bengal and Sind where there are Muslim majorities (their populations therein aggregating about fifty five as against forty five millions of Hindus and Sikhs)?
4. Do the remaining eight provinces of British India and the 45 millions of Hindus and Sikhs of the three provinces aforesaid constitute "all parties" mentioned in the appeal aforesaid?
5. Are Indian States or any of them to adorn the Constituency for wrecking or obstructing its unanimity and smoothness?

Yours truly,

(Sd.) HOOSAIN S. MERCHANT.

Sir B. N. Rau,
Adviser to Constituent Assembly,
New Delhi.

Sir,

In drawing up any constitution for India, the following points (amongst others) must always be kept in view:-

1. India is a member of U. N. O.
2. India's responsibilities towards foreign countries and the international world.
3. India's need of defence and internal security.
4. Need of control by Central authority over resources of India to discharge above responsibilities.
5. Sovereign authority posses all powers. Investing of resi- duary powers in units is contradictory to Sovereignty.
6. Interdependence of areas for transport, communication , irrigation and economic purposes.
7. Reasonable aspirations of the predominant majorities and rational safeguards of minorities in different areas.
8. Anti Indian motives of the Muslim Leagers.
9. Caste considerations and the Govt. Services.
10. Claims for political rights and other privileges on the bases of birth and belief.
11. Final nature of the Eastern and Western frontiers and the existence of 5th Column within the Country.
12. Linguistic, cultural and other considerations .
13. Efficiency and other cast of administration.
14. Units or provinces can not be formed by any body except the Central authority. These should not be too big i.e., having a population of more than two crores each.
15. India's capacity to have the treaties with other countries and duties of units fulfilled.
16. The need for healthy development of all parts of India so that India as a body may function satisfactorily.
17. Such subjects should be provincialised as provinces representing two third of the population of the country want to be provincial.
18. Treatment of the unwilling parts of the country.

Yours faithfully,

Ludhiana:

D/ 31 3
47

Ram Ratan Guha Thakurthi

Dy. no 456/47-Cos-
1.4.47

Dy No 446 - Cons.

d 31.3.47.

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W/K
27/3

Sr. no. 32

To

Sri B. N. Ran.

Constitutional Advisor

Govt of India,

I am enclosing copies of my letter and
that of one Mr. Maurice Rassaby, published in the issues
of the Statesman of 22nd and 26th February, along with my
Explanatory notes thereon, for favour of your kind perusal.

Submitted.

Bhupendra Nath Roy

Po. Ranchi

Dr. Chittagong Hill Tracts

VIA Fazilpur,
B&A Rys.

Copy

of a letter to the Editor, published in the Statesman of 22nd February, 1947,

'Three-Tier Constitution'.

Sir,

The 'Three-tier' Constitution, as outlined in the State Paper of May 16. Should, on removal of certain anomalies in it, be acceptable to both the major parties.

It appears necessary, at least for the sake of uniformity, that each of the 'tiers' - Union, Group and Province - Should have an independent and stable Constitution of its own making, that Group Subjects should be well defined like Union subjects, and reduced to the possible minimum, and that Provinces should be debarred from opting out at any stage. According to this scheme, there would have to be three Constitution-making bodies, the Union, Group, and Provincial, the last consisting of members, whose number may be increased, from the Province only. Each 'tier' could then act independently, and there would be no possibility of 'confusion'.

This scheme should satisfy the League, - as it ensures the stability of Group Govts; the Congress, too, should not object as it guarantees full autonomy in provincial matters.

Yours, Etc., B. N. Sen.

Copy of a letter to the Editor, published in the Statesman of 26th February, 1947.

Sir,

Mr. B. N. Sen's proposal appears, on the face of it, to be fair, to both the Congress and the League.

It seems just that the Muslims should

have the same authority in the Groups where they command a majority, as the Hindu majority over the whole of India has over the Muslims in the proposed Union Centre. These powers should quite rightly be limited and confined to certain specified subjects, so that while the essence of Pakistan which the Muslims demand still remains, the substance of Provincial autonomy which the Congress wants will also remain.

Likewise, the rights of a province to opt from a Group should be governed by the same machinery under which a unit in the proposed union can decide from the present body.

The solution implies further concessions from both the Eng~~g~~ and the League, but the resulting constitution, though admitted somewhat unwieldy, will have the substance of what both sides are demanding. It seems an excellent compromise.

(Sd) Maurice Roszty

Possible alternatives. If no agreement is reached
between the major parties:-

1. Full powers in respect of the provinces of British India, other than the three non-accepting provinces, the Punjab, Sind and Bengal, may be transferred to the Centre. Transfer of powers may be made separately to the three provinces. This step, it is easy to see, is fraught with grave dangers.
2. Full powers may be transferred separately to the three non-accepting provinces, while dividing two of them, the Punjab and Bengal into two sub-provinces and granting each of the sub-provinces a large measure of autonomy and confining the jurisdiction of the whole province to a limited number of subjects. This step would be of doubtful efficacy.
3. The British India to be divided into non-Muslim majority and Muslim-majority areas. Full powers in respect of the non-Muslim majority areas to be transferred to the Centre. Transfer of powers to the Muslim-majority areas, if a fresh election held there returns the League to power, to be made separately. If the Hindus of Bengal want the province to be partitioned, West Bengal including Calcutta, may be made a separate province. Sylhet, in this case, would have to be taken out of Assam, and added to East Bengal. The Muslims would thus get large, and more or less homogeneous tracts for the establishment of Pakistan. This scheme by the approval of Congress, naturally might be the objections of the League to the subdivision of the existing provinces. I do not think they will actively resist the introduction of the scheme which gives the Muslims complete control over the Muslim-majority areas. This would simplify the task of constitution-making. If division of India cannot be avoided, this would be the most equitable arrangement for the transfer of power. It is common sense to place power in the hands of the majority in an area. It reduces the chances of disturbance. Pakistan may, as some have suggested, negotiate like the States with the Indian Union for the joint administration of some subjects.

None of these is a happy alternative. The unity of India should be maintained at all costs.

Notes

1. Provinces :-

If it be found necessary to subdivide one or more of the existing provinces, the constitutions of such newly formed provinces will, as suggested, be formed by their representatives. They will, however, have to remain within the Group in which the parent province had been placed, and will have to accept the Group Constitution, as framed by the majority in Sections, in relation to the Group Subjects.
(my proposal does not contemplate a division of the existing provinces)

2. Group Subjects :-

All Subjects (in the Indian Legislative list) over which the Centre has now got exclusive control, other than the Union subjects and subjects ancillary to them, should go to the Group. Civil Justice and Registration should become Group Subjects. Group should control the High Courts and Sessions Courts. This would ensure separation of the Judiciary from the Executive. (The Union should only control the Supreme Court which is to decide the Constitutional issues alone). Irrigation should become a Group subject. All projects affecting more than one province within the Group would have to be undertaken by the Group Government.

3. Financial :-

In order to prevent over-lapping in respect of taxation and other measures, the Constitution-making bodies should have to come to a prior financial agreement, before proceeding with Constitution-making.

4. Procedure :-

If the members from the Province can have a provincial constitution of their own choice while sitting in Sections, they need not sit separately.

5. Secession :-

After 10 years, a province (or part of a province, if the existing provinces are not subdivided) will have the right to secede from the Group or Union. But the right to secede from a Group shall not be exercised, till some province or part of a province first proposes to opt from the Union. It will be necessary to impose the condition, in order to secure the League approval. The League must have to be assured that the Group will not be broken till the union itself is broken. The verdict of the people on favor of secession would have to be obtained by holding a referendum. Large-scale transfer of population with the sole object of artificially inflating the population figures in an area to be prohibited.

-161- Sr. No 44

To The President, Constituent Assembly.

10/4/42

4801

AS
ConS

Sir,

for consideration of members

I have the honour to submit the following, praying to Almighty that our leaders may give shape to a system of election which will ensure

- (a) Democratic representation to different groups without reservation of seats or separate electorates
- (b) Disqualification of candidates who incur displeasure of large group of voters.
- (c) Check on impersonation of voters
- (d) Stimulation of desire in every elected member to become popular to as many voters as possible irrespective of constituency.
- (e) Much diminished risk of total non-representation of large number of voters.

Suggestions

- 1) Every sane person, irrespective of age, who is able to read + write shall be eligible to cast
 - a) Six positive votes in favour of six separate candidates
 - b) one negative vote against any one candidate.
- 2) Voters shall not trim the finger nail of the little finger of the left hand at least for a month preceding the date of voting. While receiving the ballot paper, finger nail of the voter shall be trimmed in the presence of the Polling Officer etc. (some other device may be adopted for handless voters)
A voter is to write the name + address of the chosen candidate in the ballot paper. The whole country shall be treated as a single constituency though polling booths shall be situated in different places.

- 3) Valid votes (positive & negative separately) polled by each candidate shall be counted. The names of candidates shall be arranged in order of number of votes received. The first five names in the negative list shall be disqualified provided each receives more than, say, 50000 negative votes. The disqualified candidate shall be struck off the positive list from which selections shall be made in order of merit to fill up the seats in the Assembly.
- 4) Numerical value of each vote of an elected member of the Assembly shall be proportionate to the number of voters he is representing.
- 5) Proceedings of the Assembly must be published in the Official Gazette, within a month, giving the full details of division (viz. names of those who (a) supported (b) opposed (c) remained neutral (d) were absent)

With thanks,

7/4/47

Yours faithfully
Swirbanjan Das
8 A Iswar Mill Lane

N.B. — No group or party will be interested in setting up more than six candidates as the voting strength will be proportionate to the number of voters represented by a group. With 300 seats in an Assembly about 50 parties may be represented without separate electorates or reservation of seats. The six positive votes ensure that in spite of disqualifications at least one candidate will be returned to voice the opinion of the group.

Serial no. 60

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M.W.B
12/5

F. 16(3a) - P.S./47
External Affairs Department,
New Delhi,
The 9th May 1947.

Dear Mr. Raju,

I write to acknowledge with thanks your letter dated the 5th May addressed to Pandit Nehru. The letter has been forwarded to the Secretary, Constituent Assembly.

Yours truly,

(Tarlok Singh).

Private Secy. to Pandit Jawaharlal Nehru.



V.B. Raju, Esqr., I.C.S.,
SURAT.

.....

Copy, with the letter replied to, forwarded to the Secy., Constituent Assembly.

became
(Tarlok Singh).

Private Secy. to Pandit Jawaharlal Nehru.

Conc

15/7/47.

V. B. RAJU.,

I.C.S.

Dear Pandit Jawaharlal Nehru,
I suggest the following draft to define
Union citizens.

The following shall be citizens (nationals) of the Union :-

- (a) A person who was or may hereafter be born within the limits of the areas forming the Union and if born hereafter subject to the Union Jurisdiction.
- (b) A person whose father or paternal grandfather belongs or belonged to class (a) although he himself was born outside such limits provided that at the time of his birth his father had not ceased to be a Union subject (otherwise than by death) and was not in the service of a foreign state at enmity with the Union.
- (c) A woman married to a person who is for the time being a Union citizen.
- (d) A person naturalised in the Union, provided that the Union Legislature shall have power to legislate on the following matters:-
 - 1. Naturalisation as Union Citizen.
 - 2. Acquisition, loss of and reacquisition of Union Nationality by any person including a person under disability such as minor, lunatic, idiot.
 - * 3. Persons born on board ships etc.

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- II end - 10

4. Status of children of naturalised parents born before and after naturalisation.
5. Children of a father or widowed mother who reacquires Union Citizenship or nationality.
6. Provisions for cases of divorce, dissolution of marriage, judicial separation, widows etc.
7. Auxiliary matters.

If India must be divided into two Nations, there must inevitably be two Nationalities. Hindus in Pakistan will it is presumed have Pakistan Citizenship unless and until they acquire "Industan Nationality by naturalisation.

yours sincerely

V. B. Raju

27

New Delhi. April 16. - A guarantee of property rights, abolition of
untouchability in all shapes and forms, equality before law, liberty of
speech, association and correspondence, adult franchise, secrecy of
elections and the right to change government are some of the salient
features of a tentative report understood to have been drafted by the
Fundamental Rights Committee of the Constituent Assembly, which held a number
of sittings early this month.

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Fundamental Rights of man as a unit of the Nation.

Presumably the Fundamental Rights Committee of the Constituent Assembly is entrusted to define the Fundamental Rights of Persons inhabiting India which the future Indian State will guarantee to each of them individually and all of them collectively.

A wider implication would be "Rights" and "Privileges" of an Indian Subject and his "obligations" and "Duties" to the Society and State.

His expectations and things expected by him, both are covered atleast it should be - by the term of reference.

If the latter (obligations) are omitted or ignored, may it not be taken as intentional. The builders of future state are trying to tell him all that will be done for him, to secure his adherence and loyalty to them and the state, without informing him as to how he may be made to work and sweat for the state, and how he may be exploited by means of laws and constitution. Each person must have peaceful and protected life and fairplay or justice guaranteed to him with an opportunity to live and his individual liberty.

These are the Fundamental Rights and none others. The rest some ways and means towards that end - is all diplomacy with very little substance in it. "Guarantee of property rights"? Which property Inherited? Acquired?, Stolen?, Earned?, Landed?, House?, Currency?, Goods? The State has not yet defined if "Earth" the common gift of God for all is going to be parceled in a few owners to exploit the tillers and diggers thereof, and if "Rent", "taxes", and "interest" is to flourish in the existing or any other garb. Land is the major property. What property rights each individual will have in land to till or dig it, how much thereof he will have? What is enough to liv

What other property is referred to?

If land is nationalized, how it is to be parceled, and what does the State expect from the individuals amongst whom it is parceled? Shall each one have it if he demands?

At what age of an individual do the Fundamental Rights commence?

They should on birth if not at the time of conception. Are the Fundamental rights of the would be mother to protection there? What are the fundamental rights of the child, his bringing up and education, his coming of age, provision for life? His existence and struggle for life.

What is the shape thereof?

What voice has he in ordering nationalization of all lands, waters and skies and all natural resources. He is one of the masses and masses are goaded, led and driven.

"Abolition of untouchability": Social grouping exists in all nations and countries and those who talk of untouchables and their disqualifications ignore psychology and science. Many an untouchable have ceased to be so automatically, and many have scumbed to the lower status by their own actions in all classes of society. An improvement in their economic condition and their standard of living and higher wage standard, physical fitness and health required to pull them out of drudgery and misery means millions in investment in the economic field. A promise which can not be fulfilled in a reasonable time or a law which can not be respected should never be talked even.

Ideology is very different from "State" which should inspire confidence, loyalty and respect for it. "Equality before law". This is the only fundamental right (if preserved and enforced) of which mention is made in the press.

Liberty of speech, association, and correspondence." This is a promise on paper which a "State" can never keep and no State has ever tolerated

A State cannot allow any person to develop and organize a revolution, and there are so many systems in which a group of men may like to live. Race for leadership develops partly on whims and fancies of clever people and their propaganda. How much of it and to what extent it is tolerable? It can, it has, it does, and will cause riots, murders, loot, arson, and cruel exhibitions of the evil spirit and destructive nature in man.

These are the only liberties which need to be curbed, guided, and controlled in man.

Adult franchise! With out due contribution to the "Society" and "State" by an individual to give him the right to have a voice in its management is too court disaster like the one's Europe has experienced and may still see in future. "Equitable Franchise" is just and fair, but to proclaim "Equal" Franchise is to assert that all men are equal which is not a fact. A condition which will never come to exist.

The Society or State should be able to protect a life from its very conception and give it a fair and equal opportunity to qualify to grow upto a certain age and at the specified age give him an opportunity to live according to his choice within certain limits. It is for him then to make good the opportunity and contribute towards the society and state in various ways to be entitled to mould its destiny and its fortune as much as his own.

He should definitely be a physically fit person and in good health. He should realize that he has to maintain a fit physical body. He should abide by certain discipline and rules of the society. That is to say he should be a morally and physically fit person. This is first and paramount liability to the State and continue to be so.

The Country needs to be defended and army must be maintained.

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He should train himself and be ready for the Service to the State in the events of emergency. That is to say at specified intervals in the span of his life, he should give up all other engagements and attend and stay in the army. Similarly for maintenance of internal peace, he should undertake such responsibility and duties as may be assigned to him by law and necessity, locally and outside. He should jointly guarantee protection to his neighbours. This is most essential liability, non-compliance whereof should not only mean forfeiture of all privileges and property but also his extermination from the society altogether.

Lastly he should pay taxes. A minimum tax of Rs. 25/- annually should be universal. Alternately those who are not paying a minimum tax should be grouped separately and have a certain percentage in the representation.

For purposes of franchise, the intellectuals, although they contribute the most directly and indirectly to the Society, they are in a minority, should have a fair representation.

Again men of initiative and with spirit of venture in them, scientists and economical workers, contribute directly the largest proportion to the wealth and building up a nation.

Services ("State" and "Public" form a very small minority but they find no place in the legislatures.

Majority are masses (wage earners and tillers of soil). They are exploited by the so called leaders. They contribute to the wealth of the nation and they feed it. Their importance is not denied but is their importance so much that they should sweep the polls and race for leadership should cause their exploitation. It is just a case of Managing Agents, Executives, shareholders, and labourers or workmen in a concern on a vast scale differing in minor details.

Grouping of franchise into (i) Intellectuals, (ii) State Services, (iii) Public Service, (iv) Economic Interests, (v) Wage earners, (vi) Farmers, (vii) General, and (viii) Administration sections having a representation say in the ratio of (i) 12 $\frac{1}{2}$, (ii) 15, (iii) 7 $\frac{1}{2}$, (iv) 15, (v) 17 $\frac{1}{2}$, (vi) 17 $\frac{1}{2}$, (vii) 10, (viii) 5% may be an equitable representation.

Equal franchise is nothing short of exploitation of masses by giving them promises of a heaven which does not and can not exist. Franchise should be equitable and should carry with it the liabilities and obligations in lieu of guarantee of protection, peace, and justice and a fair and just opportunity for means to work, earn, and live.

Secrecy of election. This is a matter of detail. Time may come that man may have courage of conviction and character and they may assert and proclaim their views about others openly and others may have the courage to put up with criticism of their conduct and views.

There should come sometime when persons should elect their representatives in open meetings.

With economical grouping and with indirect three stage election (i.e. local residents to Panchayats (Committees), Panchayats to Divisional Councils, and Divisional Councils to Centre) to the Assembly this should be possible.

"Right to change the Government". This is another enigma and an uncertainty. It may be theoretically convenient to inspire confidence by this camouflage, but it is not a practical promise or guarantee.

Psychology of man and knowledge of past history of the world do not confirm the possibility of this assumption.

Right to change their representative will naturally be inherent but to change a system or policy or laws will rest in a few men only. Knowing what elections are and what they can be in race for leadership which is

proceeding to assert a guarantee which is impossible to maintain, is to say the least that we are living in a dreamland.

Let us hope that Representatives shall be elected and put up by the people and leaders shall not put themselves up for leadership stage by stage and top ranking leaders shall not abuse their position by directing masses to vote for certain persons on the basis of assertion that by doing so they are voting ~~for~~ for them. Party system must go. Each representative must be a true representative and not a-party-put-up representative. Influencing elections and selections, canvassing and propaganda must go as well.

Purse must be too tight and strongly guarded to have a value and army and justice must be independent of all influence and executive should be impartial. Then and then alone the "Guardians" and Builders of the nation can be guided by the will of the people through their representatives and in a peaceful, sober, and right manner. Alternatively change of Govt. may come by conquest, force, revolution, chaos, destruction, diplomacy and division, stalemates, and demoralization.
To "Seek legal remedies" for redress re: fundamental rights open to various sects and individuals:-

If law suits and litigation is a luxury for individuals it is more so in this case. Who will provide the expense, the time and the energy in the coming days of keen struggle? Specially when economic wealth is to be more evenly distributed!

These are all false hopes and promises of no real value. Make the redress automatic if you will.

The head of the Governments should be above politics and impartial, and should ^{not} be a beggar of votes. Democracy fails and lacks in this.

Ganeshdass Amirchand Bahl & Co.^{MB}

Stock Share Brokers, Properly Dealers & Finance Agents,

PAHARGANJ,

GA. 47/505.

NEW DELHI-2

5th May

19 47.

Dear Sir,

As to the Constitute Assembly meeting on the 30th April 1947, over the matter of "Citizenship Rights" defined, as the freedom of speech of expression, of association and of movement. Who shall not be deprived of life, or liberty without due processes of law nor barred from any public office or vocation on grounds of religion, race, caste or sex.

I appreciate the efforts and these are much more to meet the satisfaction of the masses, on the political foundation. But I wish to suggest my ideax to be added alongwith this definition, which will stop, hatred, ill feelings against each other, disharmony and communal agitation for all future to come.

The freedom of speech of expressions are to be bound to use the positive and bright side only. And under no circumstances personal attacks will be permitted by the use of negative or black side of any one.

No doubt in other countries, attacks on personalities at the general elections are a common fight allover the world, but India if she has to go for the ancient principles, for

spiritual livings, do worth the above consideration.

Hon. Pandit Jawahar Lal ji Nehru. — G. Bahl Yours Faithfully

TELEGRAM :

"Chamber"

S. NO 74
26/1

TELEPHONE:

No 170

The Northern India Mercantile Chamber of Commerce

PRESIDENT :

Mr. Krishan Dava,
B.A., LL.B.

Carlton Hotel,
Lucknow

8th May, '47.

The President,
Constituent Assembly,
NEW DELHI.

Dear Sir,

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Com
My Committee has decided to approach you with the request to assign a seat to the Northern India Mercantile Chamber of Commerce, Lucknow on the Legislative Assembly of the United Provinces.

If the principle of functional representation is conceded by the Constituent Assembly, the Committee feels that the commercial and industrial organisations representing trade and industry should get adequate representation in the Central and the Provincial Legislatures. The representation to the commercial and industrial bodies in the Legislature has been prompted more by political exigencies than by an endeavour to make it representative of the commercial and industrial interests. In Bengal there is a reservation of 25 seats in the Provincial Legislature for the commercial and industrial interests; and a proportionately greater number of seats have gone to the European business interests. Similarly in U.P. where two seats have been assigned to two Chambers of Commerce, one of them is a predominantly European concern. Moreover the present allotment in the United Provinces does not bear any relation to the growing industrial and commercial expansion of the Province. The number of seats in the United Provinces should be raised to at least ten and a greater portion of it should be reserved for Chambers of commerce representing Indian business interests.



P.T.O.

In this connection it may be pointed out that the Northern India Mercantile Chamber of Commerce, Lucknow is a premier business organisation of the province. It is a growing industrial organisation representing large number of sugar mills, cotton mills, banks, insurance companies, and mercantile firms. The Chamber is also a member of the Federation of Indian Chambers of Commerce and Industry. In view of the wide interests that are represented by the Chamber, my Committee would very much appreciate if a seat is assigned to it in the Legislative Assembly of the United Provinces.

The Committee feels that so long as the communal representation persists in the Legislature, the functional representation is the only corrective and is more consistent with India's national interests. They suggest, therefore, that the representation to commercial bodies in the provinces should be raised to cope with the industrial and commercial expansion.

Thanking you,

Yours faithfully,

Kishan Dutt

PRESIDENT