

INDIA'S FUTURE CONSTITUTION

COMPOSITE CABINET FOR CENTRE

SAPRU COMMITTEE'S SUGGESTIONS

COUNTRY'S UNITY MUST BE PRESERVED

(FROM OUR CORRESPONDENT.)

NEW DELHI, April 8.

The Conciliation Committee which met here under the presidency of Sir Tej Bahadur Sapru have concluded their final session and have passed unanimously fifteen resolutions which together give a picture of what they think should form the broad basis of the future Constitution of India.

The Committee have presented this picture more with a view that it should form the basis for discussion by men of goodwill belonging to various political groups in this country as well as Great Britain and by His Majesty's Government, each of whom will have some say in the shaping of the future Constitution than with a view to laying down unalterable principles and details. Since the Committee's resolutions represent the largest measure of agreement between different interests represented among the membership of the Committee, they naturally hope their resolutions will commend themselves to a large measure of public sympathy.

Two resolutions of the Committee, namely, one suggesting certain immediate steps to be taken by His Majesty's Government to resolve the deadlock and suggesting certain amendments to the Government of India Act of 1935 to enable an Indian National Government to function in the Centre for the interim period and another demanding that the British recruitment to the Secretary of State's services be forthwith stopped, have already appeared in the Press after they have been cabled to Lord Wavell and Mr. Amery respectively.

FUNDAMENTAL RIGHTS

Among the important aspects of the future Constitution Act dealt with in the rest of the resolutions are questions of the Fundamental Rights of citizens in the future Indian Union, protection of the rights of minorities, the basis and proportion of representation of people in the Central Legislature, the constitution and composition of the Central and the Provincial Executive authorities, the indivisibility of British India, provision for accession of Indian States to the Union, adumbration of the principle of non-secession once accession had been effected, division of power and functions between the Centre and Provincial Units, the suggestion that elections should be by joint electorates with proportional communal representation, recruitments to judiciary and administration, safeguards for provincial liability and constitution and composition of the armed services of the Union.

The Fundamental Rights guaranteed are liberties of the individual, freedom of the Press and association, equal rights to all citizens, and religious freedom and protection of language and culture. It is understood that the Committee have suggested that the Executive of the Union should be a Composite Cabinet in which Caste-Hindus, Muslims, Scheduled Castes, Sikhs, Indian Christians, Anglo-Indians and Parsis should be represented so as to reflect their strength in the Legislature, the Cabinet owing collective responsibility to the Legislature and headed by a leader of that party which by itself or in combination with others commands a stable majority. As an alternative, the Committee have suggested that the Composite Cabinet shall be elected by the Central Legislature in joint session by the system of single transferable vote, the number of Ministers so elected reflecting the community-war proportion and the communal strength represented in the Legislature, and Ministers so elected electing the Prime Minister and Deputy Prime Minister.

ACCESSION OF STATES

After categorically stating that the political unity of the present British Indian territory should be maintained, the Committee express the view that the establishment of the Union should not be made contingent on the accession of any Indian State or minimum number of States. Provision is made for the accession in future of Indian States but no State, which has once acceded, can secede. The Union of the Legislature is to be bi-cameral, the Lower House having one representative roughly to one million population of the Union. Ten per cent of the strength of the Legislature, has been reserved for special interests like women, labour, land-holders, commerce and industry. For the Union Assembly, adult franchise has been recommended with direct election, while for the Council of State the question has been left for the constitution-making body. In the interests of national unity, the Committee have suggested, it is understood, parity representation for Caste-Hindus and Muslims in the Union Legislature, provided the principle of joint electorates is accepted; otherwise the Caste-Hindus should be left free to claim revision of the Communal Award. It is urged that the realignment of provincial boundaries should not delay the inauguration of the new Constitution as the machinery for its consideration can be provided for in the new Constitution.

DIVISION OF FUNCTIONS

Regarding the division of functions and power between the Centre and the Units, the Committee suggest that the Centre should control foreign affairs, defence, relation with Indian States, inter-Unit communications, customs, commerce and currency. The settlement of inter-Unit disputes and matters affecting political and economic integrity of the Units should also be controlled by the Centre. All other questions should be reserved for control by the Units. There shall be free trade between the Units.

The sanctity of the Constitution has been safeguarded by a provision that a three-fourth's majority of votes will be required both at the Centre and in the Provincial Legislatures before changes can be made. The strength of the constitution-making body has been suggested as 180, 51 seats going to Caste-Hindus, 51 to Muslims, 20 to Scheduled Castes, 8 to Sikhs, 7 to Indian Christians, 3 to backward tribes, 2 to Anglo-Indians, 1 to Europeans 1 to others and 16 to special interests.

In the final resolution, the Committee recommend to all communities and parties to accept their suggestions and ask the majority parties in Section 93 Provinces to assume constitutional responsibility. In the event that these proposals prove unacceptable or agreement is not reached on any other basis, the Committee suggest that His Majesty's Government should set up an interim Government in India and proceed to establish the machinery for drafting a new Constitution generally on the basis of the principles underlying these proposals, enact it in Parliament and put it into operation at the earliest possible date.

DETAILS OF PROPOSALS

The Associated Press adds:

The Sapru Committee's proposals, issued to-day, for the future Constitution of India proceed on the basis of parity between Hindus other than Scheduled Castes on the one hand and Muslims on the other in the constitution-making body, the future Central Legislature and in the Executive, the over-riding condition being that the unity of India and joint electorates are accepted.

The Committee has emphatically declared itself against Pakistan. Mr. N. M. Joshi dissents from this declaration, as also from the corollary that no Province may elect not to accede to the future Indian Union or secede therefrom.

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INDIA'S FUTURE CONSTITUTION

(Continued from page 1)

The Committee envisages the transfer of paramountcy to the Union and recommends the appointment of a Minister in charge of functions in relation to Indian States, with whom a body of three Indian States Advisers is to be associated.

A declaration of Fundamental Rights, the setting up of a Minorities Commission and special proposals for minorities in the Punjab are included in the Committee's recommendations.

These proposals are in addition to those already published for the interim period.

The Committee says that it would have preferred that the recommendations appeared simultaneously with the report giving their full implications and setting out in detail the reasons which led the Committee to adopt them, but it may take some time for the report to be prepared and published. In the meanwhile, the Committee states, there is the risk of the publication of inaccurate forecasts and garbled versions. The Committee has therefore, unanimously decided to release at once the text of its recommendations. It, however, would request the public to suspend their final judgment in regard to any of the recommendations until they have seen the report. "It is needless to say that the recommendations do not constitute a full blue print for the future Constitution. They merely indicate the outlines which the Committee feels would suit the conditions in India. They are essentially suggestions made for the Constitution of the country at large."

"These proposals are confined to British India only. When the Indian States decide to come into the Union, as the Committee hopes they will, it is obvious that arrangements will have to be made in consultation with them for necessary adjustments and additions."

The recommendations of the Sub-Committees on Scheduled Castes and Aboriginal Tribes and on Minorities adopted by the Committee will soon be published separately.

CONSTITUTION-MAKING BODY

The constitution-making body shall be constituted in the manner prescribed in Clause 'D' of the Draft Resolution of His Majesty's Government brought by Sir Stafford Cripps, subject to the following modifications: (1) The total strength of the body shall be 160 distributed as follows: Special interest, viz., Commerce and Industry, Land-holders, Universities, Labour and Women, 16; Hindus, excluding Scheduled Castes, 51; Muslims 51; Scheduled Castes 20; Indian Christians 7; Sikhs 8; Backward Areas and Tribes 3; Anglo-Indians 2; Europeans 1 and others 1.

(2) It is because Clause 'D' of H. M. G.'s Declaration provides for election by a joint electorate composed of members of all the Provincial Legislatures under the system of Proportional Representation that the Committee has decided to recommend that, in spite of the disparity in the population strengths between Muslims and Hindus other than Scheduled Castes the Hindu community should, in the interests of promoting communal unity, agree that the representation of the Muslim community on the constitution-making body shall be on a par with that given to Hindus other than Scheduled Castes.

(3) No decision shall be valid unless it is supported by 75 per cent of the members present and voting.

(4) His Majesty's Government shall enact the Constitution on the basis of the valid decisions of the constitution-making body, supplemented wherever necessary by its own awards on matters in which the requisite majority for decision was not forthcoming.

DIVISION OF INDIA

The Committee having considered carefully the resolution of the Muslim League passed at Lahore in 1946, the various other resolutions of the League and the published version of the talks between Mr. Jinnah and Mahatma Gandhi, and having also considered the C. R. and Gandhi proposals, is emphatically of opinion that any division of India into two or more separate independent sovereign States is unjustified and will endanger the peace and orderly progress of the whole country without any compensating advantage to any community, and that the political unity of India should, therefore, be maintained.

INDIAN STATES

Provisions should be made in the Constitution for the accession from time to time of Indian States as units of the Union on such terms as may be agreed upon. The establishment of the Union should not,

however, be made contingent on the accession of any Indian State or of any minimum number of Indian States. The Union should be brought into being and should commence to function at the earliest possible date, even if no Indian State has acceded to it as a unit by then.

NON-ACCESSION AND SECESSION

No Province of British India may elect not to accede to the Union, nor may any unit—whether a Province or a State which has acceded—be entitled to secede therefrom.

PROVINCIAL BOUNDARIES

While it is not desirable that the new Constitution should be delayed by the re-alignment of provincial boundaries on linguistic or cultural considerations, the Constitution Act shall indicate the machinery and prescribe the procedure for such re-alignment of old Provinces and for the creation of new Provinces after it has come into force, and on such re-alignment or creation of Provinces, all consequential amendments may be made in the Constitution.

The Committee submits the accompanying suggestions for the consideration of the constitution-making body. They have been placed before the Committee by one of its members who has great experience of the administration of Indian States and of the working of the Government of India Act (1935) in relation to them. As the Indian States are not represented on this Committee and as the suggestions are of a very vital and far-reaching character, the Committee has thought it desirable to express no opinion on the merits of the several alternatives suggested, beyond stating that a clear definition of "a Head of the State" is necessary, as the several resolutions adopted by the Committee assume the existence of a Head of the State and the exercise by him of certain powers and functions. The member responsible for these suggestions agrees that they or any variant of them, involving the participation of the Indian States, cannot be finally adopted except with the consent of the Indian States.

(1) There shall be a Head of the State (i.e., Union in India) who shall be the repository of (a) all such powers and duties as may be conferred or imposed on him by or under the Constitution Act, and (b) such other powers as are now vested in His Majesty the King of England, including powers connected with the exercise of the functions of the Crown in its relations with Indian States, provided that, in relation to his powers, the Head of the State shall conform to the traditions, usages and conventions, which are binding on the constitutional head of any State.

(2) The office of Head of the State shall have a tenure of five years, and ordinarily no person may hold the office for more than one term.

FIRST ALTERNATIVE

The Head of the State shall be elected by an Electoral College composed of the members of the two Houses of the Union Legislature, either without any restriction as to their choice, or subject to their choice being confined to the Rulers of Indian States, having a minimum population or revenue or both, to be named in a schedule of the Constitution Act.

SECOND ALTERNATIVE

(3) The Head of the State shall be elected by the Rulers of the Indian States referred to above from amongst themselves.

THIRD ALTERNATIVE

The Head of the State shall be appointed by His Majesty the King of England, on the advice of the Union Cabinet, either without any restriction as to his choice, or subject to his choice being confined to the Rulers of the Indian States referred to above.

(4) In case the third alternative in Para 3 is adopted and a link with the British Crown is maintained, the Secretary of State for India, together with all the control that he or the British Cabinet exercises over Indian Administration should, in any case, be abolished.

(5) The Head of a Unit, other than an Indian State, shall be appointed by the Head of the State on the advice of the Union Cabinet.

UNION LEGISLATURE

(A) The Union Legislature shall consist of the Head of the State and two Chambers—the Union Assembly and the Council of State.

(B) The strength of the Union Assembly shall be so fixed that there shall be on the average one member for every million of the population.

(C) Ten per cent of the total strength shall be reserved for the representation of the following special interests: Landholders; Commerce and Industry; Labour; Women.

(D) The remaining seats shall be distributed among the following communities: (1) Hindus, other than Scheduled Castes; (2) Muslims; (3) Sikhs; (4) Indian Christians; (5) Anglo-Indians; (6) Other communities.

(E) (1) In case the Muslim community on their part agrees to the substitution throughout of joint electorates with reservation of seats for separate communal electorates and in that case only this Committee would recommend that, in the interests of promoting national unity, the Hindu community should agree that in the strength of the Central Assembly, excluding the seats allotted to special interests, such as Commerce and Industry, Landholders, Labour, etc., Muslim representation from British India shall be on a par with the representation given to the Hindus (other than Scheduled Castes) in spite of the great disparity in their respective population strengths.

The Committee desires to emphasize its view that if this recommendation is not to be implemented in its entirety, the Hindu community should be at liberty not merely not to agree to the claim for parity of representation but to ask for a revision of the Communal Award.

(11) The Committee considers that the representation given to the Sikhs and Scheduled Castes in the Government of India Act is manifestly inadequate and unjust, and should be substantially raised. The quantum of increased representation to be given to them should be left to the constitution-making body.

(F) For the Union Assembly there shall be adult franchise, for seats other than those reserved for special interests.

(G) For the special interests, there shall be special constituencies. There shall be direct election to the Union Assembly. As for election to the Council of State, the question shall be decided by the constitution-making body.

DISTRIBUTION OF POWER

Lists of the matters, in respect of which the power of making laws for peace, order and good government and the functions pertaining to the administration of those laws shall fall within the spheres respectively of the Centre and the Units, shall be embodied in the Constitution Act. The detailed drawing up of these lists should be left to the constitution-making body. The Committee, however, would recommend that the following principles, among others, should guide the constitution-making body in the distribution of powers and functions between the Centre and the Units:

(A) The powers and functions assigned to the Centre should be as small in number as possible, provided that they shall, in any case, include (i) matters of common interest to India, as a whole, such as Foreign Affairs, Defence, Relations with Indian States, Inter-unit Communications, Commerce, Customs, Currency, Posts and Telegraphs; (ii) settlement of inter-unit disputes; (iii) co-ordination, where necessary, of the legislation and administration of different Units; and (iv) such other matters or action as may be required for ensuring the safety and tranquillity of India or any part thereof, or for the maintenance of the political integrity and economic unity of India or for dealing with any emergencies.

(B) While all matters not assigned to the Centre exclusively or concurrently must be shared to fall within the sphere of the Units, a list of these should, for greater certainty, be given in the Constitution Act with the rider that all residuary powers—those not included in either of the two lists—shall vest in the Units.

(C) All Customs barriers between one Unit and another shall be abolished, and there shall be free trade within the Union, provided that, where the abolition of existing Customs barriers affects prejudicially the finances of a Unit, it shall be entitled to adequate compensation out of the revenues of the Union.

UNION EXECUTIVE

(A) Subject to the provisions of Clause (B), the Executive of the Union shall be a Composite Cabinet in the sense that the following communities shall be represented on it viz., (i) Hindus, other than Scheduled Castes; (ii) Muslims; (iii) Scheduled Castes; (iv) Sikhs; (v) Indian Christians; (vi) Anglo-Indians.

(B) The representation of these communities in the Executive shall be, as far as possible, a reflection of their strength in the Legislature.

(C) The Cabinet shall be deemed to be duly constituted notwithstanding the absence from it temporarily of representatives of any of the communities mentioned in Clause (A), where on account of a whole community refusing to join or

remain in a Cabinet, that community goes without representation therein, the vacancies may pending the availability of members of that community be filled by appointment of members of other communities and the Cabinet commence or continue to function, provided it commands a majority in the Legislature.

(D) The Cabinet shall be collectively responsible to the Legislature.

(E) The Cabinet shall be led, guided and held together by a Prime Minister, who shall ordinarily be the leader of a party which by itself or in combination with other parties, is able to command a stable majority in the Legislature. A convention should be created that the offices of the Prime Minister and the Deputy Prime Minister should not be monopolised by any one community.

(F) The other members of the Cabinet shall be appointed on the advice of the Prime Minister.

(G) One of these Ministers shall be designated Deputy Prime Minister and it shall be a standing rule that the Deputy Prime Minister shall not belong to the same community as the Prime Minister.

ALTERNATIVE

(A) Subject to the provisions of Clause (B), the Executive of the Union shall be a Composite Cabinet in the sense that the following communities shall be represented on it, viz., (i) Hindus, other than Scheduled Castes; (ii) Muslims; (iii) Scheduled Castes; (iv) Sikhs; (v) Indian Christians; (vi) Anglo-Indians.

(B) The representation of these communities in the Executive shall be, as far as possible, a reflection of their strength in the Legislature.

(C) The Cabinet shall be deemed to be duly constituted notwithstanding the absence from it temporarily of representatives of any of the communities mentioned in Clause (A), where on account of a whole community going without representation thereon, the vacancies may, pending the availability of members of that community, be filled by appointment of members of other communities and the Cabinet commence or continue to function, provided it commands a majority in the Legislature.

(D) The Cabinet shall be elected by the Central Legislature in a joint session by the system of the single transferable vote. The elected Ministers shall hold office for the duration of the Legislature. The Legislature shall elect from among the Ministers a President and a Deputy President, who shall not both belong to the same community.

MINISTER FOR INDIAN STATES

There shall be a Minister in charge of the functions in relation to Indian States and with him shall be associated a body of persons not less than three and not more than five in number, who shall be called Indian States' Advisers and who shall be chosen in the manner agreed upon with the Indian States. The Minister shall consult the Indian State Advisers on all important matters and shall obtain their concurrence in respect of certain matters to be specified in the Constitution Act.

JUDICIARY

(1) There shall be a Supreme Court for the Union and a High Court in each of the Units.

(2) The strength of Judges in each of these courts at the inception of the Union as well as the salaries to be paid to them shall be fixed in the Constitution Act and no modification in either shall be made except on the recommendation of the High Court, the Government concerned and the Supreme Court, and with the sanction of the Head of the State (a Governor-General or President as the case may be), provided, however, that the salary of no Judge shall be varied to his disadvantage during his term of office.

(3) (a) The Chief Justice of India shall be appointed by the Head of the State and the other Judges of the Supreme Court shall be appointed by the Head of the State, in consultation with the Chief Justice of India. (b) The Chief Justice of a High Court shall be appointed by the Head of the State in consultation with the Head of the Unit and the Chief Justice of India. (c) Other Judges of a High Court shall be appointed by the Head of the State, in consultation with the Head of the Unit, the Chief Justice of the High Court concerned and the Chief Justice of India.

(4) A Judge of a High Court or a Supreme Court shall be appointed for life, subject to an age-limit prescribed by the Constitution Act, but he may by resignation addressed to the Head of the State resign his office.

(5) A Judge of the High Court may be removed from office by the Head of the State on the ground of misbehaviour or of infirmity of mind or body, if on reference being made to it by the Head of the State, the Supreme Court reports that the Judge ought on any such grounds to be removed.

(6) A Judge of the Supreme Court may be removed from office by the Head of the State on the ground of misbehaviour or of infirmity of mind or body, if on reference, being made to it by the Head of the State, a Special Tribunal appointed for the purpose by him reports that the Judge ought on any such grounds to be removed.

(7) As regards other matters connected with the appointment and function of the Judiciary, the provisions embodied in Part IX of the Government of India Act of 1935 seem suitable with such modifications as may be required for being fitted into the framework of the new Constitution.

DEFENCE

The Committee strongly recommends that under the new Constitution there should be a Portfolio of Defence, which should be held by a Minister responsible to the Legislature and that the actual control and discipline of the Army should be placed in the hands of a Commander-in-Chief under the new Government.

The Committee further recommends that a National Army should be created and developed as rapidly as possible. It is unable to suggest at this stage what the strength of this Army should be as this will depend, apart from the vital question of finance on a number of other factors, such as the nature of the post-war world, settlement and the efficacy of the international organisation for the maintenance of world peace. Among the measures which should be adopted for the creation of such an Army, the Committee recommends the following:

(1) (a) Such British Units as temporarily may be required for the efficient defence of India and such officers as may be needed for officering the National Army until an adequate number of Indian Officers becomes available, shall be obtained by a treaty or agreement entered into by the Union Government and His Majesty's Government, specifying, among other things, the terms and conditions of their re-employment by the Union. (b) As soon as the war is over, all direct recruitment of British officers to the Indian Forces should cease. Such British officers as do not belong to the Indian Army and are not required for specific appointments should be reverted to the British Army establishment.

(2) An institution should be established for the training in sufficient numbers of officers of all the three arms—air, land and sea—and all defects existing in the present system which prevent rapid Indianization or the creation of Indian Officers capable of assuming leadership should be forthwith removed.

(3) If it is found that the present educational system does not produce a sufficient number of young men suitable in every respect for a military career, steps should be taken at once to remove this defect.

(4) The University Officers' Training Corps should be established where they do not exist and largely expanded and measures taken not only for ensuring supply of officers to fill vacancies in peace-time but for the rapid expansion of the cadre in the event of a military threat to India. Such measures should aim at creating a reserve of young men with service training, who can be rapidly absorbed as officers when expansion takes place.

(5) The Committee would emphasise that the maintenance of law and order is essentially the responsibility of the Unit Governments and that they should, if necessary, by increasing the strength of their police forces, equip themselves adequately for the discharge of this responsibility. The Committee would, however, make it clear that the services of troops on the Union Army establishment should be available for being requisitioned only when the civil power finds itself unable to cope with any particular situation.

The Committee further recommends that a balance should be maintained between the respective arms and that special attention should be paid to navy and air force, mechanized units and such other branches as may from time to time be developed.

The Committee recommends that steps should be taken even before the coming into being of the new Constitution to adopt and give effect to the measures as far as practicable.

REPRESENTATION IN PUBLIC SERVICES

(3) The orders now in force at the Centre regarding the representation of the communities in public services may continue in operation till the Union Government under the new Constitution comes into being. The Committee, however, recommends that the 21.3 per cent of the seats

now allotted to the Sikhs, the Indian Christians, and the Anglo-Indians and Parsis may be split up between the Sikhs, the Indian Christians and the Anglo-Indians and Parsis in the proportion of 31 per cent for Sikhs, 3 per cent for Indian Christians, and 15.6 per cent for Anglo-Indians and Parsis. The special provisions relating to Anglo-Indians in certain services under Section 242 of the Government of India Act of 1935 are not to be affected by this recommendation.

PUBLIC SERVICES COMMISSION

The Chairman and members of the Union Public Services Commission shall be appointed by the Head of the State, in consultation with the Prime Minister. The Chairman and members of the Public Services Commission of Units shall be appointed by the Head of the Unit, in consultation with the Prime Minister of the Unit.

FUNDAMENTAL RIGHTS

A comprehensive declaration of Fundamental Rights should be incorporated in the future Constitution of India assuring (a) the liberties of the individual; (b) the freedom of the Press and association; (c) equality of rights of citizenship of all nationals, irrespective of birth, religion, colour, caste or creed; (d) full religious toleration, including non-interference in religious beliefs, practices and institutions; and (e) protection to language and culture of all communities. It should further contain specific declarations on the lines indicated in the reports of the Scheduled Castes and Minority Sub-Committees, for the complete abolition of disabilities imposed by tradition and custom on the Scheduled Castes and the safeguarding of special religious customs like wearing of kirpans by the Sikhs. The precise formulation of these rights should be undertaken by a Special Committee of experts at the time of the framing of the new Constitution.

MINORITIES COMMISSIONS

(A) The Constitution Act shall provide for the establishment at the Centre and in each of the Provinces an independent Minority Commission, which shall be composed of a representative for each of the communities (not necessarily a member of that community) represented in the Legislature.

(B) Subject to the possession of such qualifications or experience as may be prescribed, the member representing each community who need not necessarily belong to the same community, shall be elected by members of the Legislature belonging to that community.

(C) No member of the Legislature shall be eligible for membership of the Commission.

(D) The term of office of members of the Commission shall be the same as, and synchronise with, the term of office of members of the Legislature concerned.

(E) The functions of the Commission shall be (i) to keep a constant watch over the interests of minority communities in the area; (ii) without attempting to deal with stray administrative acts or individual grievances, to call for such information as the Commission may consider necessary for discharging their functions; (iii) to review periodically—for example once every six months—the policy pursued in legislation and administration in regard to the implementing of non-justiciable fundamental rights assured by the Constitution to minority communities and to submit a report to the Prime Minister.

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(F) The recommendations of the Commission shall be considered by the Cabinet and the Prime Minister shall, as soon as possible, place the report of the Commission before the Legislature with a full statement of the action taken or proposed to be taken in pursuance of the recommendations of the Commission. In case any of the recommendations are not accepted wholly or in part, the statement should also contain full explanations of the decisions taken by the Government. Facilities shall be provided to the Legislature for a discussion of the report and the decisions of the Government thereon.

MINORITIES IN THE PUNJAB

The Committee recommends that the case of the Sikhs, the Hindus and the Indian Christians relating to their representation in the Punjab Legislature should be examined with the utmost care by the constitution-making body.

AMENDMENT TO THE CONSTITUTION

The intention to make a motion in the Union Legislature for an amendment of the Constitution shall be notified to the public and such motion shall not be taken up for consideration by the Legislature until the expiry of at least six months from the date of such notification. It shall not be deemed to have been approved by the Union Legislature unless it has secured the support in each of the two Chambers of a majority of not less than two-thirds of its sanctioned strength. Further, such amendment shall not have effect unless it is also approved by the Legislatures of not less than two-thirds of the Units, provided that no amendments shall be made at all for a period of five years from the coming into force of the new Constitution in respect of vital provisions of the Constitution, which should be listed in a schedule to the Constitution Act.

Amendments of a purely formal character may be decided through the ordinary process of Union legislation.

APPEAL TO THE COUNTRY

The Committee recommends that the principles here enunciated constitute a fair and effective basis for political settlement in India. It strongly recommends to all communities and parties to accept them, and in particular to the majority parties in the Provinces now administered under Section 93 of the Government of India Act of 1935 to assume constitutional responsibility. In the event of these proposals being unacceptable to the various communities and parties and their failure to reach an agreement on any other basis, His Majesty's Government should set up an Interim Government in India and proceed to establish machinery for drafting the new Constitution generally on the basis of the principles underlying these proposals, enact it in Parliament and put it into operation at the earliest possible date.

TEXT OF GANDHI'S REPLY TO QUESTIONS

NEW DELHI, April 1.

The following is the full text of Mahatma Gandhi's replies to the questions put by Sir Tej Bahadur Sapru, Chairman of the Conciliation Committee:

Q: In your letter of Sept. 24, 1944, to Mr. Jinnah, you said as follows: "You ask for my conception of the basis for a provisional interim Government. I would have told you if I had any scheme in mind." Did you never discuss even the outlines of any scheme during the course of your conversations?

A: What I told Qaid-e-Azam was the exact truth. I had no idea of what he meant, for he never told me what he had in mind. Therefore, I can answer your question by saying we never discussed the outlines of any scheme of interim Government except what I have said.

Q: In answering the first question, please refer to Mr. Jinnah's letter of September 14, in which he said, "You being the sponsor of this Gandhi-Rajaji formula, should give me some rough idea and picture of it, so that I may understand what this part of the formula means." Did you give any reply to this? If so, what? If not, why not?

A: The foregoing answer deals with your second question.

Q: In his letter of September 17, Mr. Jinnah says that "the word (Pakistan) has now become synonymous with the Lahore Resolution." Did you ask him whether in accordance with the Lahore Resolution of the All-India Muslim League, a scheme of

Constitution, in accordance with the basic principles providing for the assumption finally by the respective regions of the Powers such as, Defence, External Affairs, Communications, Customs and such other matters as may be necessary, had been prepared? Was your attention drawn to any such scheme by Mr. Jinnah?

A: No. Qaid-e-Azam's position unfortunately was that, while he could come as far as seeing me and trying to convince me of his position, he, the President of the League, could not discuss details with me, a mere individual. But so far as I could gather from our conversations, he had no prepared scheme. As the correspondence shows, he had referred to me two books both of which I read, but neither of which could help me to understand the Qaid-e-Azam's exact position. One thing, he insisted upon, was that, if I first accepted the Pakistan of his conception, he could then discuss other things with me even though I was but an individual.

WHY THE TALKS FAILED

Q: Is it true that the real break-down between you and Mr. Jinnah came about on the question of Central authority or Governments? Please refer in this connection to Mr. Jinnah's letter of September 25, clause (d) in which he says, "If these vital matters (suggested in the quotation from your letter which clause (d) begins) are to be administered by some central authority, you do not indicate what sort of authority or machinery will be set up to administer these matters, and how and to whom again that authority will be responsible." Did you, at any stage, indicate to him that you wanted a Central Government or a Central Legislature to deal with a limited number of subjects, such as, Foreign Affairs, Defence, Internal Communications, Customs, Commerce and the like?

A: It can be said that the break-down took place because we could not come to an agreement on the two-nation theory of the Qaid-e-Azam. As the correspondence will show, I wanted to avoid a Central Government. I suggested an authority acceptable to both the parties, but he would insist first on complete partition as between two nations and then an agreement between them as on foreign affairs, etc. He would not agree to anything simultaneous.

Q: In that very clause (clause 'd'), Mr. Jinnah says, "According to the Lahore Resolution, as I have already explained to you, all these matters, which are the life blood of any State, cannot be delegated to any Central authority or Government." Then he says that "the matter of security of the two States and the natural and mutual obligations that may arise out of physical contiguity will be for the constitution-making body of Pakistan and that of Hindustan, or other party concerned, to deal with on the footing of their being two independent States." Did you understand Mr. Jinnah's position to be that he intended that Pakistan and Hindustan should be completely independent sovereign States with no connection between them except of treaty? If so, did he tell you what was to happen if either party broke the treaty and what was the authority which could enforce the provisions of such a treaty?

A: Of course, he wanted two independent sovereign States with no connection between them except by treaty. If any party broke the treaty, the consequence would be what has happened throughout the world up till now, i. e., war. Therefore, I did not ask and he did not tell me as to what would happen if either party broke the treaty.

PLEBISCITE QUESTION

Q: As regards the C. R. formula, can you explain why Mr. Jinnah was opposed to clause (2) of that formula, which demanded a plebiscite of all the inhabitants on the basis of adult suffrage or other practical franchise? Did you understand him to say that in the areas demarcated for Pakistan the minorities shall be given chance of expressing their choice of staying in Pakistan or not being separated from the rest of the country?

A: The Quid-e-Azam would not have the plebiscite of the Muslims, because he thought the League represented the Muslims of India and that the other communities should have no voice as to Pakistan which was the Muslims' exclusive right, wherever they were in a majority.

Q: Please refer to your proposals contained in the letter of the 24th of September in which you said "there shall be treaty of separation which should also provide for the efficient and satisfactory administration of Foreign Affairs, Defence, Internal Communications, Customs, Commerce and the like, which must necessarily continue to be the matters of interest between the contracting parties." Please explain how that treaty would provide for the efficient and satisfactory administration of these matters, and whether you contemplated any machinery which could give effect to the decisions embodied in that treaty. If so, what is the nature of that machinery which you had in mind?

A: I suggested a board composed of representatives of both the States. It was to be an arbitration board with administrative powers for the due carrying out of its decisions. It would largely or solely depend upon the goodwill of the parties or States. But I should not object to a machinery jointly devised by the two States.

Q: Have you any objection to the Provinces or States enjoying the fullest autonomy with residuary powers vested in them?

A: None whatsoever.

JAGAT NARAIN LAL RESOLUTION

Q: How do you reconcile Mr. Jagat Narain's Resolution of the All-India Congress Committee with the line that you took in regard to the division of India in the course of your conversations and correspondence with Mr. Jinnah?

A: I depended first upon the decisive interpretation given by the President, Maulana Abul Kalam Azad, and secondly on my own, meaning that the Jagat Narain Lal Resolution should be read together with the other bearing on the question, for the latter was not cancelled by the Jagat Narain Lal Resolution.

Q: Please refer to appendix 'C' of the pamphlet known as "Jinnah-Gandhi Talks", and send to the Committee a short memorandum explaining any points in that summary which you may consider necessary. In this connection please refer to your press statement dated September 28, 1944, in the course of which you stated as follows: "In that respect the Lahore Resolution is quite sound. Where there is an obvious Muslim majority, they should be allowed to constitute a separate State by themselves, and that has been fully conceded in the Rajaji formula or my formula. But if it means utterly independent sovereignty so that there is to be nothing in common between the two, I hold it is an impossible proposition. That means 'war to knife.' What did you mean by saying 'war to the knife', and why did you consider that proposition to be an impossible proposition?"

A: 'War to the knife' is a simple English idiom. I have never known it used in the literal sense. It simply means a determined quarrel between parties. I hold that if there is nothing in common between the two or nothing which does not come in conflict with each other's culture, there can be no friendly mutual agreement.

Q: In your press statement dated September 28, 1944, you said: "I urge that apart from the two-nation theory, if I could accept the principle of division of India in accordance with the demand of the League, he should accept it. But unfortunately it was there that we split." Please explain this more clearly.

A: I think, I am explicit enough. It means that apart from conceding the two-nation theory, I accepted the concrete suggestion of division of India as between members of the same family and, therefore, reserving for partnership things of common interest. But the Qaid-e-Azam would have nothing short of the two-nation theory and, therefore, complete disintegration amounting to full sovereignty of the two nations. It was just here that we split as I have said before.

Q: Are you prepared to admit that the Muslims in India are a separate nation? If so, how do you propose to treat the Muslims who are in the non-Muslim areas? Are you prepared to admit that the Muslims in the non-Muslim areas are a separate nation? If so, how do you propose to treat them? Please refer to your letter of September 25, 1944, which is printed at page 64 of the pamphlet, known as "Jinnah-Gandhi Talks".

A: Although I could not agree to the two-nation theory, I agreed on the basis of members of a family desiring severance of the family tie in matters of conflict but not in all matters so as to become enemies one of the other as if there was nothing common between the two except enmity.—U.P.I.