

INDIA'S FUTURE CONSTITUTION

THE suggestions made by the Sapru Committee in regard to the broad outlines of the future Constitution and the machinery that should be set up to frame it have been described by a British newspaper "as being altogether too precise and far-reaching for the purpose which the Committee had in view." Such critics should remember that if the Committee had done less its recommendations might have been equally glibly condemned by others as vague and woolly. As it happens, the Committee has left large areas of constitutional debate altogether untouched. Thus, it says nothing about the future Constitution in the Provinces. Again, the Central Government it envisages in the immediate future, will come into existence even if not one Indian State accedes to the Union, though the Constitution will make provision for the accession from time to time of Indian States as units "on such terms as may be agreed upon. The proposals for the Centre outlined by the Committee are thus confined to British India, except in regard to such matters—the choice of 'the Head of the State' and the appointment of a Minister for Indian States, for instance—as are bound up with the proposal that Paramountcy shall be vested in the Union. As the Committee itself points out, "When the Indian States decide to come into the Union, it is obvious that arrangements will have to be made in consultation with them for necessary adjustments and additions". The Committee's proposals are not only clearly defined in scope; they are put forward merely as a basis for agreement as to the best form of Constitution for a free and united India. "The recommendations do not constitute a full blue-print for the future Constitution", says the Committee. "They merely indicate the outlines which the Committee feels would suit the conditions in India. They are essentially suggestions made for the consideration of the country at large." It would of course be open to the various communities and parties to reach an agreement on any other basis.

So far as the Committee is concerned, the one condition which it regards as fundamental and over-riding every other consideration is the need for maintaining the political and constitutional unity of India intact. It is worthy of note that the Committee's verdict against Pakistan is unanimous but for a solitary dissenting vote. The members of the Committee are men of considerable experience in public affairs and the art of Government as practised under the most diverse conditions; they are men of great sagacity as well as true patriots. They are not likely to be misled either by vapoury sentiment or by visionary gleams. If they, after the fullest consideration, have come to the definite conclusion that any division of India is bound to cause grave and irreparable injury to all her people, to the Muslims and the other minorities as well as the Hindus, we may be sure that that will be the verdict of any impartial body of outsiders who are competent and instructed enough to give an opinion on such a question. If the Committee has come to the conclusion that the Constitution-making body, the composition and method of election whereof it has outlined, should proceed to its work on the basis of this postulate of a united India, it should be realised that in this it has merely followed the example of the British Government which gave an equally definite direction to the constitutional proposals contained in the Cripps offer by straightway giving the Provinces the right of non-accession, instead of leaving this question to be decided by the Constitution-making body.

If the Sapru Committee's postulate of a United India is accepted, it will be agreed that the Committee has taken every conceivable precaution for removing from the minds of the minority communities any fears they might legitimately entertain that the setting up of a Parliamentary Government on the British model would result in placing them under the tyrannical rule of a perpetual majority or at least might deprive them of their due share of power and influence in the State and imperil their religious

and cultural rights. The most important of these safeguards is the provision that, if the minorities agree to joint electorates, the Muslims shall have parity of representation with the Caste Hindus not only in the Constitution-making body (which is far more than what the Cripps offer contemplated) but also in the Central Executive and the Central Legislature; that the Scheduled Castes and the Sikhs shall have substantially greater representation in the Legislature than they have now; and that the Central Executive shall be a composite Executive in which the Scheduled Castes, Sikhs, Indian Christians and Anglo-Indians shall also, have representation, more or less in proportion to their strength in the Legislature. The Sapru Committee's aversion to communal electorates is understandable; this thoroughly anti-democratic device, which was first introduced in the Minto-Morley reforms, has been very largely responsible for the growth of separatism. The Committee's desire to promote national unity reflects the yearning of every patriotic Indian; and if the Muslims can be persuaded to agree to joint electorates it seems to us the Hindu majority will not grudge to give them an equal share of power, desire for which has been the main motive force behind the agitation for Pakistan. But if the Muslims do not voluntarily agree to give up separate electorates as harmful to the national cause it might be better to tolerate it as an evil necessity than give extreme separatists an opportunity to work upon the feelings of the Muslim masses by misrepresenting the proposal for general electorates as an insidious attempt to sabotage a valuable minority safeguard.

That apart, even if general electorates could be restored on the terms proposed by the Committee, it may well prove too heavy a price to pay—the violation of a fundamental democratic principle involved in the Committee's proposal to give the Muslims parity of representation with the Caste Hindus not only in the Central Executive but also in the Central Assembly. To give the Muslims twice as many seats relatively to their population strength as the Hindus would have, would not merely help to aggravate the inflamed communal consciousness which it is intended to soothe. It would make the Central Assembly altogether unrepresentative of public opinion in the country. Now, under any democratic Constitution, it is universally agreed that there must be at least one representative body at the highest level whose composition should reflect the relative strength of the different communities, classes and interests fairly and accurately, since only so could the Government be enabled to keep in constant touch with authoritative public opinion and the Legislature in its turn would be able adequately to discharge its very important function as a forum for the ventilation of public grievances. A Lower House thus constituted is not necessarily incompatible with a composite Executive such as the Sapru Committee proposes, in which parity of power for the two principal communities is sought to be assured by parity of representation. According to one of the alternative suggestions for the composition of the Executive favoured by the Sapru Committee itself, the Cabinet, following the Swiss practice, will be elected by both Houses of Legislature by the system of the single transferable vote and will hold office for the duration of the Legislature. If a convention be established that a casual defeat in the Legislature shall not automatically involve resignation of office by the Ministers, there would be little risk of grave and sudden dislocation, while the system would encourage the growth of a healthy Opposition and the habit of joint action between the different groups in the Legislature on lines that cut athwart communal divisions. The Ministers would also have an inducement to keep on friendly terms with the Legislature; an inducement which would be not less strong than that which in the United States, for instance, operates to promote a working understanding between the President and Congress. Be that as it may, the Sapru Committee does not deprecate but on the contrary welcomes positive suggestions which may be made in regard to this as well as its other proposals and on which there may be more common agreement. What is important is that the earnestness, the good will and the very genuine desire to allay minority fears revealed in such proposals of the Committee as those relating to fundamental rights and the setting up of Minority Commissions should be recognised by all sections of opinion in the country. It is our sincere hope that the excellent example set by the Committee will inspire among all parties and interests an active will to co-operate with one another to produce an agreed settlement which would deprive Britain of the last excuse for refusing to part with power.