

the present century, to go no further back, has witnessed? Not one of them would have been undertaken if there had not been insistent demand on the part of the Indian people for a change and if Great Britain had not felt convinced that it would be unwise to sit still in the face of that demand. One would think that it was an elementary proposition that no attempt at constitution-making would be made or would have the slightest prospect of success that did not aim at keeping the Indian people contented. Even the Joint Select Committee has recorded its conviction that "a public opinion does exist, strong enough to affect what has been for generations the main strength of the Government of India—its instinctive acceptance by the mass of the Indian people." It would seem the merest commonsense that no scheme of so-called reform should be such as actively to antagonise this opinion. But the course of events that has culminated in the new Constitution and the main features of that Constitution itself have, in fact, been responsible for stirring up a discontent so profound that one despairs of its ever being allayed even should Britain develop a far-sighted statesmanship which has all these years been so deplorably lacking.

#### THE HISTORICAL BACKGROUND

Let us look at the historical incidents first. In his speech on the Third Reading in the Commons, Sir Herbert Samuel sought to defend the Bill on the ground that it "is the greatest common measure of agreement that could be obtained at the present time." Such a statement is dangerously misleading. Compare it, for instance, with what Mr. Ramsay MacDonald said as Prime Minister at the end of the first Round Table Conference: "His Majesty's Government will strive to secure such an amount of agreement as will enable the new constitution to be passed through the British Parliament and to be put into operation with the active goodwill of the people of both countries." The pretence of striving for agreement with the Indian people was dropped before the close of the second R. T. C. And how little the new constitution represents general agreement even between the various sections of British opinion will be apparent from the fact that the Labour Party has entirely dissociated itself from the scheme and the Liberals are violently opposed to one of the basic principles underlying it, viz., indirect election to the Central Assembly, and have besides criticised the safeguards as being too restrictive of self-government. The new Constitution is exclusively the handiwork of the Tories alike in the inspiration and in the actual shaping, and if a measure of its unacceptability even to enlightened British opinion is required, it will be found in the official declaration issued by the Prime Minister at the end of the first R. T. C. That declaration spoke not "of a measure of responsibility at the Centre" but of "responsibility for the government of India" being "placed upon the Legislatures, Central and Provincial, with such provisions as may be necessary to guarantee, during a period of transition, the observance of certain obligations and to meet other special circumstances, and also with such guarantees as are required by minorities." Mr. MacDonald pointed out that the Government contemplated only three categories of safeguards—(1) a group of reserved powers— which, he observed, was inherent in all free constitutions—to be put into operation in the breakdown of the ordinary normal operations of Government, (2) safeguards covering guarantees made by the British Government on behalf of India, as in the matter of finance and the existing services; and (3) other safeguards covering matters not solely Indian and "requiring some time

for a change." From all this, it will be clear that the British Government, at that time, envisaged for India a constitution in no essentials different from those enjoyed by the self-governing Dominions, though requiring certain temporary and self-eliminating restrictions in view of historical causes.

#### THIS PICTURE AND THAT

Compare this picture with that which has now been completed by the successors of the Labour Government which made the Declaration of 1931. The new Constitution, according to the Joint Select Committee, does not set up Responsible Government conditioned by safeguards, but registers "a retention of power as substantial, and as fully endorsed by the law, as that vested by the constitution of the United States in the President as Commander-in-Chief of the Army,—but more extensive both in respect of their scope and in respect of the circumstances in which they can be brought into play." Even the Committee claims no more than that in such a scheme responsibility of some sort is not altogether impossible. Whereas India had asked for and been promised the status and substance of self-government which the Dominions enjoy, the new Constitution is admittedly based on a theory of permanent partnership between Britain and India in the ordering of India's affairs, India occupying the role of junior partner for all time. This notion of perpetual tutelage permeates the constitutional proposals through and through. Take the reservation of Defence and Foreign Affairs. The persistent refusal to adopt a policy of Indianisation that would equip this country for self-defence within a measurable period has been sought to be defended on many unconvincing grounds. The real significance of this unwillingness came out in Col. Amery's speech in the Third Reading debate when he said that the conditions of India were entirely different from those of the Dominions and "these conditions will compel in the future as they have compelled in the past an intimate partnership in Defence and foreign policy." In the matter of commercial relations, instead of these being left to be regulated by treaty based on mutual advantage, the Governor-General is instructed by the Instrument of Instructions to interpret his special responsibility, bearing "always in mind the partnership between India and the United Kingdom within our Empire, which has so long subsisted and the mutual obligations that arise therefrom." In the case of the Services, again, the safeguards, instead of being limited to the existing Services, will remain as a mill-stone round the neck of autonomous government, even the consideration of the question of stopping recruitment by the Secretary of State to the key services being indefinitely postponed.

#### "INHERENT DIFFICULTIES"

Why should this differential treatment be meted out to India alone? The Joint Select Committee answers that conditions necessary to the successful working of Parliamentary government are lacking in India in the absence of four essential factors: the principle of majority rule, the willingness of the minority to accept the decisions of the majority, the existence of great political parties, and lastly "the existence of a mobile body of political opinion owing no permanent allegiance to any party and therefore able, by its instinctive reaction against extravagant movements on one side or the other, to keep the vessel on an even keel." These are the difficulties that Britain, according to Sir Samuel Hoare's statement at the Second Reading, would "do all she can by sympathetic help and co-operation" to enable India to overcome, so that she may "ultimately take her place among the fully self-governing members of the British Commonwealth of Nations." But the Constitution that Britain has framed is the worst possible way of setting about eliminating these so-called "inherent" difficulties. So long as the irritant of foreign domination in however subdued or camouflaged a form troubles the body politic, its instinctive reaction will be to get rid of that irritant; so long will

it be idle to expect the growth of political parties on normal lines or the emergence of a body of mobile opinion. And the electoral arrangements under the new Constitution are hardly the way to promote allegiance to the doctrine of majority rule.

#### NO HALF-WAY HOUSE

The fundamental fact on which the new Constitution is bound to crash is that there is no half-way house to self-government. No arrangement can be permanent which does not give the people it will intimately affect that deep-seated satisfaction, on the one hand, which comes with real freedom, and, on the other, the opportunity to develop to the fullest extent in the social and economic spheres. No amount of sophistication will convince Indians that this Bill is even the penultimate step towards real self-government. Even the Government are not prepared to say more than that it "is a definite step, indeed a great stride forward, towards the achievement" of the purpose of the British people embodied in the Preamble of 1919. And that purpose is left studiously vague. There is no doubt an expression of pious hope that India would achieve the ultimate goal of a place among the members of the British Commonwealth. But even this the Government have resolutely refused to put into the statute. And, what is worse, the Constitution Act makes no definite provision whatever for achieving that goal by however lengthy and deferred a process. Far from giving constituent powers to the Indian legislatures, it requires that even Orders in Council, by which slight modifications in the legislative machinery might be made, and the Instrument of Instructions should receive positive Parliamentary sanction. The Constitution thus holds out no hope that the bounds of freedom would be broadened. And as Mr. Morgan Jones pointed out in his speech at the Third Reading, India cannot be deluded into thinking that she would have anything like full control over her social and economic policy when she has no control over 60 per cent of her Central Budget.

#### WILL IT WORK?

The last line of defence that the Government have set up is that the new Constitution is workable and will be worked. We wish we could share their hopes about the workability of their scheme, but constitutional theory and political experience alike forbid such optimism. No constitution that is framed without regard to the wishes, and that does not harness the active goodwill, of the people for whom it is intended can work to any one's satisfaction. Even in the most favourable atmosphere of co-operation it would be a superhuman task to make a success of this scheme. For it unduly exalts the executive by vesting in the irresponsible and irremovable head of that executive innumerable and autocratic powers; it makes the Central Legislature a constant prey to contending Provincial factions, and removes from its purview and control all major problems vitally affecting national self-reliance and integrity; it saddles the Provinces with unwanted Second Chambers and makes illusory the people's control over such vital matters as finance and railways; and above all, it sets up a system of government at the Centre which puts obstacles in the way of emergence of "a completely united Indian polity," which indeed, the Joint Committee said, "cannot be established either now or, so far as human foresight can extend, at any time."

#### THE FUTURE

All the restrictions that human ingenuity can devise are, however, powerless against the puissant forces that a nation determined to be free can generate. The new Constitution will no doubt be worked—but in a spirit different from that which its framers hope for or imagine. Said Major Attlee in his speech at the Third Reading, "The indications are that, if it is going to be worked at all, it will be in a grudging spirit and that it is only too likely that its provisions will be used not for seeing how far it can be made useful for self-government but as a means of getting something more." We should not be surprised if this prophecy comes true. As the Government, in what they imagine to be their strength, have resolved to do their will by India irrespective of the latter's wishes, India cannot be blamed if she utilises all opportunities to achieve her ambition, no longer pinning her faith to British promises which have proved notoriously unreliable or to the way of compromise and co-operation which Britain has wilfully discarded. Such a development will certainly not be conducive to the promotion of better relations between the two countries, but the responsibility therefor would be entirely that of Britain's present rulers.

## THE NEW CONSTITUTION ACT

**THE** Royal Assent to the Government of India Bill, which was given yesterday, marks the concluding stage of the weary deliberations that have gone on for seven long years with the object of forging a new constitution for India. British statesmen, with a few notable exceptions, are so busy acclaiming the work of their hands and so sure that they have disposed of the troublesome Indian question once for all that they are in no mood to pay any attention to India's views on the Constitution they have decided to impose upon her. By the same token, the edifice they have reared with so much effort is built on a foundation of sand. We know it is the current fashion to say that England is concerned to do not what will satisfy India, but what England thinks is best for India, which, of course, cannot be different from what England thinks is best for herself. In his last speech in the Commons as India Secretary, Sir Samuel Hoare boasted of the fact that, being a Conservative, he had never accepted the undiluted essence of the doctrine of self-determination. But even he and those of his way of thinking will concede that, if self-determination comes at one end of the scale, the doctrine that it is England's part to decide and India's meekly to accept comes at the other. We note that *The Daily Telegraph*, a steady supporter of the Tory Government's policy, frankly declares, "What has been given does not satisfy the Indian demand, but represents the limit that British opinion is prepared to concede at this stage." As this statement substantially represents the attitude of His Majesty's Government also, it is worth while to examine it a little further. What was the professed object of the various **at constitution-making that**