

## CALENDAR FOR AUGUST

	SUN	MOON
Friday	1 .. 5 54 18 38	18 10 5 3
Saturday	2 .. 5 55 18 38	19 3 5 53
Sunday	3 .. 5 55 18 38	19 46 6 35
Monday	4 .. 5 55 18 38	20 24 7 45
Tuesday	5 .. 5 55 18 38	20 24 7 45
Wednesday	6 .. 5 55 18 38	20 24 7 45
Thursday	7 .. 5 55 18 38	20 24 7 45
Friday	8 .. 5 55 18 38	20 24 7 45
Saturday	9 .. 5 55 18 38	20 24 7 45

## WEATHER IN SOUTH INDIA

MADRAS, July 31. Daily weather report for Madras Presidency and Andhra Pradesh. Fairly widespread rain has fallen in South Kanara, Kerala and Coorg. Thunderstorms have occurred at many places in Tamil Nadu, here and there in the rest of the region. Salem and Bangalore reported 1.7" and 1.4" respectively.

Forecast (valid until the evening of August 1). Fairly widespread rain will continue along and near the West Coast. Thunderstorms will recur at many places in Tamil Nadu and extend into Rayalaseema and Mysore. Showers will also occur at a few places in Andhra Pradesh and of two days in West Mysore State.

Local forecast: Thunderstorms evening and night.

For farmers: Moderate showers in Kurnoor, Andhra Pradesh, and in the districts of Andhra Pradesh. Light showers in Trichy district. Cloudy weather in Chingleput. Wet spell of five days in Coorg, South Kanara, Salem and Bangalore and of two days in West Mysore State.

Outlook for next three days: Thunderstorms may decrease in Tamil Nadu after two days.

METUOR WATER LEVEL

86.70 feet on July 30.



FRIDAY, AUGUST 1, 1947.

## TO PAY OR NOT TO PAY

WHAT does the average Briton feel on the subject of repaying India's sterling balances? It is a question that has not figured in any Gallup poll yet, but two contrary views were expressed at the London debate organised by the Friends of India group. Dr. Harrod of Oxford asserted that the man-in-the-street in Britain was asking why any penny of these balances should be paid. The Oxford don did not cite any evidence for his discovery of such mass enthusiasm for repudiation of Britain's debts. We believe that Prof. Cole possibly had a better appreciation of the average Briton's attitude in these matters when he suggested that most of them were either ignorant or indifferent. Dr. Harrod's thesis was simple: Here is a Britain almost "broke", making Herculean efforts to regain her pre-war position after the immense sacrifices of the war. It would ruin her chances of recovery if her war-time creditors insisted on repayment. The proper thing was for them to waive their claims—which, in any case, Britain was unable to pay—and to hope for Britain to recover well enough to be of help to them again. Dr. Harrod appeals for the sympathy of Britain's creditors, but forgets that most of these countries, including India, are in a worse plight than Britain. If Britain has difficulties in regard to balance of payments, so has India thanks to the food shortages of the past few years. What is more, while Britain's present difficulties are essentially temporary, India's problems are more deep-seated and call for large-scale action. To suggest that India's reconstruction should wait on British convenience is to add insult to injury. And Dr. Harrod's plea of insolvency is the least convincing of all in the face of the strides which British production has been making since the end of the war and the large assets, estimated at nearly £3,000 million, which Britain still holds abroad.

There is thus no case at all either on moral or economic grounds for Dr. Harrod's fantastic suggestion. And it seems idle to discuss the question in this manner in view of the settlements reached with Egypt and Iraq, neither of whom has been impressed with Dr. Dalton's appeal for scaling down. The interim agreement which the Indian delegation is expected to conclude with the British Treasury is probably on the same lines. It cannot be that the question of scaling down was raised during these negotiations, particularly after the Chancellor's disappointing experience with Egypt. Until the terms of the interim deal are known we cannot say whether the releases of sterling are adequate to meet India's requirements. It may be noted, however, that both Egypt and Iraq are satisfied with the amounts made available to them. If the spirit of accommodation and understanding shown in the recent negotiations prevails also in the later discussions over a long-term settlement, it should not be impossible to harmonise, over a period of years, Britain's repaying capacity with her creditors' requirements.

## Educating Holland

"ONE World or None" is the title of an appeal published by leading American scientists who warn mankind against policies making for international rivalries and wars. The atom bomb and the other horrors still being evolved spell the doom of civilisation if the world goes to war again. The quip that men will fight the next war with atomic weapons and the war after that with spears or other stone-age implements is not so fantastic if we

recall what the very first bombs-on trial, as it were—did to Hiroshima and Nagasaki. But men and nations are reluctant to learn the lesson and as they buried the League of Nations with faint praise, legal sophistry and half-hearted support, they look like killing the United Nations too. The little minds that control the destinies of nations have apparently no use for the large vision that can take in the consequences of their folly. No wonder that Wells saw mankind at the end of its tether. However, there are bands of clear and courageous thinkers who see the necessity for organising world opinion in favour of a Federal World Government under which nationalism and regionalism will have their places but no more than their places. Supporters of the project for a World Constituent Assembly to be held at Geneva in 1950 continue with their plans undeterred by all the evidence that has accumulated of the difficulties of co-operation on the scale necessary. It is stated that such eminent men as Lord Beveridge and Sir John Boyd Orr will represent Britain. The conference plans and procedure will be decided on at Montreux this month. So far this makes welcome news. But even better is the idea of launching a campaign in Holland this autumn in favour of a Federal World. The naive explanation of the sponsors that "though there has never been much resistance against the World Government idea in Holland, the Dutch have always been sceptical about the possibilities of achieving it" and that the campaign will aim at putting this right rather underestimates the case. No campaign is more timely or more needed: the Dutch aggression in Indonesia clearly shows that the Netherlands is ripe for it. Every one will wish the "One World" campaigners all luck in Holland.

## Tuberculosis.

NEARLY half a million people die of tuberculosis every year in India. The disease is infectious and there are about two and a half million infective cases. Unfortunately, the medical facilities that exist are entirely inadequate to tackle this huge problem. The number of hospital beds available for isolation is only 6,000, and the doctors who have specialised in this field number less than a hundred. There is therefore an urgent need for more T. B. hospitals, clinics, after-care colonies and homes for the incurable. In her broadcast on this subject, Lady Nye pointed out that nobody, under present circumstances, can consider himself wholly immune from the possibility of infection. Everyone is therefore under an obligation to help in the campaign against tuberculosis. It is up to the public to contribute generously to the funds that are being collected to improve the medical facilities for the treatment and cure of this disease.

## MRS. NAIDU TO BE U. P. GOVERNOR

TO CONTINUE TILL DR. B. C. ROY RETURNS

## NEW DELHI, Aug. 1.

It is now learnt that Mrs. Sarojini Naidu has accepted the offer of temporary Governorship of the United Provinces until Dr. B. C. Roy returns. It is revealed that only after strong pressure from Pandit Nehru and Gandhiji that Mrs. Sarojini Naidu agreed to step into the temporary vacancy of Governorship of the United Provinces created by Dr. B. C. Roy's absence in America. Dr. Roy is expected to return by the middle of September.

"I am very ill," pleaded Mrs. Sarojini Naidu to Sardar Patel this morning when he greeted her as "Your Excellency." "I'll" queried the Sardar laughing, "that is why you are here after your young doctor—meaning Dr. B. C. Roy—who has been her physician for many years."

## DOMINION CABINET

So far as the Nehru Cabinet is concerned, Mr. Gadgil, Rajkumar Amritkaur, Mr. Rafi Ahmed Kidwai, Dr. Shyama Prasad Mukherjee and Dr. Ambedkar are considered certain. Reports that Maulana Abul Kalam Azad may retire are dismissed as being without foundation.

The selection of Sir R. K. Shanmukham Chetty as a Member of the first Dominion Government of India, according to informed circles, is finally settled.

## JINNAH'S OFFER TO BHOPAL RULER

A change in Mr. Jinnah's list of Governors for Pakistan seems to have been necessitated by the refusal of Lord Killearn to accept the Governorship of East Bengal. It is believed the Nawab of Bhopal has been offered the Governorship of a Province in Pakistan, and it is still not clear how the Nawab will be able to accept the offer.

## SWEARING IN CEREMONY OF MEMBERS

NEW DELHI, July 31. One minute after midnight, August 14-15, India's first Dominion Cabinet will be sworn in. Astrological advice is to the effect that the conjunction of the stars on the morning of August 15 is inauspicious for the inauguration of the British Parliament that the appointed day for the transfer of power should be August 15 will be adhered to. At the same time, due respect is being paid to astrological counsel, which predicted the failure of the Simla Conference.

## H. E. THE VICEROY

CALCUTTA, July 31. H. E. the Viceroy, Lord Mountbatten, left this morning by air for Delhi. Lady Mountbatten is fulfilling a number of engagements in Calcutta to-day.

## GOVTS. OF INDIA AND PAKISTAN

## REPORTS OF PARTITION COMMITTEES

## DECISION ON STAND-STILL ARRANGEMENTS

NEW DELHI, July 30. The Government of India and the Government of Pakistan will be asked almost solely by those who have opted to serve the two respective Dominions by the end of August, it is hoped. This is the result of the recommendations submitted by the Expert Organisation Committee set up to improve the present standstill arrangements.

The selection of Heads of Departments of the two Governments has almost been completed, and it is understood that these men will have the responsibility of posting personnel who have opted for the Dominion concerned by August 15 at the latest. This, however, does not affect such large organisations as the Posts and Telegraphs and Railway Departments where the change-over of personnel may take place by October. It is pointed out that this decision is necessary as in such organisations too rapid a transfer of personnel is not possible. Furthermore, with regard to the transfer of key technical personnel such as accountants, mechanics, maistris, etc., the maximum period allowed for the change-over is six months. These decisions affect more than 50,000 officers and men.

Other expert committees that have reported include those on controls, trade, currency, contracts and customs. While minor points remain to be settled the broad details covered by these committees have been agreed upon.

## EXPORT AND IMPORT CONTROL

With regard to internal control the status quo is to be maintained as far as possible, with the right of either Dominion to make a change in consultation with, but not necessarily with the consent of the other Dominion. While the two Dominions will separately administer the administration of import and export control, it is learnt that there will be no change of policy for six months. With regard to trade, there will be free passage as between the two Dominions which have agreed to prohibit monopolist and discriminatory practices.

The Committee on Posts and Telegraphs, apart from the arrangements regarding personnel already indicated, has decided that the two Dominions shall have the same stamps till September, after which there will be over-printing of stamps for the Pakistan Dominion.

No passport will be required for entry from one Dominion into another, until either Dominion takes action to the contrary, it is learnt, according to the recommendations of the Domicile Committee, as pending any constitutional changes, citizens of the two Dominions will continue to enjoy Commonwealth citizenship.

COMMON CURRENCY

The Currency Committee has, it is understood, agreed that there will be a common currency in India and Pakistan until September 30, 1948, and the Reserve Bank of India will function for both the Dominions. Subsequently during the next six months, currency overprinted with the words "Legal tender in Pakistan only" will be issued for the Pakistan Dominion and within this period it is hoped that the new issues will enable the withdrawal of Indian currency in the Pakistan area. During this period the Reserve Bank will deal separately with currency matters pertaining to the two Dominions. By October 1948 Pakistan, it is expected, will have its own currency and reserve bank.

Finally with regard to contracts, it is understood that the Committee on this subject has agreed that the two Dominions will safeguard all rights of the contractors, and the liability for contracts will be determined according to the place, consignee and benefits of the contract.

The main outstanding issue is the question of assets and liabilities, over which no agreement has yet been reached. Questions covered under this heading are, for example, sterling balances, military stores, and non-physical assets. While it is hoped that, as in other committees, agreement between the two Dominions will be reached without reference to the Arbitration Tribunal, of which the Chairman is Sir Patrick Spens, at present Chief Justice of the Supreme Court, who will take charge as Chairman of the Arbitration Tribunal on August 15.

GANDHIJI'S VISIT TO KASHMIR

ARRIVAL AT RAWALPINDI

RAWALPINDI, July 31. Mahatma Gandhi and party arrived here this evening on their way to Kashmir. He detoured at Chakrala Railway Station, four miles off Rawalpindi, to avoid crowds which had gathered at Rawalpindi Railway Station. This had been arranged by the Commissioner, Rawalpindi Division, in consultation with local authorities and Congress leaders.

On arrival here he had to wait for about fifteen minutes with Yogi Ram Nath Shastri, President of the District Congress Committee and other Congress workers. Mahatma Gandhi expressed wish to visit some of the riot-devastated villages if it was possible to-day. On being told that it was not possible to-day, he expressed his inability to alter his programme, but said that he might find some time to visit the Punjab again after his return from Kashmir.

Mahatma Gandhi gave instructions for the celebration of Independence Day in this area to Congress workers in relation to various questions. He said that they were still the citizens of both the Dominions and would remain so after August 15 as well. He advised the people not to migrate from their homes.

CROWD GREETED GANDHIJI AT LAHORE

LAHORE, July 31. Mahatma Gandhi passed through Lahore this morning on his way to Kashmir. In spite of Dr. Gopichand Bhargava's appeal to the people of Lahore not to crowd the railway station in view of the present disturbed conditions, a large number of persons, including women, were present at the platform to have a glimpse of Mahatma Gandhi. Among these present were Mr. Justice Ramlal, Chief Justice-designate of the Eastern Punjab High Court. Elaborate police arrangements had been made at the platform.

Addressing the gathering in Hindustani, Mahatma Gandhi said: "I am now too old. It is very difficult for me to get up from my seat and address you. If you want any message from me, I will very old message for you and that message is: 'Go back to your homes and take to spinning'."

A hostile demonstration is reported to have been staged at Amritsar railway station by some Hindu youths who carried placards with the inscription, "Go back Mahatma Gandhi"—A.P.I.

INSTRUMENT OF ACCESSION

MANY STATES MAY ACCEPT DRAFT

NEW DELHI, July 31. A large number of States are expected to accept the acceptance of the revised draft of the Instrument of Accession and the Standstill Agreement with the Indian Union to-morrow, it is reliably understood. These States will include Baroda, Gwalior, Mysore, Bikaner, Patiala and the Rajputana States.

By August 5, it is further learnt, that all Indian States which for geographic and economic reasons can accede to the Indian Union must indicate their reply, and it is expected that with the possible exception of Hyderabad, Bhopal and Indore all such States will accede. Of these three exceptions, it is considered likely that Indore will accede as the Indore State representative who in lieu of the Maharaja, who is sick, was present to-day at a Conference of Indian States representatives and representatives of the Government of India, did not raise any objections to the final draft of the Instrument of Accession or the Standstill Agreement.

To-morrow the Viceroy will hold a conference of Indian Rulers present in New Delhi and have an informal discussion with them regarding their accession to the Indian Union.

At this afternoon's Conference between representatives of the Indian States and the Government of India, it is understood that the revised drafts of the Instrument of Accession and the Standstill Agreement were discussed. These two documents have been amended to include suggestions made by the Indian States and no objections were raised to them at this afternoon's Conference. By the end of the day, it is stated, over 45 States' representatives numbering over 45

It is authoritatively learnt that no further change is likely to be made in these documents and they must be accepted in their present and final shape. In this connection, it is pointed out that only those Indian States that sign the Instrument of Accession can enter the Standstill Agreement with the Government of India. Those States that do not sign the Instrument of Accession will be faced with the problems arising out of the termination of agreements with the Government of India covering a wide field, including communications, defence, the protection of their nationals abroad, and vital economic matters, such as controls and supplies. So far as the Indian Union is concerned, it is stated, that the problems thus raised will not be of very great magnitude, as with the three possible exceptions indicated, all Indian States are acceding to the Indian Union.

The hope is, however, expressed that these problems will not arise at all and that no Indian State will stay out.

TEXT OF REVISED DRAFT

The following is the final draft of the Instrument of Accession approved at today's Conference:

"Instrument of accession of..... Whereas the Indian Independence Act, 1947, provides that as from the fifteenth day of August, 1947, there shall be set up an independent Dominion known as India, and that the Government of India Act, 1935, shall, with such omissions, additions, adaptations and modifications as the Governor-General may by order specify be applicable to the Dominion of India;

And whereas the Government of India Act, 1935, as so adapted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof; now, therefore, I, Ruler of....., in the exercise of my sovereignty and in over my said State do hereby execute this my Instrument of Accession and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this, my Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of..... (hereinafter referred to as "this State") such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India on the 15th day of August, 1947 (which Act as so in force is hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.

3. I accept the matters specified in the schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Ruler of this State whereby any functions in relation to the administration in this State of the Dominion Legislature shall be exercised by the Ruler of this State, then any such agreement shall be deemed to form part of his Instrument of Accession and shall have effect accordingly.

5. The terms of this, my Instrument of Accession, shall not be varied by any amendment of the Act or of the Indian Independence Act, unless such amendment is accepted by me by an instrument supplementary to this Instrument.

6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorising the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion, for the purposes of the Dominion law, which applies in this State, deem it necessary to acquire any land, I will at their request acquire the land at their expense or if the land belongs to me transfer it to them on such terms as may be agreed, or in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to commit me in any way to accede to the Dominion of India, or to enter into arrangements with the Government of India under any such future Constitution.

8. Nothing in this Instrument affects the continuance of my sovereignty in and over this State or, save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.

9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors.

Given under my hand this..... day of August, nineteen hundred and forty-seven.....

WAR RESISTERS' CONFERENCE

ANALYSIS OF INDIA'S FREEDOM FIGHT

GANDHIJI'S SUPPORT FOR A WORLD PACIFISTS' WEEK

BASLE, July 31. Mahatma Gandhi was reported here to-day to have played the War Resisters' Conference being held at Basle, Switzerland, to set apart a week in 1949 for a conference with Indian and other pacifists from all over the world. The Conference would be attended by about 60 representatives of pacifist organisations. The Conference here was addressed by the Indian delegate, Mr. Samar Sen, who said he believed that "the new era about to begin in Indo-British relations would be marked by a degree of co-operation and goodwill never witnessed before. This event is sure to go down in history as a classic example of how good action on one side is reciprocated by good action on the other."

In his report to the Conference, Mr. Samar Sen congratulated the Indian leaders on their recognition of the right of any section to secession if it so desired.

The agreement on the part of the Indian leaders on this vital issue is more important than the fact of the War Resisters' Conference, Mr. Samar Sen said. "After all, we must not forget that in the United States and in Ireland they had to fight bitter civil wars to decide the issue of partition."

There had been ugly happenings in India recently—riots and hooliganism of the kind that the War Resisters' Conference had to overlook that India had recently to go through a war which militarised her people as never before in history.

"You cannot raise the Frankenstein of militarism to do your jobs and then expect that it will quietly go to sleep again. The simple village folk from the war districts in India have become a changed man. He has become conscious of his own power and his ambition has been aroused. The war has inflamed the spirit of violence and we are now paying the price for it."

ENNOBING INFLUENCE OF NON-VIOLENCE

The speaker said the manner in which India had earned her freedom was more important than her getting it. "Never in the history of the world has a transfer of political power been made so peacefully and with so much goodwill. This is largely because for the last 25 years a great political party in India led by a great leader eschewed violence and decided to give the method of non-violence as a tool as political weapon to achieve purely political ends. Non-violent action on the part of the Indian National Congress has at last induced the British Government to seek the path of co-operation instead of war and that has enabled both the contending parties by mutual reaction."

The speaker then decided to issue a statement calling for universal abolition of conscription, and also to circulate to each of its sections a memorandum of advice on "Alternative service."

I do hereby accept this Instrument of Accession dated this..... day of August nineteen hundred and forty-seven. (Governor-General of India).

SCHEDULE

The schedule attached to the Instrument of Accession, which describes matters with respect to which the Dominion Legislature may make laws for an acceding State are:

A. DEFENCE:

1. The naval, military and air forces of the Dominion and any other armed force raised or maintained by the Dominion; any armed forces, including forces raised or maintained by an acceding State, which are attached to, or under the command of, the armed forces of the Dominion.

2. Naval, military and air force works, administration of Cantonment areas.

3. Arms; firearms; ammunition.

B. EXTERNAL AFFAIRS:

1. External affairs; the implementing of treaties and agreements with other countries; extradition, including the extradition of persons accused of offences against the laws of His Majesty's Dominions outside India.

2. Admission into, and emigration and expulsion from, India, including in relation thereto the regulation of the movement of Indians of persons who are not British subjects domiciled in India, or subjects of any acceding State; pilgrimages to places beyond India.

C. COMMUNICATIONS:

1. Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication.

2. Federal railways; the regulation of all railways other than minor railways with respect to rates, maximum and minimum rates and fares, station and service terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers; the regulation of minor railways in respect of safety and the responsibility of the administrations of such railways as carriers of goods and passengers.

3. Maritime shipping and navigation, including shipping and navigation on tidal waters; admiralty jurisdiction.

4. Port quarantine.

5. Major ports, that is to say, the declaration of the delimitation of such ports, and the installation and powers of port authorities therein.

6. Aircraft and air navigation; the provision of aerodromes; regulation and organisation of air traffic and of aerodromes.

7. Lighthouses including lightships, beacons and other provisions for the safety of shipping and aircraft.

8. Carriage of passengers and goods by sea or by air.

9. Extension of the powers and jurisdiction of members of the police force belonging to any unit to railway area outside that unit.

D. ANCILLARY:

1. Elections to the Dominion Legislature in accordance with the provisions of the Act and of any order made thereunder.

2. Offences against laws with respect to the affairs of the Dominion.

3. Inquiries and statistics for the purposes of any of the aforesaid matters.

4. Jurisdiction and powers of all courts with respect to any of the aforesaid matters but, except with the consent of the Ruler of the acceding State, not so as to confer any jurisdiction or powers upon any courts other than courts ordinarily exercising jurisdiction in or in relation to that State.

NO DECISION TO ACCEDE YET

HYDERABAD MINISTER'S STATEMENT

NEW DELHI, July 31. Nawab Ali Yavar Jung, Minister, Constitutional Affairs, Hyderabad and Member of the Hyderabad Delegation, in a statement said: "The attention of the Hyderabad Delegation has been drawn to-day that Hyderabad has decided to accede to the Dominion of India. The decision has been taken and, in fact, the Hyderabad Delegation has made it clear to the authorities concerned that Hyderabad does not contemplate joining either Dominion.—A.P.I."

UNION CONSTITUENT ASSEMBLY

DISCUSSION ON POWER OF PRESIDENT TO GRANT PARDON

SESSION ADJOURNED TO AUGUST 14

The Constituent Assembly continued discussion on the Federal Constitution and an interesting debate took place on the power of President to grant pardon in respect of offences against the Federal Law and for all offences tried by Court-Martial. This clause was passed with another amendment vesting in the President such powers of pardon as are vested in the Governor of a Province.

The Assembly adjourned to meet again at midnight of August 14-15.

DETAILS OF PROCEEDINGS

NEW DELHI, July 31. The Constituent Assembly adjourned to-day and will meet again at midnight, August 14-15.

Dr. Rajendra Prasad announcing this said that it had been decided that the House should meet at midnight, at the hour when India will assume full powers under the Indian Independence Act.

The Assembly to-day agreed to Sir N. Gopalaswami Iyengar's amendment vesting in the President power to grant pardon in respect of offences against the Federal Law. The House also accepted Mr. Ananthasayanam Iyengar's amendment giving the President such powers of pardon in respect of death sentences as are vested in the Governor of a Province.

Sir B. L. Mitter, who had moved an amendment on behalf of States seeking to limit the President's jurisdiction in the United States and in Ireland they had to fight bitter civil wars to decide the issue of partition."

Provinces, stated, after a lengthy discussion, that he would not press his motion.

The clause as it originally stood read: "The right of pardon and the power to commute or to remit punishment imposed by any court exercising criminal jurisdiction shall be vested in the President, but such power of commutation or remission may also be conferred by law on other authorities."

For this clause, Sir N. Gopalaswami Iyengar's amendment substitutes the following: "The power to grant pardons, reprieves, respites, remissions, suspensions or commutations of punishment imposed by any court exercising criminal jurisdiction shall be vested in the President in the case of convictions: (1) for offences against Federal laws relating to matters in respect of which the Federal Parliament has, and the unit legislature concerned has not, the power to make laws; and (2) for all offences tried by courts-martial. Such power may also be conferred on other authorities by Federal law; provided that nothing in this sub-clause affects any power of any officer of the armed forces of the Federation to suspend, remit or commute a sentence passed by a court-martial."

Speaking on his amendment, Sir B. L. Mitter said: "If this amendment is accepted, the power of the President will be exercised in matters arising in a province and not in a State but I quite see the point that with regard to offences committed by the provinces, the President should be the supreme authority. At the same time, the States do not want the existing powers of the rulers to be curtailed. The necessary consequence of that will be concurrent jurisdiction in the ruler as well as the President. I am quite willing to accept an amendment preserving the power of the ruler or State giving the same power to the President."

SIR N. G. IYENGAR'S REPLY TO CRITICISM

Sir N. Gopalaswami Iyengar said that the clause as it stood conferred the entire power of pardon on the President, though Federal law might confer it on other authorities. Under his amendment, the President would have power to grant pardon only in respect of Federal laws. The power to pardon offences against the ordinary criminal law and against laws made by the provinces or States would vest in the ruler of the province or State. In tabling his amendment, he took note of what he apprehended was a certain sensitiveness and delicacy on the part of the rulers who might not be willing to part with any portion of the powers which they now exercised and the further sensitiveness that if a concurrent power was vested in any outside authority, it would mean a certain amount of clash and conflict between the way in which the ruler of a State might choose to exercise those powers and the manner in which the President of the Federation might exercise them. "So I was impressed by the fact that if possible, the opportunity for this conflict should be avoided and that is why I have in this amendment divided offences into two different categories—one in respect of which the President alone will have the power to grant pardon, that is, with regard to offences against Federal laws, and another category in which the ruler of a State or the Governor of a Province will exercise this power. I wish the House to understand that if this means a curtailment of the powers of pardon possessed by the ruler of a State, it also means a curtailment of the powers of pardon possessed by the provincial Governor now possessing the entire criminal jurisdiction. The amendment, therefore, seeks to place both the Provinces and the States on the same footing as regards this matter." It was only right and proper that personnel of the Indian Army which was under the control of the Centre should look to the President of the Federation for pardon, not to the ruler of a State or the Governor of a Province.

Mr. Ananthasayanam Iyengar, speaking on his amendment giving the same powers of pardon to the President as are vested in the Governor