



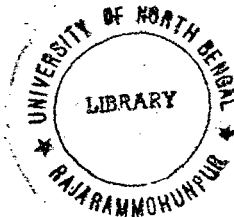
Indian Round Table Conference

12th November, 1930—19th January, 1931

PROCEEDINGS OF SUB-COMMITTEES

(Volume VI)

[SUB-COMMITTEE No. VI (Franchise)]



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INTRODUCTORY NOTE.

Proceedings of the Indian Round Table Conference in plenary session, and in Committee of the whole Conference, are contained in a separate volume, the Introductory Note to which explains, briefly, the procedure adopted by the Conference.

Proceedings of Sub-Committees are contained in nine volumes as below :—

- Volume I.—Federal Structure.
- „ II.—Provincial Constitution.
- „ III.—Minorities.
- „ IV.—Burma.
- „ V.—North-West Frontier Province.
- „ VI.—Franchise.
- „ VII.—Defence.
- „ VIII.—Services.
- „ IX.—Sind.

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INDIAN ROUND TABLE CONFERENCE

SUB-COMMITTEE No. VI.

(Franchise.)

The Sub-Committee was constituted as follows:—

Sir W. A. Jowitt, (Chairman).	Sir Provash Chunder Mitter.
The Marquess of Zetland.	Rao Bahadur Pannir Selvam.
Major the Hon. O. Stanley.	Raja of Parlakimedi.
Sir Robert Hamilton.	Mr. K. T. Paul.
Mr. Isaac Foot.	Diwan Bahadur Ramachandra Rao.
Dr. B. R. Ambedkar.	Mr. B. Shiva Rao.
Mr. C. Barooah.	Sardar Sampuran Singh.
Mr. J. N. Basu.	Sir Chimanlal Setalvad.
Sir Hubert Carr.	Rao Bahadur Kunwar Bisheshwar Dayal Seth.
Mr. C. Y. Chintamani.	Sir Phiroze Sethna.
Mr. Fazl-ul-Haq.	Dr. Shafa'at Ahmad Khan.
Mr. A. H. Ghuznavi.	Begum Shah Nawaz.
Lieut. Col. H. A. J. Gidney.	Rao Bahadur Srinivasan.
Sir Ghulam Hussain Hidayatullah.	Mrs. Subbarayan.
Khan Bahadur Hafiz Hidayat Husain.	Mr. S. B. Tambe.
Mr. B. V. Jadhav.	Sardar Ujjal Singh.
Sir Cowasji Jehangir.	Mr. Zafrullah Khan.
Mr. N. M. Joshi.	
Dr. Narendra Nath Law.	

with the following terms of reference.

“ On what main principles is the franchise to be based for men and women?”

PROCEEDINGS OF THE FIRST MEETING OF SUB-COMMITTEE NO. VI. (FRANCHISE) HELD ON 19TH DECEMBER, 1930.

Chairman: Ladies and Gentlemen, this is the first Meeting of the Franchise sub-Committee, and perhaps you will allow me to say what an honour I feel it to preside, and the regret which I feel that I have not yet had the pleasure of meeting all of you. I hope I shall have that opportunity very shortly. Perhaps you will also allow me to say a word or two about the terms of reference to this sub-Committee. We have had circulated, and you will see in your places, a statement which starts by setting out what the terms of reference are, and I might with your permission just call your attention to it.

You will observe that the terms, and the only terms, of reference to us are "On what main principles is the franchise to be based for men and women?" The words there are "main principles," and it is obvious that we are not concerned with details. I think you will all agree that the details will have to be fixed by some expert Franchise Committee, and we need not deal with that topic here. We have only to deal with main principles.

I have suggested the following heads, and I shall, after reading them through, invite a general discussion in which anybody will state in particular as to whether they think these heads sufficiently cover the various points which we have to discuss.

The first head is "Number of Voters. Should the basis of the franchise be broadened? If so, what increase in the number of Voters is now practicable or advisable?" That does not rule out the question of universal suffrage, which will be, appropriately discussed under that heading.

The second is "General basis of franchise. (i) Should the franchise qualifications be the same for all communities in the same area (women not being considered a community)? (ii) Assuming that age is not to be the only qualification, should there be (a) a property qualification, (b) an educational qualification, (c) any other qualification for example, military service? (iii) Do the recommendations made under (i) and (ii) above provide sufficiently for the enfranchisement of women? If not, should any special qualifications be prescribed for them?"

Then it is suggested to me that we may appropriately discuss the question of plural voting, and perhaps you might make a separate heading of that. We will call it 2 (a)..

Then we come to "3. Detailed franchise qualifications. It will presumably be left to a franchise committee or committees to define the exact qualifications necessary to bring about the result desired under 1 in accordance with the principles recommended under 2." I have already stated that, on my reading of these terms of reference, that is inevitable, because that question is not left to us. "Are there in the opinion of the sub-Committee any other considerations which it is particularly desirable that the Franchise Committee should bear in mind?" For instance, we might discuss there the question of the over-representation of urban as opposed to the rural districts.

Then "4. The future electorate. Should provision for future extensions of the franchise be made now or should provincial legislatures be given complete, or limited, power to alter their franchise at any time or after a given number of years?"

Then the next heading is (you had better keep the two quite separate) "Federal or Central Legislatures. Should the franchise for any directly elected Federal or Central Legislature be the same as that for the Provincial Legislature, or, if not, in what way should the provincial Franchise be modified?"

Before I invite a general discussion over the whole field and ask for your assistance as to whether or not those headings embrace all the topics we have to discuss, I might just add this word of warning as to what we have not got to discuss. As I see it, we have not to discuss any question which appropriately falls within the purview of the Minorities Committee; that is to say, the questions for instance of communal electorates the question of the representation of minorities, and the question of the separate representation of special interests—commerce, industry or university. I realise that it is inevitable that there will be a certain amount of interlocking between his sub-Committee and the Minorities sub-Committee, and if difficulties arise as to whether a topic falls within our terms of reference or within the terms of reference of the Minorities sub-Committee, I think you would probably consider it desirable that I should have an opportunity of discussing the matter with the Prime Minister in order that we may make quite clear that both Committees are not travelling over the same ground. Subject to that, I think myself that these terms indicate sufficiently what we have to discuss, and I propose now to throw the question open for general discussion. After a general discussion we can then come down to the detailed consideration of the various points, if indeed you think that we have adequately set out the various points for discussion.

Colonel Gidney: If I understood you aright, you just now ruled that minority problems, or minority representation, is not to be included in our terms of reference. We who represent the minorities will certainly base our observations on our minority problems, and it seems to me, until I am corrected, impossible to separate the interests of a minority, so far as its franchise is concerned, from the general rules that would be applied.

Chairman: I shall naturally let the discussion go as widely as I can, only we must realise that there is a Minorities sub-Committee, and it would never do to have the work which we are doing here done all over again by them.

Diwan Bahadur Ramachandra Rao: There is another matter on which I would like your ruling, Sir. There are various constituencies with different electoral qualifications. I should like to know whether our discussion is to proceed only with reference to general considerations, or whether we can enter into the question of the franchise for, say, landlords or for the commercial community, or for the various other interests which are now represented in the Provincial Councils. For example, if the landlords are to be represented, their qualifications are set out in the existing electoral rule. Whether they require modification, and whether their franchise should also be discussed, is a matter for consideration. So far as I see it, the terms of reference here seem to refer generally only to the general constituencies in the Province.

Chairman: I am bound to say that I had thought that such matters as landlords' representation and so on would properly fall within the purview of the Minorities Committee—special consti-

tuencies. If we might start our discussion on that assumption, I will see the Prime Minister and find out whether that topic is going to be discussed by one or other Committee. If the other Committee are not going to discuss it we will discuss it here. We might start on the assumption that they are going to discuss it; then we can narrow the field of our discussion to the general constituencies.

Diwan Bahadur Ramachandra Rao: There is another point. There are a number of disqualifications for election which are set out in our rules. I presume that comes within the purview of the discussion here?

Chairman: Yes.

Khan Bahadur Hafiz Hidayat Husain: Is it permissible for this sub-Committee to enter into the question of franchise for each Province separately, or for all the Provinces taken as a whole?

Chairman: We should only lay down general principles. They would have to be worked out by an expert Franchise Committee, and I assume an expert Franchise Committee would have to consider the requirements and the needs and the conditions of each Province.

Mr. K. T. Paul: That virtually assumes that there would be differences as between the Provinces. There is a general question involved in the principle. Would there be conformity or not?

Mr. Isaac Foot: The fact that there has not been conformity between the Provinces is a matter which has been apparent to those who have judged the subject hitherto. That will come under our consideration.

Chairman: Yes.

Mr. Joshi: Most of the Delegates have come to this Conference hoping that India would get Dominion Status. We are also hoping that the Dominion Status will give political status not only to a few people in the country but to all people in the country. Dominion Status, or political self-government, has absolutely no meaning to those people who cannot vote in electing representatives to the Legislature. Some people are at present enfranchised; they have a vote, and they take part in the election for the Legislature. To that extent they are interested in the form of self-government that is established in the country, but to those people who are not enfranchised there is no meaning in Dominion Status. Their condition as regards self-government will be the same. So far as I individually am concerned I am not willing to make any difference between the masters on account of the colour of their skin, or on account of any other such consideration. To the masses in the country who are not enfranchised it is the same whether the rulers come from the higher classes in India or from Great Britain. The colour and the race of the master do not make any difference to them at all. So far as practical considerations are concerned it is the question

of economics which makes a difference. If the masters of India come from the masses, and if their economic interests are the same then surely there will be a difference in the relations of the masters to the subjects, because most of the subjects that come up for consideration in the Legislature by a Government have an economic bearing. There are very few subjects which touch the race of a man, the colour of a man, or the religion of a man. Therefore the main consideration which makes a difference between the masters and their subjects is the economic class. Those of us who are interested in self-government are also interested in seeing that the benefit of that self-government will be given to all people in the country. If the benefit of self-government is to be given to all people in the country the only method of doing so is to enfranchise all adult people in the country. There is no other way of giving them the benefit of self-government. A large number of Delegates who have come here have not come here to have a mere change of masters from the British bureaucracy to the Indian autocracy either of the Princes or of the smallest class that may be enfranchised. They have also not come here to substitute Indian bureaucracy for the bureaucracy of the British. They have come here to establish a real democracy in India, and if real democracy is to be established every citizen in India must be enfranchised. Unfortunately at present in India the qualification for a vote is a property qualification, except perhaps for a very small section of the electors in certain places where education is a qualification. I think that it is wrong to base the qualifications for voting on the considerations of property. Every citizen is interested in the form of government under which he is going to live. It is not only the people who hold property who are interested in the form of the Government. It is said that the people who possess property have a stake in the country, but, Sir, I want to ask the members who are gathered here whether there is any larger stake for a man than the stake of his life. There is no larger stake. A man may possess property, but the largest stake which he has is not his property but his life, and every citizen has a life. Therefore every citizen has a much larger stake in the country than the men who have got property. Of course the man who has got property has also some stake in the country, and the important stake is the stake of his life and not of his property. There is absolutely no reason why a difference should be made between people who possess property and people who do not possess property. Everyone has the same stake in the Government which is established. Therefore the main consideration on which enfranchisement should be based is the fact that a man is a citizen of the country. There may be other considerations, such as the age of the citizen. A child may not be enfranchised, and I can understand that. A child may not be enfranchised before the child knows how to vote. Apart from age I do not think that there is any valid reason for bringing in any consideration restricting the right of voting as a citizen, because, as I have said, every citizen has practically the same stake in the Government and in the country.

Then, Sir, it is said sometimes that some people need not get votes because they do not pay taxes. Unfortunately, in our country some distinction is made as regards those who pay direct taxes, and they are enfranchised. People who pay income tax are at present a large body of voters. Here again we are making a mistake. The people who pay direct taxes are not the only taxpayers in the country. We have a large revenue for our Provincial Governments, as well as for our Central Government, which comes from indirect taxation. Therefore, everyone who in some form or another pays indirect taxation pays taxation to the Government. From that point of view there is absolutely no reason why we should make a distinction between those people who pay their taxes direct and those people who pay their taxes indirect. As a matter of fact, if any class of taxpayer is to be omitted it should be the direct taxpayer and not the indirect taxpayer. The indirect taxpayer is a man who, in many cases, is taxed without his really knowing it. Such a man, therefore, must be first represented, instead of the man who pays taxes directly. I think that the principle of paying taxation has no bearing, because, if we go thoroughly into the matter, we shall find that many of the direct taxes can be also transferred to others. It is not every tax which seems to be direct which is a direct tax. A large number of taxes which look as if they are direct can also be transferred to others. That principle is a wrong principle. I would like this Conference, which has met to give self-government to India, to be bold, and to give real self-government to all people in the country and not self-government to a very small number only. When I say "to all people in the country" I do not make any distinction between men and women.

Sir Cowasji Jehangir: And children too?

Mr. Joshi: If some people would like children to be enfranchised I shall not oppose it. I am quite willing to consider that question, whether children should be enfranchised or not. I suggest that children should not be enfranchised, but if there are others who say:—"Very well, let us also enfranchise others" I am quite willing to consider it. I know that difficulties will be brought forward with regard to establishing adult franchise. In the first place, it is always said that there is so much ignorance in the country. I quite agree that there is ignorance in the country. It is a very unfortunate circumstance, and if there is any blame to be attached it has to be attached to our Government, but, Sir, my point is that if illiteracy and ignorance is a disqualification, it is a disqualification for all those who are illiterate and ignorant. Unfortunately, that is at present not regarded as a disqualification in our country. People are given votes whether they are literate; or illiterate they are given votes whether they are ignorant or whether they know something. They are given votes simply because they possess property. I can understand people saying that every man who is to be given a vote must

learn up to a certain standard. I do not believe in it, but is understandable to me. That is not done in our country. If a man possesses some property he is qualified to vote, and in some Provinces if he has some income he may be qualified to vote. A large number of our present voters are illiterate. Because they are illiterate we have some system of voting where the people do not make a mark against the name but against the picture or some such thing. We have found some method by which even ignorant and illiterate people will be able to vote. Therefore that difficulty existed, but it has been surmounted in the case of a very large number of voters. I may say that it has been surmounted in the case of the majority of voters at present. Illiteracy cannot be regarded as a bar, because for the last ten years illiterate people have been exercising their right of voting and they have done it fairly well. I have not yet heard much complaint with regard to the illiterate voters having caused great mischief or having brought great disaster on the country. Therefore illiteracy is not a bar. Whether it is a bar or not, illiterate voters have been voting and they have not brought any disaster on the country.

Then, Sir, there is another difficulty that is brought forward, and that is the difficulty of the great number of large constituencies. As regards the constituencies being large, my point is, are the Indian people going to get rights of citizenship at any time or not? I do not see before me any prospect of the population of India going down to such an extent that there will be a time when the constituencies will be sufficiently manageable for a great franchise. I do not think that the population of India is going to go down.

If we are to go upon the experience of the past, the population of India is going to increase. Therefore you must make up your mind whether you are going to give the franchise to all people or not. Your difficulty is not going to be solved by waiting. The difficulty of the large constituency will always be with us, and has to be faced. There is no reason for waiting on account of the consideration that the constituencies will be large. I shall have to point out some methods when we come to details by which the difficulties of large constituencies can be solved. Moreover, we all fear that when we introduce new electoral methods there is some chance of the voters not doing their duty properly, and we have heard of corruption being introduced into politics. If there is any remedy against corruption it is to be found, in my judgment, in large constituencies. If, as in India, we may have 120 million voters, and we have a legislature of about 500, each constituency will have 250,000 voters on the average. A large number of people who seek the votes of the electorate at present spend large sums of money in so doing, but not many in the country will be prepared to spend sufficient money to obtain the suffrages of 250,000 people. Much of the corruption that we see in the elections will disappear with such large constituencies. People will stand on their merits, and not on account of their

money. Under present circumstances it is the man with the money who succeeds to a great extent, but if it comes to a question of spending a million rupees for election, I am doubtful whether anybody in the country will be prepared to put up such a sum. We could certainly introduce some method whereby elections were made more manageable, and those methods might be discussed by the Committee.

I therefore hope the Committee will accept the principle of adult suffrage, and discuss afterwards the methods by which we may arrange for voting procedure. I believe that if we fail to do this, and if we establish some form of Dominion status which is only intended for a few people, the delegates assembled here will not have done their duty towards the masses in our country, I hope that this Committee—a most important Committee from the point of view of the people of the country—will decide to give universal suffrage.

Mr. Zafrullah Khan: There is no doubt about the ideal to be aimed at for the purpose of the franchise, whether in India or in any other country, is universal adult suffrage. On that there can be no difference whatever.

Mr. Jadhav: Is that your ideal?

Mr. Zafrullah Khan: Oh, yes. Whatever difficulty there may be in other quarters, there can be none from me. But there are certain practical considerations of a very grave character which cannot lightly be brushed aside at the present moment, and from the experience I have had in my own Province—I cannot claim to speak for others—I cannot with confidence support the suggestion that the time has arrived when much as I should desire it, universal adult suffrage can be immediately introduced in my Province. The main consideration which is a hindrance to the achievement of that ideal immediately is the construction of the actual machinery for conducting elections. I am afraid that if an attempt were made to work it, it would be found to lead to a great deal of confusion. I recognise that in my Province the introduction of universal adult franchise would not add a very large number of voters of a description or intelligence very much different from the average voter that we have under the present qualification. Therefore, to my mind, the mere addition of a larger number of people would not make any difference to the exercise of the franchise provided I had confidence that arrangements with regard to such exercise would be adequate to meet the increased number of people who would be included. Illiteracy is no disqualification in India at present for the exercise of the franchise, but universal franchise would call for some very special arrangements to enable illiterate voters to record their votes. Therefore, within a practicable time and with a practicable number of polling stations, it would not be possible to have sufficient clerks to deal with the illiterate voters, and elections consequently would have to be spread over such a long period that there would be great confusion.

Then there is the lack of means of communication. We have had, even under our present system, a great deal of difficulty in trying to arrange that polling stations should be set up to accommodate rural voters, and it is a common experience in the Punjab for a polling station, in the less populated districts, to be situated anything from 20 to 50 miles from the home of a rural voter. The voter is expected to travel that distance at his own expense as it is a corrupt practice to provide any conveyance. Even in the more populated districts, the average distance is from 10 to 15 miles and with the lack of communications in the rural areas it could be imagined what great difficulties are being felt at the present moment. If universal adult franchise were introduced immediately, these difficulties would be multiplied a hundred-fold.

Therefore, without going into details, although it is my passionate hope that universal adult franchise may be introduced as early as practicable, I must admit that it is impossible to introduce it immediately or until experience has been gained by a considerable widening or lowering of the franchise to indicate how universal franchise would work in the future. I certainly think that there should be a very considerable broadening of the franchise, but not immediately to the extent suggested by Mr. Joshi.

Then the question arises, if we are going to set some limits, what kind of limit we should set to the right to exercise the franchise. No doubt any limit set would be open to criticism, and would be artificial but, after all, the obvious limits are always found under the heading of property, taxation, business experience, experience of administration, or sense of responsibility in any other walk of life. Qualifications have to be found in all these directions, and when we have to select a class from the whole of the community we shall naturally select that class which has had an opportunity of dealing with matters where the exercise of responsibility was required. My suggestions with regard to the actual extent to which the franchise for the provincial legislature should be lowered in my own province I will reserve until the sub-Committee gets down to details. But there are two questions, not of detail, but of principle, which have been alluded to. One is as to whether provincial Councils should be given powers subsequently to alter the franchise with regard to their own province. I certainly think they should be given such power, and the only limit laid on the exercise of such power should be that it must be exercised only after the expiry of at least five years from the introduction of the new constitutional system. That would give an experience of working the franchise for at least two elections, and in the light of that experience it would be open to them to pass such resolutions as might seem proper for further extension of the franchise. With regard to the limit to which they might be allowed to carry it, I would suggest no limit whatever. If, after experience, it is found that arrangements can be made for throwing open the franchise for everybody above a certain age, they would be welcome to pass such a resolution.

The second consideration to which I want to draw attention at this stage is this: we are aware that arrangements with regard to franchise, affecting not only the direct question as to how many people are to be admitted to its exercise, but many other matters are open to be dealt with by the Conference.

It has a very direct effect upon the question of representation of the minorities, certainly the Moslem minority. We know in practice that in many provinces the voting strength of certain communities does not correspond to the strength which they have in population. For instance, a community in a particular province may be, say, 30 per cent. of the population. On the voting register members of that community may appear only to the extent of 15 or 20 per cent. There are such variations throughout the provinces, and that is one of the factors which is causing a great deal of trouble in the solution of the general minorities question so far as the representation of different communities in the legislatures is concerned. If there is a community which has a comparatively small proportion in the population, but which has a large share in the voting register, naturally the members of that community are anxious that the franchise should not be further reduced, or should not at least be rapidly reduced, because that would immediately bring their proportion in the voting register down to the proportion which would correspond more clearly to their proportion in the population. On the other hand, communities which have a high proportion in the population but a low proportion in the voting register are anxious, apart from general considerations which apply to the broadening of the franchise and to every adult being admitted to the exercise of the franchise, to have the franchise from their own point of view broadened so that the disparity between their numbers in the population and their ratio in the voting register should disappear.

From that point of view the question was taken into consideration by the Simon Commission, and one suggestion made by them is that any Franchise Committee which may be set up to settle the details of the franchise should be given directions so to endeavour as to give to each community, as far as practicable, the same proportion in the voting register as they occupy in the population. That has to be done, as they suggest, not by having different qualifications for different communities, but by having additional qualifications in addition to those settled generally for the whole province or for the whole country—to devise additional qualifications which should operate only with regard to those particular communities with regard to whom it is found that there is a great disparity between their numbers and their proportion in the voting register. That is a consideration which I desire very strongly to press upon the attention of this committee, and for two reasons. One is that if that result is achieved, then any opposition which might at present exist among members of certain communities, who have under the present system a position of advantage, to a further extension of the franchise, would automatically disappear. When they know that keeping the franchise

at a high level would not result in their retaining a much higher proportion in the voting register than they have in the population, the general considerations for the extension of the franchise would appeal to them, and they, along with others, would strive that the franchise should be considerably lower. That is one consideration. Otherwise, I am afraid there is bound to be opposition to a very large extension of the franchise from the members of such communities.

The second consideration is this. If the ideal to be attained is universal adult franchise—if that is the ideal condition of franchise—and if the qualifications which have in the meantime to be imposed are due entirely to certain considerations of a practical kind—for instance, that universal adult franchise cannot be immediately introduced—then it must be conceived that those qualifications in the meantime are of a more or less artificial nature in order to restrict the franchise within practical limits. If that is so then we must go back to the ideal in this sense—that each community is entitled to exercise the same amount of influence over the elections of the legislature as its numbers entitle it to; and eventually, as soon as universal adult franchise is introduced, that is exactly the amount of influence that it is going to exercise. If that is so, and you have to put in qualifications in the meantime in order to restrict the numbers, it is only fair that each community, from the very start of the new constitution, should be able to influence elections to the legislatures to the same extent to which it would be entitled to influence them under an ideal system of franchise. That being so, it is also necessary that such considerations as have been suggested by the Simon Commission should be before any Franchise Committee that is set up.

There are other matters of detail, but with your permission, Sir, I will address myself to those when they come forward.

Mr. Fazl-ul-Haq: So far as these subjects are concerned, it seems to me that they are divisible into two main parts. The first question that arises for discussion is whether it is practical and advisable to begin with a system of adult franchise or not. Secondly, if adult franchise is neither desirable nor practicable we have to consider certain other questions. The point has been directly raised by Mr. Joshi, who pleaded for immediate adult franchise. He himself has recognised some of the difficulties in the way, one of which is the illiteracy of the people generally in our country. So far as illiteracy is concerned, I do think it is a bar, but it is not an insuperable bar; but there is also another consideration which we must not lose sight of in considering the question from a practical point of view. Speaking for my province of Bengal, I have found that the voters generally who come from the rural areas are so very much under the influence either of their money-lender or of other classes of society that they are scarcely able to exercise a free vote. Whether we are responsible for the illiteracy in the country possibly some future Commission will decide, but we have to face the fact that there is an appalling

amount of illiteracy in the country and along with that a huge amount of indebtedness of the peasantry which makes it practically impossible for them to exercise a free vote. So long as these conditions remain—and let us hope that they will soon disappear—it seems to me that it is not within the sphere of practical politics to recommend that we should start straight away with adult suffrage.

Shortly, therefore, my answer to the first question is in the negative, and I am opposed to the introduction of adult suffrage at once.

As regards the principle on which we should consider the question of a broadening of the franchise, I agree generally with the views which have been put forward by the previous speaker. I would only add one other. It seems to me that the question of the broadening of the franchise is really to be considered with the question of increasing the size of the electorates. Consider for a moment things as they are at present. Again I speak for my province and for my own constituency. I represent a Muhammadan constituency in my district of 21,000 voters. At the time of elections there are 71 polling stations provided. Mine is a river district, and the communication is only by boat right throughout the year. The inconvenience of inducing electors to come to the polling stations is so great that I have hardly ever found more than 20 per cent. of the voters coming to the poll to exercise their votes.

I submit it is of no use conferring a franchise on people when they cannot really exercise it on account of adverse circumstances or on account of physical difficulties which present themselves in the country. Therefore what I submit is this—that in considering the question of the lowering of the franchise you have also to take into consideration the result it will have on the size of the legislative councils. At the present moment the Bengal legislative council consists of 140 members, of whom 116 are elected. If the franchise is brought in in such a way that the number of voters would be doubled, we would have nearly 250 members. However much we may like to have the legislative council the size of the British Parliament, at the present moment it is not within the sphere of practical politics.

Briefly, therefore, in considering the question of the broadening of the franchise, we have to take into view the effect it will have on the legislative councils to which these various electors would return their members. That is a question which has been considered by the legislative Provincial Council's committee, which has recommended only a slight increase in the size. If we broaden the franchise to a very large extent the result will be that we will have huge constituencies which it will be impossible for candidates to manage. It is not a question of mere corruption; the difficulty is that if there is a huge constituency, a very large proportion of which do not exercise their vote, it is impossible to say whether the candidate who is returned really represents the views of the majority of that constituency.

Unless a very large proportion of the constituency do exercise their vote, it is impossible to say whether there is a good representation or not of that constituency. There may be many circumstances in favour of a particular candidate, and therefore although that candidate may not represent the views of the majority of the constituency, he may be successful in defeating a rival who is less fortunately placed in many respects but who represents the views of the large majority of the constituency. Therefore it is not within practical politics to increase the size of the constituencies indefinitely. We have, therefore, to keep in view the fact the increase in the size of the constituencies reflects on the increase in the size of the legislative councils; and if the legislative councils have got to be kept within limits, it is necessary also that we should keep the various constituencies within limits.

Sir P. C. Mitter: My friend, Mr. Joshi said that most of us have come here to get responsible government. I entirely agree, but if we get responsible government it is necessary that we should make the responsible government successful. On the one extreme you may have responsible government with adult suffrage. On the other extreme you may have responsible government technically responsible with 50 men. We do not want either. We want a responsible government that can run successfully; we want real responsibility, we want our voters to cast their votes knowing how to exercise their judgment. With that preliminary observation I desire to go into the question of how we can attain it. One main point, to which I would like to draw the attention of my friends here, is that India, if anything, is a country of villages. Out of her 246 millions of people, 226 millions live in rural areas. Turning to my own province, out of 46 millions of people, 43 millions live in villages. The problem is that if we, I hope at no distant date, want to get responsible government that responsible government must overwhelmingly be the responsible government of our villages. Turning now to my own province, my esteemed friend Mr. Fazl-ul-Haq has told you that the Bengal Legislative Council at present has 140 members. Out of that number, 26 are nominated and 114 are elected. Out of the 114 that are elected, 85 are returned from the general constituencies, and the rest by certain interests such as British Mercantile Interest, Indian Mercantile Interest, Universities, Landlords and so on. In these 85 general constituencies are represented 46 millions of people, of whom 14 millions are bread winners, and 3 millions are literates. Even if we are to aim at getting a comparatively small percentage of the 14 millions bread winners we must inordinately increase the size of our council. That is not practical politics. As has been pointed out by previous speakers, if we increase the number of our voters there will be various difficulties. I will not cover the ground again, but I have a practical suggestion to offer with regard to representation of rural areas. The Simon Commission has recommended that the number of seats may be roughly doubled. If we double the number of seats and, let me assume, that we shall get either 225 or 250 seats, my first

addition is separate rural constituencies from urban constituencies. Speaking with practical experience of elections I may say that where in one district there are seven or eight municipalities and the rest are rural areas it is easier to bring your municipal voters to the poll. It is easier to create a civic sense in your municipal voters. Then the difficulties of transport, the difficulties of ignorance, the difficulties of poverty, and the difficulties of getting into touch with the rural voters are realities which you cannot ignore. The result is that if in any particular constituency there are 20,000 voters, of whom about 4,000 are from the municipal areas, something like 3,000 out of those 4,000 come to the poll, but of the remaining 16,000 it is difficult even to get 4,000 or 5,000 to the poll. Therefore, unless you separate urban from rural constituencies, you will always find that the urban interests and the urban people will outweigh the results of elections.

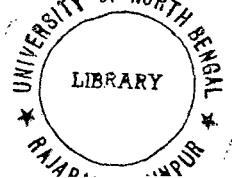
Coming to the question of rural constituencies, and how to give them better representation, one way of bringing it about will no doubt be by an extension of the franchise, by lowering the franchise, and ultimately (if Mr. Joshi's idea be accepted) by giving manhood suffrage, but will manhood suffrage, or a great lowering of the franchise, give real responsibility? I make bold to say, under present conditions, no. Steeped in poverty and in ignorance, as the bulk of our rural voters are (whoever may be responsible for it in the past that is the reality to-day) you cannot expect them to exercise the franchise intelligently. The Simon Commission has told us that 80 rupees, a modest estimate, and 107 rupees, a more optimistic estimate, is the annual income of a citizen in India. Eighty rupees means £6, and 107 rupees means a little over £8. On your average income of £100 a year you can well understand the difference. I am again quoting from the Simon Commission. My personal estimate is that it is something like £4 a year and not £6 a year. Be that as it may, if that is the average, there are the richer people, there are the wealthier people in the towns, and there are even in the rural areas wealthier people. Therefore the bulk of the people in the rural areas must be very poor. If you want to give them representation my practical suggestion is this. At the present moment, if you double the number of seats, and it is necessary to increase the number of constituencies, it will roughly speaking, increase the rural constituencies by 25 per cent. Speaking again on behalf of my own Province, we have 25 districts where reforms have been introduced out of our 27 districts. If in those 25 districts you give one additional seat each to every one of the village constituencies you will have a class of people who are vitally interested in rural welfare. It is those people who are carrying the day to day administration of rural districts. If you give even one seat to each of those people then you will have a number of people who are vitally interested in rural welfare, and who can intelligently speak for their less fortunate brethren. You will have a number of people who are well versed in the problems of rural affairs, and, with the 100 or 120 additional seats that you have, it will be easy to provide that. Sir, that is

the proposition which I would very seriously lay before the future Committee which will be set up to work out details, and I would ask them very carefully to consider it.

On the general question of adult suffrage I would like to make an observation. In your country at any rate, responsible government has succeeded wonderfully. If you take the history of your country up to 1832, in spite of the fact that the aristocracy were the only people who were accountable for the responsible government, England was a great country. England was a powerful country even before 1832. You have a happy knack of adjusting your differences, and, with the rise of middle classes, with the large wealth due to the Napoleonic Wars, and with the expansion of the Universities, after 1832 you took in the upper and middle classes. Then that great statesman of yours, (his politics may not be the politics of to-day) Disraeli, had another expansion. Coming from 1885 to 1892 and 1918, even in 1918 there was the old franchise qualification of £10 a year. In our Indian money that is 135 rupees, but in Bengal our franchise qualification is either two rupees chaukidari tax or one rupee cess. One rupee cess in the case of an agriculturist is £22 annual value. In the case of a tenure holder it may be at the most from 10 to 12 rupees. I admit that there is a great difference in wealth between your country and mine, but surely it does not make such a very great difference. On the other hand, you have had six centuries of experience in running responsible government. You had a compulsory Primary Education Act in 1870 and if, after 48 years of working of your compulsory Primary Education Act you are content with an annual value qualification of £10, surely two rupees of chaukidari tax, which represents 10 or 12 rupees annual value, and one rupee of cess, which represents the figure which I have already mentioned, is not too low. We, as students of history, as people who desire ardently to copy the institutions of other countries, may be very desirous of going on at a pace for which we are not yet fit. If we advance before our time, instead of getting a responsible government which will succeed, we shall soon be getting irresponsible government which will end in confusion. When I say that we are not yet fit I do not for a moment say that by intelligence, by ability, and by outlook on life, we are not fit, but our traditions are different, our mode of life is different, and our outlook on life is different. Because our traditions are different, and because our outlook on life is different, that is no reason why we should take six centuries, or even one century, to attain the object which we all have in view, namely responsible government, responsible to every human unit of the vast Indian citizenship. With the example of other countries, and with the innate intelligence and ability of Indians, if we start with a government really responsible to those who can exercise their responsibility we shall much sooner attain manhood suffrage than by making experiments which are bound to fail. Therefore, Sir, I submit that we should reject adult suffrage however right in political theory it is. We are not here to lay down details; we are

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here to lay down principles. Let us lay down this principle: cast your suffrage in favour of those who can intelligently exercise that suffrage, and do not for Heaven's sake forget the rural areas. If any other practical suggestion can be put forward by which our rural citizens under their present conditions can be better represented than by the suggestions which I have made, that suggestion will certainly also be considered seriously.

Lord Zetland: Mr. Chairman, if India does indeed desire to have a full democratic system of government it is quite obvious that adult suffrage is the goal at which she must aim, but, Mr. Chairman, not all people of India, and I think not all people at this table, are democrats. I had expected that before now, in reply to the speeches made by Mr. Joshi and others, we would have had the views of those who consider that the time has not yet come when a large extension of the franchise in India should be made. However, we have not yet had such speeches, and I am not going to make such a speech. I agree with the last speaker that it really is very desirable that we should at any rate aim at some system which would give the rural areas real representation in the new legislatures. In spite of all that Mr. Joshi has said, I am impressed with the tremendous practical difficulties which at present stand in the way of adult suffrage in India. At the present time in India you have an electorate of between six and seven millions. Only a proportion of that electorate has ever so far exercised the right to vote, and I suppose that if we said that three or four millions exercised the franchise at any one general election we should be within the mark. Considerable practical difficulty has been experienced even in recording the votes of that comparatively small number. The elections have lasted for several days. One of the speakers pointed out that although illiteracy does not by any means connote a lack of intelligence, illiteracy is a practical difficulty in the way of recording votes, and you cannot record illiterate votes at the same speed as you can record literate votes.

The question of lack of communications, referred to by Mr. Zafrullah Khan, is a very real difficulty not only in the Punjab but in every part of India. In Eastern Bengal the whole countryside during a long period of the year is completely under water, and the only way in which voters could be got to the poll would be by means of river boats. So I could go on and give any number of examples of the practical difficulties of working adult suffrage in India at the present time. What we have to ask ourselves, therefore, is this: Is there any system short of adult suffrage by means of which we could obtain something very close to the results of adult suffrage? I believe that there is, namely, a system under which groups, each represented by a head man, often known in India as a "mukhi," might through him exercise the franchise. The system is one certainly not unknown in India, and amongst some communities is comparatively common. It seems to me that it would be practicable in the rural areas to have the population divided up into groups each to be represented by a head man.

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Mr. Joshi: Elected?

Lord Zetland: Well, selected or elected.

Mr. Joshi: If you agree to have him elected, it will come to the same thing as the franchise.

Lord Zetland: That is precisely the argument I am endeavouring to develop—a head man selected or possibly elected to represent a group. It has been estimated—and the figure, I think, has been mentioned by one of the speakers this afternoon—that if you were to have adult suffrage in India you would add something like 120 millions to the number of voters. If, on the other hand, you were to divide those 120 millions into groups, say of 20 each, you would get a very much smaller number of electors. Each group would be represented by its head man. Thus an electorate of manageable proportions would be secured. Referring to what Sir P. C. Mitter said with regard to those people in the villages who are working the Village Self-Government Act—he was referring more particularly to Bengal—those are the people who know what are the requirements of the peasant population. Nothing used to strike me more in my tours of the villages of Bengal, particularly Eastern Bengal, than the way in which a few men, partly elected, sometimes selected by more informal means, to represent the villagers, came together around a table and discussed affairs and, within the powers assigned to them by the Village Self-Government Act, which was passed during my time in Bengal, administered the affairs of the countryside. I put forward this suggestion as a possible means, not only of securing adequate representation of the village population of India in the Legislative Council—and it has to be remembered that more than 70 per cent. of the total population of India depend upon agriculture in some form or other for their livelihood—but also as giving us very largely, without all the practical difficulties, the same results as would follow from the adoption of adult suffrage.

Sir C. Jehangir: Would the head man to whom Lord Zetland alluded directly select the members?

Lord Zetland: The head man would have a vote for his group to elect a member.

Sir C. Jehangir: There would be no further dilution?

Lord Zetland: No.

Divan Bahadur Ramachandra Rao: How do you propose to make up the group?

Lord Zetland: That is a detail, no doubt an important detail, which I should be disposed to leave to a special Franchise Committee. I should not lay great stress on the way in which they are grouped, so long as the grouping takes place.

Sir P. C. Mitter: In my Province of Bengal there are 5,000 villages, with a population of less than 3,000. About 17,000 have a population of from 1,000 to 2,000. Is it the idea that each village should constitute one electoral unit?

Lord Zetland: I would not do away with the existing franchise. I would give this group system of representation to all those people who at present are not qualified to exercise the vote—that is to say, you get down much more to the labouring classes and the very small people who do not pay, in the case of Bengal, a two-rupee tax, or whatever the qualification may be.

Sir C. Jehangir: It is in addition to the present electorate?

Lord Zetland: Yes, and I would form constituencies of the group electors separate from the existing electorate.

Diwan Bahadur Ramachandra Rao: Without separating them into caste communities?

Lord Zetland: I do not want to go into that question; if I did I should get into the province of the Minorities sub-Committee. My idea of a group would be a small one, smaller than that which Sir P. C. Mitter has in mind. The sort of group I conceived was one of 20 villagers, a head man having a vote for each 20 villagers. It would be a very small group.

Sir C. Setalvad: A village of 200 people would have 10 votes?

Lord Zetland: Yes, that is right.

Sir P. C. Mitter: I might point out that a system somewhat similar to that is in existence in agricultural Denmark.

Rao Bahadur Pannir Selvam: Ideally Mr. Joshi's proposal is unexceptionable, and so far as the difficulties of large constituencies and of bringing voters to the polling station are concerned, these lend themselves to solution. At present, in some elections, we find about 4,000 or 5,000 voters required to come to one particular polling station, and four or five men sit there spending the whole day recording the votes. Difficulties might be met by increasing the number of the polling stations. I would say that the polling station should be placed where the voters happen to live. Those are practical difficulties which lend themselves to common-sense solutions. I would not oppose this question of adult suffrage on the ground that people who have not got property qualifications should not be given the vote, nor would I put forward the argument with regard to non-payment of tax, because I do not believe that anyone escapes payment of tax in one form or another. But there is one insuperable difficulty. I feel in admitting adult franchise immediately, and that is one which Mr. Joshi also fears.

Mr. Joshi: I fear no difficulty.

Rao Bahadur Pannir Selvam: Mr. Joshi says that if there was adult suffrage it might mean a mere change of masters. He does not want merely to change from a bureaucratic to an autocratic master, or *vice versa*. If adult suffrage were extended to-day that would be exactly the danger. Most of our voters are confined to the rural parts, and on going to the rural parts we find that the landowning classes there—and therefore the taxpaying classes—are numerically much smaller than those who do not own any lands, and therefore do not pay any tax, thus being unqualified. But

it must also be admitted that in a village the man who does not own any land is economically dependent upon the man who does. In my Province we find that in most villages the major portion of the land is owned by one man, the rest of the land being distributed among a large number of small owners. The result now is that we get about one-tenth or one-fifteenth of the villagers going to the polling booth, and among these one man might own three-fourths of the land, all the others combined owning the other fourth. During the last three or four elections we have had some interesting experience in this connection. The constituencies are so large that it is not possible for a candidate to go and address meetings attended by voters or to come into personal contact with many of them. At the first election it was the experience that we went to the more important villages and saw the most important man there, with the result that most of the people went to the polling booth and voted as the principal man told them to vote. But as time went on, in succeeding elections, we had to go not merely to the principal man, but also to the more important of the various groups of voters, with the result that in the 1929 election we found that a man who owned the largest extent of land was not able to exercise the same influence and power in advising the people owning less land to vote in the way he wanted them to do. They were able to exercise their own discretion, and give their vote no longer according to the dictates of the principal man who had previously determined their choice.

If you are now going to extend the franchise by giving it to every adult in the village you will be giving it to a large number of people who are economically dependent on the principal man. The result will be that when we come to the elections next time the principal man in the village will be able to carry his own way; and instead of it being a rule of the people, and a democratic rule, it will be a rule of the important man in each place. The elections will be mostly swayed by the more well-to-do, whose rule it is Mr. Joshi wants to avoid.

I am afraid the indirect election which Lord Zetland was pleased to suggest would also not be very welcome. There again there will be the same difficulty. It might be possible to chalk out various groups, one man in each group sending out one man; but the election, being held in the village itself directly under the nose of the most important man in the village, it would again become a rule of the top people.

The answer might be that this difficulty has to be faced at some time or other. My suggestion would be this—to compensate the depressed classes for their economic dependence by an intellectual independence. Compared with 10 years ago the depressed class man is to-day much more independent of the surrounding circumstances by reason of further education; and I certainly think that we will soon be getting to the stage when the important man in the village will not be able to exercise the same influence over the landless and otherwise disqualified people of to-day.

Therefore I would suggest that while, for the time being, sitting here as we do, we restrict it to some sort of property qualification or direct tax paying qualification (at least for the rural parts), we leave it to the various legislative councils to decide when and how they like to extend the franchise. I would not even put the restriction, which has been suggested, of saying that the legislative councils shall not interfere with the franchise for another five years. If immediately, for the first election, with the experience which they have fresh in their minds, they think that a further extension of the franchise should be made, I think we ought not to stand in the way of the legislative councils for the various provinces coming to that decision. There must be some sort of property qualification if we are going to have, I will not say a fully democratic government, but if we are going to prepare the way for a fully democratic government, and we should leave it to the representatives and the people in the various legislative bodies to say when and how they will extend the franchise to the various people.

Sir C. Jehangir: I agree with my friend Mr. Joshi that we have come to England to get a full measure of self-government, but I am afraid that I can agree with no other statement of his. Therefore my task, as far as Mr. Joshi is concerned, has been considerably decreased; for I have not to point out where I disagree.

We were told just now by Sir P. C. Mitter something of your own constitutional history as far as franchise is concerned, and there is nothing I can say which will not be known to the British Delegation. But I would like to give a few figures of the progress of the franchise in this country for the information of my friends of the British Indian delegation who may not be aware of them.

In England after the Reform Bill of 1832 many will be surprised to hear that only 3 per cent. of the population got the vote. From 1832 to 1867 it went up to 4.5 per cent. of the population. In England during the years 1841 to 1845 the percentage of literacy amongst the men was 67.4 per cent., and amongst women 51.1 per cent. The figures for my own Presidency, in 1919, as to literacy were men 15.7 and women 2.7; and the percentage of the population which got the vote in 1919 was 4.03. These figures speak for themselves. To those of my English friends who contend that the local councils do not represent the peoples of India on the present franchise, my reply is that our councils represent our provinces to-day better than the House of Commons represented the people of England between the years 1832 and 1867.

Sir, you will find men in England and in India who talk about government being broad based on the will of the people. You know your own conditions under your present franchise. Literacy in this country is now 100 per cent. With regard to literacy in my country, I have no authentic figures but I do not think they are any better than they were in 1919. That leads me to the principle of whether literacy and franchise are linked together

or not. I have heard it said in this country that a broadening of the franchise is the best education you can give to a people. It may be so for some people, but it is an education at the cost of a section—not an unimportant section—of a part of the country. I do not believe in education of that sort.

Sir, I do not desire to go into facts and figures as to why the percentage of literacy in India is so low. The fact is that it is low. I have given you the figures, and we can only base our franchise for the future on that percentage of literacy. I desire to contest most strongly that public opinion in England which argues that a full advance in self-government cannot be given to India because they are reluctant to broaden the franchise on account of the percentage of literacy. If that argument was used in other parts of the world then the only answer would be to leave the government in the hands of another country where literacy was more advanced. No country in Europe has ever adopted that argument, but I do agree with Sir P. C. Mitter when he says that when we claim a full measure of self-government we do ask you to take care that that government shall be placed in the hands of people who will act with a sense of responsibility. If you force us into a position which is based on the argument that a further advance should be broad based on the will of the people, we shall accept it, but the risks will not be our responsibility. In short, that is the argument I desire to place before you.

Lord Zetland: Are you opposed to any extension of the franchise?

Sir C. Jehangir: I am. I am opposed to any further extension of the franchise. My arguments have led up to that.

I am not afraid of saying that here or in my own country. It will be considered to be a retrograde opinion, but, along with the claim which I put forward for a full measure of self-government, I also put forward a claim that that full measure of self-government shall be in the hands of men who can use the power which you have given them with a sense of responsibility.

Mr. Foot: When you say "Men" would you be agreeable to an extension to women?

Sir C. Jehangir: Yes. The women have got the same franchise as men in my province. It may be that the women do not get it in the same numbers or in the same percentage because it is a property franchise. When we talk of a property franchise let us be perfectly clear as to what it is. It is a rental franchise. It is not an ownership of property. Any man or woman in the city of Bombay who pays a rental of 10 rupees a month gets a vote, and naturally there are more men who pay a rental of 10 rupees a month than women. There are also other qualifications which are of a higher character but the lowest is a 10 rupees rental. That 10 rupees rental I admit has brought a large number of illiterate men on to the electoral roll. You have heard that just now, and you have heard Mr. Joshi very graphically describe how we manage to make these illiterate people vote but that cannot be called a qualification.

Is the argument that a certain percentage of your electorate has today to use symbols to enable them to vote an argument for saying that a larger number shall be brought on to the electoral roll, who have to use a symbol, who cannot read and write, who cannot understand what they are doing, and who can only vote for the picture of elephant or a knife or a spear? Sir, it is an argument to show that the franchise is low enough but I am not going to ask you to tighten it up.

Mr. Joshi: Why?

Sir C. Jehangir: It would perhaps be even logical to suggest that. Unfortunately in this world sometimes we cannot be logical. I am certain that my noble friend opposite has said many things which are not logical, and therefore, he cannot insist on my being absolutely and completely logical. When he talks about even children getting the franchise I think that he is out of order when he talks of logic.

Mr. Joshi: I did not say that.

Sir C. Jehangir: These are the main grounds upon which I would oppose an extension of the franchise. I am also in favour of indirect elections. I am not going into the details now because this a general discussion. When we come to the details I am quite prepared to put a scheme before you, but I am not going to be driven into going into details just now. I am also in favour of indirect elections. I am in favour of the principle of electoral colleges.

Mr. Foot: You mean that you will have provincial councils all on the electoral college basis, doing away with the present?

Sir C. Jehangir: No: the present franchise being the basis. I am not going to put forward these details just now. There is ample time in which to offer them. What I do desire to say is that I am not against indirect elections. I think that a well thought out scheme of indirect elections will meet with general approval.

Chairman: Is that in addition to the existing franchise or in substitution for it?

Sir C. Jehangir: Sir, I should prefer not to answer that question immediately. I think that you might combine both, but if after all you come to the conclusion that your franchise is to be enlarged then I think that an indirect system is a *sine qua non*. I would be quite prepared to accept on the present franchise direct elections plus indirect elections if with a broad franchise. Therefore, Sir, without being drawn into details, I think that I have said quite enough to show what I personally think, but I would desire to warn my friends both in England and in India. I think that the experience in some countries is that a broadening of the franchise has led to autocracy in the end. You have broadened the franchise to an extent which the country cannot stand, and you end in autocracy. The history of modern Europe shows that.

Mr. Zafrullah Khan: You will explain that also later on:

Sir C. Jehangir: If that is not understandable I cannot make it clearer. We know that in certain countries of Europe to-day there is autocracy. The cause of it was this attempt at adult franchise when the country was not fit for it. If my friend Mr. Joshi desires autocracy in India there can be no easier method of getting it than by following his own suggestions.

Mr. Barooah: I am an advocate of adult franchise, but I go slowly and with caution. Considering the present state of things I do not think that it is either practicable or desirable to introduce it in India at the present time. It is bound to create disorder, confusion, and chaos. I need not go into the details because the obstacles are known more or less to everybody in this room. I therefore suggest that the franchise should be considerably broadened by lowering the qualifications as much as possible, and that steps should also be taken so that not one literate man or woman may be excluded. I hold, however, that universal adult franchise should be our ideal. In order to enable us to approach this ideal more easily and quickly it will be advisable not to make projects for future extensions of the franchise just now, but to give our provincial legislatures full power to broaden their franchise whenever they think it fit and proper. Besides the property and educational qualifications I think that other qualifications such as the payment of direct or indirect taxes, as well as military service, should be regarded as sufficient qualification for voting. I know that a large franchise for women may not be practicable at present in all parts of India, but, nevertheless, I would not debar a single qualified woman from voting. I would give them equal power with men for voting. Considering the very rapid progress that our women have made during recent years I am sure that this scheme would be quite successful in the very near future. I accept the Simon recommendations as to the qualifications of women for voting. I have personal experience of the disadvantages of large constituencies. In my opinion the best thing to do is to make the constituencies considerably smaller in size and to increase the number of members accordingly. This, however, is a matter which I think ought to be left to the Franchise Committee to be appointed hereafter. It is universally agreed that every province has its different circumstances. I, therefore, cannot recommend the same qualifications for voters in every province. This is again a matter which I think ought to be left to be decided by a future committee. As regards the Central Legislature, in order to make it a popular House it is extremely necessary that there should be direct voting. I am aware of the difficulties. It has been worked now in spite of these difficulties, and I have every reason to believe that it will work better in the future. I will not, however, object if an attempt is made to try both direct and indirect voting at the same time.

Mr. K. T. Paul: I wish, in the first place, to say something with regard to this question of literacy and illiteracy. I am afraid that there is a fallacy current in the minds of most people that literacy is indispensable for education or for knowledge. I had to discuss

this point with the Linlithgow Commission in India in connection with rural education, and then I had to study the figures. I have not got those figures precisely in mind just now, but I think that I can indicate them sufficiently on this occasion to point out a real difficulty. Our population during the last decade from 1911 to 1921 was almost stationary. It increased only at the rate of one-half per cent. per annum. Even at that rate of increase in those ten years we had added 15 million people to our population. The conventional ratio of those who are of school-going age to the total population is 28 per cent. If out of 15 million people 28 per cent. is of the school-going age you will see what an immense number of people have been added to the responsibility of education. It is because of this terrific rate at which our population is increasing that we are unable to overtake the question of illiteracy. While every effort is being made by expenditure of money, by training of teachers, and by providing school plant, to increase the education of the young, the number of illiterates in the country, and also the percentage of illiteracy, is increasing. That is entirely due to the rate at which the population is increasing. We will never be able to overtake this question of illiteracy except through a scheme of adult education, but that is another question. As things are if the question of franchise is to be directly related in any mathematical ratio to the number of literates in the country (as apparently Sir C. Jehangir and Mr. Barooah would want) I believe that it would be a hopeless proposition. It will take something like a century or more before we can achieve what we, and I believe they, wish. I want again to say something from my own personal experience. On the other hand, we find that the Indian villager, even although he is illiterate, is quite able to take care of a very large number of things of ordinary importance.

Lord Zetland: I quite agree.

Mr. K. T. Paul: The noble Marquess referred to the way in which rural administration is being carried on by groups of villages. In those groups how many are really literate?

Lord Zetland: Very few.

Mr. K. T. Paul: Very few are really literate. Literacy is not necessary. They have a horse sense which enables them to discern the importance of the subjects which come before them, and therefore, they are able to administer their own affairs. Personally I want to give a testimony here. I happen to be president of a bank which is charged with the responsibility of financing rural agricultural co-operative societies which are organised especially for those who have no property to pledge, and who can only hypothecate their crops. Last year we financed nearly 3,000 such rural societies and we had a turnover of 200 lakhs of rupees. That means 20 million rupees. In the 15 years of business of this sort we have been able to pay 9 per cent. dividend to our shareholders. It shows that those villagers who are almost 90 per cent. illiterate are able to manage their financial affairs in such a way that the shareholders of the financing bank are able to receive that large dividend.

I want to make another point which may be staggering to some of my friends here who have dealt with the co-operative movement. I want to make this staggering statement that the percentage of overdues in regard to our societies among these illiterate people is smaller than the percentage of overdues in the whole Presidency where almost all other societies are among literate people.

Therefore, in building up a democracy, let us realise that in India we have to devise a means which is totally irrespective of literacy or illiteracy.

Certain practical difficulties have been mentioned. In the first place, I want to point out that the common man in India, the agricultural worker with whom I have come in large contact, is all the time forming more and more the habit of organisation. In every province we have the Village Self-Government Act; village arbitration courts are at work, and other things are being done which are training our people in the habit of getting together and working in concert to administer their affairs.

Another difficulty which has been mentioned is the practical problem of getting these people to the polling stations. It is true that at certain parts of the year large portions of the country are flooded, but this flooding occurs only as a rule in certain seasons. There is no reason why the polling should always be fixed during the season of the monsoon. All that is required is a little common-sense and organisation. Moreover, as to the long distances which our people have to go in order to vote, are they not habituated to going long distances on festivals and pilgrimages and on other occasions? After all, we only have these elections once in five years.

Then there is the question of getting them to make marks on the voting papers. But let us remember how many thousands of co-operative societies are being organised to-day, societies are being organised to-day, societies in which people handle their own money, lending it and collecting it, and here let me say that I have found the women in these village societies as efficient in these matters as the men.

The whole idea of comparing our country and our people with other countries and other people is very fallacious. It is for our country that we have to build up a franchise and organisation suited to ourselves.

One more point. Even the Simon Commission Report suggests an immediate increase of the franchise to four-fold its present size. They want to increase it from 2.8 per cent. to 10 per cent. of the total population. Sir John Simon apparently is not afraid of increasing the number of voters four-fold, and he says that instructions should be given to increase it within a short time to 20 per cent. of the adult population. Mr. Joshi wants 100 per cent. We come down to consider as practical men what instruction we should lay down as a point of procedure that would work. Are we to say 100 per cent., or 50 per cent., or 20 per cent. I want to make this

point finally that we ought not to be afraid of this proposal. No valid argument has been urged against the mental or moral qualities of the man whom it is proposed to enfranchise. The only arguments have related to questions of practicability and organisation. I therefore would urge that we do this thing courageously.

(The sub-Committee adjourned at 5-10 p.m.)

PROCEEDINGS OF THE SECOND MEETING OF SUB-COMMITTEE No. VI
(FRANCHISE) HELD ON 22ND DECEMBER, 1930.

Chairman: Ladies and gentlemen, I have had circulated for your convenience two tables. One shows the composition of the present Provincial Legislatures, showing you in various columns how many of the members are nominated, how many are elected by general constituencies and how many are elected by special constituencies. It may be convenient for you to have that before you. The second table shows the population of the various Provinces and the number of voters, both male and female. That also, I think, may be convenient.

Mrs. Subbarayan: My colleague Begum Shah Nawaz and I desire most earnestly to support the broadening of the franchise in India. We believe a State should reflect the views and aims of all sections of its people, and we cannot have a really peaceful and contented India without this. We believe also, Sir, that democracy makes most for the happiness of the people.

I was surprised to hear one of the Delegates remark the other day that democracy had failed in the West. I cannot understand how anyone, reviewing the great democracies of the West, can make that statement. Surely history teaches us the great danger of denying democracy to any nation, and the violent reaction which may follow the withholding of it. Moreover, I would ask the members of this sub-Committee to consider the spirit which is abroad in India to-day. It is the modern spirit; it is not the spirit of 1832, and it will not accept a narrow franchise. It is no use to-day to say to the modern generation in India that they are better off than was England in 1832. In the last hundred years the world has advanced much more rapidly than it did in the preceding thousand, and we cannot seriously compare the development of political thought to-day with that of 1832.

It was also remarked that government should be in the hands of those who can act with a sense of responsibility; but I should like to reply that it is not only those who have property who act with a sense of responsibility. Civic spirit is not peculiar to those who pay a rental of Rs. 10 and over. We cannot accept such a contention, and we strongly support the proposal for adult franchise as being the method best adapted for reflecting the views and aims of all sections of the people.

Mr. Chairman, my colleague and I are keenly interested in the political future of the country, and we are particularly concerned with the political future and welfare of a great section which represents nearly half the population of India. We want the women of India to bear their full share of responsibility in the new India. As the Simon Commission states, the women's movement in India holds the key of progress, and the results it may achieve are incalculably great. We feel, Sir, that the first few years of India under the new constitution will be of immense importance in the shaping of her whole future policy; and we think it is essential that the views of women should play their due part in politics in these years.

Sir, we have circulated among the members of this sub-Committee a memorandum* outlining the case regarding the political status of women under the new constitution, and in it we particularly draw attention to the drawbacks in the present women's franchise in India. Women's franchise has already been accepted in principle in India, and I should like here to pay a tribute to the Legislatures of the past in India, which took advantage of the permission granted to them by the last Reforms and accorded the franchise to women. We shall always be grateful to them for that, because the recognition of the principle means much.

What we are asking now is that the practice also should be considered, and the franchise broadened so that the women's vote, which is now a negligible quantity, will become a real factor. We have been reminded in this sub-Committee that women now have equal franchise with men, but that is true only so far as the qualification is concerned. The present franchise, given on equal terms to men and women, and based mainly on property, produces a very great discrepancy between them in voting strength, for the simple reason that only a very small number of women have the property qualifications. For instance, take the case of the Bombay Presidency, where the lowest qualification for an elector is the Rs. 10 rental, which has already been quoted by one speaker. In this Presidency there are 759,000 male voters and only 39,000 women voters; consequently, there are nearly 20 men electors for every woman elector. The proportion of men electors to the adult male population is 13·4 per cent., while the proportion of female electors to the adult female population is 0·8 per cent. Again, take the six Provinces of India, excluding Burma, where women have the vote and for which we have statistics. In these six Provinces the actual number of male electors is 5,833,000, while the women number 268,000. In other words, in these six Provinces there are nearly 22 men electors for every woman elector. While the proportion of men voters to the adult male population is 12·2 per cent., the proportion of women electors to the adult female population is 0·6 per cent.

* See page 290.

When women are in such a minority, it is obvious that their political views are at present of little or no account; and, as we claim that women have a special contribution to make to the welfare of the nation, it seems only just and reasonable that the voting strength of women should be brought up to that of men.

As to the best method of securing this, I expect that will be more fully considered when this Sub-Committee leaves the general principles and goes into details. Our hope is that this Sub-Committee will approve of the principle of adult franchise, which, as I said before, seems to me the best method of adjusting the views and aims of all sections of the people in India. If, however, adult franchise cannot be immediately introduced—

Mr. Joshi: It can be.

Mrs. Subbarayan: That remains to be seen. If it cannot be immediately introduced, or can be achieved only by stages, we are prepared to put forward suggestions for a special franchise for women, to bring their voting strength up to that of men; but, as I have already said, we shall reserve such proposals until a later stage.

Before I conclude, may I say we feel some alarm at the magnitude of our task in presenting the claims of women to this Conference; for, while the women of India represent nearly half the total population of India, the women in the Conference represent only one forty-fourth of the membership of the Conference and only one-eighteenth of the membership of this Sub-Committee. But we believe that if we ask you and this Sub-Committee to remember our numerical inferiority at this Conference and to share with us this responsibility, the claims of women will not go unrecognised.

We have already felt greatly encouraged in our task by the appreciation which some of the Delegates have expressed of the work, political and social, which the women of India have been doing. I hope the Sub-Committee will realise that the women of India are waiting to take their place beside the men in the building up of the new India. They, too, like the men, demand their rights and responsibilities; they too are anxious to serve India; but first of all full opportunity should be given them, and now we ask for that opportunity.

Dr. Ambedkar: It seems to me that there are only two important questions which this Round Table Conference is going to consider. One question is whether India should have responsible government, and the second question is to what people that government should be responsible.

In the Plenary sessions we all joined in one chorus in demanding that India should have a responsible form of government, and I for one, speaking on behalf of the Depressed Classes in that Plenary session, joined with my friends sitting opposite in demanding responsible government for India. When I did so, however, I was under the impression that the Indian people who came to represent their country at this Round Table Conference were not

only united in making a demand for responsible government for India, but were also united in the view as to whom that government should be responsible.

I am sorry to say, Sir, that I have been deluded. I find now that although some of our people would desire me and others to join them in their demand for Dominion Status, they do not join with us in demanding that the Government which will be set up under that Dominion Status shall be responsible to the people of India as a whole. I never thought there would be this division of opinion, and that I should have to stand up to defend the position we take.

Now, Sir, speaking on behalf of the Depressed Classes I cannot honestly consent to responsible government or to Dominion Status unless I can be sure that the people for whom I speak are to have a place in that constitution. I must make that fact plain to all my friends. As an objection has been raised to the proposal for adult suffrage by some of my friends, I propose to deal with the arguments brought forward against it.

One of the arguments brought forward was that we should follow the precedent laid down in this country, that adult suffrage should be reached by stages. It is suggested that we should follow the stages adopted in this country from 1832 to 1918. Those who take their stand on the political history of enfranchisement in this country seem to think that there was some philosophical course of action thought out by the English people in devising the steps that were taken by them in enfranchising the people from 1832 onwards, that they had decided beforehand that they must enfranchise only a limited number of people in 1832, that otherwise it would be philosophically wrong; that they should take the next step only in 1867, and not in 1866; that they should take the next step in 1884 and not in 1867. I do not know whether those who use that argument believe that there was any philosophic belief behind that fact. But I should like to point out to my friends, those who base their arguments upon this fact, that if you read the political history of England, you will find that not only was there no philosophical belief which determined the stages that were taken by the British people, but the question of franchise was treated in this country as a mere matter of party politics: that each party tried to extend the franchise because it thought that as a political catch-word it would influence and augment that party. Perhaps that will be news to my friend who used that argument, and, I must say, always uses it with satisfaction to himself, feeling that he is placing an insuperable obstacle in our path. He will be, perhaps, pleased to find that one of the great steps in the political enfranchisement of the people of England was taken by a Conservative Government in this country, and not by the Liberals or the Radicals.

The second thing I should like to point out to my friend is this. Does he really mean to tell us that because the franchise in this country was limited, that, therefore, the Government produced

under that franchise was a good Government, a Government the object of which was the welfare of the people and the prosperity of the masses? Is that the inference he wants to draw from that fact? That because the franchise was limited, that, therefore, there was no trouble, and that everybody was satisfied in this country? Surely that is not the case. If my friend will only take the trouble of reading the life of Lord Shaftesbury, and the social and political history of England, he will certainly find that the unreformed Parliament was not a blessing to any one.

Thirdly, I should like to point out to my friend, if he really is serious, and if he really believes what he says, that the people of India ought not to be given adult suffrage, because they are not fit for it, that the only alternative for him is to go back to India and not to demand Dominion Status or responsible government, for, surely, if it is the view of the gentleman who puts forward this case that the Indian people are not fit to exercise the franchise, are not fit to take upon themselves the responsibilities of government, then I do not understand in whose name he asks for responsible government. Is it for this class? Is it for himself? For whom is it? The only argument, as I understand, in favour of responsible government and in favour of Dominion Status, is the assumption which must constitute the basis of any such argument, that the people of India are fit to undertake the responsibility of government. If my friend does not believe that the Indian people are capable of exercising that responsibility, then the only conclusion is that the Indian people cannot have Dominion Status and cannot have responsibility.

The second argument that was brought forward was, that, although adult suffrage may be an ideal, it cannot be brought into effect at the present moment, because we have not the machinery to give effect to it. Now I have great sympathy with that argument, but I should like to point out that there are considerations in opposition to that view. Let us understand what the franchise does really mean. Surely the franchise does not mean a mere matter of the ballot box, does not mean a mere matter of polling booths and the placing of polling officers there. The franchise means something more vital than that. Now, Sir, as I understand it, to me the suffrage and the franchise are nothing else but the right of self-defence; it means that you will create a legislature which will have the amplest power of passing laws which will affect the life, liberty and property of the people. Surely, if that is going to be the position, if your legislature is going to have that power of affecting your life in these most vital matters, then surely every individual who is going to be subject to that legislation ought to have the power to defend himself against laws which will probably in the circumstances invade his liberty, invade his life and his property. It is not a mere question of the ballot box; it is not a mere question of polling booths.

May I put it in a different way. If I understand the franchise, I understand it to be the right to regulate the terms of what one

might call associated life in society; that is the essence of the franchise. When you give a man the franchise, what you mean is that you give him power to regulate the terms on which he will live in relationship with other individuals in society. Now, if that is the meaning of the suffrage, surely you cannot give the higher classes, the intellectuals as they are called, or the propertied classes, the power so to regulate the terms of associated life, and leave the lower classes at their mercy. They, too, must have the power to regulate the terms of associated life. Just as the capitalist must have the power, if he is to have any constitution, to dictate how he shall live on terms of associated life with the labourer; surely the labourer is entitled also to have the power to regulate the terms on which he shall live with his capitalist master. It cannot be a one-sided bargain; it must not be a one-sided bargain. If you understand the franchise in the right sense of the word, then it seems to me the franchise is something which must be regarded as the inherent right of every individual in the State; and if you understand that the franchise is the inherent right of every man or woman who is capable of understanding it, then surely you cannot make an inherent right of a people dependent upon the conveniences of your administration. My friend used that argument, that we must not have adult suffrage because we shall not have polling booths and polling officers. I should like to remind him of what would be the situation if he were told that he had been wronged by an individual, that he had a good case which, if he brought it to the Court would certainly succeed, but that he could not be given redress because we had not sufficient judges in the High Court. How would he like that position? Surely, if the franchise is an inherent right, and if there are administrative difficulties in the effectuation of that franchise, then the remedy is not to curtail the franchise, but the remedy is to provide the necessary machinery, so that every man or woman capable of enjoying that franchise shall be in a position to give effect to it.

Sir, it seems to me that the difficulties of administering the franchise which have been placed before us arise from two different sources. We are told that the constituencies in India are very vast; and, surely, as we see from the Report of the Simon Commission, they are of a most fabulous character. It is said that if you increase the number of electors in the existing constituencies, as they exist to-day, the whole machinery will break down. My submission to this Conference is this: Surely this difficulty can easily be met. It seems to me this difficulty can be met in this way. It seems to me that the difficulty arises largely because of the composition and strength of your Legislative Councils to-day; that composition is so very limited that you cannot help having the large constituencies that you have to-day. It seems to me that from the standpoint of numbers the existing strength of the legislatures in the Provinces is ridiculous. Let us have the figures for a moment before our mind's eye. I find on comparison that Madras, Bengal and the United Provinces have more or less the same popula-

tion as France, Great Britain and Italy. The Madras Legislative Council consists of 132 members; the Bengal Legislative Council consists of 140 members; the United Provinces Legislative Council consists of 123 members. On the other hand, France has a Lower Chamber which consists of 626 members; Great Britain has somewhere over 600, and Italy has 560 members. Take, on the other hand, Bombay and the Punjab, which are more or less on a par in the matter of population. Bombay has 114 members; the Punjab has 94. Bombay and the Punjab are more or less equal in population to Spain; if you take the Lower Chamber in Spain, you find it consists of 417 members. I know it is not in existence now, but that is another matter. It is a matter of constitution. In France it is in existence with a large number. Then take the Central Provinces in which the Legislative Council has 73 members. I find that the population of the Central Provinces is equal to that of Yugoslavia. Yugoslavia has 313 members. Assam has 53 members; in population it is equal to Portugal, and Portugal has 146 members.

Now surely if you are going to cramp these vast aggregations of people into Legislative Councils which do not exceed 140 in membership, you are bound, as a result, to have very large constituencies. Why are you afraid of increasing the numbers in the Legislature? I cannot understand it. If you are not afraid, and if you follow the parallels in other countries, then surely you can very easily reduce the size of the electorates, and thereby remove one of the difficulties that is said to exist in the matter of adult suffrage.

Then another difficulty which was pointed out was that it was said we should not have a sufficient number of polling officers. Now that difficulty to my mind also does not seem to be of a very serious character. It seems to me that if all the college students in India could be drafted into the service of the electoral department, this difficulty could be very easily solved. Some of my friends on the other side laugh at it, but I do not know why. I know, as a matter of fact, that in the census all college students, and school-boys also, help the census department in carrying on the enumeration. If, for instance, the same system were adopted on the polling day, if all the college students were asked to help in this matter—and I have not the slightest doubt that they would come to the rescue of the department—then surely we should have more polling officers than we need on the occasions of this sort.

It seems to me, therefore, that the difficulties of the situation are not insuperable. Let me point this out to my friends opposite who object to adult suffrage on this ground. It seems to me their position is of a somewhat curious character. Where a member of the British Delegation raises a difficulty, and says there are heaps of difficulties in the way of India, and, therefore, India must not have Dominion Status or responsible government, the gentlemen sitting opposite would not allow the English gentleman to take advantage of the difficulties; they would tell him at once: "Why, you bolster up difficulties to put down our claims. These are diffi-

culties which surely can be met." Let me tell him that we on this side are also not prepared to allow you to take advantage of this difficulty. We say that if there are difficulties in the way of getting the power in our hands, those difficulties ought to be solved. We are not going to let you have the advantage of the situation.

Sir, so far I have dealt with the arguments which have been presented against adult suffrage. Now let me put one or two arguments which I think are in favour of adult suffrage, and which, in my opinion, are more or less decisive. The first argument that I will put is this, that you cannot have in India any system of suffrage short of adult suffrage which will give equality of representation to all the castes and communities in India; there is no other system you can devise for India which will give that result. Take, for instance, the existence of constituencies. In Bengal and in the Punjab the Muhammadans form a majority of the population. You have in Sind also, as apart from Bombay, the Muhammadans in a majority. Now what is the state of the Muhammadan communities in these Provinces? I am putting this as a feeler: my Muhammadan friends may take their stand apart from this; I am putting it as a case. What is the position of the Muhammadan communities in these Provinces under the system of franchise that we have to-day. The Muhammadans in Sind form something like 70 per cent. of the population; and yet, if I am not very much mistaken, their voting strength is only 49 per cent. Take, for instance, again Bengal and the Punjab; there again the Muhammadans predominate in population, and yet in the voting list they are in the minority. Take again the depressed classes; under the existing franchise they are nowhere at all in the electorate. I think it is a most disgraceful thing to have a franchise of this sort. You have to remember one thing: that Indian society is composed of so many castes and creeds and those castes and creeds are not related to each other in what one might call the vertical perpendicular, so that if you chop off this mass at any particular point you get a part which is representative of all the communities in an equal degree. On the other hand, if I may put it so, they are related in such a manner that the parallel grains are, so to speak, placed horizontally one on the other, so that if you chop at any particular point you get a part which is representative of one single community only or at the most two, and the rest are not represented at all. Now surely you do not want to create a system of political government in which only some castes and some communities will predominate. Surely you do not want to create in India a South Africa, where only some people will have the vote and the rest will not. I say, if you are interested in giving every man a vote, in giving every man the political franchise, so that he may work out his destiny, then you cannot have any other system of franchise in India than that of adult suffrage.

Now let me give you another example. As I say, I am not opposed to female suffrage, and I am very much obliged to our lady colleague, Mrs. Subbaravan, for supporting us in this matter.

I will go with her whole-heartedly. Let me point out one or two illustrations of what has been suggested by way of enlarging and broadening the franchise. It is suggested that there should be a franchise of literacy. I do not propose to call it a fancy franchise, but let me tell you what will be the effect of it. The effect of it would be this: that some communities would have their voting strength almost doubled, while other communities would stand where they are. Literacy in India is so unevenly distributed, that some communities would have all the increase of the franchise added to their stock, while other communities would remain where they are. Surely you do not want to create that sort of situation.

Therefore my submission is, that if this Conference and the members who are assembled round this table are true to their creed, believe that India must have responsible government, and that Government must be responsible to the people, then I submit there is no alternative to adult suffrage.

Then, Sir, there is one more consideration that I would like to point out, that seems to me to be a most decisive consideration in this matter. We all of us know that the question of joint versus separate electorates is a most thorny question; it seems to me to be a very crucial question. May I point out to this Conference that, at least in my opinion, the question of joint versus separate electorates is inextricably bound up with the question of franchise. You will not ask any minority in India, you will not compel any minority in India, and you will not get the consent of any minority in India, to agree to joint electorates unless that minority has adult suffrage. I am not going to place myself under the thumb and authority of any majority government, unless I am certain that I can exercise in the elections electoral power which is commensurate with my social power. Unless I know that every man and every woman in the depressed class community will be able to exercise the vote and to determine the destiny of the candidate who is going to represent the mass of people in the country, I certainly am not going to consent to joint electorates; certainly not. I am not going to place myself in a minority position; I am not going to allow the majority to select my candidate. No, under no circumstances. And I think what is true of my minority may also be true of the Muhammadans. I do not wish to say something that I shall have to say in another Committee, but the point is so relevant that I cannot help making a reference. You cannot in fairness ask the Muhammadans of Bengal or the Punjab to accept joint electorates unless you place them in a majority in the electorate. You cannot deny the franchise to the Muhammadans, make a minority of them in the electoral power, and then say, "Come along and have a joint electorate."

The decisiveness of this fact was acknowledged by the Nehru Committee and by three members of the Indian Central Committee.

Let me, before I conclude, make one or two remarks to my friends who will not give us adult suffrage. I made it plain at the beginning of my speech that we make the question of the grant

of responsible government to India not entirely dependent on this question. Although I know that my friend and I are only two in a Conference of 80 or 90, we represent 43 millions of people.

Diwan Bahadur Ramachandra Rao: Would Dr. Ambedkar accept the proposal of Lord Zetland?

Dr. Ambedkar: We might accept the principle. But may I say that I am receiving hundreds of letters and telegrams on the subject I have brought forward. It is a crucial thing.

Sir P. C. Mitter: What about the Central Legislature? Does he want adult suffrage, and what size does he want the Legislature to be?

Dr. Ambedkar: That will be a question to be decided later on. The Central Legislature, I think, ought to consist of 500 members.

Sir P. C. Mitter: And adult suffrage also?

Dr. Ambedkar: Yes.

Lt.-Colonel Gidney: In my opinion no successful advance in responsible government is possible unless we evolve a franchise that will offer adequate representation to all interests in the country—I mean by that a franchise that will provide electorates capable of exercising a real freedom of choice upon a discrimination between policies rather than a preference of individuals. In other words, the interests of India and not of the representatives must be first considered. Before this meeting we have heard many speeches advocating various forms of franchise. We had Mr. Joshi the other day, and this morning we have had our lady colleague, Mrs. Subbarayan, and just now we have had Dr. Ambedkar advocating adult suffrage. They have made out a good case for adult suffrage, but in my opinion it is only an ideal. They have failed, I believe, to meet the practical, the administrative, and the financial difficulties involved in such a sudden departure. All the other speakers have opposed adult suffrage. It has been opposed also in the Indian Statutory Commission's Report, and the only body that has favoured it was the Nehru Committee, which, I think, is more or less out of date to-day.

I admit that adult suffrage is an ideal, and that it is the only way to give India true democracy. But is India ready for it, and would it be really to her advantage if it were introduced at once? In my humble opinion India is not fit for adult suffrage, and to give it would be not only impracticable but dangerous.

It is true that adult suffrage has certain advantages. For instance, it would solve the present Hindu-Muslim problem, especially in the Provinces of Bengal and the Punjab. It would render unnecessary electoral qualifications such as property-holding, taxation, or educational qualifications. It would give equality of political status to men and women. It would help to secure adequate representation of the depressed classes which does not exist to-day. It would afford adequate representation to rural India and its dumb millions of labourers. These are certainly very weighty

factors, and the ideals of true democracy which, if adopted, would solve many communal difficulties. But the question we have to face is whether its immediate adoption is either practicable or necessary. Apart from the dangers involved in a free vote to all adults, which recent world history has proved to be generally the harbinger of unrest, the granting of adult suffrage would end in a majority Hindu rule or hegemony which none of the other communities would at present permit. Further, it would seriously imperil the safety of all minorities. Indeed, it would spell their economic and social ruin, lead India to unrest, chaos, and strife, and hasten the day of autocracy or the rule of the majority. Mr. Joshi stressed the practice of bribery and corruption resorted to in securing votes in villages under the present system of franchise, and added that, if adult suffrage were given, this would largely cease. I entertain an opposite view, for I believe such malpractices would not only be further encouraged but would become rampant. Then again surely Mr. Joshi, as a Labour representative, is fully aware of the enormous amount of illiteracy and indebtedness that exists to-day among the poorer labouring classes of India (90 per cent. of whom, mainly Muslims, suffer from this economic canker). I feel sure that he will not deny that this is not suitable soil in which to sow the seed of adult suffrage. Moreover, has Mr. Joshi considered the vast administrative machinery that would be required or the enormous expenditure involved in working an electorate of over 100 million-voters if adult suffrage were given? Why, a large portion of India's revenue would be exhausted in such an effort, and it would only result in a complete breakdown of the machinery.

At the same time I am prepared to admit that we must make a beginning to-day if India is to achieve adult suffrage in the years to come, and this can only be done by broadening the franchise. But the question before us is to what extent this can safely be done.

In considering this it may not be out of place to note what effect any broadening of the franchise will have on the size of the Legislative Councils. It is obvious, if the franchise is broadened, the number of constituencies will *ipso facto* be increased, which would mean larger legislative councils in all the Provinces. In this connection it is generally recognised that our present constituencies are so enormous, scattered and inaccessible as to render them wholly unwieldy, so much so that it is impossible for any member to get into personal touch with his electors. For instance, take the Anglo-Indian community. Owing to their peculiar setting, they are scattered in coteries all over India. In Bengal there is only one constituency which embraces the entire Province. Can you imagine what it means in time, money and labour for any candidate to get into personal touch with his constituency? We must therefore obviously reduce the size of our present constituencies which again must increase the size of our Councils. It will thus be seen that both these measures, *i.e.*, the widening of the franchise with the resultant creation of new constituencies, as also

the splitting up of our present constituencies into smaller ones, will operate in almost doubling the strength of our present Legislative Councils. This, however, is inevitable, and not in itself undesirable, within limits.

Let me now refer to the opinions submitted in this matter. The Indian Statutory Commission Report recommends an immediate broadening of the franchise to 10 per cent. of the total population, and an increase, for the present, of the membership of the more important Provincial Councils to 200 or 250; and further recommends that after 10 years Provincial Councils should have power to set in train proposals for extending the franchise and after 15 years a second Franchise Committee should be appointed to review the progress made, so that in time India will have achieved adult suffrage. These proposals are, in the main, supported by the various Provincial Governments and the Government of India's recent despatch. To a certain extent, I support the Indian Statutory Commission's report on these points. I submit that the incessant and increasing demand for self-government (some demand it immediately) shows that the political conscience and soul of Indians has awakened and this Committee must make up its mind whether India is to be given this; and if not to-day—when? She cannot be put off any longer. It is no use dilly-dallying and shilly-shallying with the matter. I submit that if India is to be given self-government (and the tide of her political aspirations cannot be stemmed), then the franchise must be enlarged so that her people, especially those in the villages, will be politically educated.

There is, of course, another school of thought, represented by my esteemed friend, Sir Cowasji Jehangir, who in his speech at our first sitting objected to any broadening of the franchise. I must confess I have no sympathy with this view. I have always looked upon Sir Cowasji Jehangir as an ultra-Liberal. He has now shown himself in his true colours—the colours of a Bombay merchant prince. With one breath he demands immediate full self-government for India. With the next he stoutly objects to any extension of the present franchise or enlargement of the Councils and proclaims that, "Government should be administered by responsible people"—meaning no doubt the constitutional reform "wallah"—the intelligentsia of India. May be his political perimeter is confined to the environs of the City of Bombay only. His idea is that the poor ignorant villager, cultivator and artisan classes must be made to pay their taxes, but they must have no voice whatever in the expenditure of that money or the administration of their own country, unless and until they pay Rs. 10, as in Bombay City, per mensem as house rent, or become graduates, barristers, mill-owners or, perhaps, members of the Liberal Party. Sir Cowasji Jehangir has revealed himself in his true colours—that of a financial magnate—one out to protect the rich man and the intelligentsia only. What a valuable asset he would make to the Beaverbrook-Rothermere clan. A Liberal forsooth. Why, he has proved himself a Tory of Tories. In his

insatiable desire to secure more power for the Liberals, or the intelligentsia of the country, he never fails to seize an opportunity to criticise the bureaucratic government of which he was once an Executive Councillor. But he is not prepared to share that power with the Labour Party in India.

In a country like India, with its divergent castes and creeds, it is impossible to evolve any scheme for a common franchise or electorate and to obtain any practical measure of homogeneity, but I submit that whatever decision this Committee arrives at in connection with the franchise and legislative councils, it cannot and must not fail to consider certain vital points.

(a) There must be a settlement of the Hindu-Muslim question, without which all our labours, especially on this Franchise Committee, will be barren of result.

(b) There must be due provision for the safeguarding of the economic and political interests of all minorities, and of special classes and interests, however small these may be.

(c) There must be no difference whatever in the status of men and women. They must be given equal political rights. I consider the world in general and India in particular has neglected its womenfolk and their great power for good, with the result that we are witnessing the reaction to-day. Look at the lightning speed with which Indian women are awakening to a proper sense of their power and position. Are we going to thwart this, or are we going to encourage it in a substantial way? I say we must give woman her rightful place in the body politic of our Motherland—India.

(d) There must be a clear recognition of the impossibility of securing definitely the same proportion of voters to population with each community, and at the same time for all communities to enjoy the same franchise qualifications.

(e) There must be a genuine and effective representation of rural and labour interests in both electorate and elected. This is all the more necessary in the new Constitution in view of the almost unanimous desire shared even by the Indian Statutory Commission and the Government of India that the official bloc should be abolished. There is no doubt that in the present legislature the official member from the mofussil represents the view-points and needs of the millions of dumb villagers.

In our present Councils, Labour is inadequately represented. The entire attitude of the present Government, especially in the Labour and Railway Departments, has been and is against the development of Labour organisations and Trade Unions, and we have to-day seen that the Liberals in India are against giving them adequate representation or a share in the Government. One hopes that the present Royal Commission on Labour will remedy this, but I submit with all the emphasis at my command that this Committee must give its most serious consideration to the

special interests of labour in India and afford it adequate representation. Government is the biggest employer of labour in India. On the railways alone it employs nearly one million, and Government must, therefore, make adequate franchise provision for its employees if self-government is not to degenerate into misgovernment. It is vitally necessary that the workman should be given a vote and be represented by one of his own class in the Provincial Council, so that his particular interests may be adequately impressed upon the Council. Up to now the chief function of the Government has been the protection of the labourer. Now that the Government is relinquishing its power of intervention between the rich and the poor, it would be criminal folly for it to abdicate without providing the poor and the weak with some effective means of protecting themselves—not so much an “instrument of political education” as a very necessary weapon of defence. Again, take the Anglo-Indian community. It has an economic importance in India out of all proportion to its population, mainly because it is cent. per cent. educated and has beyond any doubt demonstrated its superior value in the way of aptitude for certain forms of employment. If its franchise and representation on the Councils are to be calculated on its population it would receive very little consideration, and yet its claims must be considered and it must be given adequate representation. The same remarks apply to the special interests of other minority communities—the Europeans in respect of their commercial and industrial stake in the country, the depressed classes with a view to elevating them to an equal position with other communities, the Indian Christians to afford them adequate employment, etc.

As regards the other points raised in the terms of reference, I should like to state that in my opinion it would not be possible to operate the same franchise qualifications for all communities in the same area. For instance, take the Anglo-Indian community with which I am most familiar. It is cent. per cent. educated and at least 80 per cent. of them have undergone military training and service, but very few indeed possess property.

I consider that military service should be accepted as a qualification for franchise. By military service I mean service in both the British and Indian Armies and the second lines of defence attached to each Army, namely the Indian Auxiliary Force and the Indian Territorial Force. I do not think that beyond what I have already indicated there is any need whatever for further special qualifications to be prescribed for women.

But I am certainly opposed to the proposals of the Indian Statutory Commission regarding the two new qualifications for women voters. I see no reason why the qualification of a woman voter should be dependent on the property of her husband, whether dead or alive. I am opposed to plural voting. Having been a member of the Legislative Assembly since its inception, and having helped in many electioneering campaigns for Provincial Councils, it is my belief that the present system of con-

ducting elections leaves much to be desired. It seems to me that Provincial Governments conduct elections to suit the convenience of their officers and not of the voters. There is not a sufficient number of polling booths and they are too widely scattered. This was the experience during one of the recent elections in Bengal.

Another point I desire to stress concerns the difficulty felt at election times by certain communities employed on utility services. Elections extend over one day only, whereas every day a large percentage of the voters are employed on the railways and thus unable to record their votes. I consider that polling should be allowed on two days instead of one.

I am of opinion that each Provincial Legislature should be given complete power to alter the franchise at any time after it begins to operate, and here I should like to mention a certain fact that exists in India with regard to our Legislatures. There are rules, called the Government Servants' Conduct Rules, which give power to vote but prevent electors from consulting the members whom they have elected. This is peculiar to India because our urban electorates consist mainly of Government servants, a position which does not obtain in any other part of the Empire. Some modification seems to be called for here.

The question is, how are we to effect this broadening of the franchise, and to what extent? I understand that the total voters in all electorates in India to-day are about $6\frac{1}{2}$ millions, of which only about 50 per cent. have exercised the vote. I also understand the total number of educated people is about 11 millions. I believe that the total male and female adult population of British India is about 100 millions. Of this, $6\frac{1}{2}$ millions already enjoy a vote. The Indian Statutory Commission Report recommends the enfranchisement of about 10 per cent. of the total population, that is, a total electorate of about 10 millions, which means an addition of $3\frac{1}{2}$ millions to the present total. If we are to accept this 10 per cent. as a standard, we must devise a means by which this increase can be effected. How and from where are we to provide for this? Let us first ask ourselves two very important questions. Are we satisfied that our rural areas and the interests of our women are adequately represented by the present franchise? If not, can we look to these two fields for recruiting this additional $3\frac{1}{2}$ million voters? I am personally convinced that up till now rural interests have been neglected and that the labourer has not been heard in our Legislative Councils, nor have we given our women a chance to show their worth. Indeed, one generally finds rural constituencies represented by pleader politicians who have, by divers means, qualified themselves for election in some particular rural area, and I need hardly add that the ryots rarely receive any real benefits by such representation.

My friend Sir P. C. Mitter advocated a separation of rural from urban constituencies and suggested the increase of rural constituencies by 25 per cent.

The Marquess of Zetland also advocated a more liberal franchise in rural areas, and with a view to affording a vote to every village in India he detailed a group scheme of representation called "Mukhi" (*i.e.*, Headman), in which one vote is given to every 20 villagers who select or elect their man, who in his vote represents the views of 20 individuals—I think he included women in this?—of that particular village. These coteries of 20 villagers with one vote would, I take it, form constituencies and elect their representatives. If we divide the total adult population of India—100 millions—by 20, we get an electorate of 5 millions, and this, added to the $6\frac{1}{2}$ million voters we have already, would give a total of $11\frac{1}{2}$ million voters, or about 10 per cent. of the total adult population, as recommended by the Report of the Indian Statutory Commission, and generally accepted by the Provincial Governments in their official reports.

The noble Marquess desires that the existing franchise of $6\frac{1}{2}$ millions should remain and continue to operate, and that alongside it the "Mukhi" system should be introduced. In this manner he hopes to enfranchise the uneducated villagers, who are the main supporters of the country, and thus give to India, but on a contracted scale, a form of adult suffrage in which all would have a voice, direct or indirect.

I should like to state there that the solution is not to be found in a docile imitation of the Western system of indirect election. Our present individual franchise of the literate voter should not be altered or restricted. It supplies the literate individual with a vote. But we must provide the illiterate masses with a vote, and this can best be done, in my opinion, by group representation. If we gave the 100 million illiterates a vote the machinery would break down, but if we divide this number by 20 in the way suggested by the noble Marquess we should have 5 million additional voters. This scheme should be worked out in detail, it being left to the villagers to form their own groups, and a register kept of selected spokesmen, who would vote by ballot at the polling stations, as at the present elections. A similar system might be followed in towns, with their floating populations. These groups should, however, form constituencies entirely separate from the ordinary territorial constituencies.

It might be a good thing to extend this group representation throughout the electorates. Its greatest value would be its immediate application; the masses would not have to wait—as advocated in the Simon Report—for a piecemeal extension of the franchise. But there is one proviso. This system, this increased franchise, must result in a genuine representation of the masses by their own men. I believe—and I think you will agree with me—that the Franchise Act of 1919 catered more for the urban electorate than for the rural electorate. The India of to-day will not tolerate this any longer.

I was certainly much impressed by the valuable advice and warning given to us by my friend Rao Bahadur Pannir Selvam

as to the potential dangers attached to giving more power to the headmen of villages. He certainly speaks with great authority and with personal experience. We also know how deeply indebted the ordinary ryot is to the moneyed classes whose agents are to be found like pestilential flies in all Indian villages. Sir Cowasji Jehangir has remarked on their ignorance and lack of any political sense, while Dr. Paul, on the other hand, has shown us by his startling figures what useful citizens these villagers are and how successfully they have administered their co-operative banks. I agree with Sir Cowasji Jehangir that literacy and franchise are inseparably linked, but by literacy I do not mean what he does—academic education, the ability to make speeches—nor would I agree with the Report of the Indian Statutory Commission and other Government reports, which demand of a voter an educational qualification ranging from the fifth standard to matriculation. I submit that a tiller of the soil or a labourer has the benefit of a vocational training and education and is just as useful and intelligent a citizen as a graduate, and perhaps more so. Had Mr. Joshi based his broadened franchise on a lower level than adult suffrage, and, as a true Labour Member, asked that a vocational training or a minimum monthly salary of, say, Rs. 20 should be accepted as a qualification for a vote, I should have supported him. Indeed, I present this for the favourable consideration of the sub-Committee.

As regards women, I leave the details to the special Franchise Committee which, I take it, will soon be appointed to visit India and report on the franchise as a whole. I consider, however, that the new constitution for India should, at the very outset, provide special measures by which a certain proportion of seats in the various Legislatures shall be reserved for women, and that it should be embodied in the Statute that sex should be no disqualification. Incidentally, I should like to say how very much I have been struck with the very able memorandum submitted by our two lady delegates and colleagues on the demands for women. In congratulating them on their very reasonable and justifiable statement of their case, I desire to assure them of my entire support.

The question is whether we are prepared to leave the present franchise of $6\frac{1}{2}$ millions as it is and recommend an additional 5 millions to be recruited mainly from rural areas and women, and if so whether we agree to separate rural from urban constituencies and create separate constituencies for women. This, I believe, will be the simplest and most satisfactory procedure, and I submit it to the sub-Committee for their consideration.

I have some doubts as to the practicability of the scheme put forward by the Marquess of Zetland, for it bristles with a number of minor practical difficulties. Villages are often made and unmade within the life of a **Legislative Council**; villagers have a habit of migrating from one place to another; there are many districts in which the adult population seeks seasonal occupation in other districts and Provinces, as for example in the case of the

tea-garden coolies and those who migrate to Burma. I should like to ask what proportion of men and women there would be among these coteries of twenty villagers and their elected spokesmen, how would any undue interference with communal electorates be avoided, and how would these coteries of twenty villagers in a village be separated into different communities? These are some of the practical difficulties involved in such a scheme; but they are not insuperable, and they must be faced. Of course, this sub-Committee may be prepared to seize the scheme as an opportunity for turning the flank of the Hindu-Muslim question by allowing joint or common electorates in rural India, which represents 70 per cent. of India's population, and so in a measure introduce and encourage the growth of nationalism in the electorates, leaving the existing $6\frac{1}{2}$ millions to indulge in communal electorates when and where necessary. These two systems would no doubt in time amalgamate and gradually extend in size until India reaches adult suffrage, when we shall as a great nation work together, learn together, and do great things together.

Sir P. Sethna: ~~The Montagu-Chelmsford Reforms gave the vote to one-tenth of the adult total male population. Fortunately no speaker has urged that the qualifications should be stiffened and the existing number of voters reduced. We have, however, conflicting views expressed by different speakers as to what should be done in future. Mr. Joshi on the last occasion, and Mrs. Subbarayan and Dr. Ambedkar to-day, have urged, and urged emphatically, the granting of adult franchise. I should have expected, if anyone was going to make such a proposal, that it would come better from Colonel Gidney, who, as he has told us, represents a community in which the percentage of literacy is cent. per cent. Fortunately, he has not done so.~~

Mr. Joshi's main argument was that although there is a property qualification, and because there is a property qualification, several illiterates do get the vote, whereas some literates are left out; that is his argument for giving the vote to illiterates. Dr. Ambedkar to-day is very strongly of opinion that responsible government cannot be given to the country unless there is adult suffrage. A very pertinent question was put to him from this side of the table, namely whether he thought that adult suffrage was also necessary for the Central Government; and to that his reply was very halting.

Dr. Ambedkar: I said yes.

Sir P. Sethna: He did not reply by a direct affirmative; his words, which I took down, were "I would like it very much". Then Dr. Ambedkar quoted the instance of this country, and asked us not to repeat the mistakes made here, but to profit by them. May I ask him what the conditions were in the Dominions? In the Dominions the practice has varied from Dominion to Dominion, and adult suffrage was not considered a condition precedent to responsible government, although the percentage of literacy in the Dominions was far greater than it is in India to-day.

There is, of course, the other view, which has been advanced by my friend Sir Cowasji Jehangir. I am afraid Colonel Gidney was very unfair in his attack on him. I think the reason which prompted Sir Cowasji to recommend that the existing franchise should not be altered but kept stationary was simply this, that the voter to-day does not exercise his right as intelligently as he might be expected to do. With that view I entirely agree; but at the same time I do not agree with him that therefore the franchise ought not to be extended. I think it ought to be extended, for it is only in that way that political sense will be created amongst the people.

How is the vote exercised here, and how is it exercised in India? In this country elections are fought on party lines, but even here the ordinary voter has hardly the time or the intelligence to think for himself; he is guided very much by the newspaper he reads every day, and it is possibly the editor of the journal he patronises who thinks for him, rather than that he thinks for himself. With us elections are, I may say, carried on on the lines of "for the Government or against the Government;" that is to say although we have political parties, they are not organised very thoroughly with the exception of one party, the National Congress, and because that party is well organised and because it carries on propaganda it does carry many of the seats. In the first elections they stood out, but in the second elections, when Congress did come in, they did capture very many seats. The other parties were not equally successful. It is believed by the masses in India that the Congress is against the Government, while all the other parties are for the Government. That tendency will certainly continue and the Congress will get yet stronger, but that again is no reason why we should not extend the franchise, because if we do that and the Congress representatives make mistakes, as they are bound to do, then in the process of time, after two or three elections, other parties will get stronger and have an equal say in the destinies of the country, as is the case in England.

With the exception of the Nehru Report it has never been recommended that adult suffrage should be granted. Some of the speakers have referred to this matter, but they have omitted to say that even the Nehru Report pointed out clearly that adult suffrage involves serious difficulties. The other bodies have varied in their recommendations. The Simon Commission recommended that 10 per cent. of the total population should have the vote, which means trebling the existing number of voters and also means that 20 per cent. of the adult male population would get the vote. The Government of India supports the extension of the franchise, but leaves it to a Committee to be appointed hereafter. The Provincial Governments also support the extension; but two or three Governments do not want to go to the same length as the Simon Commission. The Governments of Bihar and Orissa and of the United Provinces are against extending the franchise to more than double the present number of voters and Madras definitely says it wants the increase to be very limited.

We may now pass on to the qualifications which exist at present. The present qualifications are residence within the constituency coupled with the payment of land revenue or local taxes in rural areas and municipal taxes in urban areas.

Mr. Jadhav: That is not a fact.

Sir P. Sethna: You can give the correct facts when you rise to speak. All payers of income-tax have the vote, and all pensioned, retired or discharged officers from the Regular Army.

Now, I for one am not for reducing the qualifications.

The qualifications are low as they are. Thanks to the Secretariat-General they are set out in a table here, which shows all the different qualifications with regard to the payment of land revenue and so on which obtain in the different Provinces. I may mention in passing that the Secretariat has perhaps taken it for granted that Burma is to be separated, since they have not given figures for Burma.

Whilst I say the qualifications ought not to be reduced any further, I certainly attach very great importance to the recommendation made by Lord Zetland, which in my opinion is worth considering. It is a fact that rural areas to-day do not enjoy the franchise to the same extent in every province as do the urban areas, and consequently some further extension might be made there, for India is a land of villages. According to the last Census, there were 685,665 villages throughout India, and in British India 498,527. This means that in British India there are half a million villages roughly, and the population is 221,958,925, or roughly 220 millions. This gives an average of 450 per village. I heard my friend say that the average is much larger in Bengal; it may be so; but I believe that in Bengal and Madras they take them by administrative units rather than by single units. Because these villages contain on an average 450, the system which the noble Marquess has recommended is worthy of consideration, and I hope will be taken up by the Franchise Committee which is to be set up hereafter.

In short, generally, as regards women's suffrage, I am in entire sympathy with the idea of their getting a larger share in the voting than they enjoy at the present moment. According to a further list received this morning from the Secretariat, the proportion of female electors to the adult female population is from 0.2 to 1.0 per cent. That must certainly be regarded as being a very low proportion. It ought to be increased, I agree with Colonel Gidney that not in the manner suggested by the Simon Commission, but some other channels ought to be considered and thought out. While I sympathise with the memorandum which has been submitted by our lady colleagues, I certainly do not agree with one particular in that memorandum. That is in regard to the reservation of seats for them, even though it be for a period of ten to fifteen years, as has been suggested by them.

With these few words, Sir, I submit that the time has not arrived for India to have universal adult suffrage; we must wait. It is true that in England they waited long enough, and it was because they had to wait long that the task of social legislation fell to such men as Lord Shaftesbury and others. Perhaps if they had had adult suffrage earlier in the nineteenth century, social legislation might have been undertaken by the Government themselves, and not at the instance of private individuals.

Mr. Joshi: May I ask, Sir, for information, whether the Nehru Report was approved by the Indian National Liberal Party?

Sir Phiroze Sethna: It does not follow, that if you approve a report, you approve of it in every single detail.

Sir Cowasji Jehangir: There is a history behind that.

Mr. B. V. Jadhav: Sir, the speakers who have preceded me have dealt with many of the objections that were raised against universal adult suffrage, a question which was brought before this Committee by Mr. Joshi, member for the labourers. I find, Sir, that there is almost unanimity in conceding that adult suffrage is desirable, that is the goal; but some have doubts whether it will be practicable at the present time. Even the Simon Report has conceded that point, and, as we have seen, the majority in the earlier report. They claim that the franchise should be such as should be very easily manageable. Mr. Joshi, Dr. Ambedkar, and my sister, the lady member, have laid great stress upon adult suffrage, because they realise that only by that method will the communities that they represent have a chance of being represented in the Legislature. You may widen the franchise as much as you like, but it will be difficult to enfranchise the labourer, either in the city or in the rural area. The agricultural labourer has been left wholly outside with reference to getting any influence in the elections; he cannot claim any vote at all; and, however broad your franchise may be, it will be next to impossible to bring him within the purview of that franchise; he will not get a vote. So also the labourer who lives in the city will find it very difficult to come within the qualification that will give him the vote. In the City of Bombay, for instance, it is known to almost everyone there that a large percentage of the labouring population have no room in which to sleep; the majority of them sleep in the street, on the footpaths and other open places. Ten or fifteen labourers come up together, hire a room in which to keep their goods; then one or two sleep there while the others sleep outside. Even if the rental qualification were lowered, only the one of them in whose name the room is rented would get a vote, while the nine or ten or fifteen others would go without a vote. However wide your franchise may be, it will be quite impossible to bring the labourer within its purview. For that purpose, Sir, to give him the vote which is his birthright, some scheme of universal adult franchise will have to be adopted.

In the same way, Sir, at present in the rural areas the franchise is given to all those who hold land paying Rs. 32 or more in

assessment. You may reduce that qualification to Rs. 16 or Rs. 8 or whatever you like, and in that way you may increase the number of voters; but however low the franchise qualification which you adopt may be, you cannot touch the agricultural labourers, whose numbers are very large.

One conclusion that can be drawn from the debate that has been going on for these two years is that those who represent the poorer classes of people are for adult suffrage—

Mrs. Subbarayan: And women.

Mr. Jadhav: And, of course, those who do not get any vote are for adult suffrage; while those who have got more of the goods of the world are for restricting the vote as far as they can. I was very much obliged to my friend, Sir Phiroze Sethna, in that he did not propose to increase the qualification. One reason is perhaps he has broader sympathies, as he has given his support to the scheme proposed by the noble Marquess, so that I think he is on my side in saying that a scheme of universal adult suffrage should be adopted.

Then, Sir, I would read to this Committee a few lines from the Simon Report about the intentions as stated in the Montagu-Chelmsford Report. "The Montagu-Chelmsford Report, in more than one passage, indicated its intention that the franchise for the legislative Councils should be 'broad'. The franchise Committee was to 'measure the number of persons who can in the different parts of the country be reasonably entrusted with the duties of citizenship', and the limitations of the franchise were to be 'determined rather with reference to practical difficulties than to any *a priori* considerations as to the degree of education or amount of income which may be held to constitute a qualification'." This is the principle on which the Franchise Committee of 1920 was formed, and under which the elections are at present carried on.

Then, Sir, the Simon Report further says: "If, then, the number of voters is small as compared with the population, this is not due to any desire to keep the franchise limits high, but to what were felt to be administrative difficulties in the way of spreading it more widely. The system was, for the most part, a novelty: the obstacles created by widespread illiteracy, and the limited number of persons available to act as efficient Returning Officers, had to be considered and were regarded as a warning against any such inordinate and sudden extension of the franchise as might lead to a breakdown of the machinery through sheer weight of numbers." We have had experience for nearly 10 years, and I think we are in a better position to devise ways and means of carrying on elections on a larger scale.

Under the present system only 10 per cent. of the adult male population is enfranchised. There are many defects in the present system. "The adoption of property qualifications as a basis for the franchise gave a predominance and sometimes a monopoly in the vote to certain classes of the population." This is one of the

most serious defects of the present system, and however wide the franchise may be, however much you may lower the franchise qualification, this defect will still remain.

“ Thus, though it is true that in an agricultural country like India the bulk of the population appears extremely homogeneous in its needs and aspirations, whole sections of the population came to be excluded from the franchise.” In the Province of Sind, Sir, the tenant has not got any hold at all unless he has permanent tenure, and Sind is a Province of big zemindars. The big zemindar has a vote, but the tenant has not got a vote unless he has got permanent tenure. “ Chief among these are nearly all the women and the general body of the poor. In exercising the option allowed to them of enfranchising women on the same terms as men, the provincial legislatures have made a gesture of high significance. But so long as the qualification for the vote is almost entirely a property qualification, it will remain a gesture, because India’s women do not own property in their own right.” That is, unless they have got a husband and sons. I am reading from the Report: “ Apart from Burma, the proportion of women voters is almost negligible. The case of the poor is similar. The depressed classes in Madras have 15·5 per cent. of the population (6½ millions), but provide only 4·1 per cent. of the electorate; in Bombay, with 8 per cent. of the population, only 2 per cent. of the electorate. In the Central Provinces, the Brahmin and the Bania have, in proportion to their numbers, not less than 100 times as many votes as the Mahar. The urban labourer is often a depressed class man, frequently migratory and always poor, and therefore largely fails to qualify for the vote. Another result of the undiluted property qualification is that the Punjab Land Alienation Act—the Act which precludes members of non-agricultural tribes from ousting members of agricultural tribes from their land—has a discriminatory effect on the enfranchisement of various classes. Again, junior members of undivided Hindu families, however high their standing and education, often have no property and pay no qualifying tax in their own right, and are thus excluded.”

Thus it will be seen, Sir, that the widening of the franchise will not meet the case; a large section of people will remain without the vote, and that ought to be prevented as far as possible. “ If education be the best test of capacity to use the vote, the present franchise seems largely to fail to take advantage of the material available.” Therefore, “ assuming that the census figures are accurate, it seems to follow that there must be a large body of literates who fail to qualify as electors.” But the remedy suggested in the Simon Report that the literates should have power to vote, will add to the disparity; it will add larger numbers to the urban population voters, and the disproportion between the number of urban voters and rural voters will widen instead of decrease. The Simon Commission recommend that the present number of voters should be trebled. The present number of voters is, for the whole of India excluding Burma, 6,375,000. If that

is to be trebled, it comes to about 19 millions, and the Royal Commission are of opinion that a large number of voters can be managed by the present agency that is available at the disposal of Government; they are not afraid of widening the electorate to that extent. But the widening of the electorate by lowering the franchise will not, as I have pointed out, meet the difficulty of the case; there will be large sections of the community, in fact, masses of the people, who will go without any vote; and therefore we have for that purpose to adopt universal adult suffrage, as is demanded by the Member for labour and by the Members for women. A uniform adult suffrage will give representation to all castes and communities irrespective of the property they hold, because every man in the State has an almost equal stake in its welfare and in its good.

Therefore, Sir, we have to see that some scheme of universal adult suffrage should be discovered, and I am very much indebted to the Marquess of Zetland for placing before this Committee a scheme which I think is wholly workable. It is not a direct system, it is an indirect system of election; and, although I would prefer to have a direct system, still, as a step towards the ideal, I am prepared to accept this indirect way of voting, for the purpose of giving suffrage to the vast quantity of people who have been left out of the franchise and who are likely to remain outside the limits of the franchise if the present suggestion is accepted. The suggestion of the noble Lord, Sir, you already know, and I am very glad to find that it has found acceptance by Sardar Ujjal Singh and Colonel Gidney.

The Royal Commission has laid down certain principles. Universal suffrage is the ideal. If it cannot be attained at once, it should be reached by stages. The present electorate of 6,370,000 should be at once trebled; and under present conditions it will be possible to poll that number.

Sir Cowasji Jehangir: Where are you quoting from now? Is that a quotation?

Mr. Jadhav: It is not a quotation; it is a resumé. That extension of the franchise should be secured by legislation, so as to prevent power remaining in the hands of the oligarchy.

The population, excluding Burma, is 227,238,000. Of this number 6,375,000 are at present given the vote, and of the remaining adult population 107,000,000 are without the vote, the total adult population being 113,000,000. The Royal Commission think that the present electorate should be trebled. This would still leave 94,000,000 of adult persons without a vote, and one cannot say how many decades or centuries it would take to enfranchise this vast number. I should like to support the proposal made by Lord Zetland, that in every 20 persons one should be allowed to vote. The number of 20 could be reduced perhaps after 5 years to 10, and further reduced gradually at stated periods, so that in 20 or 30 years the whole adult population should be brought on the register. The advantages of that system would be that everybody would get a vote whether direct or indirect. All communities would be pro-

vided for in proportion to their numbers. The recommendations of the Simon Commission with regard to the Despatches of Local and Central Governments concerning nominations would not be required, because the communities to which those nominations referred would have an authentic voice. At the same time there would be no necessity for a Franchise Committee to find out how to remedy the present disproportionate representation of the urban population, and so on. The work of the Franchise Committee would be very much lessened, and machinery would be provided for the automatic widening of the franchise. If the work is left for the Franchise Committee, that Committee will propose a franchise which will bring in 10 to 15 per cent. of the population, but in later years, when the local legislature choose to widen the franchise, another Franchise Committee would have to be appointed to determine how the electoral roll should be increased. All that difficulty will be done away with if the suggestion of the Noble Lord is accepted, that is to say, if we have one person voting for 20, which number in the course of years could be reduced to 15, to 10, and so on. In that way there would be no necessity for the appointment of Franchise Committees. But I hope this Committee will at once adopt the principle of universal adult suffrage.

Begum Shah Nawaz: I am in entire accord with every word my sister delegate has spoken. Universal adult suffrage would indeed be ideal if it were possible for us to introduce it immediately, but owing to practical difficulties it has still to be a goal for the future. At the same time, during this transitional period, we have to devise such ways and means as will make the Government of the country really representative. The Simon Commission recommends that only 10 per cent. of the population should now be enfranchised. That is not sufficient, and it would make our objective very remote and distant. What I propose is that at this stage at least 25 per cent. of the population should be given the franchise. In order to broaden the franchise in rural districts, and also to make use of the training and experience of all persons on district boards and local councils, the present property qualification should be reduced to such an extent that the electorate of the local bodies should be the electorate of the Provincial Councils, and the present electorate for the Provincial Councils should be the electorate of the Central Legislature. Along with this a special qualification should be introduced enfranchising every man and woman who can read and write. This should be introduced immediately. This will be the means of giving the vote to most of the people in the urban areas, and at the same time the training and experience of the electorate for the local bodies should be utilised.

Diwan Bahadur Ramachandra Rao: There is, first of all, the question of the size of the constituency. I do not know whether this Committee or the Minorities Committee is going into the matter, but unless the size of the constituency is definitely settled on some principle any extension of the franchise will not produce the desired results. Take the Central Legislature. I represent and

area of 5,000 miles square, consisting of 50,000 voters in three districts. Unless there is a proper redistribution there is bound to be a very unsatisfactory result. We have about 250 districts in India, and if two members were allowed for each, that would make a House of 500. Therefore the size of the constituencies is a very relevant consideration which will have to be gone into by the Franchise Committee.

There is another consideration, namely, that any future development of the electoral system should follow the line of plural constituencies rather than single member constituencies. In India, with its various communities, races and creeds, the creation of single member constituencies is likely to lead to a great deal of trouble. If there were plural constituencies it would be possible to accommodate the minorities and produce more harmonious working in elections than at present.

A third consideration is as regards the electoral qualifications for special constituencies and interests. Many suggestions on this point have been made during the last 10 years, and these were embodied in a memorandum which was placed before the Simon Commission by the Government of India. I should like to draw the attention of the Committee to that memorandum, which appears in Volume IV of the Simon Commission Report (Part I, page 196). Various proposals are set out there with regard to the representation of different interests—landlords, universities, commercial associations, and others. Many suggestions are made in that document with regard to broadening the franchise, and these deserve consideration. Such consideration will have to be given, I suppose, by the Franchise Committee.

Then there are a number of points as regards the removal of disqualifications. One of the questions raised is as to whether a person who has been convicted—and in these days convictions are very numerous—for political offences should remain disqualified from exercising the franchise. If that provision remained, it would disqualify a large number of people.

Sir, on the general question of adult suffrage which has been raised during the discussion, I had expected my friend Dr. Ambedkar to put forward some specific proposals.

Dr. Ambedkar: Is not adult suffrage a specific proposal?

Diwan Bahadur Ramachandra Rao: If you are going to have adult suffrage by primary election and by secondary election, the question has to be considered very seriously and carefully. I am not prepared here and now to endorse all that has been said in regard to the holding of the primary elections, because the question requires very careful consideration, but I for one am prepared to consider adult suffrage by primary and by secondary elections. The question is very difficult and complicated. While I see, on the one hand, that the various communities will not pull their full strength unless some kind of adult suffrage is granted, I see many practical difficulties in carrying out the proposal. Dr. Ambedkar

made light of the difficulties of conducting an election. I could tell him of very many difficulties in the conduct of an election, and to say that students of the schools could be entrusted with the conduct of elections is, I venture to think, futile.

It is a very responsible post, and hundreds of objections are made to the officers who conduct these elections by the various candidates and the various communities. It seems to me the difficulties of conducting an election with adult suffrage have not been at all realised. In the present circumstances, while expressing full sympathy with the desire to give every man his chance in the electoral arrangements, I am of opinion that the difficulties have not been fully realised.

(The sub-Committee adjourned at 1 p.m. until 2-45 p.m.)

Chairman: Ladies and gentlemen, I should like to suggest for your consideration that we might now take up the consideration of the detailed points. I do not know how far that meets with the approval of the sub-Committee as a whole.

I shall regard that as carried. The first point is “(1) Number of voters. Should the basis of the franchise be broadened?”

With regard to that, I think everybody so far has expressed the view that the franchise should be broadened. There is the possible exception of Sir Cowasji Jehangir, but I think even he said that he would be prepared to consider what I may call the Zetland scheme in addition to the existing scheme. Some gentlemen have gone so far as to say there should be adult suffrage, and they certainly agree, therefore, that the franchise should be broadened in a very emphatic manner. I believe, therefore, I represent the unanimous opinion of the sub-Committee when I say we are all agreed the franchise should be broadened. May I ask if anyone dissents from that? If not, that is unanimous.

Sir Cowasji Jehangir: I will not commit myself to that extent.

Sir P. C. Mitter: If Lord Zetland's scheme forms a part of it, then I will not dissent.

Chairman: Very well. The next question we have to discuss is, “if so, what increase in the number of voters is now practicable or advisable.”

You will not mind my making just a few remarks on the basis of my own experience. I am an unashamed and unrepentant democrat. That does not mean I am foolish enough to pretend that democracy is a perfect system. I am fully alive—as any thinking man must be to-day—to the disadvantages of democracy; but notwithstanding that I am alive to the disadvantages of democracy, I still believe that democracy is the best system. I do want you in India to profit by our troubles here. We have had some discussion to-day with regard to the number of representatives that are returned to the British House of Commons and the French Parliament and so on and so forth. I do not know what my colleagues in our House of Commons will think when I say this, but I do think it is giving

us democrats very serious cause for anxious thought as to whether the House of Commons, as it at present exists, is capable of dealing with modern economic problems. I have not a shadow of doubt—not the least shadow of doubt—in saying that if the House of Commons, instead of consisting of 615 members, consisted, let us say, of 115, it would be a far more efficient body. Whatever else you Indian gentlemen think of, I do beg of you not to try what I might almost describe as the cowardly resort of getting out of your franchise difficulties by building up what corresponds to a House of Commons which is absolutely unworkable. Speaking as a democrat I would ask you—because we democrats do care enormously about the possibility of working our machine efficiently—not to have in your mind (though this does not come strictly within our terms of reference) a Provincial Legislature any larger than, say, 200 to 250 in the larger Provinces. If you get it larger than that, though it is true you may make your franchise problem easier by being able to have more constituencies, I do assure you you will inevitably find that the machine you construct is not an efficient machine.

The other observation I wish to make is this. I do not know if I am the only one round this table, but certainly I am one who has had some experience as a Returning Officer in this country in two elections, in 1906 and 1910, before I took any part in politics; being very anxious to earn a couple of guineas I went and sat as a Returning Officer. I remember very well that in that village I had two or three illiterate voters, and I never shall forget the time I had with these dear old gentlemen. They said they wanted to vote for the red and the blue. I tried to get them to indicate a name, but I found the name they indicated was always the opposite one to the one for which they wanted to record their vote. They would have been quite unable to vote for a picture of a snake or a ladder. I had only some sixty voters to deal with in that village, but these few old men took up a great deal of my time.

You have to face the realities of the situation, and I ask you to consider whether it is in any sense practicable to try to construct here and now a complete system of adult suffrage.

I suggest we might answer this second question on these lines. Having said that the basis of the franchise should be broadened, we have to deal with the question of what increase in the number of voters is now practicable or advisable, and I suggest we might say, first of all, that we ought to envisage some substantial increase in the present system of direct voting. The Simon Commission suggested it should approximate to 10 per cent. of the population. That involves an increase to two or three times the present number of voters, and nearer three than two. I suggest that we take that, but that we do not stop at that. In addition to that, I suggest that we recommend some consideration of what I may call the Zetland suggestion, since Lord Zetland was good enough to make it here. That is to say, I suggest we recommend a double increase; first of all an increase in the present system of direct voting, bringing the

number of direct voters up to, let us say, about 10 per cent. of the population, and in addition to that this Mukhi system, in order that those who would not be immediately enfranchised under the increase granted might, notwithstanding that, have some means of making their voice heard and their weight felt in the election. After all, we are building for a very few years at the most; our idea is that this system should be revised and brought up to date constantly, and there you would have an easy way of dealing with the situation. If you have a Mukhi system under which 20 people choose a representative, in a few years' time, as somebody has already suggested, that might come down to 15, 10, 2 or even 1, and thus you have a system which is capable of modification, adaptation and alteration.

I put it to the sub-Committee whether we could not deal with this matter on those lines, realising the great practical difficulties of the immediate adoption of adult suffrage. Could not we go a considerable step towards that goal by (1) adopting some such increase as is envisaged in the Report of the Simon Commission, but (2) adding to that this other Mukhi system?

It seems to me we are hardly qualified, at least I certainly am not, to discuss the pros and cons and details of that system here and now. It would be perfectly idle for me, never in my life having been to India, to register a vote on that question; but I do suggest we might send forth our report from this sub-Committee, which must contemplate the setting up of an expert Franchise Committee, and state in our report that, in addition to this increase in the number of direct electors, we suggest that this expert Franchise Committee should take into consideration the possibility of putting on the top of that some such system as has been suggested, in order that everybody, directly or indirectly, may have a vote and make their voice heard.

That is all I have to say, but it seems to me it is on those lines that we might most usefully focus our discussion, if that meets with your approval. I am sorry to say I have already occupied more than my five minutes; I ought to have called myself to order.

Mr. Foot: In view of the fact that every inquiry into these matters so far has pre-supposed the setting up of a Franchise Commission, I suggest we might make that the first subject for agreement. It is referred to in the latter part of your memorandum, but I assume that whatever may be our differences as to the widening of the franchise or as to the extent of the widening or as to the extent to which we should make detailed suggestions, there will be general agreement on the necessity of setting up a Franchise Commission.

We are not here to legislate for India or to prepare in anything like elaborate detail the franchise scheme, which will have to be adapted to the various circumstances of the several Provinces, and we might make it our first recommendation, on which I assume we shall be unanimous, that we advise the setting up of a Franchise

Commission. I suppose it would be very much on the lines of the earlier Commission over which Lord Southborough presided. We need not indicate how it should do its work, but that should be the foundation of all the suggestions we have to make. I think we might agree now on that, because the other suggestions follow on that.

Chairman: If I may say so, I think that is a very good suggestion. I have always contemplated that it was obviously essential to set up an expert Franchise Committee. It is impossible for us to do all the work that has got to be done, nor have we time to do it. I think we shall probably agree unanimously as to the necessity for setting up an expert Franchise Committee. There may be differences of opinion as to its exact tasks, but I think everybody would agree that some expert Franchise Committee must be set up. It is on that basis, then, that we will proceed with our discussions.

Mr. Basu: What will be the object of this sub-Committee in reporting? Will our report contain the terms of reference to the Franchise Committee?

Mr. Foot: It will contain suggestions.

Chairman: We merely deal with the main suggestions.

Mr. Foot: A parallel case arose when we discussed the separation of Burma. Obviously questions of finance and defence came in there and these questions will demand careful consideration. We gave no specific directions either as to finance or defence in the sub-Committee, but said that the Committee to be set up should direct its mind to these subjects. I think if we follow the same lines here that will be about as far as we shall get.

Chairman: The question is, "If so, what increase in the number of voters is now practicable or advisable?" Mr. Joshi, you have told us your views about adult suffrage, and we have got them in mind.

Mr. Joshi: If it is intended that no more should be said about adult suffrage, let us come to our decision, but I myself feel that as you, Sir, have given us the benefit of your valuable experience, we should express our views on some of the points which you have mentioned.

Chairman: Certainly.

Mr. Joshi: I quite realise there are disadvantages in a large House, the point which you mentioned first. I am not the best judge of the merits of the English system, but at the same time if I may venture to make a remark, as you and some of your colleagues are anxious also to give your judgment on Indian conditions, I would say that I myself feel, as a student of English history, that the inability of your Parliament to deal with the questions before it expeditiously and efficiently may be perhaps due not only to the size of the House, but to other factors. It is quite true that your Parliament is not the fittest body to judge efficiently and correctly on economic questions, because you are not elected merely on econo-

mic grounds; you are elected on several other grounds, and Parliament is not an economic council.

Moreover, while agreeing that a House containing a large number of members is a disadvantage, it is a disadvantage which we may prefer to the disadvantage of disqualifying large numbers of people in our country who have a stake in the country and in the Government. You have said, Sir, that though democracy is the best form of government, it may not be without defects. In the same way, a large House is a disadvantage, but there is no other method, perhaps, which will be better if we are anxious to have real self-government in the country.

As a matter of fact, this is not the only disadvantage from which we are going to suffer. I am told that my friends who belong to the Muhammadan community are insisting on some kind of reservation of seats or separate electorates. That is not the right kind of democracy; it is not right to divide a community on the basis of religion, which is, after all, not the main subject of discussion in the Legislatures, but they propose it simply because it is a method which in their opinion is better than others. There may be a disadvantage in the method of separate representation; that they may themselves admit—

Mr. Fazl-ul-Huq: No.

Mr. Joshi: All right! But I feel, on the whole, though there may be a disadvantage in having a large House, it is much better to have it, because in the first place by that method we do try to give political and civic status to the great bulk of the people of the country.

I do not wish to repeat my arguments, but I do want to say this very clearly. To those people who will not be enfranchised, self-government has no meaning. Their condition under Indian masters will be the same, perhaps, as under British masters; they will be the exploited class, and the Indians who will be enfranchised will be as much an exploiting class as our present British rulers. If, therefore, we want to stop that and want the poorest people in the country to feel that they are going to have real self-government, you must find some method by which they will be enfranchised. I am quite willing to discuss the difficulties, but my suggestion to you is this. Instead of deciding outright that adult suffrage is impossible, let us accept the principle that everyone should be able to exercise his vote in the elections. Let us try to find out what the difficulties are and meet those difficulties if possible. If we find, after discussing the difficulties seriatim, that nothing is possible, that by no method can everyone get a vote, then certainly the poor people in the country will have to decide once and for all whether they should be indifferent to the political progress of the country, because from their point of view self-government without the right to vote does not interest them. They are not, as I said at the beginning, out for a change of masters.

There will be proposals made for separate representation on communal lines. I want to ask my Moslem friends—

Chairman: No, Mr. Joshi, I cannot have that here, I am afraid. I must rule this out of order. That is a matter for the Minorities sub-Committee. We have heard before, in your general remarks on the second reading debate, that you are in favour of adult suffrage, and I am afraid that nothing you have heard since has made you alter your mind. We may take it that that is your opinion. If you want to add anything on this question of "If so, what increase in the number of voters is now practicable or advisable?" by all means do so.

Mr. Joshi: All right, Sir. I want to say one word about Lord Zetland's scheme. I have not understood it properly yet. I take it he suggests that there should be a body of direct voters, and there should be another body who will be indirect voters. What I want to understand from him is this: is he going to propose that out of 100 seats in the Legislature, so many should be reserved for people who will take part in direct elections, and so many others will be reserved for people who take part in indirect elections? That is a matter of interest to me. I want to find out how many people will be direct voters, and what will be their due quota of the seats.

Khan Bahadur Hidayat Husain: What is your suggestion?

Mr. Joshi: I want to understand in the first place. I will tell you my suggestion. I do not accept the scheme, but I want to understand whether he proposes that the 100 seats in the Council shall be decided in proportion to the number of people who are enfranchised in one scheme, and the number of members who will represent the people by indirect election. If 6 millions is the number of people who will be directly voting, what will be the number of seats reserved for them, and what will be the number of seats reserved for the other millions that will be left? If he proposes that the seats shall be divided in proportion to the numbers of the population, I am quite willing to consider that suggestion; but if he simply says that people who will be directly voting will get 10 times the number of seats that those who will be voting indirectly will get, I am not prepared to consider it. He will be quite justified in putting forward a practicable scheme in order that there may be representation of all classes; if he gives representation to each class according to its number, I am quite willing to consider his suggestion.

Lord Zetland: In a couple of sentences I can say what my view is. The question of the proportion of those who would be the members of indirectly elected seats is a matter which I think ought to be left to the expert Franchise Committee to suggest. I do not want to lay down details; I only want to put forward the principle, namely, that those who have not got a vote under the existing system should have this opportunity of making their voices heard

by means of the indirect system which I suggested. I only put forward the principle for consideration.

Mr. Joshi: The matter is only a matter of principle. If you are willing to divide the number of seats on the principle of the numerical strength of each community, I am quite willing to consider that question. It will be a kind of separate representation.

Chairman: One moment. If Lord Zetland had said any such thing, I should have felt it my painful duty to rule him out of order. The only question we are considering is: "what increase in the number of voters is now practicable or advisable?" We are only considering a main principle; we are not considering detail.

Mr. Jadhav: May I point out what I understand when I say that I accept Lord Zetland's suggestion. My point of view was that the same constituency should be contested or should be voted by these voters, 6 millions and so on, and also by 5 per cent. of the "mukhis" who will be brought on the register. So there will not be separate constituencies for these direct voters and for the indirect voters, but there will be the same constituency in which they will both of them vote equally.

Lord Zetland: My suggestion was understood rightly by Mr. Joshi. My suggestion was that there should be separate constituencies for the indirectly elected persons. But, there again, I do not want to lay down the law on that question. All I am concerned with is to get this proposal put before an expert Committee for consideration. I do not want to do more than that.

Mr. Foot: Could we answer number one by this, because, as I understand, Lord Zetland's proposal or suggestion may be more fitly considered under one of the subsequent heads? Perhaps upon the first point we could simply arrive at a general conclusion: "the Committee is agreed that the franchise should be broadened; but the extent of the increase of the electorate should be left to the Franchise Committee to determine."

Chairman: No, I do not think we can do it in that way; that is too broad a principle; I think we should then be washing our hands of it.

Mr. Chintamani: Mr. Chairman, I wanted to make one point clear in the general discussion, and now, with your permission, I will do so. I heard it said in the speech of Dr. Ambedkar that the Liberal Party as a body were opposed to adult franchise. I should tell him that that is not the fact. Opinion in the Liberal Party on the question of adult franchise is divided; but from what happened at the meeting of the Liberal Party at Allahabad in 1928, I should conclude that the majority are in favour of adult franchise, and only a minority, though an influential minority, against it. I hope, therefore, he will not think that those who sit on this side of the House, as he put it, were all against the proposal that came from that side of the House. He may remember that Mr. Joshi himself is a Liberal.

Now I address myself to this first question here. I think there will be no two opinions that the question: "Should the basis of the franchise be broadened?" should be answered in the affirmative. I must modify what I have said; I recall that my friend Sir Cowasji Jehangir would not broaden it. I entirely disagree with him, as to the reasons which he gave as well as to the conclusions to which those reasons led him. He said that the broadening of the franchise had led to autocracy. I do not know. In your own country here the broadening of the franchise has led to your Labour Government, and if this is the kind of autocracy to which the broadening of the franchise will lead us in India, I shall not very much dread that prospect.

Then the question arises: What is the increase in the number of voters that is now practicable or advisable? That every adult male and female inhabitant of the country should be a voter, is my answer to the second part of the question as to what is desirable. But various doubts have been expressed as to whether that would be practicable: that there would be some administrative difficulty in arranging and recording the votes of so many people may be conceded. But administrative difficulties exist in order to be overcome, and not to baffle us. If administrative difficulties were to be put forward as an extinguishing reason against a political and social advance, I do not think there would have been any progress in any country in the world; because the permanent officials who are engaged in that administration come to believe in the perfection of things that are and in the undesirability of things that are suggested. I find that more Provincial Governments than one in India have urged, as the one supreme reason against any expansive broadening of the franchise, the administrative difficulties with which they will be confronted in making arrangements. They put forward the same reasons in 1918 when the present franchise was instituted. They have put forward similar reasons on any occasion when any reform was proposed. As a matter of fact, when an elementary reform, long overdue in India, the separation of judicial and executive functions, was decided in principle by one local Government, and the permanent officials were asked for their opinions, one District Magistrate in the United Provinces sent this reply to the Government: "In other words you invite me to state how best to put an end to myself. I decline the invitation, with thanks." Administrative difficulties must not be made our masters and must not be allowed to defeat our purposes.

If, however, the final conclusion that is reached by those with whom the decision rests should be against adult franchise at the present juncture, then in my opinion the least that could reasonably be done is for us to recommend the suggestion put forward by Mr. Srinivasan, that there should be an immediate increase of the electorate to 25 per cent. of the adult population of the country, and also to provide that at the end of every 10 years there should be such revision of the franchise laws as to enfranchise another 25 per cent., without fail every decade. In this way we shall, within

a reasonable interval, get to that adult franchise which is what we should aim at.

I wish to make one more point in this connection. The argument of illiteracy has been made much use of as telling against any extensive increase of the number of voters: At the present moment there are many illiterates who are voters, and many literates who are not voters. But, whoever may raise the objection that illiteracy should be a bar to the franchise, the Government in India should not be found among those objectors, because, when Mr. Gokhale made a very excellent attempt at increasing literacy in India, the Government opposed him, one argument of the official class being that whatever might be the result of education elsewhere, in India it had nothing but bad effects; it merely produced the political agitator and ruined the character of the people who were educated. If it is income or property taxation, combined with a most moderate literary education—nothing more severe than that which Mr. Srinivasan suggested, and if you agree to recommend the enfranchisement of not less than 25 per cent. at the present moment, with automatic increases at the end of every 10 years, so that in time the whole population may be recognised, then I will reconcile myself to your making a qualified recommendation; otherwise I would rather go with Messrs. Joshi and Ambedkar and say "adult franchise."

I will not take up much more of your time, but one thing I must say. Having agreed so far with Dr. Ambedkar, I must say I completely dissociate myself from the observations which he made as to the interdependence of the extension of the franchise and the responsibility of the Government. I should have thought that argument could be left exclusively to the British Statesmen who objected to the transfer of power.

Chairman: I do not think that arises now.

Mr. Chintamani: I am finishing. Do not you want me to proceed?

Chairman: Mr. Chintamani, I do not think this arises on this discussion. What Dr. Ambedkar said was a point relevant on second reading; I do not think it arises now.

Mr. Chintamani: I only say I disagree with those observations.

Mr. Basu: Sir, I agree with Mr. Srinivasan and Mr. Chintamani that the electorate should be increased by at least 25 per cent. of the adult population. Some difficulties have been put forward as militating against an increase in the number of voters; but we should remember that for nearly half a century in India we have had local bodies which are elected: village unions, village panchayats, village boards, district boards, and so on, and either each village or group of villages consisting of seven and eight villages, has had its own peculiar organisation, which organisation is constituted by election. If we trust those village organisations to conduct the election to the Legislature, there will not be that difficulty which has been put forward as a bar to an extension of

the franchise. I therefore think this can be done with a proper utilisation of the agencies we already have. The agencies are there; if we utilise those agencies, the extension of the franchise will not stand in the way of the functioning of an extended Legislature.

As regards the increase in the number of members in the Legislature, an increased number no doubt leads to some delay; but in some elected bodies in which there are a large number of people it has been found convenient to divide up the entire body into small Committees dealing with particular subjects: one dealing with education, one dealing with finance, one dealing with public works, and so on. I believe something of that kind was suggested by the Donoughmore Committee as regards Ceylon. In that way, though the Legislature may be large, we might split up the Legislature into small Committees; the decisions of those Committees might come up before the entire Legislature for final acceptance or refusal.

The urgency of including as many of the people of the country as possible in the voting register is this: the smaller the number of voters, the more likely are the rest of the people to think that it is somebody else's government superimposed upon them without their having had any opportunity of organic action, or any power to influence that government. If we include as large a number as can reasonably be included, then we practically bring a large mass of the people into the government and to support the government, or to oppose it where the government adopt a policy opposed to the general view. I therefore agree, Sir, that the increase should be at least 25 per cent. of the adult population and that the franchise should be broadened.

Mr. Zafrullah Khan: Sir, it seems to me that the suggestions made so far on this part of the first head of discussion are easily reconcilable. I believe the general increase recommended by the Simon Commission in the number of voters is 10 per cent. of the voters, which would work out at approximately 20 per cent. of the adult population; and if we add to that the number of voters which could be drawn upon under the suggestion of Lord Zetland, that would probably bring it up to somewhere near 25 per cent. of the adult population. Therefore so far there appears to be general agreement as to the number that may be suggested subject, of course, to dissent on the ground that we should have immediate adult franchise. That is more or less agreed upon; that is to say, 25 per cent. of the adult population.

With regard to Lord Zetland's suggestion I want to put forward what I have understood it to be so that when I say that I agree with that suggestion I shall not be understood to have given my agreement to something which I understood in one way, but which might subsequently appear in Lord Zetland's report to have put been in another way. I agree to this combination of direct voters, and, as I might call them, elected or selected voters, in this way. I propose that we should give a general direction to the Franchise Committee that may hereafter be set up that there shall be an advance in the

franchise on the ordinary lines, that is to say, by lowering the present qualifications to an extent approximately of at least 20 per cent. of the adult population.

Mr. Foot: Was that the proposal that was made, may I ask?

Mr. Zafrullah Khan: That is the first, to start with; that is the direct voters.

Sir Cowasji Jehangir: What is your 20 per cent.? Is it 20 per cent. of the adult population or 20 per cent. of the population?

Mr. Zafrullah Khan: It is suggested that 25 per cent. of the adult population should be immediately enfranchised.

Mr. Joshi: No, no, the total population.

Chairman: The total population.

Mr. Zafrullah Khan: I distinctly heard the word "adult."

Mrs. Subbarayan: 25 per cent. of the adult population.

Mr. Joshi: That may come to less than was recommended by the Simon Commission.

Mr. Zafrullah Khan: Then the proposal is that the direct advance should in no case be less than that suggested by the Simon Commission, and if that works out to be less than 25 per cent. of the adult population, it should certainly reach at least that point. In addition I understand Lord Zetland's suggestion to be—or at any rate I would like to put it in this way in order to give my agreement to it—that after you have your direct voters, on whatever qualifications may be suitable and may subsequently be settled, you will have a large body of adult people left outside the franchise altogether.

I understand that these people are to be grouped together in groups of 20 or 15, and each of these groups is to elect a voter. I would agree that this voter should also go on the general register. We get voters by property qualification and taxation qualification, and we should also have them by this group qualification. To the general electorate there might thus be added six, eight or ten millions drawn from those on whom the direct franchise has not been conferred under the ordinary qualifications. When these group voters have been added they must rank as do other voters who come on to the roll by virtue of a different qualification. At certain stages a man would go out of the group of indirect voters and become a direct voter. For example, A is a direct voter, and B his son is a member of a group. By the next election A may have died, in which case B, inheriting his property, becomes qualified as a direct voter and goes out of the group. The numbers in the group could be decreased. We could say that a time had come when we could add ten millions more voters to the register, and make the groups consist not of 20 but of 10. In this way we could steadily work towards the realisation of universal adult suffrage. If that is what Lord Zetland's suggestion means I would give it my support.

Begum Shah Nawaz: When I spoke of 25 per cent. what I had in mind was 25 per cent. of the whole population.

Lord Zetland: Mr. Chintamani has said that he would agree to a first instalment of 25 per cent., and then, in four instalments, one would get adult suffrage. But I would point out that one would get a great deal more than that; it would mean that every child would be enfranchised.

Mr. Chintamani: I meant the adult population.

Mr. Paul: Our acceptance of this proposition is so dependent on the precise way in which we understand Lord Zetland's scheme that I would suggest that the scheme in outline should be presented to us. It appears that it would involve an addition to the general electorate, that every voter who is elected by the group would get enfranchised as a proxy and be added to the general electoral roll.

Chairman: As I understand Lord Zetland's suggestion, it is quite plain. It is a scheme for making an addition to the existing direct electorate in order that those who have not had the privilege of a direct vote may none the less have an opportunity of making their voice heard.

Lord Zetland: I see the difference which has arisen over this particular proposal. I think the proposal as I put it forward on the first day was this, that we should have a number of separate constituencies for the group electorate, but I do not press that.

Mr. Paul: That would complicate the communal sub-divisions, would it not?

Lord Zetland: It might; but in any event I do not press it. All I ask is that this principle of indirect election should be submitted to an expert Franchise Committee for their investigation, and if that Committee came to the conclusion, as I think they might, that it would be more practical to apply the principle in the way just suggested by Mr. Zafrullah Khan, I should have no objection, namely, that the person exercising the franchise on behalf of the group should go on to the register in precisely the same way as the directly qualified voter.

Diwan Bahadur Ramchandra Rao:-And vote in the same constituencies?

Lord Zetland: And vote in the same constituencies. Personally I preferred the separate constituencies because I wanted to secure representation for the actual village population, and what I am rather afraid of is that if they vote in the regular constituencies they will be swamped. Therefore I should have preferred a scheme of separate constituencies for these voters representing groups, but I would not press that point if the Franchise Committee decided to work it in the other way.

Mr. Zafrullah Khan: In my own Province in the Punjab there are separate rural and urban constituencies already.

Diwan Bahadur Ramachandra Rao: I am unable to support the suggestion by my friend Mr. Zafrullah Khan. I would invite the

attention of the Committee to one observation made by the Begum, and that is that the franchise should be extended to all those who are now on the municipal registers, the local board registers, and the registers of the village councils. If the extension of the franchise is made in that direction we shall have a great advantage. In the first place, the registers for the Provincial Legislatures will be practically the same as for the local bodies; there will be no duplication of registers. If that be made the basis of voting we shall have registers which will be useful for the extended franchise as well as for the local bodies. I think the development of the franchise should take that direction so far as existing general constituencies are concerned. As regards the voting by direct election, Mr. Joshi has been asking for the representation of Labour.

Mr. Joshi: I did not ask for separate representation at all.

Diwan Bahadur Ramachandra Rao: Now or before?

Mr. Joshi: I am talking about now.

Diwan Bahadur Ramachandra Rao: Hitherto the case has always been that Labour should be separately represented. Dr. Ambedkar has also been asking for the representation of the depressed classes. Therefore the people who have to receive representation would be all those who do not come into the other register, and both on the ground of convenience and practicability all those who do not come on to the register such as that suggested by the Begum would certainly find their representation by a system of indirect election, and it would be more convenient and proper if these were separately grouped and found their representation in the Legislative Councils by some system of indirect election. The question of proportion is a very difficult one. I think it would be impossible to accept the proposition that it should be on the basis of the population. For the very obvious reason that those who do not come on to the register would naturally swamp those who would come on. I rather think that the former should not have a preponderance of voting power for the legislature. My friends have been asking for a certain proportion of seats. I quite understand that point of view, and if they can put forward any proposal that the additions to the legislature, which have been suggested as involving 200 or 250 seats, may be made in the direction of conceding some seats to those who do not come under the first register, I think such a plan would be quite feasible. It would be more feasible than saying that votes must be given to a certain proportion of the population. What happened last time? The Government or the Franchise Committee suggested that there should be one member for every 50,000 of the population, or something of that kind, and the Provincial Governments were directed to suggest the qualifications which would produce the quota. I think therefore that it would be a better solution to give that number of seats to these representatives, and find out their numbers by some system of indirect election.

Dr. Shafa'at Ahmad Khan: There are two points to be cleared up. The first is whether we desire to enfranchise 25 per cent. of

the adult or of the total population. That is a very important point and I am afraid it has not been made clear. So far as I am concerned I shall not be able to support a proposal to enfranchise 25 per cent. of the total population immediately. I think it would be a leap in the dark. Until and unless our electorate has knowledge and experience, and I may add capacity, it will not be able to use that power effectively and efficiently. Unless we educate our electorate and prepare it gradually, systematically and thoroughly for the very important work which it will be called upon to discharge, we shall be reducing the whole system to chaos. Consequently I am strongly of opinion that we should not, in any case immediately, agree to an enfranchisement of 25 per cent. of the population.

I now come to Lord Zetland's proposal, which has been amended out of recognition. I have not been able to find out how the proposal will really work in the villages. I have had the opportunity of representing a rural constituency for the last seven years. It contains about 700 villages. One of the three sub-divisions in the constituency is absolutely impossible for travelling purposes during the rainy season. It is 300 square miles in extent, and there is no railway or motor road, and I can only go about by bullock cart. It seems to me very difficult to organise the groups of 20 villagers peaceably. There are a number of villages which are divided into various sections, with a latent hostility between them, and consequently if 20 villages are to be placed in a group it is quite likely that hostility will be aroused. What authority is going to enforce the decision as regards grouping? It may be necessary to send a Revenue official to enforce the decision. If the intervention of an official is asked in the case of outlying villages there may be an idea that the elections throughout the Province are being officialised. If, on the other hand, you do not help these villagers by asking your officials to group them, and if you leave them to themselves, I am perfectly sure there will be a great deal of trouble in most of the villages if not all of them. Again, take the question of the organisation of the elections. At the present time an election is a very expensive affair. If a candidate stands for a constituency he will have to organise his election campaign twice unless there are separate constituencies for what is called indirect election. If those who vote directly and indirectly do so simultaneously, the expenditure will be greatly increased. Those are some of the practical difficulties which I fear will be experienced by candidates, and my proposal is that instead of this Committee commending this method suggested by Lord Zetland, all it should do at present is to refer it for consideration to the expert Franchise Committee, and that Committee may consider whether it would be applied or not.

Here and now we should not commit ourselves to the principle of the proposal, because if we do that we shall be embarking on a very novel experiment which may not succeed, and which, I fear, will not succeed.

Sir P. C. Mitter: The first point I should like to mention is that these Provincial Legislatures, even in the bigger Provinces, should not be more than roughly double the size that they are at present. Within that limit I am in favour of broadening the franchise, remembering always how best we can get true representation. As a matter of principle, therefore, I should not object very much to broadening the franchise in our towns. In our towns there are very few practical difficulties; the voters in the towns are more used to exercising their franchise. They have exercised the municipal franchise for fifty or sixty years, and they are better educated.

The practical difficulties are greater in the rural areas. If our object is to give effective representation to the rural areas, our sole object should be to find how best to secure that, irrespective of theories or of what obtains in other countries where the practical difficulties may not exist to the same extent. With that object in view, I venture to think the method Lord Zetland suggested, namely, setting up indirect additional seats, would serve the purpose best.

Let me explain. In my Province there are 92 seats for the general electorate. Out of those 92 seats five belong to the European groups. They are a limited number and no difficulty arises, so that those can be ruled out. Two belong to the Anglo-Indian group. As to that a question was raised by Colonel Gidney, but even if that number is increased it will not add substantially to the total number, so we may leave that out also. There are 85 others. Out of those 85, 17 or 18 are from the urban areas and 67 or 68 from the rural areas. For the whole population of 43 millions there are now 67 or 68 seats. Even if you sub-divide these constituencies considerably, if you keep to the limit of 200, 225 or 250 seats you cannot increase it very much. On the other hand, if you somewhat increase the number and give additional seats to rural areas by indirect election, you will really be giving the rural interests double representation. They will have representation on the existing franchise, and they will have another system of representation either by the 'Mukhi' system or in some similar manner.

As regards the primary voters, I do not even object to adult franchise, but that is a matter for the Franchise Committee to examine. If after examination the Franchise Committee says that adult suffrage is possible, or 85 per cent., or 75 per cent., I will accept that. Having done that, they may say that they will give power to such and such a number of primary voters to elect electors, and that again is a matter of detail. Something of the kind is done in Denmark and in a different way elsewhere. Those electors are not necessarily elected at the time of general election; in some countries they are elected much in advance of the general election, so that their names are already on the list as electors.

Taking the case of my own Province, Bengal, we have about 5,600 villages, so that there will be a large number of voters and

two or three thousand of these electors. A district which now returns one member will then return two members, one member from the general electorate and one member from this additional electorate. The members who will come from the additional electorate will be elected by the primary voters indirectly by adult suffrage. It is in that form that I would accept Lord Zetland's suggestion.

On the other hand, I would ask Mr. Zafrullah Khan to consider what will happen if his suggestion is accepted, namely, if these electors are to be considered as ordinary voters and to vote as ordinary voters. In that case they will be hardly any use; they will be swamped by the ordinary voters. On the other hand, if they are taken as a separate group you give a more effective representation to the rural areas. However, I think that is a matter for the Franchise Committee.

We have been talking in what, if I may say, so, I consider a somewhat lax manner as to whether it should be 25 per cent. of the total population or of the adult population and so on. So long as we decide that the franchise should be broadened in town areas, and broadened in another way in rural areas, I think the question is one for the Franchise Committee. In some districts less than half the population is adult because the death rate is high; in some districts the men and women are about equal in numbers, while in others this is not the case; particularly in urban areas there are more men than women. I think, therefore, it is not acting with a due sense of responsibility to talk about 25 per cent. or 30 per cent. or 10 per cent. or anything like that; the better course would be to give a general direction to the Franchise Committee and let the Franchise Committee find out.

With regard to the women's vote, in my Province at any rate the women inherit. According to Hindu law, if a woman has a son she does not inherit, but—

Chairman: I think this comes under 2 (iii); we have a special heading dealing with women.

Sir P. C. Mitter: I will finish this point in a minute, if you will allow me to do so; I think it has some relevance. If women inherit and if they have a property qualification—I will not go into the details, which are not relevant at this stage—the real difficulty is that their names are not brought on the franchise, and therefore if you give a certain percentage and if, for reasons of education or social reasons you cannot, as a practical proposition, now bring a large number of women on the franchise, that is a point which should be borne in mind in fixing 25 per cent., 20 per cent. or 10 per cent. or whatever it may be.

Sir Cowasji Jehangir: If I may say so, I think some of us are confusing two main principles. One is how to give certain sections of the population in India a commensurate voice in the government of the country; the other is the question of weightage for certain communities.

Several Delegates: That does not arise here.

Sir Cowasji Jehangir: It bears so strongly on the problem that in any conclusions we come to each one, speaking for the interest which he represents, is guided by that main principle.

Now, Sir, I would beg my friends the members of this sub-Committee to separate those two principles complete. There is no doubt we have all definitely come to the conclusion that certain groups and classes of people like the Depressed Classes, who under no system of broadening the franchise will get adequate representation, should be compensated by weightage. We have come to that decision, I think, or at any rate we shall come to that decision.

In the same way another very big community—they may be a minority, but they are a most important minority—the Muham-madans, although under the present franchise they do not get the same number of voters as other communities, are compensated by weightage in the Legislative Councils. The result has been that on account of that weightage, notwithstanding the fact that the franchise gives them fewer votes, they have a larger representation in the Legislature than that to which their population entitles them.

If you divide these two principles up, admitting the one and then adjusting your franchise, I think you will come to more just and more equitable results.

Chairman: You have probably cleared the ground, but all this is quite out of order. The only question we are now discussing is "If so, what increase in the number of voters is now practicable or advisable," and I must ask you to keep strictly to that.

Sir Cowasji Jehangir: I made these preliminary remarks to lead up to what I want to say now, and I will promise not to be so lengthy as I have been in this introductory part. I made these remarks because I felt the suggestion of even 25 per cent. of the whole population—

Sir Chimanlal Setalvad: Of the adult population?

Sir Cowasji Jehangir: No, Begum Shah Nawaz said she meant 25 per cent. of the total population, but my friend Mr. Basu said 25 per cent. of the adult population. The two things are totally different, of course.

Mr. Foot: One is doubling it and the other means multiplying it by eight.

Sir Cowasji Jehangir: Yes, and therefore all these suggestions, I may say so with due respect to the Begum, emanate from the feeling that the franchise is the foundation of the representation in the Councils. That is so in all countries.

But where we have introduced the principle of weightage for communities, that principle does not hold good.

I will now make a concrete suggestion, and my concrete suggestion is this, that in adopting the scheme suggested by Lord Zetland we should go in for direct and for indirect election. So

far as direct election is concerned, I suggest there should be no further broadening of the franchise, and that the present franchise should remain as it is.

Dr. Ambedkar : No.

Colonel Gidney : That is all right.

Sir Cowasji Jehangir : That should return a certain number of representatives to the Legislature, both for urban and for rural constituencies. A large number of the population will remain without the direct vote, and for that whole block of the population the franchise should be broadened. It should be on the basis of 25 per cent. of the adult population, and they should return their representatives by the indirect system of election both in rural and urban areas. I make no distinction between the two. That will bring in industrial labour as well as agricultural labour.

Dr. Ambedkar : It will not bring in anything of the sort.

Sir Cowasji Jehangir : It has always been found very difficult to frame any scheme of franchise whereby industrial labour will be represented. My friend Mr. Joshi knows that perfectly well; it is no new subject to either of us, and therefore, if this other proposal that I place before you is considered, it will give Labour a very fair chance of representation, over and above the representation which is secured under the present franchise.

I may make it perfectly clear that at least in the City of Bombay, where the industrial labour population is very large indeed, they do get representation in the Legislative Council of Bombay under the present franchise, over and above the members who are nominated by the Government to represent Labour. It is wrong to say that under the present system of franchise they do not get direct representation.

I content that even under the present franchise representatives of Labour are directly returned, and therefore over and above that, if my suggestion is considered, Labour will be very fairly represented. I think my suggestion is perfectly clear and I need not repeat it, but I should like that suggestion considered. Let us divide the thing into two and lower the franchise for indirect election so that 25 per cent. of the adult population of that block may get the franchise, and then have a system of indirect election for that block.

Mr. Fazl-ul-Huq : Before you allow the discussion to proceed any further, Sir, I should very much like to have one point cleared up. Does Lord Zetland put forward his suggestion as an alternative to separate electorates, or are his proposals subject to the condition precedent that separate electorates shall remain?

Lord Zetland : I can say at once that I do not put this forward as an alternative to separate electorates.

Khan Bahadur Hafiz Hidayat Husain : I will confine myself very strictly to the question which you, Sir, have so often placed

before us this afternoon, namely as to what increase in the number of voters is practicable or advisable. After having heard all the long speeches which have been made, my humble suggestion is that we should double the number of the proportion of male electors to the adult male population. If we do so we shall find that in Madras the proportion will be raised to 23 per cent.; in Bombay it will be raised to 27 per cent.; in Bengal, to 19 per cent.; in the United Provinces it would go up to 25 per cent.; in Bihar and Orissa it would go up to 9 per cent.; in Assam it would go up to 28 per cent.; and in the Central Provinces it would go up to just under 11 per cent. It is true that the Central Provinces and Bihar and Orissa come very low down in the list, with only 11 per cent. and 9 per cent. respectively, but we must not forget that there are large backward tracts and communities in these Provinces which have not had any representation so far; and therefore, if we were to give them the same status as we would give to more educationally advanced Provinces, probably you would not find a sufficient number of candidates there to go round.

Now, Sir, when we are going to set up a Franchise Committee, I think it is also due to us that we should give certain instructions to that Franchise Committee on which it should frame its proposals. If adult franchise were to be the sense of this House I do not think it would be necessary to set up a Franchise Committee at all, but I suppose the sense of this House is not in favour of adult franchise. There is one consideration I should like to place before my friends on this side of the Table, namely that it is only since 1920, when the Act of 1919 was passed, that real responsibility came into the hands of the people in those subjects which were transferred. Although the framers of the Montagu-Chelmsford Report thought that a convention might be established under which the official members in the Councils would not vote on subjects which were transferred, unfortunately this convention was never established in any Province, and the result was that in every Province the Ministers in charge of the transferred subjects remained under favouritism of the official bloc. The result was that not only was no party established in the Province, but real responsibility was not felt even by the Legislature itself, because all that was decided in the Cabinet was also decided generally in the Council. Therefore I say that, however extensive the franchise may be, however you may extend it, you cannot have labour members in the Council and you cannot have depressed classes in the Council in that number in which you wish they should be, in proportion to the population. If I may be permitted to make a suggestion, it is this: why should not labour send its own members? Why should not the depressed classes send their own members? If all these members, labour and depressed classes, enter the Council; put their heads together, they may frame a policy which will be practicable and for the real good of the country.

Now, Sir, with regard to the suggestion made by the noble Lord, I am afraid it will not work at all. I am simply of opinion that it would not work; for this reason, that it means indirect

voting. I have represented and I am representing even now a rural constituency. Supposing we have 20 people set up in a village to elect one representative. You cannot say that those 20 will consist only of people of the depressed class, or only of Brahmins, or of this or that sub-class. You will have to put them all into a hat. What will be the result? The result will be that the upper class man will dominate the lower class people; people of the money-lender class will dominate those who are indebted to them. Secondly, as compared with the present electorate, you will have a body of people which will not be claimed either by this class or that class. The result will be a confusion of ideas and a confusion of feeling. I may go further and say there might be a conflict between the two bodies of people. Therefore I think, Sir, in no case could the system advocated by Lord Zetland—I think in a more or less half-hearted way—work, at least in my Province. Therefore I think if we could only double the proportion of male electors to adult male population, as it is now, you would have advanced a good bit more than is anticipated by many of us.

Colonel Gidney: Sir, I have very few remarks to make here, and I will keep to that to which you have asked us to confine our remarks. I am in agreement with an increase in the franchise, but I am afraid I cannot agree to the general principles which you have laid down, that is to say, a doubling of the present direct system of election, with the "mukhi" system added to that. I say that for this reason, that if you double the present system of direct election you give added power to the very system to which the rural areas, the labour classes and the depressed classes, are objecting. You will give them more than the present total of $6\frac{1}{2}$ millions. If you double it you would give them 13 million voters, and you would, by Lord Zetland's system, the "mukhi" system, introduce 5 million more on the basis of 20 villagers to one spokesman. That means you would get a total of 18 millions. You are now not only perpetuating the system of representation to which the labouring classes are objecting, but you are giving them in this doubling $1\frac{1}{2}$ million more voters.

I suggest that, since the rural and labour people demand a complete change in the system of election, so that they will be given as good and as strong a voice as the intelligentsia, that we should pass a resolution here, or an opinion, that we accept an increase of the franchise to 25 per cent. of the adult population; and, in order to give those who are desirous of proper elections a chance of a voice in the government, that we divide those equally; in other words, we make a total separation between urban and rural areas, with different sets of constituencies; take your 25 per cent., give half of it to the rural areas and half of it to the urban areas. And we should indicate to the Franchise Committee that on the rural constituencies none but rural representatives should be appointed, spokesmen who will accept and voice the opinion of the rural man and the labourer, and not of the monied class or the intelligentsia such as exist to-day.

Dr. Ambedkar: Sir, this morning I said what I need say regarding the question of franchise; but, without prejudice of what I have stated this morning, I should like to examine the suggestions which are put forward before this Committee for the purpose of extending the franchise. I take it that this Committee is agreed that the ideal is adult suffrage. Some of us think that it ought to be realised immediately; the rest of our friends think that it ought to be evolved by stages. We have therefore put before us two concrete suggestions. One suggestion is that we should adopt the system of instalment and increase the suffrage by a graduated scheme of 25 per cent. addition to the existing voting list, say at an interval of a certain number of years. We have, on the other hand, the suggestion of our noble friend the Marquess of Zetland in which also effect is sought to be given to some realisation of this ideal of adult suffrage.

Now, comparing the two, I cannot help saying that I have a partiality for the suggestion of the noble Lord, although, as I say, I hold strongly that we must have undiluted adult suffrage. If it were a mere matter of choice between the two, I should certainly like to have a system which immediately lays the foundation of adult suffrage in preference to a system which gives some sort of suffrage to only a class of the people and postpones the fact of self-government to a large mass for a time to come. But, having said that, I cannot, as I say, give whole-hearted support to the suggestion, because I find there are certain difficulties. But, because I think that probably the noble Marquess will come to our help in meeting the difficulties which some of us feel, I propose to make one or two observations. One thing I see: that if this system of indirect elections by groups is adopted, it seems to me the depressed classes probably will not fare better under that system. I say that for this reason: the depressed classes are scattered throughout India in small numbers in every village; their life is practically dominated on all sides by powerful bodies of villagers who hold over them social and economic sway. It is possible, and I think it is also probable, that when this indirect election comes to be applied to them, such an amount of pressure may be applied by the village community on the depressed classes that, in exercising their vote, so to say, in the primary election, they may be compelled to select people who may not be their best representatives. That is a fear which I certainly have.

Another thing which I find is that if this system is to be adopted in preference to the graduated system of extending the vote by instalments, I do not understand why we should confine this to the propertied class or to any other class; I do not see why we should not extend the system in such a manner that adult suffrage should become the foundation of the system.

A. Member: That is the intention.

Dr. Ambedkar: I am glad to hear that. With regard to the difficulties that have been suggested, that this would complicate the matter of separate electorates, I do not think it will, because

with indirect election you can still maintain separate registers for such communities as may desire to have them. I do not think that will create any difficulty in the matter.

But, as I say, we cannot, for instance, give support to this principle unless we know really how this principle is going to work in practice, unless we know all the details about it. My concrete suggestion, therefore, is that this Committee should appoint a small sub-Committee in order to consider this system and to report upon it, so that we may be better able, with full knowledge and information, to recommend this to a Franchise Committee that may hereafter be left to work out the system. It seems to me in its raw form, if the noble Lord will excuse my using that expression, it is somewhat difficult, and it is too much of a large order for any one of us—speaking, at any rate, for myself—to give out support to this principle.

Lord Zetland: In the discussion which has arisen I think there is some misunderstanding on two points with regard to this “mukhi” system. First of all may I say that in my opinion the “mukhi” should be a genuine member of the group; that is to say, he should be a man who is not already qualified to exercise the vote as a direct elector. That meets Dr. Ambedkar’s point. None of these people who are represented by “mukhis” will have property qualifications at all. If they had, they would be on the register already, and they would not be eligible to be members of a group. That is the first point.

Another point was raised as to the interference of officials in the formation of groups. Surely there are many parts of India—of course I cannot speak for all parts of India, but certainly I think in Bengal—where the groups could be organised under the supervision of the village panchayat, and an official need not come into it. Then with regard to Mr. Fazl-ul-Huq’s question, this system of course would work equally well if you had separate communal electorates or if you did not. If you had separate communal electorates, you would have Muhammadan groups in the Muhammadan districts, and other groups in other districts. Those, Sir, are the three points I wanted to make clear.

Chairman: I am much obliged. I was going to say this, ladies and gentlemen. It occurs to me that we really cannot get very much further. I am rather impressed by this consideration. Here I find various people who sit round this table who are in favour of the ideal of adult suffrage, who yet are saying that our present and immediate aim should be to enfranchise 25 per cent. of the total population. Why 25 per cent.? Manifestly because they think that 25 per cent. is all that is practicable at present. But how do they know that only 25 per cent. is practicable? How do they know that as much as 25 per cent. is practicable? They cannot know. That is a matter which can really only be considered by an expert Franchise Committee. Therefore, it seems to me that we can really summarise our conclusion. Perhaps it is too much to ask for unanimity, but I believe that something like this would

represent the majority view; I have jotted it down and I will read it out to you. "It was agreed that the basis of the franchise be broadened and that a large increase was desirable." Now that answers the first question. "Some difference of opinion existed, however, as to the extent to which this is now practicable, and it was realised that this Committee had not the necessary material satisfactorily to determine this question." It seems to me your 25 per cent. is a mere guess, if I may say so. "The Simon Commission suggested such an increase in the number of electors as would bring that number up to 10 per cent. of the total population. Some of our members thought that an increase amounting to 25 per cent. of the adult population was immediately practicable. We unanimously recommend that an expert Franchise Committee should be set up and should provide for the immediate enfranchisement of a number of voters not less than 10 per cent. of the total population and for a larger number; but not more than 25 per cent. of the total population, if that should, on detailed consideration, be found practicable and desirable."

Mr. K. T. Paul: Is that the total, 24 per cent.?

Chairman: The total. "In addition to this increase we would desire such expert Committee to consider the institution of a scheme by which all adults not entitled to a direct vote were grouped together in primary groups of about 20, so that each group might elect one of themselves as a representative who would thereby be entitled to vote in the elections to the legislatures, either in the same constituencies as the directly qualified voters, or in separate constituencies to be formed for the voters selected by the group-system." Now I think that fairly summarises the sense of the meeting. I will read it again: "We unanimously recommend that an expert Franchise Committee should be set up and should provide for the immediate enfranchisement of a number of voters not less than 10 per cent. of the total population, and for a larger number, but not more than 25 per cent. of the total population, if that should, on detailed consideration, be found practicable and desirable."

Sir C. Setalvad: As to 25 per cent. of the total population, there is no unanimity.

Chairman: No, it is "if practicable". If I may just answer that, I am told there is no unanimity about 25 per cent. of the total population; but I point out that is a mere maximum figure, and it is stated in this to be conditional upon the expert Committee finding that to be practicable and desirable.

Mr. Basu: Sir, as regards the maximum figure, it has been pointed out to you that in some of the Provinces, if the present figure is doubled, it will exceed 25 per cent.

Members: No, no; that is of the adult population.

Chairman: Total population.

Mr. Basu: But is it necessary to put a maximum figure at all, because the Franchise Committee will be there, they will have to

consider it and go into details. I think we should put the minimum figure; that is all that is required. As regards the maximum, they may decide as to what the maximum should be.

Dr. Ambedkar : I should like to make one observation with regard to the first paragraph in your summarisation. I should like to have it stated in the paragraph which you have drawn up that the opinion of the Committee was that the extension of the franchise should be limited by considerations of administration and machinery. That was the only limitation that we thought should be put in.

Sir C. Setalvad : It is not merely administration; there are other considerations as well.

Mrs. Subbarayan : What is practicable?

Dr. Ambedkar : Practical means machinery. I mean the Committee might find that it was practicable with the present machinery that 50 per cent. of the population should be enfranchised.

Mr. Zafrullah Khan : Do you mean 50 per cent. of the total population?

Dr. Ambedkar : Yes.

Mr. Zafrullah Khan : That would be slightly more than universal adult franchise.

Chairman : It is suggested that we should leave out the maximum. The whole thing is conditional on the expert Committee finding it practicable and desirable; so that we need not have a maximum. Let us leave out the maximum. Does anyone wish me to read it again?

Mr. K. T. Paul : If you leave out 25 per cent., if it weakens our statement, I would not agree to it.

Chairman : It does not weaken it.

Mr. Chintamani : Very often in these matters when a minimum is stated it comes to be a maximum in actual practice. If we indicate the figure 10 per cent. in our Report, it will show the Franchise Committee that is appointed that we should be contented if they secure a maximum of 10 per cent. Those of us who mentioned the figure of 25 per cent. did so as a sort of unsatisfactory compromise between the present position and adult franchise. I, for one, shall not be happy if you take it out.

Mr. Foot : Mr. Chintamani mentioned 25 per cent. of the adult population?

Mr. Chintamani : Of the total population.

Mr. Foot : I beg your pardon.

Mr. Joshi : Sir, I am very sorry to say that you should not put down in the Report that the suggestion is a unanimous one, because I for one would not agree to it, and I reserve to myself the right of re-opening the question of adult suffrage in the full Conference.

Dr. Ambedkar : That is my position too.

Mr. Joshi : It should be put down in the Report.

Chairman: Then I will strike out the word "unanimously".

Mr. Joshi: May I suggest to you that in the Report you may mention that there are certain members who advocate the establishment of adult suffrage, and they reserve to themselves the right to raise the question.

Chairman: I realise that, but I thought we had all got to compromise with each other as far as we can, because the Report which we make carries much greater weight if it is a unanimous Report. I thought we had largely met this point by saying that we would extend to a very substantial extent the direct vote, and every single adult who did not come in under the direct voting would come in under this scheme, the "mukhi scheme". Therefore you do get every single adult having a chance of making his or her voice heard.

Mr. Joshi: Have you agreed, Sir, to Dr. Ambedkar's suggestion that the question of indirect election be considered in more detail?

Chairman: If it meets with the approval of the rest of the Committee, I think we had better say that Mr. Joshi and Dr. Ambedkar stated that they would have preferred the immediate introduction of a system of direct adult franchise. What are your views with regard to retaining 25 per cent.? If you, Mr. Joshi, are going to dissent, I do not think the point concerns you very greatly in view of your previous point. I do not know what the Committee feels, but I suggest that we had better retain the figure of 25 per cent. It is a mere maximum (*Assent*). It is conditional upon these people finding it practicable and desirable, and if we retain it we have the great advantage of the support of my friend Mr. Chintamani. May I take it, then, that subject to the note of dissent already recorded—and I think that those who have recorded their dissent, although they would rather have had a simple immediate extension of adult franchise, realise that this is better than nothing—

Dr. Ambedkar: It would be a second best provided we knew it was going to work.

Chairman: Subject to that, are the rest of the Committee agreed?

Sir C. Jehangir: I cannot agree to this figure, 25 per cent. or 10 per cent. in the case of direct election. In the case of indirect election I could agree.

Sir P. C. Mitter: I cannot agree to 25 per cent. until we have the whole of the facts before us.

Chairman: We are suggesting that an expert Franchise Committee be set up.

Sir P. C. Mitter: Before we fully know the facts it would not be right for us to commit ourselves.

Chairman: It would not do for us to hand over our job to the expert Franchise Committee. We are in the unfortunate position of having to make some recommendation, and we cannot say that we recommend merely that somebody else should take over our job.

Sir P. C. Mitter : I am expressing only my own personal opinion. I suggest to the Franchise Committee that there should be an increase, as large an increase as possible, and I would not have objected to 10 or 20 or 50 per cent., if I knew all the facts beforehand on which to base an opinion.

Chairman : Would you like, Sir Provash, to put in such qualification as you desire, to the effect that any recommendation both as to maximum and minimum should be entirely subject to the discretion of the Franchise Committee? I feel that we ought to give that Committee some guidance. However, we have got near enough now, and we will take an opportunity of speaking with you about this afterwards.

Mr. Chintamani : I do not know, Sir, whether you will agree to what I am about to suggest, but there is also before us an important proposal that the Franchise Committee should be asked to devise such qualifications as will ensure, as far as possible, the same proportion of voters to population in the different communities. This was proposed by the Simon Commission, and it has been supported by several local governments. Could that be considered new? If the Franchise Committee find it not possible they will reject it.

Chairman : I think it comes under the next head, namely, "general basis of franchise. (i) Should the franchise qualifications be the same for all communities in the same area?" I call your attention to those words "in the same area". Do not let us embark now on the subject of women's suffrage or anything of that sort.

Sir P. C. Mitter : I thought from what you ruled that the special interests and communal interests came under the Minorities Committee.

Chairman : We shall very likely know more about that after-morrow. For the moment we are discussing the general basis of the franchise, and whether the qualifications should be the same for all communities.

Diwan Bahadur Ramachandra Rao : You said that you would speak to the Prime Minister and let us know whether this matter came within the province of our Committee or of the other.

Dr. Ambedkar : I should like to make one proposal. Although the question of universal adult suffrage has been pointed out by certain members of this Committee to be for the present not possible or practicable, it seems to me that it may be possible to have, at any rate, adult suffrage for the depressed classes. There is no reason why, for instance, all communities should have the same franchise—in fact, there may even be cases which we find in the practical affairs of life, that in order to reach equality of status, we may have to adopt, so to speak, methods of inequality. In the matter of treating the richer class as against the poorer, for example, we do enact certain special measures for the benefit of the latter. We tax the richer class at a higher rate than the poorer, the object being that the principle of ability to pay the tax may be realised in

practice. I think that the same consideration might be applied to the depressed classes. If the object of the Committee is that all communities should be represented in equal proportion in the electorate, there is no reason why one class of people may not be treated differently from another class of people if a different sort of treatment is the only means available for the purpose. It seems to me that if, for instance, adult suffrage were applied to the depressed class and not to other communities, but other communities had a system such as Lord Zetland has suggested, it would not be in reality any difference at all, and it would not put any great pressure on the electoral machinery available in the Provinces. Having regard to the peculiar position of the depressed classes, and having regard also to the consensus of opinion that no other system of franchise would give them the vote—and without the vote there would be no solicitude expressed for them by any candidate who stands for the Legislature at the present time—I think that this Committee would not do any great harm if it recognised the application of this principle to the depressed classes.

Mr. Chintamani: I have no hesitation in answering the question before us in the affirmative, namely, that the franchise qualifications should be the same for all communities in the same area, otherwise there would be much friction and heart-burning in the same local area, a sense of favouritism and prejudice, which would not make for the friendly and trustful atmosphere so indispensable for the success of any constitution. Having said this, may I add that in my opinion the Franchise Committee should be asked to investigate the question whether it is not practicable to devise such methods as would ensure as far as possible the same proportion of voters to population in the different communities. This would remove irritation and heart-burning and promote feelings of mutual trust. I do not ask the sub-Committee to affirm that it is practicable, and I do not want the sub-Committee to commit itself to that position, but it is a point important enough to justify us in drawing special attention to it and inviting the expert Franchise Committee to give it consideration. That Committee may find that it is not practicable at all; then we shall have the satisfaction of knowing that this important point has not been neglected, and that the reason why it has not been given effect to is simply because of its impossibility. It would be well if the sub-Committee would answer the question in the affirmative, and ask the Expert Committee to devise such qualifications as will ensure as far as possible the same proportion of voters to population in the different communities.

Dr. Shafa'at Ahmad Khan: I support Mr. Chintamani. I think that if an attempt is made to bring about an equality between the strength of the population and the voting strength of various communities, it will remove some of the grievances from which various communities suffer, and from this point of view it would be very useful if the proviso suggested by Mr. Chintamani were added as a recommendation.

Mr. Basu: I agree with Mr. Chintamani as regards the suggestion that there should be such qualifications laid down as will ensure on the electoral register a due proportion of the different communities to some extent agreeing with their proportion in the population. I would emphasise, however, that there should be no differential qualifications. The qualifications for all in any particular locality should be the same. It will create a great grievance if one community or class has one set of qualifications and another a different set. The qualifications for all should be the same, but there should be an inflow of voters on the register agreeing with their proportion in the population.

Mr. Joshi: I support Dr. Ambedkar; at least so far as the depressed classes are concerned. We should lay it down that they should be given adult suffrage. The depressed classes are quite different in their economic and social status, and whatever qualification may be fixed for the other communities, we shall never give the same proportion of votes to the depressed classes. They are to be treated separately, and it is far better to lay it down that they should have adult suffrage. Otherwise if they have the same qualifications as for other classes, the number of voters is bound to be lower than in the case of other communities.

Sardar Sampuran Singh: I quite agree with Mr. Chintamani that the qualifications should be the same for all communities in the same area. But this is really a question for the Minorities sub-Committee, and if we decide anything on this point it will be encroaching upon the work of that sub-Committee. If there is general agreement on that point I need not explain it further, but I should like, Sir, to have your ruling.

If you agree with me on that point I need not explain my position further, but I should like to have your ruling on this point.

Chairman: This is in order; it is not a question for the Minorities sub-Committee.

Sardar Sampuran Singh: Then I would explain that, for example, in the Punjab there is the question of how the three communities should be represented, and that question hinges on the smallest of the three communities, the Sikhs, which is in population about 11 per cent. and in voting strength about 24 per cent. Their claim is that they should have the same weightage which the Muhammadans have in other Provinces. If they got the same weightage, their representation in the Council would come to 30 per cent.

Now, my claim is based on two grounds: on the weightage which other minorities get in other Provinces, and also on the ground that the voting strength of the Sikhs is more than double their population strength. In the same way, the Muhammadans are about 55 per cent. in the Punjab, while their voting strength is about 43 per cent. If the voting strength is to be made to correspond to the population ratio, the voting strength of the Muhammadans would be brought up to 55 per cent., and that of the Sikhs

would be brought down from the present figure of 24 per cent. to 11 per cent.

That is the main case which will be before the Minorities sub-Committee, and if we are going to make any recommendations on the lines suggested they will go right to the very root of the case which is going to be presented before the Minorities sub-Committee.

This is one of the main matters which has got to be decided by this Conference, and on that ground I would submit that it may be perfectly correct that the franchise qualifications should be the same for every community in that area, but any attempt to make the voting strength the same as the population strength will bring up the whole trouble which is to be put before the Minorities sub-Committee.

Chairman : The question as it appears in the paper is, "Should the franchise qualifications be the same for all communities in the same area," and it is pointed out to me that the word "area" may be rather misleading, and that it might be better to say "in the same Province". No one is tied down to the idea that one Province must have the same principle as another, but I suppose there is no idea that little bits should be selected inside any one particular Province and given a different franchise qualification from that obtaining in other bits of the same Province. That is the sense in which I understand it.

Sir P. C. Mitter : We do have differences in different bits of the same Province.

Chairman : I am told the word "area" was put in for this reason. It is not meant to depart from what I have said, but Sind, of course, is part of Bombay, and the existing qualifications in Sind to-day are different from the qualifications in Bombay. That is why the draftsman has used the word "area" instead of the word "Province".

Sir P. C. Mitter : In Calcutta the electoral qualification is different from what it is in Howrah, on the other side of the river, because they are differently administered.

Mr. Joshi : Is the question of rural and urban included in this question?

Chairman : No, I do not think so.

Mr. Zafrullah Khan : The previous speaker has submitted that this question goes to the root of the communal question, as it is generally described, but I do not agree with him. If there were no communal question whatever involved in this, we should even so have set before us the goal which we desire to reach in this matter of the franchise, and that goal is universal adult suffrage. That being so, every step that we take towards the achievement of this ideal is bound to have this result, that the proportion of each community—whether it is a question of separate electorates or not, or of weightage or not, or whether there is any communal question involved or not—in the voting register would either rise up to its

proportion in the population or fall to its proportion in the population.

That result is bound to come about. It does not matter whether the minority question is or is not considered, and therefore the only question raised by Mr. Chintamani is this, that instead of postponing that result with regard to each community until the whole adult population may be enfranchised, we should endeavour to ease the situation and to remove several grievances that exist by seeing if it is not possible at this stage to frame the franchise qualifications in such a way as to see that the whole electorate, when it has been determined, shall from this moment, so far as may be practicable, reflect the same proportions as it is bound to reflect when we arrive at the stage of universal adult franchise.

That being so, my submission is that this question has not anything to do with the Minorities sub-Committee or with how the Minorities question shall be adjusted. The question really is that a suggestion should be made to the Franchise Committee which is to be set up hereafter that in devising these qualifications they shall have in their minds, apart from other results which ought to be achieved by those qualifications, that this may be achieved at this stage rather than at a subsequent stage when everybody will be admitted to the exercise of the franchise.

Diwan Bahadur Ramachandra Rao : What is important in this if there is not to be a general constituency from which Hindus and Muhammadans alike will be returned? I do not see its importance if we are to have separate constituencies.

Mr. Zafrullah Khan : Apart from the question of Muhammadans and Hindus, you will get the question of the depressed classes. If by having one qualification you will have a much larger proportion of the depressed classes admitted, while by having another they will be excluded, while the total number of electors admitted to the register may be the same in either case, by having the former qualification you will secure a greater number of the depressed classes but a fewer number of high caste people. In that way you will be able to remove one grievance. Apart altogether from communal feelings, it does not matter from this point of view whether separate electorates continue to exist or not. We do not know how long they will continue to exist. In some Provinces the Muhammadans may give them up, if they find that in the general electorate, owing to their number having been brought up to correspond to their proportion of the population, they are able to exercise the same influence on the Legislature as was the case with separate electorates. That will be one inducement to hold out when you ask the communities to go into general electorates; if they have that guarantee they may be more inclined to make that experiment. I do not say they will give up separate electorates; I cannot discuss the minorities question here. But I can tell you this, that if you endeavour at this stage to place each community in relatively the same position with regard to its power to influence the election of the Legislature as it would be in at the time when adult universal

franchise is introduced, you will be easing the situation considerably and you will remove many grievances.

Sir Chimanlal Setalvad: I agree with my friend, Mr. Chintamani, that the qualifications should be so regulated as to secure the result that the population percentage of each community may be reflected in the electoral register. If you do that, many difficult questions that are at present troubling us may, in the course of time, be automatically solved.

I do not agree with Sardar Sampuran Singh that this is infringing on the functions of the Minorities sub-Committee. All it is thought, really, is that every community which has a certain percentage in the population should, as far as possible, have a similar percentage on the electoral register, so that it can make its influence felt in the result of the elections with the full strength of its proportion in the population.

Diwan Bahadur Ramachandra Rao: If they are voting together that point is a good one, but not if they are not voting together.

Sir Chimanlal Setalvad: Further, Sardar Sampuran Singh said that if you do that in the Punjab, the Sikh community, which is only 11 per cent. of the population but which has at present 24 per cent. on the register, will lose the advantage that it has at present. That, however, is a different question altogether. If the Sikh community, as a minority community in the Punjab, requires special protection, it can claim, as it has now, a certain weightage, just as the Muhammadans in the other Provinces have a certain weightage. But that is a different question altogether, and one which will have to be considered by the Minorities sub-Committee. Any other community would be on the same footing. All that we are concerned with in this Franchise sub-Committee is to have the register so framed that it will faithfully, as far as possible, reflect the population percentage of each community. That is all that we are asking should be done at present, and it does not cut across any other question at all.

Chairman: I should like to intervene at this stage to ask you how far this represents your views? It will do as a subject for discussion. "We recommend that in any given area the franchise qualifications should be the same for all communities, but we desire that the expert Franchise Committee, in making their proposals, should bear in mind that the ideal system would, as nearly as possible, give each community a voting strength proportional to its population, and that this Committee should so contrive their franchise, so far as practicable, to bring about this result."

Sir P. C. Mitter: I suggest another addition, namely, if they are voting together in one electorate.

Chairman: I do not think, Sir Provash, that that matters very much. If you have separate electorates this point may be of comparatively small importance, but it is important to try to get the thing the same, so that, if the day ever arrives when separate electorates are done away with—I am not expressing any opinion.

on that; it does not concern us—then you have the ground clear, and it is a much easier terrain to work on.

Sir P. C. Mitter : I do not at all press my point.

Sardar Sampuran Singh : I should like to have my dissent noted on the second part of this, about bringing the proportion of the voting strength and the numerical strength of the community together.

Chairman : I will gladly have that inserted if you want it, but I should like to make the position plain, because I am not sure you really do dissent from that at all. You are apprehensive that this will have some result on your separate electorate. If it would, I should entirely agree with you, but it is entirely without prejudice to that point; it does not touch the point of separate electorates at all. So long as you have your separate electorate it does not affect you.

Sardar Sampuran Singh : It reduces my voting strength.

Chairman : It really does not.

Sir Chimanlal Setalvad : Your 24 per cent. remains.

Chairman : It does not affect in any way the number of members, but only the number of voters who vote for those members. I will gladly insert a note of your dissent, but I really think, if I may say so, that you are dissenting under a misapprehension.

Sardar Sampuran Singh : You may say that I object in case this brings about a reduction of my representation in the Legislature.

Chairman : It does not, but I will put that in if you like. It has nothing to do with it.

Sardar Sampuran Singh : It would eventually. My voting strength is the strong weapon in my hand; if that weapon of voting strength is taken from me, I become weak.

Mr. Chintamani : Sir, this proposition should be read in conjunction with the proposition which we have already accepted. We have not recommended a reduction of the voting strength of any part of the population; on the contrary, we have recommended that the franchise should be so widened and lowered that there will be an increase of the voting strength of all sections of the population of anything between 10 and 25 per cent. The result will be that not a single member of the Sikh community who now enjoys the vote will be deprived of it by this proposition; on the contrary, many Sikhs not now on the register are bound to come on the register as a result of our first recommendation.

The result of our second recommendation will only be this, that the voting strength of other communities proportional to the population will be increased, not that the voting strength of the Sikh community will be decreased; and surely no one can have a grievance if others are levelled up without his being levelled down. This has nothing to do with separate or joint electorates or with the proportion of representation enjoyed by any community in the

Council, and therefore I do not think Sardar Sampuran Singh need dissent.

Sir Cowasji Jehangir: I quite agree in general principle with what Sir Chimanlal Setalvad has said, that all this will help to lead up to joint electorates if they are not to come immediately. But there is a point that deserves consideration, and that is, that there are some small but important communities which to-day secure representation in the joint electorates due not to their numbers but to their voting strength.

I will instance the case of my own community. In the city of Bombay, with a population of 1,200,000, the Parsis number only 45,000—45,000 out of 1,200,000. In other parts of India the question does not arise. There, however, we get our representation in the Council in joint electorates, and though I will not say this is entirely due to the fact that our voting strength is far greater than that to which our population would entitle us, nevertheless that has a very influential effect upon securing for us adequate representation, and therefore if this principle is adopted, that the voting strength should be in proportion to the population, I am afraid the representation of my small community in Bombay will be wiped out altogether.

Sir Chimanlal Setalvad: The present number of Parsis on the register will not be decreased owing to this.

Sir Cowasji Jehangir: It comes to the same thing. I have at present a proportion of one-third, but though the number may remain the same my proportion may become one-hundredth part, and therefore, to that extent, my present status will be detrimentally affected.

Notwithstanding that, I am not coming in the way of the proposal at present enunciated. Because I fully believe that joint electorates ultimately are our salvation, and if we cannot get it now, any step that will lead to it in the future should not be opposed by any one of us present. But I may, at the same time, clearly state that small communities like mine and the Sikhs in the Punjab will then require special consideration, and at that time I trust that no Delegate, whether he be Hindu, Muhammadan or any other community, will forget that very essential point. I therefore desire to make this point clear at this very stage.

Colonel Gidney: Sir, I should like to join with my friend; I share the same fears.

Sardar Sampuran Singh: It is yet to be seen what consideration is going to be shown to us if that occasion comes. I would ask that my dissent should be recorded.

Chairman: Certainly. Then this is as I understand it: "We recommend that in any given area the franchise qualification should be the same for all communities, but we desire that the expert Franchise Committee in making their proposals should bear in mind that the ideal system would as nearly as possible give each community a voting strength proportionate to its population, and

that this Committee should so contrive their franchise as, so far as practicable, to bring about this result. Sardar Sampuran Singh dissented from this statement ”.

Mr. K. T. Paul: If there is a slight alteration of the wording, if you said: “ should not be less than proportion to the population ”.

Sir Cowasji Jehangir: I think it might be said that this proposal should not in any way affect the voting strength of small minorities.

Sir H. Carr: Would it help the position if, after the words “ for all communities ”, we added “ in general constituencies ”? That might meet Sardar Sampuran Singh’s point.

Sir Cowasji Jehangir: It would not meet my point at all.

Sir H. Carr: Of course the Sikhs are a special constituency.

Sir Cowasji Jehangir: It does not affect the question of joint or separate constituencies at all.

Colonel Gidney: It would help the special constituencies.

Sir C. Setalvad: I see the point; what is meant, Sir, is that this applies to the general elections, not elections to represent special interests like the universities and zemindars.

Diwan Bahadur Ramachandra Rao: I have already raised the qualification for special interests, and so on.

Chairman: That is the next point; we must dispose of this point first.

Colonel Gidney: May we add the words suggested by Sir H. Carr?

Chairman: I do not mind, if the meeting want the words in: “ for general constituencies ”.

Sir Cowasji Jehangir: That does not meet my point, Sir; I do not know of any other instances, but there may be very small communities.

Sir C. Setalvad: Your point is different.

Sir Cowasji Jehangir: Separate and joint does not help us at all.

Sir C. Setalvad: It is not for the purpose of helping you; it is for securing a distinction.

Sir Cowasji Jehangir: My point is the same as Sardar Sampuran Singh’s; I think there might be something added with regard to a very small community like my own. If the voting strength of my community is proportionate to my population, I shall get no voting strength at all.

Chairman: Is not that a point, Sir Cowasji, which ought to go before the Minorities Committee?

Sir Cowasji Jehangir: No, we have never claimed the privileges of a minority.

Chairman: But is not that the logical result, if you are going to say: “ If you extend the franchise in this way I shall be swamped;

it is true I do not lose any votes, but if the votes of other people are very much increased, I shall be in a worse position." If you say that, is not it the logical thing to say to the Minorities Committee " Now that being the position, I am not confronted with it to-day but I shall be confronted with the position to-morrow, and then when that comes, you ought to help me with regard to reservation of seats " ? Is not that the position ?

Sir C. Setalvad : May I say something about the minority which Sir Cowasji represents? The Parsi community in Bombay, for instance, whatever there may be on the register, are such a leading community in education, commerce, industry and enterprise, that they will be at the top any way and under any circumstances; they have been all this time.

Colonel Gidney : That does not apply to all minorities.

Sir C. Setalvad : No; I am speaking only of the Parsis; they have led in commerce, politics, in municipalities, everywhere, because of their intelligence and public spirit.

Sir Cowasji Jehangir : Thank you for the compliment, but I think it would be very dangerous for me to accept it altogether.

Colonel Gidney : I do think that if you added the words " general constituencies ", it would remove any apprehensions.

Chairman : Would it? Because I should like to get unanimity. If I add the words " in general constituencies ", does it meet Sardar Sampuran Singh's point?

Sir C. Setalvad : It does not meet his point.

Chairman : I do not think it does. If I add the words " in general constituencies ", does it meet your point?

A. Member : No.

Chairman : I thought not, and therefore I will not add it. Lord Zetland, what we have done is this. On this second point: " Should the franchise qualifications be the same for all communities in the same area ", we have recommended as follows, subject to your approval: " We recommend that in any given area the franchise qualifications should be the same for all communities, but we desire that the expert Franchise Committee in making their proposals should bear in mind that the ideal system would as nearly as possible give each community a voting strength proportional to its numbers, and that this Committee should so contrive their franchise, as, so far as practicable, to bring about this result. Sardar Sampuran Singh dissented from the last half of this proposition " .

Sir Cowasji Jehangir : The first part is impracticable.

Chairman : I do not think they can do much, but we give them it.

Sir Cowasji Jehangir : I do not think it is a practicable proposition.

Chairman : Nor do I.

Sir Cowasji Jehangir: And it will knock out small communities altogether.

Chairman: The next is: "Assuming that age is not to be the only qualification, should there be (a) a property qualification, (b) an educational qualification, (c) any other qualification, e.g., military service?" We will take them one by one. We will first of all discuss: "should there be a property qualification?" We are not concerned what it should be; we are merely concerned with the question: "Should there be a property qualification?" We are not concerned to argue again the question of adult suffrage or anything of that sort, because this question assumes that age is not the only qualification.

Mr. Joshi: May I suggest, Sir, for the convenience of discussion, that instead of taking them one by one, we should generally discuss what should be the qualification?

Chairman: Oh! no!

Mr. Joshi: Or, in the alternative, I may be allowed to suggest one more qualification which is not here. That qualification is a properly understood qualification, namely the qualification of income. I am not suggesting taxes at all.

Chairman: You may certainly suggest another qualification, but it will be (d). At present we are discussing (a), a property qualification.

Sir Cowasji Jehangir: Accepted.

Chairman: Is that accepted?

Begum Shah Nawaz: This morning I suggested that the present property qualification should be lowered in such a way that the electorate of the local Governments should be the electorate of the Central Government. I should like the Committee to consider that suggestion.

Chairman: I do not think that arises here, does it? This is simply the question as to whether there is to be a property qualification, and I think on the assumption that age is not to be the only qualification, that is accepted.

Mr. Joshi: May I say that I am opposed to property qualification altogether. I think on the whole we have now accepted a proposition that the qualification should be such that the voting strength of each community will be the same. If we adopt property qualification, such a result is not likely to take place. The number of people who will possess property, by which I understand the Committee means landed property. I mean that the Committee really means by the word "property" either land, cultivated or uncultivated, or houses, or any other immoveable property. If that is so, the number of people in different communities who will possess this property will differ, and you will not get the result which we wish to get, namely, that the number of voters in each community should be the same as their proportion to the population. I do not propose

to speak on my proposal, namely income, which in one sense is also property.

Chairman : Certainly, in every sense I think.

Mr. Joshi : If we understand that word in that sense I shall not vote against property. But now I am opposing it because property really means here landed property or house property. If "property" means income, let us make it clear that by "property" we mean income; because the property of a working man is the labour that he puts forth, his power to work. If that is recognised as "property" I shall not be against it. But I do not want many qualifications;—I only want one qualification which will be very simple and which will give us the result which we desire, namely, that the number of voters should be in the same proportion as the population; that will be achieved by adopting income as a basis of qualification.

Sir Cowasji Jehangir : Mr. Joshi must realise that a rental of Rs. 5 is a property qualification.

Chairman : Not only that, but rental is a property qualification and income is a property qualification.

Mr. Joshi : That will not give the desired result. My friend Mr. Jadhav pointed out that if you take rent, ten people may occupy one room, and only one of them will be enfranchised; but if you take income then all the ten may be enfranchised. Therefore income is a better and simpler qualification.

Mr. Basu : Mr. Chairman, the misunderstanding arises out of the fact that, so far as present electoral practice in India goes, property qualification has been understood in a very limited manner. It is ownership of property, land or building, or occupation of property—that is as a tenant—or payment of income tax or some local or municipal tax. In Bengal the payment of the chowkidari tax or road cess, and payment of Government revenue up to a certain limit is sufficient; but there is no provision in Indian law, apart from payment of income-tax, by which a wage earner or those that have a certain income can come on the electoral register. That is the head and front of the objection which Mr. Joshi has urged. A man may earn say Rs. 30 a month; he may not be the occupier of a house or rooms of the necessary annual value, but he may be, all the same, earning as much or more than a person who occupies a room on his own behalf. In India a great many people club together; then one of them hires a small place and a great many live there. The man who hires the place has probably his vote on the register, but the others who club with him for the purposes of hiring the house and using it do not come on the register, though they may be wage earners to an equal extent with the man who is on the register. If by property qualification is meant a property qualification including the earning of an income, and the limit of income is fixed by the Franchise Committee according to the requirements of different Provinces or according to the conditions prevailing in the different districts and different localities.

ies, then it may be done, if we do not exclude the income of a man apart from any other items of property.

Colonel Gidney: Sir, I agree with what Mr. Joshi has said on this matter, because the community I represent would suffer in the same way as the labourer; in fact my community is almost entirely a labouring community. Very few of them possess property; in the case of most of them their property is the labour they give to the State. That being so, I would certainly object to a property qualification unless it included an income, as to which we might allow the Franchise Committee to adjudicate.

Chairman: I think it is quite plain that "property" does include income. At the present moment one of the heads of franchise in India is the payment of a certain amount of income tax. Unfortunately the way in which you judge income is by the amount of tax a man pays. Consequently the Franchise Committee may say that the payment of a very small tax, half a rupee a year, may qualify you. That is a property qualification within the meaning of these words; therefore I gather that everybody round this table answers Yes to this question. Some members want it made plain. I think there is no objection to that: that property does not only mean landed property or rental, but also includes the franchise which comes from paying any income tax, which in its turn is dependent upon an income.

Mr. Jadhav: No, income tax is only paid on incomes of over Rs. 2,000; persons whose incomes are below Rs. 2,000 are not taxed at all. Under the scheme of Mr. Joshi they ought to have a vote.

Chairman: However that is, income is a form of property here and we can simply answer that there shall be a property qualification. We leave it to the expert Committee to say what the property qualification is to be.

Mr. Joshi: My idea in suggesting that we should discuss these heads all together was that we should be able to discuss the comparative merits and the simplicity or the complexity of these systems. If we say Yes to property qualification, and then again say Yes to income qualification, another point that arises is this: should the income from property and the income from wages be the same for qualifying a man for a vote? My view is that if we once adopt income as the basis, whether that income comes from houses or land or from investments in the bank, it is income; that we should simply say that a particular minimum income should be the basis whether that income comes from house property, land property or investment. That should be the basis for the calculation; it will be a simple thing. May I again suggest that for the sake of discussion we should take all three heads together, so that we may get a better result.

Chairman: No, we had better have "income" as a separate heading: (d).

Sardar Sampuran Singh: I think there is some misunderstanding about the words "property qualification". As you, Sir, put

it very clearly, income-tax comes within property qualification, so that makes it very clear that income also comes under the head of property qualification. But as my friends are anxious to have it very clear, instead of making that a second head, would it not be better if we qualified this by saying: "a property qualification, which will also include income qualification"?

Chairman: You see the difficulty I feel is this, there is no harm in saying: "Any property, which may include income"; but in practice if you come to consider it, the only way in which you can prepare the list, the only way in which you can tell what income a man has got from this point of view, is to see whether he pays tax or not. Otherwise anybody may come and say: "I have got an income of this, that or the other." But still, all we are going to do, after all, is to leave this to the expert Franchise Committee. It is enough for us to say that we should place that before the Franchise Committee on the assumption that age is not to be the only qualification, that they should have to regard a property qualification, and that they might take the question of income into their consideration under the heading of "property".

Mr. Chintamani: Property, including income, or payment of tax or rent.

Chairman: Certainly, I do not think there is any objection to that, as long as we make it plain it is a matter for them to consider.

Colonel Gidney: I do not think that will meet the objection, if you will allow me to say so. When you leave it to the Committee to decide, with the remark that they should consider what amount of income would give a man a right to vote, you must remember that to-day you have to earn Rs. 2,000 a year before you pay income-tax. That is a distinct qualification affecting those who get Rs. 1,999 a year. Moreover, the question of rent would not apply to many people, as has been explained by some of the members of my community. I do not think that would satisfy the community I represent; nor would it satisfy Mr. Joshi's community.

Chairman: What are the words which the Committee would suggest? "Including income and"? Or should it be "or"? Perhaps we might have it "and/or". (Several Members: "Or".) Very well, "or".

Mr. Jadhav: At present the qualification is not the holding of property, but some other qualification. For instance, in Bombay a man may rent a room for a few rupees a month, and he is given a vote. He simply pays the rent, he does not own the room, and he is under one month's notice.

Chairman: I will consider the appropriate words to put in and submit them to you. The word "property" has given rise to ambiguity, and I will clear it up.

We pass on now to sub-class (b) "an educational qualification". We have to say "yes" or "no". Should there be any educational qualification?

Rao Bahadur Pannir Selvam: If educational qualifications are put in without any other qualifications I should strongly oppose the suggestion.

Chairman: Let me point out that this is not going to disqualify the people who are not educated.

Rao Bahadur Pannir Selvam: I oppose the principle that a man should get on the register merely by being educated. As one representing the Christian community I should welcome this proposal in some respects, because it would give us a larger percentage, but there is also another aspect, and I want to put forward the view of the non-Brahmin section of Madras. If this proposal were adopted the result would be that the majority would be dominated by a very small community which has had education for centuries, and which would be able to place on the electoral roll practically all its adult members. In that way the burning question of Brahmin and non-Brahmin, rather smoothing down now, would come up again. The politics of Madras would once again be dominated by the Brahmin, and the non-Brahmin masses would resent it. With the present electorate we have got about one and a half million Brahmin voters.

Sir C. Jehangir: Out of 41 millions.

Sir C. Setalvad: The whole population of Brahmins is one million. Even if they all came on the register it would be one million out of 40 millions. Can we be told how many Brahmins are on the register, and how many non-Brahmins at present?

Rao Bahadur Pannir Selvam: About 12 to 15 per cent. of the Brahmin and 80 to 85 per cent. of the non-Brahmin. In some districts the proportion is about 25 per cent. to 75.

Sir C. Setalvad: If educational qualifications were introduced what would be the Brahmin percentage?

Rao Bahadur Pannir Selvam: At least 50 per cent. So far as my Province is concerned—particularly my own district—we can hardly find one single Brahmin who is not literate. The difficulty will be to say who is educated and who is not. Is it going to be a mere case of capacity to sign one's name?

Sir C. Jehangir: I am quite ready to leave it to the non-Brahmins to adjudicate in this case.

Rao Bahadur Pannir Selvam: In the absence of any representative of the non-Brahmin community of Madras, I am arguing their case. It is a question of explaining the situation. When the Montagu-Chelmsford reforms came in a separate electorate was desired by the non-Brahmins, but now, as a result of ten years' experience the number of non-Brahmins on the electoral roll has attained a fairly large proportion, and they have got a fair footing. If you introduce an educational qualification, however, it will mean that a small minority community, constituting about 3 per cent. of the population, will take on the electoral roll and part out of all portion to their strength. By introducing an educational qualifica-

tion you will be making it impossible for the Expert Franchise Committee to act up to your instructions that the proportion on the electoral roll shall be as far as possible representative of the proportions in the population. Therefore I would oppose any suggestion that education as such without any other qualification should qualify a man for voting.

Mr. Basu: I am afraid that Rao Bahadur Pannir Selvam is fighting a shadow. In my Province of Bengal there is an educational qualification as regards the electorate to the local bodies. It consists of passing some test laid down by the Universities, and the proportion of those who qualify for that test, as compared with the general population, is so small that it does not generally matter whether they come in or not. On the other hand, if you do not bring in these men on to the register when they are able to satisfy an educational test you create a certain difficulty. In our country, unfortunately, the schoolmasters are very much underpaid. They do not come up to the income-tax standard, and therefore they are not on the register, and to that extent they are politically a dissatisfied lot, and that creates a very great amount of mischief. In the schools you will find the pay for the teachers ranging from Rs. 10 a month upwards—that is, in the primary schools. It is below the minimum standard for payment of income-tax. I should like to ask the member who has brought this forward what is the percentage of Brahmin students in the schools in his own Presidency? I agree that they may be the more brilliant students, but it is not by reason of their brilliancy that they will be admitted to the register. It is simply a case of passing an educational test. I should think that the non-Brahmin would represent 90 per cent. of those on the rolls of the schools. I venture to say that the addition that will be made by reason of the educational test will be so small as to be negligible. You will find by introducing people into the electorate as a result of the educational test that you will be satisfying a small but very important class who will feel that in this way they have become associated with the affairs of the State.

Sir J. Jehangir: I think we have rather got off the point in this discussion. The question is whether the Franchise Committee should embody this form of qualification or not. It has been preceded already by two conditions. In the first place you have given a percentage for the total electorate, and you have said that one community should not have more on the electorate roll in proportion to the population than another. After those two conditions, the question is whether a third condition, that of an educational test, should be set up. If you leave out this test the Universities will be disfranchised. I think the answer to the question whether there should be an educational qualification ought to be in the affirmative. Quite definitely and simply the answer is "Yes." There can be no other answer. If the Expert Franchise Committee desire to insert this qualification, they should be allowed to do so, but it is subject, as I have said, to the two preceding conditions,

which must not be infringed. The object of putting in an educational qualification is, of course, to improve the quality of the franchise.

Mr. Joshi: I feel inclined to oppose this suggestion. I do not know for whom the proposal is intended. My friend opposite has said that he wanted to include schoolmasters, but surely the schoolmaster will have some income, and by reason of that qualification he will be entitled to the vote. If you include income as a qualification—and income need not be judged by the payment of tax—then for whom is the educational qualification intended? Almost every educated man has some income, whether from property, wages, salary or investments. The only people to be benefited will be the students. I do not know whether we are going to enfranchise the students. Every other educated man will have some income, and is bound to get a vote. I have one special reason for opposing this suggestion. I see that the people who possess property and income want to get political power into their own hands, and I want to have some method by which this transference of political power will be prevented. If you leave out the educated classes and people like the schoolmasters, who may not possess property or the high income which these gentlemen will prescribe, they will join the working class and the masses in agitating for the lowering of the qualification. That is a safeguard for the working classes. I want, therefore, those educated classes who do not possess property or large incomes, not to have a special vote by reason of their educational qualifications; if they have an income they will have a vote, but by abstaining from giving them the educational qualification we shall be more likely to get the educated lower middle classes on the side of the poorer classes in demanding a lowering of the franchise limit. I quite realise the point of my friend Mr. Basu. He wants to transfer this class which agitates for lowering the franchise from the unenfranchised to the enfranchised, so that the poor uneducated classes should have no protectors and should have no people to help them in their agitation. Sir, it seems the worst thing that this Committee will do. The last safeguard for the working classes and the poor man will be removed by this.

Dr. Shafa'at Ahmad Khan: I am afraid the discussion on this subject has been side-tracked. Opposition has been offered to it not because the argument is susceptible, but because it will increase the voting qualifications of various communities. This proposal was made by the Committee appointed to operate with the Simon Commission in my Province, the U. P. It was urged by a very powerful section. It was urged that in addition to the ordinary qualifications which are enjoyed now by various classes of electors, if a person is also allowed to vote who has passed the fourth class in the elementary school it would be a great incentive to the development of primary education, and it would also increase the interest which the countryside takes in these elections. Sir, the matter was referred to the Director of Public Instruction. We wanted to know

if this proposal would work, whether it would be possible to compile list of voters on the basis of this qualification, and the Director considered the matter very carefully and came to the conclusion that it would be practicable and possible and that it could be worked. I am very strongly of the opinion that an educational qualification of a fairly high standard—not merely the ability to read and write, but of the standard, say, of the fourth form of the elementary school—should certainly be imposed. I do hold that view because if you merely insist on the ability to read and write it does not signify very much, because there is the danger of relapse into illiteracy; but if you lay down the condition that only those persons should be able to vote who have passed through a prescribed class, then it would be of great use, and would serve as a sort of incentive towards educational advance in India.

(The sub-Committee adjourned at 5-5 p. m.)

PROCEEDINGS OF THE THIRD MEETING OF SUB-COMMITTEE No. VI
(FRANCHISE) HELD ON 30TH DECEMBER, 1930.

Chairman: We are now discussing the question of the educational qualification. I may just remind you that the second conclusion to which we came was this: "We recommend that in any given area the franchise qualification should be the same for all communities, but we desire that the Expert Franchise Committee, in making their proposals, should bear in mind that the ideal system would as nearly as possible give each community a voting strength proportional to its population, and this Committee should so contrive their franchise as so far as practicable to bring about this result." I am afraid that is rather a counsel of perfection, but at the same time the only way in which we can possibly expect them to carry that out is if we give them a certain latitude; that is manifest. Therefore, in considering all these questions of educational qualifications and so on, you have to remember that unless you authorise the Franchise Committee to take these into account, you are restricting and not enlarging their possibility of action.

Dr. Ambedkar: I should like, if I may, to ask one question with regard to the conclusion which you, Sir, have read out, and at which you said the sub-Committee had arrived. Does that conclusion imply that the Franchise Committee will have the liberty to consider a variety of franchises for different communities, to arrive at the result that the voting strength shall be proportional to the strength of those communities?

Chairman: I do not think that is it. We have to give guidance to the Franchise Committee; they will fill in the details. We are, as it were, the architects, and they are the masons and builders.

Dr. Ambedkar: I understand that, but what I should like to know is whether that conclusion gives liberty to the Franchise

Committee to have a different franchise for the different communities with the object of securing equality.

Chairman: No. The first sentence says that we recommend that in any given area the franchise qualification should be the same for all communities. We will now proceed with our discussion on the educational qualification.

Mr. Barooah: At our last meeting the question arose of whether education should or should not be included among the qualifications giving the right to vote. I am sorry that this question has been raised at all, for I am one of those who think that it should most certainly be included. If the present conditions in India had allowed it, I should have gone much further and should have insisted that education should not only be included as a qualification but should be regarded as an indispensable qualification.

I am afraid, Sir, that I have not been able to appreciate the force of the arguments advanced against education. It is argued that the non-Brahmins in the Madras Presidency are not sufficiently advanced in education, while the Brahmins, on the other hand, are educated almost cent. per cent., and that therefore if education in itself were to be regarded as a qualification for voting in an election the Brahmins would have the upper hand. If in any matter I am less advanced than another, surely the best thing for me to do would be to strive to raise myself to the level of that other; it would certainly not be right for me to pull him down to my level in order to effect equality of status.

I could understand it if steps were taken to spread education among the non-Brahmins as widely as among the Brahmins. I could understand it if it were said that, since the non-Brahmins are not so well educated as the Brahmins, the standard of education which entitled a person to become a voter should be fixed as low as possible so as not to exclude educated non-Brahmins. But I do not understand how it can be said that education should not be a qualification for the franchise simply because a certain community in a certain Province happens to be less advanced in education than another community. Nor am I convinced that the non-Brahmins of Madras are really very backward; on the contrary, I think they are a very progressive community, for they have been able to avoid asking for communal representation, and I feel sure they are sufficiently advanced to maintain their position even if a certain amount of education is considered as an alternative qualification for the franchise. But, even if the non-Brahmins were very backward, I do not see how they would be adversely affected by the inclusion of education as a qualification. Such an inclusion, even if it increases the number of Brahmin voters, cannot increase the Brahmin members in the Council. By reason of their superior numerical strength, it is the non-Brahmins who will lead the elections, and therefore they have nothing whatever to fear.

There is a class of persons such as village schoolmasters and office clerks. These people are able to realise the value of the right to

vote and may be expected to exercise that right with discretion; but most of these people will be excluded from the list of voters if education is not included as one of the qualifications for the franchise. Mr. Joshi would include all these people, if I understand him aright, by joining them with the unrepresented labourers and having a united agitation for universal franchise; but such an agitation would require leaders of far greater abilities. It is only very exceptional men, such as Mr. Joshi himself, who could undertake such a thing. All of us who have had the misfortune to stand for a rural constituency in our country are aware of the huge disadvantages of an uneducated electorate.

I appeal to every member of this sub-Committee therefore, to allow a certain amount of education to be included as an alternative qualification for the franchise. In view of the present state of education in India, the standard of that qualification should be fixed as low as possible; but unless this is done I am sure a large number of very useful and desirable persons will be debarred from voting.

Khan Bahadur Hafiz Hidayat Husain: There is one point which I should like to place before the sub-Committee, and it is this. I was somewhat surprised the other day to hear from Mr. Joshi that he did not want education to be a test for the franchise in India. Coming as I do from the United Provinces of Agra and Oudh, I want to state that if education is recognised as a qualification it will act as a spur to the compulsory education which is being introduced. To my mind the educational qualification would be the best alternative to universal adult suffrage, because as education advances the franchise will increase and the electorate will increase; and therefore, if we cannot have adult franchise at once, we can at any rate aim at a certain educational qualification which will eventually bring the franchise within the reach of all.

Secondly, this would give a spur to education throughout India. As you know, Sir, India is very backward educationally, but the vote is considered to be a very valuable right, and it is coveted. If this right is coveted I think if education confers it, it will give a spur to the attainment of the necessary educational qualifications.

Towards the close of 1929, as a member of the United Provinces Legislative Council I moved that the franchise for district and municipal boards elections should be reduced. The Council, in spite of the opposition of the Government, accepted my amendment, and the educational franchise has been reduced to the fourth standard; that is to say, anybody who has educational qualifications up to the fourth standard can vote in the district board elections. If education is not one of the qualifications for election to the Council, the difficulty will be that the voters in district board and municipal elections will have education as a qualification, while in the case of Council elections this qualification will not apply. I think, therefore, education to the extent of reading up to the fourth standard should be a qualification for the franchise.

Mr. Jadhav: I am one of those unfortunate persons who have had the good or bad fortune to be born in a Province which is affected by the Brahmin and non-Brahmin question. My friends who come from Bengal, Assam and the United Provinces are free from that trouble altogether, and therefore their outlook on this question is naturally quite different from my own.

Education ought to be a necessary qualification; there is no doubt about that. But education does not mean literacy only; a man who carries on agriculture efficiently and earns his own living and maintains a staff is not uneducated simply because he cannot write his name and has to make a mark or sign. Unfortunately for us in India, education has come to be looked on simply as a matter of being able to read and write, and hence we have this insistence on making literacy a test for the franchise.

I should like to point out that in their Report the Simon Commission lay stress on the fact that in the franchise drawn up in 1920 more favour was shown to the urban population than to the rural population, and a larger proportion of urban inhabitants were enfranchised while a very large proportion of the rural population was left without a vote. Are we going to increase that disparity or are we going to do something which will bring these two important sections of the people into a position of equality? We see, Sir, that a very large proportion of the urban population has been enfranchised, and therefore the candidates from urban areas have got a better chance of entering the Council than the candidates from rural areas; and, if education be added as an additional test or as an additional qualification for enfranchisement, a premium will be placed upon the urban areas and the rural areas will be to that extent handicapped.

I do not mean to say that educated people should be excluded; I would, on the other hand, repeat what I said the other day, namely that I stand for universal adult franchise, and I think that every man, whether he is literate or illiterate, and every woman, whether she is able to read and write or not, should have a vote either directly or indirectly through the "Mukhi" system, as I explained before. If the new expert Franchise Committee takes up this principle and adopts it, I think that will be a very fair extension of the right of franchise, because it will go in the direction of universal adult suffrage, and then the educated man will be able to make his influence felt at the poll as well as the illiterate person.

If literacy is made a qualification then, as I have just pointed out, the number of voters in the urban areas will be enormously increased and they will preponderate, so that it will mean establishing an oligarchy of the towns; it will not be a democracy at all.

The conditions in the Madras Presidency and in the Bombay Deccan are quite different, and I regret to observe that they are not easily understandable by outsiders. It is therefore very right for them, from their point of view, to make fun of those who have the

misfortune to voice the claims of the non-Brahmin communities. But I would urge with all the earnestness at my command that this qualification should not be added, because it will tend to increase the disparity that now exists, and therefore it will go against one of the principles which we have already adopted, namely that the increase in the franchise should be such as to give an equal advantage to all communities. If this additional qualification of literacy is added, that principle will have to be thrown to the winds, and I do not know whether by any other reform in the franchise it will be possible to make the proportion just and equitable.

Divan Bahadur Ramachandra Rao : I should like to point out that so far as Madras is concerned, to which some reference has been made by my friend, the Government of Madras—which consists at present of three non-Brahmin Ministers; there is not a single Brahmin in the Executive Government—in reporting on the proposals of the Simon Commission makes a recommendation which I should like to read to you. This is the relevant portion of what is said by the Government of Madras: “The Commission, however, has found that ‘the present franchise is too limited in scope to provide the material from which to build any adequate scheme of representative Government’, and recommends that a new Franchise Committee be set up with instructions to frame such a scheme as will enfranchise about 10 per cent. of the total population, *i.e.*, more than treble the present number of voters. The chief arguments which lead the Commission to this conclusion are (1) that the present limited franchise operates unfairly as between different classes and creeds, (2) that there is a large number of literate persons who have not got the vote, and (3) that those below the present line of qualification are in many cases just as fit for the vote as those who have it. I am to say that the Government of Madras admit the force of these arguments, especially that based on the number of literates who are not enfranchised.”

Here we have a statement by the Government of Madras. There was a memorandum presented to the Simon Commission by the All-India Conference of Indian Christians. I have been told that the request for the inclusion of literates amongst the voters was strongly pressed. I am only referring to the memorandum presented to the Simon Commission by the All-India Conference of Indian Christians. In that memorandum it was strongly pressed that a large number of their community are now unenfranchised by reason of the fact that they are not in the voters list at present. The request for the inclusion of literates proceeded from them, and my friend knows very well that none of the Brahmin community appeared before the Simon Committee or presented any memorandum. Therefore my submission is that the request came not so much from the Brahmins as from other communities who feel now that a qualification by literacy should be included among the qualifications and one of them is the community to which my friend belongs.

Lieut.-Col. Gidney: I would like to refer to this matter of literacy in franchise.—

Mr. Foot: On a point of order: are we discussing now the question of literacy, or whether there shall be an educational test? Does that simply mean literacy?

Lieut.-Col. Gidney: Yes. It does not affect my community. I agree with my friend Mr. Jadhav that the last Franchise Committee did favour the urban constituents to the disadvantage of the rural, and if it is our desire to extend the franchise to rural areas I think we would be putting a very severe handicap on them if we insisted on what one would be inclined to interpret as an academic educational qualification. In my opinion, I think a man who has a skilled vocational education is sometimes of more importance than some of the graduates, and I think when we talk about an educational qualification we should include in that a vocational education, because a man who is skilled at the plough and the hammer is as useful as the man who just writes his name, and on behalf of the labour classes—though they are all literate—I would throw my support on the demand that education such as is demanded as a qualification should embrace vocational education.

Mr. Foot: I do not understand that we have got to exclude a man because he is not able to write his name or because he has not passed a certain standard. The emphasis that has been laid by those in favour of this proposal is that we should have an additional qualification. Therefore it seems to me that the comparison between the man who is skilled in the use of the plough and by the working of his holding and the man who can write his name is not a comparison that is relevant here. He may come in; we want to get him in under the other qualifications, but inasmuch as there is a desire to enlarge the franchise we are looking for means for its enlargement. It may be that we shall come short of adult franchise, but, looking for means for the enlargement of the franchise, surely some such qualification as has been suggested here will be in keeping with the educational advance of India. The advantage of the proposal, as it occurs to me, is this, that it will be a gradually increasing franchise. Of course I do not know what the fourth standard in India does imply. I see the Statutory Commission suggested a fifth class, which I suppose still means a fifth standard. I do not know what is the shade of difference. I should be very strongly opposed to what may be called the academic qualification. I should be very strongly opposed to a qualification that only allowed the cream of the educated classes of India to come in under that franchise. Let us have a qualification that brings in all who have made a start in that direction, all who have come into the educational field, not to the exclusion of the other, but for the enlargement of the franchise so that you may get by every means you can towards the ideal that Dr. Ambedkar has put before this Committee ultimately of an adult franchise.

Mr. Joshi: Does not Mr. Foot realise that by adding an educational qualification and fixing a limit to the total number of voters to be made immediately, you are indirectly excluding the franchise of other people?

Mr. Foot: In answer to that question, if Mr. Joshi can satisfy me that I am restricting the franchise of other people, I would consider that as being a valid argument; but I do not look at it from the standpoint of restriction, I look upon this proposal as being a proposal for enlargement. My answer to it is this, that supposing this qualification is not inserted, it may be that your people in India will be upon the voters' roll. The advantage of the proposal is that you will have a larger number of people upon the voters' roll. That is the reason why, as far as I can see at present, I think that the special Franchise Committee should not be excluded from taking this qualification test into their consideration.

Major Stanley: I do not think there is very much force in Mr. Joshi's argument, because as a matter of fact the limits we have laid down are very elastic ones. The Committee has 15 per cent. of the total population of India with which to play, and I think they can well fit into that the people who will come in under this qualification. But there does seem to be a certain amount of confusion with regard to the meaning of the term "educational qualification". Several of the gentlemen who spoke to-day have spoken as if it was the same as literacy. That does not seem to me at all to be the point of, certainly, the Simon Commission recommendation. We have found in this country—and no doubt you have had the same experience in India—that the literate at the age at which he leaves school may easily become an illiterate at the age at which he gets on the voters' roll, and to me the only satisfactory educational qualification is one of such a standard that it ensures that the boy has had so much educational groundwork that he will remain an educated person not only at the moment he leaves school but by the time he comes on the voters' roll at 21. Apart from that there seems to be two ways in which this question can be looked at. From the theoretical point of view nobody, I think, has advanced any argument against the inclusion of the educational qualification, and indeed I think it is difficult for anybody to do so. The majority of this Committee has turned down adult suffrage immediately, largely on the grounds that the population is not sufficiently educated to have adult suffrage, and it seems to me that if we agree to that we must also agree to the corollary that those who are sufficiently educated to exercise the franchise should be entitled to vote at the earliest possible moment. The argument against this proposal has been entirely on the practical ground that in two Provinces it will give an undue preference to certain communities and to certain interests. As Mr. Jadhav well said, those of us who are not experienced in the affairs of those Provinces are perhaps not well qualified to deal with the matter, but may I point out that the educational qualification and the various other special qualifications which we are afterwards to

discuss are dependent upon the beginning of the clause, the recommendation which we give to this expert Franchise Committee, that they will so far as practicable, not over the whole of India, but in each given area, equalise the communities and the interests. It seems to me if we can in our Report satisfactorily link on to that governing direction the inclusion of an educational qualification, we shall not only be doing what is clearly right in theory, but we shall also enable the Franchise Committee to satisfy the practical fears of certain members. We shall leave it open then to the Franchise Committee to recommend an educational qualification in those provinces where this matter does not constitute any controversy, and in the Provinces where controversy does exist it will be possible for the Franchise Committee to work in, if they so desire, an educational qualification which at the same time, along with the other electoral qualifications which they will lay down, will give as far as practicable equality not only between the various religious communities but, what is perhaps even more important, between the agricultural and the urban interests. I think it would be unwise if we in this Committee were to debar entirely from the purview of the expert Franchise Committee the possibility of even considering an educational qualification, which none of us, I think, will deny is in theory a proper qualification for the exercise of the franchise.

Chairman: Ladies and gentlemen, Mr. Paul has written me a letter, which I will read to you: "I have been ill from Christmas Eve and cannot attend meeting to-morrow. I am very anxious to make one point."

"It related to Education as a qualification for franchise. My community is very strongly desirous of this as will be seen from what it told the Simon Commission when a deputation of the All-India Christian Conference waited upon it. Let me quote the words; 'We desire that some sort of literacy qualification be also added, for instance, all Vernacular or Anglo-Vernacular Middle passed persons be included in the franchise for provincial councils.'

I am sorry I am unable to write at length just now. The arguments in favour of it are obvious."

I would just like to give you my impression, if I may, in this way. I have told you already that I am a convinced democrat. Democracy differs from autocracy in this respect: Whereas an autocracy may get along very well with an illiterate lot of people (an uneducated lot of people) a democracy cannot long flourish unless the people living in that democracy are educated. Therefore the great problem, as it seems to me, of India for the Indian democracy in the future, is to see that all the people of India get a better education. If that is right, it seems to me that you ought to make education a big thing, and you do enhance the dignity and importance of education considered as an abstract principle if you make it plain that a voter is entitled to be a voter because he is an educated person.

Mr. Foot: Amongst other reasons.

Chairman: Amongst other reasons. I quite agree with Mr. Foot that we are not seeking in this clause to restrict the franchise; we are seeking to add an additional qualification, and from that point of view in order that we may all stress the importance of education, I would urge you all to sink those practical difficulties—which I fully realise—in order that we may, if possible, give a unanimous vote to demonstrate that we really believe and we do feel that in the education of the masses of India lies the prosperity of the India of the future. I would, therefore, ask you to agree with me in saying that one of the subjects which the Franchise Committee may take into consideration as an additional qualification is that of some standard of education. Personally I rather agree with Major Stanley, that I think the standard which you would exact would be such a standard as would make it improbable that the person who passed that standard might in a few months lapse back and no longer be fit to retain that standard. But that is a point, after all, which the Franchise Committee would consider. Just as we have, in question A, the property qualification, answered it, in order to meet Mr. Joshi's requirements in a very wide way, namely, we recommend that there should be a property qualification, and we use the word "property" in the widest sense so as to include not only landed property but other property, even including income—just as we have said that, so I should suggest to you that we say here that the Franchise Committee ought to favourably take into consideration the additional qualification of an educational qualification.

That is the proposal I make to the Committee. Can I modify that or qualify that in any way so as to meet you? I should like a unanimous conclusion if I could get it.

Mr. Foot: May I ask those who are holding up their hands whether they would wish to exclude, as we have said, from the purview of the Expert Franchise Committee, the setting up of this qualification? Surely, if the Expert Franchise Committee would be not alone in taking this into consideration, they could not desire that.

Mr. B. V. Jadhav: I suggest that the word "favourably" be left out.

Rao Bahadur Pannir Selvam: The Franchise Committee should bear in mind that this qualification should not create undue disparity between the different communities.

Chairman: We can make all our representations here subject to that; all our recommendations can be subject to that.

Rao Bahadur Pannir Selvam: I am afraid that this recommendation so far as my Province is concerned will be conflicting.

Chairman: I think I see the sense. I will draw up these resolutions. We must have another meeting to consider the report. I think I can make it plain that our recommendations here are all

subject to that over-riding consideration which we passed before. So far as possible the ideal system would be to devise such a Franchise that everybody would be represented.

Now we will pass to the next thing “(c) any other qualification, e.g., military service”. I take it we should all agree that in enlarging the franchise as we are going to do we certainly should not want to do away with any of the existing qualifications. The question would rather be here, I should think, as to whether anybody has got any other qualification which they want to add.

Lieut.-Colonel Gidney: Regarding the military qualification, I think in the 1919 Franchise Report it was recommended that the military qualification refers only to service in the Indian or British armies. Each of these armies has a second line of defence, for instance, the Auxiliary Force and the Indian Territorial Force. I consider the franchise should be given to members of those two forces, because they are really performing services in India to-day and are called upon for service abroad in the Indian Territorial Force. I suggest that the franchise be extended to these two lines.

Mr. Basu: The only difficulty about that is that the military forces include Cadet Corps attached to schools and colleges, and some of the members are quite young boys.

Mr. Joshi: My opposition to this proposal is that I believe we should have one single qualification, namely, that of income, including wages, and that we should not go on adding special qualifications. I oppose military service or any other service as a qualification. I do not agree that military service is more important than service in industry.

Chairman: So far as military service is concerned we are faced with the fact that it exists, and the real question is at the moment whether it is practicable to go further and tell the Expert Franchise Committee that they may consider also the Territorial Forces.

Lieut.-Colonel Gidney: And the Auxiliary Forces.

Chairman: Is there any objection to telling the Expert Franchise Committee that they may consider the extension of the military qualification to the Auxiliary and Territorial Forces?

Diwan Bahadur Ramachandra Rao: On the question of any other qualification, I should like to point out that if a person is a voter in any municipal or local board area he ought to be placed in the voters list for the Legislature. The qualifications for the Legislature are certainly higher than those for membership of a local board—at least they are so in Madras. But I would add as a qualification, that of being a voter in a local board area.

Rao Bahadur Pannir Selvam: In my Province the qualification for voters for local boards is adult franchise. The elections are held by the villagers gathered together, and the voting is done by show of hands. That will mean adult franchise over again.

Sir P. C. Mitter: I do not think it would be wise to make such a recommendation, at least so far as concerns my own Province.

We had better leave the matter to the expert Franchise Committee; it would be dangerous to commit ourselves.

Chairman: That seems to be the sense of the meeting, that we should not make any special recommendation regarding this matter.

Mr. Joshi: On that word "income", Sir, I should like to make it definitely to include wages, paid either in cash or in kind.

Chairman: We shall have to consider that on the report stage. I will endeavour to draft something to meet the case.

We now come to 2 (iii), "Do the recommendations made under (i) and (ii) above provide sufficiently for the enfranchisement of women? If not, should any special qualifications be prescribed for them?"

Begum Shah Nawaz: There is no such thing as a feminist movement in my country. Both men and women work together and help each other. Our men have been considerate in every way, and both my colleague (Mrs. Subbarayan) and I have every hope—indeed we are almost sure—that all our countrymen assembled here will be ready to give us their full support to whatever proposals we place before this Committee. One member of this Committee has said that he was opposed to any special qualification for women, but I hope that in the light of the arguments which will be advanced he will see his way to recede from that position. Let me point out that a woman is a born administrator. For, although the man is the breadwinner, the virtual ruler of the home is the woman. In that little kingdom she is not only in charge of finance and of home and foreign affairs, but she is also the custodian of the future generation. A good deal of tact and intelligence is needed in order to carry on the administration of that little kingdom, especially if it happens to be a home where the joint family system still prevails. In many instances you will find that a woman can far more intelligently exercise her vote than a man in the same position will be able to do. If a broad franchise is given to women the representation will in many cases be far better. Under existing qualifications women's franchise is more or less a nominal one. Even with the lowering of the property qualification and the introduction of an educational qualification, our position will not be very much improved. Unfortunately there are barely two per cent. of educated women in my country, and although there is a rapid increase in their numbers every day, these things must take time. All the Hindu as well as the Sikh women have hardly any rights of inheritance; they have only the right of maintenance, which does not make them owners of property. In my own Province most of the Muslim families follow the customary law which deprives Muslim women of the rights of inheritance given to them by Islam. In almost all the big landowning families it is maintained that women cannot inherit. Therefore, with these two qualifications, the franchise given to women will remain more or less nominal. We ask for a special qualification, namely, that the wife or widow of a voter, being over 21, should have a vote. This is the qualification,

with the exception of the age, recommended by the Statutory Commission. There it was stated, however, that the age should be 25, whereas we say it should be 21. We think, so far as age limit goes, there should be no distinction between men and women. Such is the qualification which women in this country have enjoyed for nearly ten years. Before universal adult suffrage was introduced in this country, women did enjoy this special qualification. A memorandum signed by women representing all three parties in this country has been sent to members of the Conference advocating the proposal I am bringing before you. We are very grateful to the signatories of that memorandum. We ask for this qualification to be extended to us for the next eleven years, or the next three elections; after that we are quite prepared to take our chance in a fair field and no favour.

Mr. Chintamani: I most heartily support the proposal of Begum Shah Nawaz. I think the proposals under (i) and (ii) do not adequately meet the requirements of the women of India. In the matter of property they are at a disadvantage compared with men. In regard to education it is, unfortunately, the fact that less progress has been made with the education of women in India than with that of men, and, therefore, that, too, does not sufficiently cover the case. It is not only a matter of social justice, it is a matter of national well-being that the largest possible number of women should be invited and encouraged to take part in public affairs, and that will make for the social advancement of the whole community. In proof thereof I need not do more than point to England itself, where so much vital public service is rendered by the women of the country. I give my most unqualified and hearty support to the proposal.

Sardar Ujjal Singh: I support what has been fallen from the lips of my sister, Begum Shah Nawaz, and I do so with the utmost pleasure. In my own Province the women do not possess property, the law of inheritance prevents property being passed on to a woman, and it is only in very rare cases that widows have become possessed of property. This has had the result that very few women are enfranchised, in spite of the fact that there is no particular law against their enfranchisement. If, therefore, you widen the property qualification I am afraid it will not help the women, and they will still remain unenfranchised. My fear is that the number of women voters, particularly in the Punjab, will remain stationary unless the proposal is accepted that the wives of voters should be qualified.

Mr. Joshi: I was opposed in principle to the addition of qualifications for voters, but I quite recognise that in the case of women special circumstances arise. Unfortunately, I would like my two sisters here to recognise one fact, that the disadvantage is not only in the case of married women and widows, but there is a very small number of women in my country who remain unmarried. It was a matter of surprise to me that my two married sisters should have

appeared to omit that very small class of educated women who choose not to marry.

Mrs. Subbarayan: They would come under the educational qualification.

Mr. Joshi: Uneducated women, too, may remain unmarried, but why should they remain disqualified? I, therefore, support the proposal of Begum Shah Nawaz if she will accept the addition that a woman of the requisite age shall have the qualification if she is the daughter of a voter. Otherwise I cannot support her proposal. It is a wrong thing to make marriage a qualification for voting.

Then, Sir, I want this sub-Committee to recognise, when they are adding these qualifications, the effect of their proposals on the poorer classes. We have laid it down that 10 per cent. of the population should be enfranchised, and that 10 per cent. may be increased—I do not know to what limit—and also we have laid down a maximum limit of 25 per cent. If you go on adding these qualifications, and in particular this qualification for women, the result will be to keep a higher level of income as a qualification, because we are laying down a maximum limit for the total number of voters, with the result that it is the middle classes and the higher classes who will have a vote, and the lower classes to that extent will be deprived of a vote. If we had no such limit as a 25 per cent. maximum, the addition of women would not have mattered; but, if we add not only all the voters of the middle classes but also their wives to the list, and I am also adding the daughters, to that extent we are adding to the number of voters in the upper classes, and the lower classes will be deprived of votes. On the whole, therefore, I am against adding these other small qualifications.

Sir Hubert Carr: It seems to me the mover has well supported the claims she made with regard to these qualifications. We are now, it seems to me, drifting towards the adoption of adult suffrage for women, but not for men. We have all wives and all widows—

Mrs. Subbarayan: No, the wives of voters only.

Sir Hubert Carr: It will mean that the women will arrive at adult suffrage considerably quicker than the men.

Sardar Sampuran Singh: It is only the wives of voters.

Sir Hubert Carr: If you make marriage a qualification, you will have women arriving at adult suffrage before men.

Sir Phiroze Sethna: On a point of information, if a man has more than one wife or leaves more than one widow, are they to get the benefit of the vote?

Begum Shah Nawaz: We wanted to show we were very reasonable; that is why we asked for such a special qualification for widows and wives only. We thought that if a woman is entitled to her husband's status in society she has every right to enjoy the same privileges of citizenship. There is a saying in my language that it is the man who earns but the woman who saves and collects. Both

men and women, therefore, should have the right to enjoy the same privileges.

Sir Cowasji Jehangir : But what is your answer to the question?

Begum Shah Nawaz : The answer to the question is this, that we have been fighting for the abolition of polygamy for years, and in British India we have almost achieved it; but we have to take account of the circumstances that exist at present, and we might be prepared to give two votes to the man who has got two wives. At the same time, we are working for the abolition of polygamy, and we mean to achieve it very soon.

Mrs. Subbarayan : I was expecting the question which Sir Phiroze has asked. I think we had better leave that point for the expert Franchise Committee to decide. I do not want this special qualification to be objected to on that ground, and I think I would leave the point to the special Franchise Committee.

Mr. Basu : I support the proposal made by Begum Shah Nawaz. With regard to the difficulty to which Sir P. Sethna has referred, Sir Phiroze, of all persons, knows very well that though polygamy is permitted under Hindu and Muhammadan law, in real practice it is an anachronism and does not happen at the present time. The extent to which it occurs is almost negligible. At any rate that is the case in the community to which I belong, the Hindu community. The Hindu community is almost universally monogamist, and cases of polygamy can be regarded only as of historic interest.

With regard to the claim made by the lady Delegates on this sub-Committee, if we require from women the same qualifications as are required from men we shall practically be trying to establish the theory that the women should go out of their homes, or rather break up their homes, and, like men, engage in the ordinary concerns of life for earning their bread, and engage in the affairs of the world in the same way as men. A great many men will object to having their homes broken up like that and will object to the women engaging in pursuits to acquire an income or to acquire the other qualifications which would give her the franchise. Having regard to the present state of society in India and probably elsewhere, it is necessary that the women should take upon themselves the responsibility of running the nation in the way they have done in the past and are doing in the present; but because they immolate themselves to that extent they should not be deprived of their votes.

That is a fact which is being gradually recognised everywhere, and for the sake of the future of India it is quite time we recognised that fact as well. As Begum Shah Nawaz has pointed out, in matters of domestic economy the women play a very important part in Indian life, and that is a fact which every Indian and those who study India from outside will have to recognise. The qualification of the husband is one criterion which enables you to fix with some amount of certainty the question of whether the wife should have the vote, and therefore when the Begum asks that if the husband has one of the qualifications which entitles him to be on the elec-

toral roll, his wife, or his widow, should be entitled also to come on to the electoral roll, I think that is a proposition which we should accept.

Lieut.-Colonel Gidney: I have very few words to say on this matter. Speaking for the women of my community, we to a certain extent suffer from the same disability as you do, and I am sorry Begum Shah Nawaz has not correctly read what I said on this matter when we had our first meeting. I whole-heartedly support the proposal, and to show the Begum the position I take up I should like to read what I said at the former meeting. I said this: "There must be no difference whatever in the status of men and women. They must be given equal political rights. I consider the world in general and India in particular has neglected its women-folk, and their great power for good, with the result that we are witnessing the reaction to-day. Look at the lightning speed with which Indian women are awakening to a proper sense of their power and position. I say we must give woman her rightful place in the body politic of our Motherland—India." I further go on to say "As regards women, I leave the details to the special Franchise Committee which, I take it, will soon be appointed to visit India and report on the franchise as a whole. I consider, however, that the new constitution for India should at the very outset provide special measures by which a certain proportion of seats in the various legislatures shall be reserved for women, and that it should be embodied in the Statute that sex should be no disqualification."

Sir Cowasji Jehangir: I have full sympathy with the underlying objects of the lady Delegates, and I fully recognise that under any franchise the same percentage of women will not be enfranchised as of men, because under the property franchise they cannot get the same percentage, nor can they under the educational franchise. Therefore I quite recognise that some method will have to be considered whereby over and above the ordinary franchise women shall be allowed to get the vote. But when it comes to giving the wife or wives of every voter a vote, I do not know how many Delegates here realise that you will be giving that man a double or treble vote. In political matters especially in India, it will be the husband who will dictate to the wife as to how she is going to vote. If I may, I should like to tell the Begum that we must face realities; we must not try to imagine what we want the conditions to be in India in regard to women; we must visualise them as they are. I can speak frankly. It is all very well in this sub-Committee to say that in India the woman rules the house; we know very well to what extent she does so. It is all very well also to say that she controls the purse or that she has any influence, in a large number of cases among the poorer classes, over her husband. These are all platitudes, and we have to face realities. Therefore, Sir, if you give the wife of every voter a vote you are doubling his voting capacity, and so I have some sympathy with the argument placed before you by *Mr. Joshi*.

If you are limiting the franchise to 25 per cent. of the population, and if 4 per cent. of the population have already got the vote, as they have in my Presidency—3·9 per cent.—then without any further broadening of the franchise you have doubled your vote, because in the majority of cases the voter has already got a wife.

Mr. Jadhav: And a widowed mother in half the cases.

Sir Cowasji Jehangir: Therefore without any broadening of the franchise you have already doubled it. My friend Sir P. C. Mitter says most of the women will not go to the poll, but we cannot take that for granted. If you say you will grant them the franchise on the ground that they will not go to the poll, where will that argument lead you? We must take it that they will, although I know the difficulties of bringing them there, even in a city like Bombay, in the case of those who have got the franchise already.

Therefore you are doubling the franchise without broadening it. I should like this question much further examined before we commit ourselves to any principle. I am in sympathy with the main principle of giving a larger number of women the vote than would be entitled to it on any franchise that may be chosen. That is only fair; but when it comes to a narrow instruction of this kind, saying this sub-Committee is of opinion that it is advisable to give the wife of every voter a vote, I must draw the line. I want more time for consideration; I want more details; I want more figures. I should like to examine a good many witnesses, witnesses who can speak with authority on the subject, before I come to any definite conclusion on an important question of this kind.

I am quite prepared to include in our report an opinion that the vote for women should be considered on a broader basis, on broader lines, than a vote for men, and that some additional qualification may be added so as to bring up their average and make it a little higher than it would otherwise be were the franchise the same for women as for men. I am quite prepared to give the Franchise Committee instructions to examine that question and make recommendations, but I am not prepared, and for very important reasons, to commit myself, nor should I like this sub-Committee to be committed, to the main principle just enunciated by the Begum.

I do not, I am afraid, follow her quite clearly. Is her recommendation the same as that made by the Simon Commission? Is that what she wants?

Sir Phiroze Sethna: No, she wants to go further still, and reduce the age to 21.

Sir Cowasji Jehangir: She wants the age reduced to 21, and the vote given to all wives of men who have the vote. That is the recommendation of the Simon Commission, *plus* a reduction in the age to 21.

Chairman: If I follow it, the Simon Commission's recommendation was limited to the wives of those holding the property qualification. The Begum wants it to apply, I think, to the wives of all voters.

Begum Shah Nawaz: The Simon Commission recommended the giving of a vote to wives, over 25, of voters, as well as to widows. We want the age reduced to 21.

Major Stanley: The Report of the Simon Commission confines itself to the wives of voters who have the property qualification.

A Member: But now there are going to be other qualifications; then there was only the property qualification.

Chairman: There was military service. As I understand it, the difference between the proposals of the Begum and those of the Simon Commission are these: (1) she says 21 should be the age, instead of 25; and (2) she says the qualification should not be merely whether the husband possesses the property qualification, but any qualification.

Begum Shah Nawaz: In our memorandum we have restricted it to the property qualification.

Sir Cowasji Jehangir: What is your proposal?

Begum Shah Nawaz: That the wife of a voter who has the property qualification should have the vote. The only variation we make is in regard to age.

Sir Cowasji Jehangir: That does not seem to be very logical, because we have added an educational qualification. If a man obtains the vote owing to an educational qualification, his wife will not get the vote; a man who has the vote owing to military service will be in the same position; his wife will not have the vote. It will be only the wives of those with the property qualification who will get the vote.

Begum Shah Nawaz: What I said in my speech was that I wanted only the wives of voters with the property qualification to have the vote. There is no right of inheritance for women so far as the Hindu community is concerned and so far as the Sikh community is concerned; there is only the right of maintenance, and in my Province most of the families follow customary law, and therefore the women cannot inherit property. That is why I asked that the wife of a voter under the property qualification should have the vote.

Sir Cowasji Jehangir: I follow the argument, but the result goes much further. It assumes that the wife of every voter is going to inherit, and therefore she would have had a property qualification in any other part of the world. I have never heard of any system of franchise anywhere where the wife is given the vote because the husband happens to have one. I suggest the main principle be enunciated in the report, it being left to the Franchise Committee to work out the details. It would be very risky for

this sub-Committee to express any definite opinion on this important point.

Mr. Fazl-ul-Huq: We feel we should make one point quite clear to this sub-Committee. You will notice, Sir, that the recommendations we are making for the broadening of the franchise, in our attempt to bring as large a number of persons as possible on to the electoral roll, have the effect of creating a much greater disparity between voters belonging to my community and voters belonging to other communities than existed before. I do not object to that, but the proposal that has now been made will place my community in a position of very great disadvantage. Purdah is no part of the religion of Islam. As a matter of fact in Muhammadan countries the females take part in the daily life of the people at least far more than they do at present in India. In my Province this custom of purdah had been established so firmly on my community that it has practically become part of the Muslim religion, and I can say, without fear of contradiction, that there is only a small microscopic fraction of the females belonging to the labouring classes who cannot afford to come out of purdah to do their own work. The great bulk of the population do not come out of purdah. Unless there is a universal adult franchise, I oppose this proposal unless the separate electorates of my community are retained. In that case I do not mind any advance made in the direction to give women their rights; but if you take literates and broaden the franchise in this respect I submit that the most you would give would be practically dead votes. We wish that you will note in the report of this Committee that the assent we are giving is subject to the one great condition of separate electorates. If they remain we assent. If they are taken away we oppose, because it must be looked at from a different point of view.

Sir R. Hamilton: It required a world war to get the women's franchise in this country, and I think for this Committee to try to decide the question of women's franchise in India is rather outside our capacity. For that reason, and also for the reason that we in England are necessarily very ignorant of the conditions in India, it would be far more advisable for us to confine ourselves to making a general recommendation to the Franchise Committee to study this question with a view to increasing female suffrage. Personally I should hesitate very much to subscribe to such a specific recommendation as has been put forward by the ladies this morning. Though I am entirely in favour of increasing the power of woman in the political world, I think it is a matter which India must settle for itself, and for that reason I would support what has been said that there should be a general recommendation to the Franchise Committee to study this question with a view to enlarging the women's franchise.

Sir P. C. Mitter: I agree with the last speaker, for this reason. I believe my sister Delegates will appreciate that I am making the recommendation more in their interests—more in the interests

of widening the women voters. In my Province, out of 14 million breadwinners, three millions are women. In spite of that there are very few women voters, and the real reason is not so much what the Simon Commission apprehended and what my sister Delegates apprehend (I am confining my remarks to my Province) but because of the want of education on the part of the women. So if you have it on that basis it may be that the number of women voters will still remain very small.

On the other hand there is a danger; the danger is this: supposing you fix the property qualification lower than what it is to-day, giving votes to the wife or widow of each voter will at least make it double; in some cases quadruple, or even five times. The Muhammadan is allowed to marry four wives. For the Hindu there is no limit, but speaking of my Province I do not think you can point to one person of the Hindus who has more than one wife, and the Muhammadans two. This system is going down; they are not marrying so many wives which perhaps they used to do before.

It would be rather dangerous to lay that down; you may be doubling the voters, and doubling the voters many of whom will never go to the poll. Perhaps we may be giving the woman more effective representation. They may have special educational qualifications, and we want that class of woman for social services for the uplifting of their less fortunate sisters. Supposing you reduce the franchise qualification, the apprehension of some of my friends opposite may be realised that more of the middleclass people, better educated, would have two votes. So that looking at the general object which my sister Delegates have in view I think we should recommend that attention be drawn to the question of women franchise and leave it to the Franchise Committee.

Diwan Bahadur Ramachandra Rao: I should like to speak upon one point. I am personally fully in sympathy with any movement which aims at encouraging a larger participation by women in public life, but there is a difficulty, as has been pointed out, and I should like this Committee to study the figures given by the Simon Commission which are incorporated on page 5 of this Memorandum. I understand the figures are from the Simon Commission, Vol. 1, page 191: The proportion of female electors to the adult female population is less than 1 per cent., and the proportion of male electors to the adult male population is 10.4 per cent. If we adopt the suggestion which has been made it will really mean that we shall have 20.8 per cent. of the population enfranchised, men and women included, and since the majority of the Committee here seems to be inclined to restrict the total number of people to be enfranchised to 25 per cent. it will really mean sacrificing the rights of the working classes and of the poorer classes. It will mean a very severe restriction on the working classes, and I think that that is a point which we must bear in mind in this connection.

Sardar Ujjal Singh: That is not 10 per cent. of the total population.

Mr. Foot: May I ask the Begum Shah Nawaz, would it be a part of her case that this condition of the age of 21 of a woman who is the wife of a voter—a woman who is 21 years of age the wife of a voter, or a woman 21 years of age and the widow of a voter—would she apply that to all the Provinces?

Begum Shah Nawaz: Yes.

Mr. Foot: There are differences in the Provinces; the conditions vary considerably. The question to which Mr. Fazl-ul-Huq drew attention I suppose applied particularly to some Provinces and not to others. Is it part of her case that there should be the submission of this proposal to be applied to all the Provinces?

Begum Shah Nawaz: All the Provinces.

Mr. Basu: The difficulty about purdah women is that we know that in practice there are special booths for purdah women, and that special arrangements are made for recording their votes.

Mrs. Subbarayan: I would like to point out that the method put forward was suggested by the deputation of three leading Indian ladies to the Simon Commission at Lucknow. We have also discussed the matter with some of the Indian ladies who are now in London who are taking an active part in the public life of India, and they agree with our proposal.

Upon the point of giving a husband two votes, I believe that that objection was raised in this country too when women were first given the franchise, and in actual practice it was found that this criticism did not have any foundation. I do not think it is quite complimentary to the men to say that they would have two votes, and we should remember that the vote, after all, has an educative value and that women can and will increasingly hold their own views in course of time.

Another point I would like to submit to you, Sir, is that we do admit that this is not a perfect scheme, nor is it going to be a permanent scheme. We only suggest it as a stepping-stone to increasing the votes for women until we have adult franchise.

As regards Bengal, may I point out that in spite of the laws of inheritance there the voting strength of the women is 3 per cent. of the adult population.

Sir P. C. Mitter: With my suggestion you could have one hundred times those number of votes.

Mrs. Subbarayan: There are only a few women who have got the vote. Women are shy to go to the polling station. But when there are a large number of women voters they will feel encouraged to go.

Sir C. Jehangir: Would you make it compulsory for women to vote?

Mrs. Subbarayan: No, I would also say when the women electors are very few in number, they realise that they cannot count for much in a large electorate. If their number were large enough to be a powerful factor in an election, all the candidates and their supporters would make every effort to induce the women to go to the poll.

Sir P. C. Mitter: If there are 3 millions who are eligible for votes and if the number of voters is so small, I am pointing out something under which you can do better, that a general recommendation will perhaps serve your purpose better. Of course you can decide for yourself, but that is my view.

Mr. Jadhav: I support any proposal to give woman the vote and to make her equal with man, but the proposal that has been placed before us will increase the number of voters at least two and a half times, because in the case of a man dying his son and his son's wife will get a vote automatically—and his widow. I do not state this fact here in order to oppose the suggestion. As I have said, I am in entire sympathy with the proposal; but I want to add a word of warning that by the adoption of this system the number of voters will be increased to such an extent that the expert Franchise Committee which will be appointed will have very little left to consider, and the other methods of broadening the franchise should be changed. I would for the present again reiterate that I stand for the universal adult franchise, and if the scheme that was proposed here and placed before this Committee by the Marquess of Zetland be accepted that persons who are now on the electoral roll should remain on the electoral roll, but that the other population which is not enfranchised should be represented by their representatives, all these obligations, I think, will be done away with, and all the communities that are now asking for the vote will be satisfied. The labourers will get their vote in the proportion of 5 per cent. at least; the women will get their vote to the extent of 5 per cent. at least, and so on; there will be a gradual advance, and in that way we can very easily work up to our ideal which has been accepted by this Committee of universal adult franchise.

Chairman: May I suggest this for your consideration. On the one hand, I feel myself in very considerable difficulty. After all, I know nothing about India at all, and I read in the Government of India Report these words: "The view was that the enfranchisement of women goes deep into the social system and the susceptibilities of India, and is, therefore, a question which can only prudently be decided in accordance with the wishes of Indians constitutionally expressed." That view is bound to have some weight with me in my position, knowing nothing about India. On the other hand, I frankly say that I am tremendously prejudiced in favour of women's suffrage, and I will give you our experience. I speak for myself; I only give you impressions. Until we had adult suffrage we had women voting by virtue of being the wife of her husband when she reached the age of 30. People

laughed at it for a long time and simply said that the man had got two votes. I am inclined to think that in the first stages it very often did mean that. But the result of having a vote was that the women began to take such an interest in politics that if it was true to say in the early stages it simply meant duplicating the husband's vote, it certainly was not true after a few months, and it certainly is not true to-day. The added interest and educative value of the vote has been proved time after time in this country through giving women the vote. On the one hand, therefore, I feel very much tempted to say that Sir Robert Hamilton has suggested the right course, seeing that this Committee as it is at present constituted cannot really attempt to solve this question or to give any definite ruling. But, I for myself, with my prejudices, do not want to merely pass the matter over to the Franchise Committee. I would, at any rate, like to give the impression on my mind, and suggest this to you. Might we not do this: we can answer the questions submitted to us, and to the question "Do the recommendations made under (1) and (2) above provide sufficiently for the enfranchisement of women?" we can answer "No." Then, "if not, should any special qualifications be prescribed for them?" we can answer "Yes." Then we can send the matter to the Franchise Committee, but send it with some comment of this sort: "At the present time the number of women voters is something like a quarter of a million in six Provinces as against nearly $6\frac{1}{2}$ millions male voters." Might we not then say: "We have looked at those figures. We regard any franchise system which renders possible such a great disparity as that between the two sexes wholly unsatisfactory." With that general statement of our views, refer the matter to the Franchise Committee, in order that the Franchise Committee may work out what is the best method to adopt in order to approximate much more closely the number of women voters to the number of male voters. If I may suggest that to you, I think it would not be a bad principle that we should refer the matter to the Franchise Committee by putting in some statement of that sort, and indicating quite plainly what our views were on the general principle. I should like to propose that, if that would meet with the approval of the Committee.

Khan Bahadur Hafiz Hidayat Husain: I should like to say something about the value of the vote to those people who are not sufficiently advanced. Therefore my contention is that there should be a sliding scale for the enfranchisement of women, to be followed as the years go on, and that we should recommend in this sense to the Expert Franchise Committee. In the case of any man who possesses a qualification which entitles him to vote, his wife and daughter should not be entitled to vote unless he possesses three times that qualification.

Begum Shah Nawaz: May I ask you to include these words: "that the recommendation of the Statutory Commission should be taken into consideration as well as the proposal made in this Committee by the ladies"?

Chairman: I think it is quite reasonable that the Franchise Committee should be asked to take into consideration the report of the Simon Commission.

Begum Shah Nawaz: One member of the Committee said that in the rural classes the condition of women was not so good as we have been trying to show that it is. May I point out that there are nine million more men than women in my country, and that the women is considered to be far more precious in a poor man's house than in a rich man's house. In one district in my Province there is one woman to ten men, and in that district a woman is considered more precious than any property.

Chairman: We will frame a recommendation on the lines of this discussion.

Now we come to the next topic, which is plural voting. I would suggest for your consideration that a convenient way to consider this matter is, first, to ask. Are any alterations required in the qualifications in the existing special constituencies? Secondly, should a voter entitled to vote in a special constituency be permitted to vote also in a general constituency for which he possesses the required qualification? I must add that what we do here will be to a certain extent governed by the Minorities Committee. I submit this to you for your consideration and approval.

Mr. Fazl-ul-Huq: The question of the retention of special constituencies is not a matter for the consideration of this Committee at the present stage. In so far as special constituencies are allowed to remain, the point of view just suggested by the Chairman may be considered, but I want the Committee to understand that this is entirely subject to the condition that the retention of special constituencies is a question to be considered, not by us, but by some other sub-Committee.

Chairman: I do not think we can consider the question of special constituencies at all. There is, unfortunately, a considerable overlap in our work. The only useful way to carry on our discussion is to assume that the special constituencies as they exist to-day are going to continue.

Sir Cowasji Jehangir: I think we should leave out the first of the questions you have suggested and confine our attention to the second. We may take it for granted that there should be special constituencies, and the question is under what conditions should a man allowed to vote in such constituencies.

Chairman: May I take it that the Committee is agreeable to what Sir Cowasji has said. Let us proceed on the assumption that there are to be special constituencies, and that the special constituencies will have some franchise which we are not going to discuss.

Sir P. C. Mitter: I find considerable difficulty in giving my considered judgment on this point unless I know what the special constituencies are going to be. Take the constituencies formed by Chambers of Commerce and the like. In my Province there are

five special British seats on the local Legislative Council. When we know what the special constituencies will be the matter ought not to be very difficult, but at present there are many special constituencies of the kind. I suggest that this sub-heading should be referred as a special point to the relevant sub-Committee.

Chairman: Is it the feeling of the Committee that we should not deal with either of these matters, because, just as we cannot usefully consider what the franchise for a special constituency should be unless we know what the constituency itself is going to be, so also we cannot usefully consider whether there should be plural voting unless we know all the circumstances, the nature of the special constituency, and the nature of the voting in that constituency? Is it the view of the Committee that the Expert Franchise Committee is the body which should take this into consideration?

Mr. Jadhav: May I point out that at present plural voting is allowed. A man may have a vote, for example, in a university constituency and also in a general constituency on a property qualification. Again, a man may have a vote by virtue of his membership of the Mill-owners' Association, or in these other special constituencies in Bombay. I do not think there is any harm in allowing plural voting under such circumstances, but a man ought not to have different votes for the same sort of qualification—say for holding property in two places. Also, if an educational qualification is added, a man ought not to have a vote for property as well as education.

Diwan Bahadur Ramachandra Rao: A good deal of material appears in the memorandum submitted to the Simon Commission by the Government of India which shows that a considerable volume of opinion exists with regard to the representation of various special constituencies. For example, in regard to trade and commerce, several proposals have been put forward referring to special constituencies. Again, as regards the landlords, the Simon Commission proposed that the landlords' constituencies in the Provinces and Legislative Assembly should be abolished. Either this Committee or the other Committee will have to decide whether the landlords' constituencies should be retained.

Chairman: We cannot decide it. The difficulty is as to whether the special constituencies should be retained or not, and that is plainly not a matter for this Committee. When it has been decided whether the special constituencies should be retained—that being a matter for the Minorities Committee—the question as to what the franchise should be would be a matter for this Committee. Is it not the most business-like thing to say that we decline to discuss the matter, but we send it to the Expert Franchise Committee who will be able to deal with the whole of the question? In any event we could only deal with half of it.

Mr. Chintamani: But, Sir, it should not be impossible for us to make a general recommendation that, as far as possible, plural

voting should be avoided, as it is undesirable. Sometimes it is possible for a man to have five or six votes in different constituencies. I think it is undesirable that one person should have so many votes. At the present moment a person who could be a voter in two general constituencies has to make a choice between the two. In the same manner the Government could see that one name did not occur in more than one special constituency. We do not, of course, know what will be the character of the special constituencies of the future, but subject to that, I think it is up to us to make a recommendation to the Expert Franchise Committee in general terms against the principle of plural voting.

Sir P. C. Mitter: When we are in better possession of the facts we can deal with it more effectively. I do not want this question to be ruled out. All I ask is that it should be considered in some other place where the facts will be forthcoming.

Chairman: Does the Committee as a whole agree to this course, subject to the point made by Mr. Chintamani? Are we agreed that this matter should be passed on to the expert Franchise Committee with a recommendation against plural voting? The real question is whether we ought or ought not to add any recommendation in that sense. I feel that it is very difficult for us to make any recommendation at all unless we go into the whole of the facts, and, on the other hand, it is very difficult for us to go into the whole of the facts because half of them are outside the terms of our reference to deal with. Therefore I think we had better pass this matter over quite generally.

Mr. Chintamani: But I should like you to include in your report a statement that several members of this sub-Committee are of opinion that plural voting should be as far as possible discouraged.

Sir C. Jehangir: In some constituencies plural voting may be advisable, and if Mr. Chintamani presses his point, I think it should also be stated that some members of the sub-Committee are in favour of plural voting under certain circumstances.

Chairman: Shall we say that we have not gone into the question of the franchise for the special constituencies, as the question as to what special constituencies remain is not one for us? We recommend that the Expert Franchise Committee should take the matter in hand, and make such arrangements as are necessary for the special constituencies that remain. With regard to plural voting, some of our members have expressed the view that so far as practicable this should be abolished; others that it should remain, but without a full knowledge of the facts we think it not advisable to attempt any recommendation.

Chairman: Following my usual practice, I will read out to you a very rough summary I have put down as the result of our deliberations on these questions, coming under No. 2 of the Heads of Discussion, the general basis of franchise. On (ii), "Assuming

that age is not to be the only qualification, should there be (a) a property qualification " and so on, I have said this:

" This sub-Committee consider that there should be a property qualification for the franchise, and that in this connexion the word ' property ' should be understood in its widest sense as including not only the ownership of landed property but also the occupation of landed property or house property or the receipt of income or wages, whether in cash or kind."

On (b) I say:

" This sub-Committee are of opinion that the Franchise Commission should consider the possibility of framing a suitable educational qualification as an additional qualification for the franchise, bearing in mind the idea enunciated under heading 2 (i)."

That is the heading we have already dealt with.

On (c) I say:

" This sub-Committee agree that the Franchise Commission should retain the existing military service qualification and consider its extension so as to include service in the Auxiliary and Territorial Forces."

On (iii) I say:

" This sub-Committee observe that under the existing franchise the number of women voters is infinitesimal as compared with that of men. No system of franchise can be considered as satisfactory or as likely to lead to good government where such a great disparity exists between the two sexes. We do not think the recommendations we have already made will reduce this disparity, nor do we think that they provide sufficiently for the enfranchisement of women. We, therefore, agree that special qualifications should be prescribed for women, but we feel that in this sub-Committee we have not sufficient knowledge of the facts of the situation to qualify us in attempting to formulate these special qualifications. We therefore recommend that the Franchise Commission should devote special attention to this question in the light of all the evidence available, including the recommendations of the Statutory Commission and the suggestion made in this sub-Committee that the age limit mentioned in the proposals of the Statutory Commission should be altered from 25 to 21."

On (iv) I say:

" This sub-Committee are of opinion that the franchise qualifications for special constituencies are inseparably bound up with the nature of those constituencies. We are not empowered to consider that point, nor are we in possession of information as to what special constituencies are contemplated. These questions require examination by a competent body. So far as the franchise aspect has been discussed in this sub-Committee, a division of opinion has shown itself as to the

desirability of permitting a voter qualified in both a general and a special constituency to vote in both."

I shall, of course, circulate this, and we shall have to have a meeting to consider these things, but I think that fairly summarises the conclusions at which we have arrived.

Sir Cowasji Jehangir: There is one point which I should like to mention. You refer in that report to No. 2 (i). I understand by that that you are alluding to the principle which has been enunciated whereby the Franchise Commission should be asked so to adjust the franchise that the different communities will be represented on the electoral roll in proportion to their population.

Chairman: Yes.

Sir Cowasji Jehangir: I think that is an impracticable and impossible suggestion to make, if I may say so, and I reserve to myself the right to raise this point when the report is under discussion at the final stage.

Chairman: Certainly. Everybody reserves his right to bring these points up again.

Sardar Sampuran Singh: I wish to associate myself with what Sir Cowasji Jehangir has said.

Lieut.-Colonel Gidney: My objection is the same as Sir Cowasji's.

Chairman: We now come to No. 3. We have really dealt with the first point: "Detailed franchise qualifications. It will presumably be left to a Franchise Committee or Committees"—we have now called it a Franchise Commission—"to define the exact qualifications necessary to bring about the result desired under 1 in accordance with the principles recommended under 2." Then: "Are there in the opinion of the sub-Committee any other considerations which it is particularly desirable that the Franchise Committee should bear in mind?"

One occurs to me; that is to say the question of rural constituencies. There is a danger we have been told, of the over-representation of urban opinion and the under-representation of rural opinion. That may be a matter which you may think the expert Franchise Committee should bear in mind, and it has been suggested to me also that disqualification is a topic which ought to be considered. There may be others, but those two will certainly be in order here.

Dr. Ambedkar: The residential qualification might be considered...

Chairman: That might be considered also.

Mr. Chintamani: Are you speaking only in respect of the franchise?

Chairman: Yes.

Mr. Chintamani: There are two franchises, for urban and rural.

A Member: In most of the Provinces.

Mr. Chintamani: What are we to consider?

Chairman: We can consider only any point as far as it relates to franchise.

Mr. Foot: The disparity between urban and rural representation?

Chairman: Certainly, if you consider there is a disparity between urban and rural representation, which disparity can be surmounted by some adjustment of the franchise, that is a matter which we can consider here. If you say, however, that it cannot be dealt with in that way but must be considered by some method of separate representation, for instance, that does not come within our province here at all, of course.

Mr. Chintamani: I am glad, Sir, you have rendered unnecessary any observations on the quantity of representation of urban and rural areas, as being a point beyond the province of this sub-Committee. In my opinion there is no relation whatever between the franchise and the amount of representation; it concerns the number of voters for a particular candidate in an urban area and in a rural area, but it does not affect the proportions of urban and rural representation in the Legislature.

As regards the franchise, the nature of the taxes or cesses or rates included in urban and rural qualifications is quite different not only as between one Province and another but in the same Province. Also when rental is taken as one of the qualifications for the franchise, the rents paid by occupiers of houses in towns are naturally enormously more than anything that has to be paid in rural areas. A certain difference between the franchise in respect of these two areas is inevitable, nor is there, in my opinion, a grievance to anybody that that should be so, because, as I have said, it does not determine the relative representation of the two. Unless it is stated that this sub-Committee will make a representation or express an opinion on the relative amounts of representation which the urban and rural areas should have, it will not be necessary for me to say anything more, and I believe that, as has now been stated from the Chair, that question will not be considered by us.

Mr. Foot: There is one question on which I should like to have some guidance. When the Southborough Franchise Committee went into the question, I understand they made it a deliberate matter of policy to make the franchise arrangements such that the towns were more largely represented than the country districts. A quotation from the Report of the Southborough Committee is given on page 58 of the Report of the Statutory Commission, and that quotation is as follows: "The qualifications adopted by us will result in enfranchising a substantially higher proportion of the urban than of the rural population, a result which we believe to be justified by the higher standard of wealth and intelligence in the towns." That deliberate policy adopted by the Southborough

Franchise Committee has now been in operation for some years, and some of us who belong to the British Delegations would like guidance and comment on that in the light of the experience of the years which have elapsed since effect was given to that policy. I see that adverse comment has been made on that policy in different quarters, and I should like to know whether our brethren from India can tell us if, as a result of ten years' experience, that policy of the Southborough Franchise Committee has been justified, or whether steps ought now to be taken by the new Committee which we propose to set up to correct that difference.

The interest of India, of course, is mainly agricultural; as I understand it, nine-tenths of the population of India are directly associated with agriculture, and the whole community is dependent on the success of agriculture. If that is so, I cannot understand why we should not make our franchise arrangements such that you will call in that great rural element of your country to take its full and adequate and commensurate share in the future development of the country's interests. That is a matter on which I should like some guidance from those who can speak with an experience which we cannot claim.

Sir P. C. Mitter: May I ask for guidance on a question of procedure. You have told us, Sir, that the question of the separation of rural from urban constituencies is not before us; but in my opinion that is a very important matter, and I expect it will come before some sub-Committee.

Chairman: It is not before us, anyway.

Sir P. C. Mitter: I should like to bring to your notice the fact that that ought to come before some sub-Committee. On the point that is actually before us, and with regard to the remarks which Mr. Foot has made, I should like to say this. The difficulty is not that the urban voters do not take any interest; the urban voters do take an interest, and if possible the franchise may even be lowered as regards the urban voters. They have had 50 years' experience of municipal elections, and they are better educated and so on. One of the difficulties is to get the rural voters to come and vote, and lowering the rural franchise will not touch that point, which I at any rate believe to be of great importance. The difficulty will not be met by lowering the franchise for rural voters, but on the other hand that will bring in a class of voter who will be more under the influence of the moneylenders, the young men or the police. The better representation of rural voters has been touched on by the Marquess of Zetland, and his proposal may be one way of ensuring such representation. I want to make it clear, however, that in my judgment the lowering of the franchise will not meet the difficulty to which reference has been made.

Mr. Zafrullah Khan: May I, coming from another Province, try to give my own impressions with regard to the matter now under discussion. I have not, of course, any intimate knowledge of the working of the franchise qualifications in any Province

except the Punjab, and all that I wish to submit on this question—a question on which I feel rather strongly—must be taken to be confined in its application to the Punjab.

There is no doubt that the qualifications for the franchise, as laid down at present, are uniform for both areas in this sense, that wherever an individual possesses one of those qualifications that are laid down in the list he comes on to the register no matter whether he is actually resident in an urban area or in a rural area. But, considering that certain kinds of qualifications—for instance, ownership or occupation of immovable property of a certain value—may be expected to be found generally only in certain kinds of areas, the qualifications laid down readily classify themselves into urban qualifications and rural qualifications.

With regard to my Province, the main rural qualification which would entitle a person to come on to the register is the qualification which may be described as the land revenue-paying qualification, the qualification which belongs to a man owning agricultural land, which pays so much annually in land revenue. It is extremely difficult to find in the villages of the Punjab anybody—or at any rate people in large numbers—who owns, for instance, houses in the village which would qualify him or them as voters; that qualification is mainly an urban qualification. On the other hand, this ownership of agricultural land is a rural qualification. These are the two main qualifications.

But a difference will at once appear when the two are compared. In urban areas a person who owns immovable property of a certain value obtains a vote, as well as a person who receives rent from urban immovable property up to a certain extent—up to Rs. 8 a month—as well as the person who pays the rent; they all become qualified. That is to say, if a room in a house is let by “A”, the owner of the room, to “B”; at a rental of Rs. 8 a month, both “A” and “B” in the urban area will get a vote. Suppose, on the other hand, a man owns agricultural land in a rural area which pays the necessary amount of land revenue—Rs. 25 a year in my Province—he alone would qualify in respect of that property.

Mr. Foot: And not the tenant?

Mr. Zafrullah Khan: That is the first distinction which appears immediately. A man who has taken land on lease in respect of which Rs. 100 a year is being paid as land revenue does not qualify in the rural area as a voter, whereas in the urban area the occupation of property of Rs. 8 rental value gives a right to go on the register, as well as the ownership of that property.

To make a comparison, property which, in an urban area, would bring in a rental of about Rs. 8 a month would be far less in value than land in a rural area in respect of which Rs. 25 a year is being paid as land revenue; so that, without going into further details, it may be taken as established—with regard to the Punjab at least—that a much lower qualification in the urban will qualify a

man to go on the register than is the case in a rural area. The rural qualification for a man to get on the register is a very high one, apart altogether from the fact that tenants as such, apart from hereditary tenants, are not entitled to go on the register by virtue of the occupation of any quantity or area of land.

This gives us a very disproportionate percentage of rural voters to the rural population as compared with the percentage of urban voters to the urban population, and that is a matter on which I feel rather strongly, because an overwhelming majority of even the representatives of my Council feel very strongly that this disparity should disappear. It has been said that the distinction which the Southborough Committee sought to make, and deliberately sought to make, was justified by the fact that you get urban voters going to the polls far more easily than rural voters. With all respect to Sir Provash Mitter, I think that is not correct. No doubt the proportion of the actual number of votes polled in the rural areas is slightly less as compared with the proportion of urban voters going to the polls, but if you examine the conditions, if you visualise that every urban voter has got the polling station almost at his door, and that all he has got to do is to spare a few minutes on the polling day to work over to the polling booth and vote, and go back to his work, and that with regard to a rural voter he has often got to take a long journey and provide his own food and miss his day's work, then this slightly lower proportion is negligible, and if it cannot be said that having regard to those conditions the rural voter has really shown a greater interest in these matters than the urban voter, it can certainly be said that he has shown at least an equal amount of interest. Besides, there is one great consideration, that with regard to this question of tenants and occupiers of land in my Province, they come from exactly the same class from which the ordinary peasant proprietor comes, and there is no reason why a tenant should not be admitted to the vote occupying the same amount of land, whereas the landlord who is merely getting the rent of that land should become qualified. But apart from these detailed considerations, my solution is that the experience of the last ten years has shown that there is no reason for maintaining the distinction whereby a much larger number of urban residents should be enfranchised as compared with the rural voters, and that this Committee should definitely make a recommendation that this disparity should now disappear.

Of course, I have not ventured upon the question as to what should be the qualification for representation of rural areas in the Legislatures, for with that we are not here concerned.

Sir Cowasji Jehangir : You see, it says " Owners or occupancy tenants of land " .

Mr. Zafrullah Khan : Occupancy tenancy is what I have described as hereditary tenancy. In my Province, if a man is not by birth a statutory tenant, although he is occupying the amount of land for 30 years, or if he has occupied it in two generations

for 50 years, he will not be able to vote. An occupancy tenant is a very artificial definition.

Diwan Bahadur Ramachandra Rao: I should like to say a few words in regard to conditions in Madras. I do not think, speaking for myself, that there is any rivalry between the urban and the rural areas of the Madras Presidency. Our system is this, that each of the districts has got two members; in some districts they have three members, and in some districts they have four members, according to the size of the population and the number of voters, and generally the towns in those districts vote along with the rural voters and return the two or three or four members allotted to the district, except in the case of four towns in the Mofussil and the City of Madras, which has four representatives; so we have eight representatives for the whole Province, representing what we call the urban areas, four towns besides Madras City, which has got four representatives. As regards the other districts, as I said, the towns in those districts vote along with the rural voters, and therefore there is no difficulty whatever, so far as I can see, in Madras; there is no accentuation of difficulties arising from the urban or the rural vote, nor is there any rivalry or jealousy or separate interest which each of them represents. As regards the exact qualifications in municipal towns, it is the payment of about Rs. 3 a year in municipal taxation, which puts a man on the register. In rural areas we hold—

Mr. B. V. Jadhav: May I correct you; it is not municipal taxation; it is rent.

Diwan Bahadur Ramachandra Rao: I am talking of Madras, about which I know something. This is a statement which has been prepared in the Secretariat here, and this says, "The payment of Rs. 3 a year in municipal taxation" shall be the qualification required by a voter to come on to the register, in those towns which have separate representation, separately. But this has resulted in this. Some of the towns which return a single member have only voters of, say, about 3,000 or 4,000, whereas in the rural area the district, the unit is between 40,000 and 50,000 voters in the whole area. Of course, there is no unit of voters. I take it that in this country for every 50,000 or 60,000 voters you have a member; is that so?

Chairman: There is nothing laid down.

Diwan Bahadur Ramachandra Rao: No, but it works out that way; but our system has not been based upon it; it is a territorial unit, and in some of our districts there are 25,000 voters returning two members, in other districts there are 40,000 voters returning two members, and in some towns returning one single member, the voters are about 3,000 or 4,000—below 10,000. Some of the southern towns are more populous than the northern towns, therefore it varies. Thus the system in this question of urban versus rural has not made any headway in Madras, so I do not think, Sir, that so far as Madras is concerned (I think I am safe in

saying this), there is any need to differentiate the urban voter. A man living in the town has some property in the district; he has some land which empowers him to come on the register; he generally has a house. One or other of the qualifications brings him on the register.

Mr. Foot: But you told us that you do not consider that there should be any continuing disparity between the rural and the urban population.

Diwan Bahadur Ramachandra Rao: I do not understand what you mean by disparity. The urban voter gets on to the register in consequence of his paying Rs. 3 municipal taxation. The rural voter generally holds a piece of land on which he pays a rent, the rental value being fixed. So I cannot understand the use of the word "disparity" between the one and the other. As regards the number of voters, as I have already said, the number of voters in the towns is much smaller than the number of voters in the district, which is our territorial area. The proportion is very much larger in the rural areas.

Chairman: What the Simon Commission said was this. In paragraph 106 of their Report they dealt with this question of the franchise and the setting up of the new Franchise Committee and they said this: "The Franchise Committee would be directed to consult the provincial Governments before determining what modifications in voting qualifications should be made for this purpose, and would be required, in drawing up its scheme, to have due regard to the respective claims of rural and urban areas."

Mr. Foot: Would you read from the Government of India Despatch, on the same point, at the top of the page, 24.

Chairman: The Government of India Despatch says, on page 24: "In more than one province the Committee may find that some readjustment is necessary of the present representation respectively of urban and rural areas and we attach great importance to securing genuine and effective representation of rural interests." That is probably quantum; but in that he is referring this to the Franchise Committee, he is dealing with the franchise.

Mr. Chintamani: I am not so sure, Sir, if you read it again. That also partly refers to representation.

Chairman: The paragraph in the Simon Commission Report is headed "Our own Proposals for Extension". This is plainly the franchise.

Mr. Foot: And the Government of India Report turned on the franchise.

Chairman: We obviously cannot do anything more than make a recommendation. Do you think that we might recommend that this Committee, the Franchise Committee, or the Expert Committee, or whatever you call it, should so adjust the franchise qualification as to remove, in those areas where it exists, any marked disparity between the proportion of urban voters to the

rural voters enfranchised? What I mean to say is, the disparity existing between the proportion of urban voters to the urban population, and the proportion of rural voters to the rural population, and where in any area you find there is a marked disparity between the two, then the Expert Franchise Committee should consider so adjusting the franchise as to remove that disparity.

Sir P. C. Mitter: That is not exactly the point, I think, Sir, but my impression is—I speak subject to further examination—that in many urban areas it compares unfavourably with regard to population and area, and in other places vice versa. I only draw your attention to this: Would you put it in a wider form, or would you put it as an implication that in the rural areas it is less?

Chairman: We will put it in the wider form if you like; try to get the two proportions alike. Then on those lines, Sir Cowasji, would that suit you?

Sir Cowasji Jehangir: I do not think that is quite the point, if I may say so. The point is not whether the number of voters between the urban and rural areas are fairly divided, but whether the number of representatives on the Council are fairly divided.

Mr. Zafrullah Khan: That is quantum.

Sir Cowasji Jehangir: That is quantum, perhaps, but if you do not go into quantum, then I am afraid you will find that the franchise works very fairly as it is. It is the quantum that may be unfair, and if we cannot refer to that here and cannot criticise it or make suggestions, naturally we do not get to the root of the question; that is the trouble. Then another point is residential qualification, which is a very main issue. It is the main issue. Is it necessary to reside in a constituency to become its member? That is another very important point.

Chairman: That is a separate point. Let us discuss it separately if we may. Will not this suggestion meet you? We are only dealing with the question of franchise here. Mr. Zafrullah Khan has given us one illustration, as I followed it, of a case in which an urban tenancy or an urban letting produces two votes, whereas a somewhat similar affair in the rural area produces one. That is the sort of thing which the Franchise Committee ought to bear in mind in order to adjust, so far as it is possible, the disparity that exists, if it exists in any area, as between rural and urban or as between urban and rural. That is the point. Cannot we simply make a recommendation on those lines?

Now the next point concerns the residential point which Sir Cowasji mentioned.

Sir Cowasji Jehangir: The point is that in some provinces the voter living in one constituency can be returned as a member for another constituency. In other provinces that is not allowed. In Bombay it is not allowed.

Mr. S. B. Tambe: Bombay, Central Provinces and the Punjab.

Chairman: I am following you, but you are going to tell me whether this is a question of franchise. The question as to whether you can have a carpet-bagger Member of Parliament, for instance, is obviously not a question of franchise. It is obviously outside the terms of reference of this Committee.

Sir Cowasji Jehangir: Yes, Sir, I quite see that, but may I point out that it is very important when it comes to representing the people.

Chairman: We must have another Committee, Sir Cowasji.

Mr. B. V. Jadhav: In Bombay it is a rule that in the rural area a man may possess landed property even beyond the standard laid down to qualify for a vote, but if he does not reside in the constituency, he is not on the register. A residence qualification for a voter is required there.

Chairman: That is a perfectly good point here. The question of a qualification for a voter is quite all right; the question of a qualification for a representative is a different question altogether. We can have no discussion as to the residential qualification for a representative here, but we can have any discussion you like as to the residential qualification of a voter.

Mr. B. V. Jadhav: I propose, Sir, that that restriction should be done away with, and that the possession of property should entitle him to vote.

Rao Bahadur Srinivasan: Property or any qualification?

Mr. B. V. Jadhav: Yes, property or any qualification.

Sir Cowasji Jehangir: Do I understand that the suggestion made by Mr. Jadhav is that a man who holds land, and under ordinary circumstances would get a vote, also owns property in a town and could also get a vote in that town—that he should be allowed to vote? Is that what you mean?

Chairman: No; as I understand Mr. Jadhav's point it is this. He says the other special point that ought to be corrected is this. Among other things, a man who would otherwise have a vote loses it by reason of being an absentee, and he wants us to direct the Franchise Committee that a man ought not to lose a vote which he otherwise would have merely because he does not happen to reside in the place where that vote would be.

Sir Cowasji Jehangir: But he has a vote somewhere else.

Chairman: Whether he has a vote somewhere else or not is not this point at all, as I understand it. Your point does not depend on that, does it, Mr. Jadhav?

Mr. B. V. Jadhav: No, not at all.

Chairman: It is simply the question of the absentee vote, as we call it here.

Sir Cowasji Jehangir: Does he exercise his option as to where he should vote?

Chairman: He can vote in either of the two places.

Sir Cowasji Jehangir: That is as it is in India now.

Chairman: No, I think not. In Bombay you cannot have an out-voter, and a man cannot be put on the register unless he lives in the constituency. It must be a residential qualification. The proposal is that we should direct the expert Franchise Committee that that requirement ought to be done away with. Has anybody got any view to the contrary?—That seems to be carried unanimously.

Now there is the question of disqualifications, which somebody wanted to raise.

Mr. Basu: As regards the question of disqualification, one of the questions of disqualification under the law and practice as they prevail now, is that persons who have been convicted by a criminal court and have undergone imprisonment for a period of six months or over should be disqualified from being on the voters' list or from being elected as a representative.

Chairman: For five years. The disqualification lasts five years.

Mr. Basu: Yes. Having regard to the fact that during the last few years the number of persons in gaol for offences which may ordinarily be classed as political offences, and a great many of whom, both men and women, are persons who are almost necessary in their respective localities for social service and general public work, there should be a recommendation that persons who have not been convicted of any offence indicating moral turpitude should not be disqualified from either being placed on the register or being elected to the legislature. Otherwise we debar a very large number of social workers from associating in the work of the legislature, and it will be a great handicap in a province to start work without them.

Mr. Joshi: What is the proposal?

Mr. Basu: The proposal is that the disqualification in the general terms in which it stands now should be done away with, and that only offences which indicate moral turpitude should be a disqualification.

Lord Zetland: Might I ask—I am not quite clear—who will decide whether the offence involves moral turpitude or not?

Mr. Basu: In the Indian Penal Code the offences are so clearly defined that a list could be made by the Expert Franchise Committee indicating which particular offences should be regarded as carrying disqualification.

Sir P. C. Mitter: Let us suppose a patriot goes to a village and purchases a piece of cloth in face of a political boycott. He is technically guilty of the same offence as another man who goes there to commit a burglary. The matter is not as simple as Mr. Basu thinks. I am quite willing to adopt the phrase he has used, "Moral turpitude", but I have not clearly before me the several sub-sections of the rule relating to such offences. If a

man committed some offence with a particular object, I might even go further, but I am not able to go to the extent of saying that a man who commits murder, whatever his object may have been, should not be disqualified. A man who commits a technical offence in furtherance of a political movement certainly stands on a different footing from a moral criminal.

Mr. Joshi: If Mr. Basu will propose that all people who have been convicted and have undergone imprisonment for a certain period should not be disqualified, I am willing to support him. A man may have done something wrong, but he has paid the penalty, and he should not be penalised again. If we bring in the phrase "moral turpitude", we are landing ourselves in great difficulty. This principle of moral turpitude will not do, but if we accept the principle that a man who paid the penalty for his offence, whatever it is, should not be penalised again, I am in full agreement.

Chairman: "Moral turpitude", I agree, is very difficult to define. At present the rule is this, that if a man is sent to prison for a term exceeding six months he loses his right to vote for five years, yet there is a dispensing power, and the local government can consider each case on its merits and decide whether or not that rule shall be enforced.

Mr. Jadhav: I know that the rule has been relaxed in many cases, and the people to whom it would apply have been allowed to stand for election.

Chairman: I have before me the Electoral Rules, and they state that if any person is convicted of an offence under Chapter IX (A) of the Indian Penal Code punishable with imprisonment for a term exceeding six months, or is, after enquiry by the Commissioners for the time being, reported as guilty of a corrupt practice as specified in certain schedules, his name, if on the Electoral Roll, shall be removed therefrom, and shall not be registered therein for a period of five years from the date of the conviction or of the report as the case may be: or, if not on the Electoral Roll, shall not be so registered for a like period. But it is added, "provided that the local government may direct that the name of any person to whom this sub-Rule applies shall be registered on the Electoral Roll". That is the existing provision.

Mr. Tambe: That relates to the election. There is another rule. Chapter IX (A) is a new Chapter which has been added.

Sir C. Jehangir: This dispensing power on the part of the local government is at work every day.

Chairman: It seems to be extraordinarily difficult to lay down any general rule. It must be a matter of discretion in each case.

Diwan Bahadur Ramachandra Rao: To give discretion to local Governments, and to direct persons who have been convicted to apply to them, really places the Government in a very awkward position. I would like to have a rule which would operate without any discretion being exercised by the local Governments.

Sir C. Setalvad: You would have no disqualification though the man may have committed any offence?

Diwan Bahadur Ramachandra Rao: I do not say that. But in certain offences a man is disqualified automatically.

Mr. Chintamani: I strongly support the plea against the vesting of discretion in this matter in the local Governments. The last speaker has put it with characteristic moderation. It is beyond question that occasionally such discretion is apt to be exercised, owing to one circumstance or another, in a manner prejudicial to the individual concerned. I may be a little more positive and state with confidence based upon knowledge of events in the part of the country from which I come that the vesting of this discretion in local Governments has led to the misuse of such discretion. It may have been done with the best intentions, but it has unquestionably created the impression that men of a certain political persuasion can easily get their disqualification removed, whereas others whose activities may be embarrassing to the Government for the time being cannot do so. If we were sitting as a private body I could state concrete cases and furnish the justification for this popular impression. I agree with Sir Chimanlal Setalvad that you cannot say there should be no disqualification whatever, but it should not be at the discretion of the local Governments, it should be something more precisely definable and not at the mercy of any Executive. You, Sir, have expressed a difficulty with regard to the phrase "moral turpitude". I am not going to put my opinion against yours, but I would humbly suggest this: in the criminal law offences are divided into various categories, against the person, against property, against public security, against the State, and so on. It can be seen that various categories of these offences do definitely involve moral turpitude. It is chiefly when we are dealing with offences against the State that the difficulty arises. There one test has been suggested, and in some cases applied, in recent political agitations in my country. It has been considered whether a man's offence against the State has involved some physical violence or has been limited merely to speech. If the former a graver view is taken. If a man did not more than make a speech which was held by our judicial tribunals to be seditious and nothing more, his case stands on a different footing in respect to moral turpitude than that of the man who has committed violence against persons or property. It is for the Franchise Committee to go a little more into detail and make a recommendation which would remove the matter from the discretion of the local Governments and define the categories where disqualifications should remain and where they should be removed. It will suffice for my purposes if this Committee will recommend that the subject be considered in greater detail by the Expert Franchise Committee with a view to the avoidance of unnecessary hardship, and at the same time to the avoidance of the use of discretionary power by the local Governments.

Lieut.-Colonel Gidney: May I ask whether in the British Parliament there is any rule disqualifying a subject from being on the electoral rolls or from sitting in Parliament if he has been imprisoned?

Chairman: The only disqualification relates, I believe, to lunatics and Peers.

Lieut.-Colonel Gidney: I would suggest for the consideration of this Committee, that it is not right for a man to be punished twice for the same offence. If he has been adequately punished by law, why should he, while continuing to enjoy other rights of citizenship and social rights, be debarred from voting in an election or from taking his seat on the Council?

Sir Phiroze Sethna: I would suggest that the period which under the present rules is five years, should be reduced to three years.

Mr. Tambe: I think you will find that a voter is not disqualified on account of a conviction; the law is that a person who has been convicted cannot stand as a candidate, though he may be a voter.

Mr. Zafrullah Khan: I agree with Colonel Gidney that, after all, the franchise law is not a law for the reformation of criminals. Moreover, if the disqualification is to disappear after a certain time, I do not see why it should exist at all. One does not expect that people after they have come out of gaol will be deterred from further crime by the fact that they cannot get on the electoral register for five years. On the other hand, there may be some logic in saying that a conviction in respect to an offence in an election shall carry with it the added penalty that such a person shall be disqualified for a certain period. In other offences my submission is that they should not be regarded as involving disqualification, not even the offence of murder. If a man is guilty of murder let him be hanged. The magistrate will never be influenced in the way of lighter punishment because he thinks that the poor man is going to suffer a political penalty. And again, as has been pointed out, when a man comes out of prison he does not lose any of his other privileges.

Khan Bahadur Hafiz Hidayat Husain: The difficulty arises in the qualification being the same for an elector as for the candidate.

Mr. Jadhav: A man is not deprived of his vote after he has been convicted, but he is not allowed to stand as a candidate for the Legislative Council for a period of five years. I do not think, Sir, that that rule should stand.

Chairman: That does not concern us.

I have now in my hands a copy of the Penal Code. Chapter IX (A) relates only to offences in regard to elections. That rather meets Mr. Zafrullah Khan's point. There is some logic in saying that if a man commit some offence relating to an election, he shall for a time lose his vote. That is the only rule, so far as I can

see. Otherwise I do not think there is much substance in the point.

The other disqualification does not concern us in this sub-Committee, and now we know that this merely relates to electoral offences it seems to me there is very little substance in this discussion, and I think we might pass from it.

Mr. Tambe: There is one small disqualification I should like to mention. A subject of an Indian State living in British India cannot vote at present.

Chairman: I do not think we can deal with that. Now we come to question 4. The future electorate: "Should provision for future extensions of the franchise be made now or should Provincial Legislatures be given complete, or limited, power to alter their franchise at any time or after a given number of years?"

Mr. Shiva Rao: I think Provincial Legislatures should not be vested with that power, because if that power is given to them I do not think they will be anxious to expand the electorate at all. On the other hand, I think a definite direction should be given to the Franchise Committee that the franchise should be so framed as to be capable of automatic expansion, so that at the end of a certain period—say ten years—we shall have universal adult suffrage. I think that definite direction should be given to the Franchise Committee.

Mr. Basu: I think our experience has been different. Soon after the inauguration of the Montagu Reforms, some of Provincial Legislatures—nearly all of them, I believe—extended the franchise by including women on the electoral roll. They did not misuse their power or leave it unused. Therefore, so far as the Provincial Legislatures are concerned, I think power should be given to them to expand or modify the franchise in any way they deem expedient in the light of their experience.

As regards the Central Legislature, they should be given power to modify or alter their own electorate.

Mr. Joshi: With regard to the point raised by Mr. Basu, I do not think he has given sufficient facts to prove that the Legislatures are really anxious to part with the power from the class which at present has it to the class which has not got it. He said the Legislatures have given votes to women, and it is true that they have done so, but to women belonging to their own class. He does not see the difference. I will give him my experience. In Bombay we have a Municipal Corporation and a Provincial Council. When the last Council was constituted certain qualifications were laid down for voters in Bombay City, such as a man who pays in rent Rs. 10 per month for occupying rooms. While such a man was qualified to vote for the Provincial Legislature, he could not vote in the elections for the Bombay Municipal Corporation. The question was raised in the Bombay Municipal Corporation, and my friends—some of whom are here—opposed a change, and we could not get the Bombay Municipal Corporation

to pass a resolution in favour of reducing the qualification and bringing it to the level of the qualification necessary for the Provincial Legislative Council elections. Our experience in connection with the Bombay Municipal Council, therefore, clearly shows that an economic class which holds the power in its hands will not easily part with the power in favour of another economic class.

It is therefore much better that an automatic expansion should be provided for, and, after all, there are very few here who have stated that ultimately power should not be transferred to the people generally. Everybody pays lip homage to the ideal of universal adult suffrage. If that is so, let us provide for the establishment of that principle. The difficulties are said to be difficulties regarding machinery, but if the difficulties in universal adult suffrage are due to machinery you can adjust your machinery in a fixed period to the needs of the automatic extension of the franchise. I therefore think this sub-Committee should give a definite direction that the franchise shall be extended automatically.

Diwan Bahadur Ramachandra Rao: What is to provide for this?

Mr. Joshi: It must be provided in the Statute.

Diwan Bahadur Ramachandra Rao: The Statute must lay down here and now a scheme of automatic extension?

Mr. Joshi: Yes.

Diwan Bahadur Ramachandra Rao: Until adult suffrage is reached?

Mr. Joshi: Yes. The number of voters, it can be provided, shall be doubled, trebled, or quadrupled.

Diwan Bahadur Ramachandra Rao: The Parliamentary Statute would lay down the automatic expansion?

Mr. Joshi: A Parliamentary or any other Statute.

Mr. Zafrullah Khan: I have no apprehension that if Provincial Legislative Councils are vested with the power of extending the franchise they will be chary of exercising it. On the other hand, I consider the advantage in adopting that method for the extension of the franchise is that if we, or even the expert Franchise Committee, proceed to lay down certain stages for the automatic expansion of the franchise, we or they should be doing so without the light of the experience that will be gained by the working of the immediate extension which we now contemplate. We should have to lay down, if we did it now, that the franchise must be extended along certain lines; but if the Provincial Council are to exercise that power, the difference will be that they will be able to do so in the light of experience gained of the very large immediate extension that all of us contemplate as being bound to take place.

Once that has taken place, I think our experience shows that the Provincial Councils will not hesitate to extend the franchise as far as they think practicable having regard to the conditions prevailing in each Province. That will give each Provincial

Council an opportunity to consider the circumstances of their own particular Province, and, though the advance in some Provinces may not be so rapid as in others, and though in some of them it may not be along the same lines as in others, if power is left to the Councils the advance will be suited to the conditions of each Province. We have laid down universal adult franchise as the ideal, and so directions can be given that if at any time one Province is lagging too far behind in putting into effect the principles laid down, power may be given to the Central Government or to some other authority after a certain number of years to see that the percentage of voters is brought up to a certain figure. I think, however, that even that power is not necessary, for I am perfectly confident the Provincial Councils, will be perfectly ready to extend the franchise, and it is just for that reason, because I differ from Mr. Shiva Rao's estimate of the willingness of Provincial Councils to extend the franchise, that I say power should be given to the Provincial Councils, so that in some Provinces an immediate advance may be made, far in excess of what is practicable in other Provinces; such Provinces should not be tied down by any automatic stages which may be fixed now.

Lieut.-Colonel Gidney: This sub-Committee has before it the recommendations of the Simon Commission, which advocated a periodic examination of the situation; if I remember rightly, they recommend examination after ten years and another examination after 15 years. If we refer to the Government of India Despatch on this matter, we find that the Government of India, while accepting this point in principle, issues a note of warning. Mr. Joshi talks of an automatic expansion, but who is to operate that automatic expansion but the Legislature? I submit the Provincial Legislatures should be given sole authority to extend the franchise when and how they think necessary and in the light of the experience gained. I do not think we can ask the Franchise Commission to provide for an extension of the franchise after stated periods; I think that should be left entirely to the will and control of the Provincial Legislatures.

Dr. Shafa'at Ahmad Khan: I agree with Colonel Gidney that it is not possible to lay down here and now any provision embodying the principle of an automatic increase. I think the Provincial Legislatures must have some power to extend the franchise, but I am not prepared to vest the Provincial Legislatures with complete powers in the matter. In the first place, I think there is a possibility that the ratio of the various communities in a Legislature may be disturbed. In the second place, we have had experience of the complete power given to the States of America, which have been working for about a century and a quarter, and they have abused that power in a number of cases; they have disqualified certain communities, such as the Chinese and others, and they have manipulated constituencies. A danger is involved, therefore, in giving complete power to the Legislature, but I am quite prepared to give limited powers to the Legislature

and leave some central authority power to supervise the application of that power if the Provincial Legislatures go wrong.

Sir Cowasji Jehangir: I think—possibly with the exception of one or two of my friends opposite—we are all agreed that the Provincial Legislatures should be given the right to reconsider the question of the franchise at a future date. One important point, however, is when? Should there be a period for experience, say of five or ten years, before which no Legislature may consider this question? That is one point which we must decide. I think, Sir, it would not be right to allow a Legislature to consider this important question of the franchise within its first or second sessions, as otherwise the Legislature may be constantly discussing this question, and there will be a feeling of uncertainty throughout the first critical period of working these Reforms. Secondly, Mr. Joshi has pointed out that he has no confidence in the Legislatures with regard to the question of extending the franchise. He says they will not be prepared to part with their powers, as he calls them. I do not agree with him. I am rather apprehensive the other way, that if the Legislature has this power it may rush into a broadening of the franchise a little faster and a little sooner than may be advisable. It is perfectly true the Bombay Municipal Corporation refused to accept the widening of the franchise, but a widening of the franchise did take place. It is this widening of the municipality franchise in the City of Bombay, and the results of that widening, which has made me and a large number of the people in Bombay apprehensive of the results that may accrue from a broadening and widening of the franchise, and therefore, although I do not desire to bring before a sub-Committee of this sort what is after all an unimportant matter, I will satisfy myself by saying that it is those very results which have made us apprehensive. It is the very lessons we have learned by the instance Mr. Joshi has quoted that make us desire to go a little slowly. I have no hesitation in saying that the Bombay Legislative Council, elected on this broader franchise, will not hesitate to broaden the franchise further if it is really in the interests of the Province; and, if it is not in the interests of the Province, I trust the Bombay Legislative Council will have the strength—and I may say the good sense—to refuse to do it. Therefore, Sir, I have no hesitation in suggesting that it be left to the Council, but with a period of five years or ten years before anything can be done. I prefer ten years, but I do not want to be dogmatic, and if the majority of the sub-Committee prefer five years I will accept that.

Sardar Ujjal Singh: I do not think it would be desirable to lay down that any automatic extension of the franchise must take place after a stated period. As a matter of fact, as has already been pointed out, we should extend the franchise in the light of the experience that will be gained by the present extension. When we find that the present extension may be as large as 60 or 70 per cent. of the adult male population, we can see

that it is a big extension, and we do not know what the experience here of the various Provinces may be so far as the present extension is concerned. At the same time, I do feel that if complete powers are given to the Legislature to resort to extension at any time they like they may rush through an extension too soon, and for that reason I agree with Sir Cowasji Jehangir that minimum period ought to be fixed before which no revision of the franchise qualifications decided on by the expert Franchise Committee can take place. At the same time I agree with what my friend Dr. Shafa'at Ahmad Khan has suggested, namely that this decision of the Provincial Legislature should be controlled by the Central Legislature or Federal Legislature or whatever it may be, so that the Provincial Legislature, with the approval of the Federal Legislature, may be able to extend the Franchise qualification to the extent that may be desirable in the various Provinces.

Chairman: Let me put to the meeting what Sir Cowasji Jehangir has suggested, as I understand it. I understand his suggestion to be that the matter shall be left to the various Provincial Legislatures, which shall have power to decide for themselves what extension of the franchise shall be made, but that there ought to be some limited period of time before such matters can be considered. I feel he is right there, if only for the reason that unless you have some limited period of time like that it is not much good setting up an expert Franchise Committee at all; they will say "What are we wasting our time for?"

The suggestion has been made that the period of time should be ten years, and, after all, we are embarking on a very substantial alteration of the franchise now, and ten years is a period of time which goes very soon. If we were to say that after ten years the matter should be left to the Provincial Legislatures to do what they thought proper, would that be the sense of this meeting?

Mr. Jadhav: I think ten years is too long; let us say seven years.

Mr. Basu: If you say five years it means six, because the life of a Legislature is three years. If you make it five years, then, it will automatically be ten years, for there will have to be two elections on the franchise which is first laid down.

Chairman: You want two elections; that is the idea?

A Member: It should be not less than ten years.

Major Stanley: After ten years it is quite possible that some Provinces will decide to go a long way at once, while others may not move at all, and the consequence is that in time you may get a tremendous disparity between the voting strengths in the different Provinces. I do not know whether we ought to give somebody the power to institute an enquiry, say after 15 years, into the respective qualifications in the various Provinces, with a view to removing disparities.

Lieut.-Col. Gidney: If during that ten years a community finds it is suffering from a serious drawback or disadvantage, must it go on for ten years before it can change things? I do not think that is right.

Sardar Ujjal Singh: You cannot gain experience with less than two elections.

Mr. Jadhav: Would any Legislative Council have the power to go back after ten years and restrict the franchise? Some of them might wish to do that.

Chairman: Their powers would be powers of extension, not of diminution.

Dr. Ambedkar: I should like to say a word on this subject, without prejudice to the position we have taken all along. It seems to me that as compared with the alternatives which have been suggested, one by Mr. Joshi that there should be some law providing for automatic extension, and the other, the main proposal, that the matter should be left to the sweet will of the Legislatures, the recommendations made by the Simon Commission seem to me to be better and to be more readily acceptable from my point of view. It might be much better, as I say, to have some authority which will investigate at the end of a definite period exactly what has been the result of the working of the franchise up to that period. That body will be able to see what disparity there has been as between the different provinces. That body will be able to see what is the machinery existing at the end of the ten years, in order to cope with the elections if the franchise were to be altered, and that body, being impartial itself, will be able to deal with the rights of the mass of the people much more readily, in a much more just and equitable way, than the class-conscious people who may be installed as the result of the limited franchise which we are introducing to-day. For these reasons it seems to me that the proposals of the Simon Commission are better than the alternatives.

Sir Cowasji Jehangir: Who is to set that up?

Dr. Ambedkar: Just as Parliament in the Act suggested that there should be a Public Services Commission, so it could be suggested that there should be the appointment of a Committee.

Sir Cowasji Jehangir: By the Central Government.

Dr. Ambedkar: Yes.

Chairman: I think I know enough now to draft a Report on this subject, but I should like to know what is your view—not that we shall here and now recommend that any Expert Franchise Committee or any other Committee should be set up after 15 years, say, but in view of the possibility that one Province might extend its franchise much more generously than another, so that the whole thing might get out of step, ought we to contemplate the possibility of any body being constituted to look into the matter then, to try and adjust things, or shall we merely content ourselves with leaving things to the Provinces, or ought we to follow Dr. Ambed-

kar's idea of a Committee? We need not say that it has to come into being, or when it is to come into being, but that it might function if it came into being.

Mr. Basu : At any period when the Central Government desired to appoint a Committee.

Chairman : We will not say how it is to be appointed, but what do you say about the possibility of appointing such a body?

Diwan Bahadur Ramachandra Rao : I think the Government of India should set up such a body, not that Parliament should set up such a body.

Dr. Ambedkar : What difference does it make?

Diwan Bahadur Ramachandra Rao : We are leaving great freedom in all these matters. I would like to eliminate parliamentary control. I should like to know what the proposal is. If you say that after a number of years it shall be competent for the Government of India to appoint a committee to look into this question in the whole of the Provinces, I shall have no objection, but if it is a question of Parliament going into this question again in ten years, I object to it entirely. I have no objection to the Committee being appointed by which the franchise will be extended, but I should like that power vested entirely in the Government of India and to be exercised at its discretion whenever there is necessity for such a thing within a certain number of years, or after a certain number of years.

Dr. Ambedkar : How has it any bearing on the functions of this sub-Committee whether this Committee is appointed by Parliament or by the Government of India?

Diwan Bahadur Ramachandra Rao : We are devoluting authority to India from Parliament, because in 1919 when this question came up before the Parliamentary Committee, I and several others with me contended that there should be devolution of questions like this to authorities in India; and because such a step was not taken, we are now confronted with the accumulated complaints about franchise which are now being investigated, and they could not be investigated then because parliamentary permission was required. Therefore I suggest that any step taken in that direction should be devolution of complete power to the Government of India, to be exercised at its discretion to go into the whole question of franchise in a certain number of years. That is a point upon which I really desire to lay some stress.

Lord Zetland : My own view would have been that this is a matter which should properly be left to the Provinces. I understood that most of my friends here came over from India with the intention of asking for complete responsible self-government in the Provinces, Provincial autonomy—in other words, self-determination. Each Province was to be at liberty to work out its own salvation, and personally, therefore, I should be content to accept the formula put forward by the Chairman, that after a period of

ten years it should be open to each Provincial Legislature to take what step it considered desirable in the matter of the extension of the franchise in its own Province. If that is done I do not myself expect that you will find one Province lagging very far behind another. It is possible that you may get a certain amount of difference in the different Provinces, but that will probably be due to local circumstances, and therefore will be desirable; but if it is the general feeling of the Committee that you ought to have some outside authority which should have the power of stepping in at any time and pointing out to any particular Province or to Provinces that they are lagging very far behind the others, if you want an authority of that kind, then it seems to me that it might possibly be done in this way. If a federal court is set up under a federal system, you might give the federal government the right, from time to time, to submit the matter to the federal court for their consideration. That is, of course, making a lot of assumptions. We do not know whether we are going to have a federal court in India, or how it is going to be constituted, but it does seem to me that that is a sort of way in which you might bring in what might be described as a neutral outside authority, should it at any time be thought desirable to bring in an outside authority to advise one or other of the Provinces to go a little faster.

Sardar Ujjal Singh: I can well understand that the federal government should be charged with the duty of setting up a Committee for extending the franchise, but I do not quite follow what is meant by representing the matter to the federal court. How is that to be a matter which will be submitted to the court for decision? The federal government can be charged with the duty of setting up a body which should go into the question of the extension of franchise after a particular period, when a certain Province has not acted in a way in which it ought to have acted, but I do not quite understand how the federal government could submit the matter to the federal court to get a decision on this matter.

Lord Zetland: I brought in the federal court as it seemed to me to be a neutral body, but I admit that I have not thought the question out. Surely it is a legislative matter. The franchise is extended by legislation.

Sardar Ujjal Singh: The setting up of a Commission is a political matter dealing with political rights.

Lord Zetland: It is done by legislation. After all, in this country we have no outside authority to tell us from time to time whether we ought to extend our franchise or not. The franchise has been extended in this country by Parliament, and I cannot myself see, therefore, why the same process should not work perfectly well in the Provinces of India.

Sardar Ujjal Singh: In that case, then, I can understand this, that if a particular legislature does not act properly, then the Central Legislature or the federal legislature should have the power to go into the matter and extend the franchise in a particular Pro-

vince and act for them. That I can well understand. Or the Central Government may set up a Commission to go into the question of the franchise for a particular Province and then see whether adult franchise or an extension of the franchise is not desirable; but certainly I do not quite follow how the matter should go to the federal court. Either the Central Government should act or the Central Legislature should act.

Chairman: My impression, I am bound to say, is this. I think it is very difficult to work the thing really with the federal government intervening. If you have a federation—we none of us know whether you will, but if you do have a federation—it is very difficult, I think, for the federal government to intervene in such a matter. There would be a good deal of jealousy between the federal government and the Provincial governments. There always is; one always says that the other is over-stepping the limit, and so on. It would make for a good deal of bad working if the federal government had the right to legislate for a Province and to say who were to be the voters for the Provincial elections of a Province. I think you are stirring up trouble for yourselves. But I do not mind; and I will gladly give way to the feeling of the Committee, but that would be my impression from what I know about federal legislations—that you are asking for trouble if you do that.

Sir Cowasji Jehangir: May I say one word. There is only one point on which I have a little hesitation, and that point has been alluded to by Dr. Shafa'at. If I may say so, I have no great apprehension of one Province going far ahead of another. If it does, probably, as Lord Zetland said, it will be most suitable for the Province. Therefore you will have differences between the Provinces. You cannot help it. In a country like India it is impossible to have uniformity, but a legislature may go wrong in adjusting its franchise with regard to the rights and interests of minorities, and there I could understand there being some apprehension. It is not a new question, Sir; it is a question that has already been brought up before; I am not referring to anything new, and all my friends opposite are fully alive to this question although it has not been brought up immediately just now to-day. A legislature may adjust its franchise so that a minority may be deprived of its voting strength. It may happen; and therefore I could quite understand there being some apprehension on that point, and therefore if anybody suggested a right of appeal by a minority, I could understand it. Beyond that, I think the legislatures may be trusted to do the best thing in their own interests.

Sir Chimanlal Setalvad: That would be a question for the Minorities Committee.

Sir Cowasji Jehangir: There is nothing new in that. These points have been considered on many occasions.

Chairman: Very well, I think we had better leave it to the Provinces. Then I will make a report on those lines.

Now we come to the last question: "Should the franchise of any directly elected federal or central legislature be the same as that for the provincial legislature, or if not in what way should the provincial franchise be modified?" I would point out, if I may, that this assumes there is to be a directly elected central or federal legislature. Of course, that is a big assumption, but we make that assumption for the purpose of answering this question; we do not go into it. Now, on that assumption, is your franchise to be the same as for the provincial legislature, or if not, in what way should the provincial franchise be modified?

Mr. Basu: There is another difficulty, and that is whether the provincial legislatures or the central legislature are to be bicameral or not, and whether the franchise for the two chambers should be the same or different. At present in India the two things are the Council of State and the Legislative Assembly. The Council of State franchise is different; it is actually higher than the franchise for the Legislative Assembly, and the franchise for the Provincial legislatures is further lowered. My suggestion is that so far as the Lower House of the Central Legislature is concerned, and so far as the Provincial legislatures are concerned, the franchise should be the same. As regards the constitution of the Second Chamber in the Centre, that is a complicated question, and unless we have some information from the Federal Structure Committee as to what is to be the kind of second Chamber that they are likely to recommend, it is impossible for us to make any recommendation.

Sir P. C. Mitter: Generally speaking, I am in favour of direct election, but I consider that it is physically impossible unless we are prepared to have 2,000 or 1,500 or 2,500 members in our Central Legislature, to have direct election, and to have a real direct election where the candidates and the voters will be in touch with each other. Therefore, in view of the practical difficulty we must have some kind of indirect election, and as that is not the immediate question I would continue by saying that I hope that any one who recommends direct election would also kindly indicate the franchise, the number of seats, the number of constituencies and other relevant important points.

Mr. Jadhav: Direct election is an important question, there is no doubt. If direct election to the Legislative Assembly is laid down, then what should the qualifications of a voter be? At present there is a different qualification for the vote for a member of the Legislative Council and the qualification as a voter to the Legislative Assembly, and the consequences are also very different. At present in the Bombay Deccan, seven districts form one constituency. No, if the same qualification be prescribed for a voter of the Legislative Assembly as for a voter of the Legislative Council, then the number of voters for the Legislative Assembly will be enormously large, and the member will find it very difficult to canvass such a very big constituency. For that purpose it will be necessary to increase the number of members of the Legislative

Assembly. At present the number of the Legislative Assembly is very small, and the Simon Commission recommends that there should be, on the whole, or generally, a member for a million of population. If that be accepted, and the number of seats is increased under that proposal, then I think there would not be much difficulty in having the same qualification as the qualification for a voter to the Legislative Council; but if the number of the Legislative Assembly is to be much smaller, and therefore each constituency is to be bigger, then of course there ought to be a difference in qualifications.

Sir Hubert Carr: It seems to me that we ought to be ready to make a very pronounced difference between the qualifications for voters in an electorate to the Provincial legislature, and to the Central one. We have heard a great deal in the last day or two about the rights of the voters, and it has been said that voters should be given a chance to show their worth. Now, when it comes to the Central Legislature, I feel rather inclined to the other point of view which has been advanced. One view was that it requires a responsible electorate in order to have a responsible government, and another was that we cannot use the electorate merely as educational; it is too expensive. I personally feel that very strongly when we get to the Central Legislature. The franchise is extremely useful to the under dog if he knows how to use it, but if he does not, I do not see that using democratic principles is really going to help him in the way he hopes.

Democracy is much more likely to turn into an ochlocracy—the rule of the rabble—if we extend it too far, and make the qualifications too low. I am glad to see the franchise increased in the provinces. I want to see it increased in the rural areas. But when it comes to electing a Central Legislature on which we hope to place great responsibility for the security and prosperity of these millions in India, I think it is looking at the matter from the wrong standpoint if we simply consider the rights and likes of the voter. The question is as to the emergence of his duties and his responsibility, and until he has proved himself fit to exercise a really intelligent vote I hope he will not be allowed to vote in the Centre, in other words, that the qualification will be kept up to a level which will make it an honour for any man to be on the Central Electorate.

Lord Zetland: Personally I do not think that direct voting for a Central Legislature is possible in a country of the size of India, but as we are discussing it on the basis that there is to be a directly elected Legislature, it is obvious that the qualification would have to be a very restricted one. India is the size of the whole of Europe, leaving out Russia. Let us suppose that at some future time Europe had to set up some Central Parliament, say in Rome, or Paris, or Berlin, would it be regarded as a practical proposition that the couple of hundred members of that Central Parliament should be directly elected by adult suffrage by the whole of the people of the different countries of Europe. Consider for a moment

the size of the existing constituencies which return members to the present Legislative Assembly. Take the rural constituencies, of which there are, I think, 73. Those constituencies vary in area from 6,000 square miles to 62,000 square miles, in some cases with a population running into 6 millions. In this country the average size of an English county is about 1,000 square miles. The county which I know best—Yorkshire—is the largest, with, I think, an area of about 6,000 square miles, that is to say, it is exactly the same size as the smallest of the rural constituencies in India for the present Legislative Assembly. How many members does Yorkshire send to the House of Commons? I will not complicate the matter by bringing in the number of members of boroughs, of which there are a large number in Yorkshire, but the county, I believe, sends 26 rural members to Parliament. Compare with that the smallest of the constituencies in India returning members to the Legislative Assembly, and sending one member only as compared with the 26 rural members sent by Yorkshire. That gives you a good idea of the absurdity of suggesting that this can be regarded in any real meaning of the word as representative government. It is quite obvious that when we get to these much larger constituencies, such as a constituency running into over 60,000 square miles, a constituency larger than the whole of the British Isles, with a population scattered all over the countryside in small villages, which as often as not have not got a metalled road, and are in most cases not within reasonable reach of a railway, the problem assumes most formidable dimensions. When we consider all these factors, including the further fact that only a few people in each village can take advantage of the written word, surely we must realise that to give a wide extension to a direct franchise for returning members to the Central Legislature really becomes a practical impossibility. Therefore I say that, although I do not for a moment believe that direct election is possible for returning members to a Central or Federal Legislature in India, if we are to discuss this question on the assumption that there is to be a direct electorate, we must make the qualification as restricted as possible, in order that the unfortunate member who represents this vast area may get into touch with his constituents.

Khan Bahadur Hafiz Hidayat Husain: The Federal Legislature will be composed of two Houses, although we are not certain as to its constitution. I have no doubt, with all due respect to Lord Zetland, that if you want to have authority in the Centre—as has been argued so often here and in India—you must have direct representation in the Central Legislature. Unless and until the representatives are in direct touch with the electorate, that electorate will not feel the responsibility which arises only out of such direct touch. In the Second House no doubt there might be indirect election, but if real authority is desired, direct election in the case of the First House is necessary. I have no doubt that the qualification in the case of the Central Legislature should be higher than in the case of the Provincial Legislature. The analogy between

England and India which Lord Zetland has drawn is not quite complete nor entirely apt. In this country there are many diverse interests which have to be represented in Parliament, and unless the constituencies are small, it is impossible for these interests to be represented adequately. But in India the rural interests are the same, and whether a constituency is of 100 square miles or 1,000 square miles, does not matter. The interests and questions arising in these constituencies are very similar.

Mr. Zajrullah Khan: It is possible that a scheme might be accepted—I do not say it is to be supported—whereby a proportion of the representatives might be elected by the Provincial Legislative Councils—that is to say, indirectly—and only a proportion directly. That would have the effect of further reducing the number of directly elected representatives and in that case those considerations which Lord Zetland has put forward will be further emphasised. We must necessarily, by the sheer force of logic and of facts, restrict the franchise qualification for the Central Legislature to such an extent that the elections shall be easily practicable and the machinery of elections shall at no time break down. There is one further small factor. As we are contemplating universal adult franchise for the Provinces, and make no distinction for the Central Legislature, at some point of time we shall arrive at universal adult franchise for the Central Legislature. This will mean an enormous mass of many millions of voters. Consider the task of counting, on a modest estimate 150 million ballot papers, supposing that the elections for the Central and for the Provincial Legislatures take place at the same time. That will show you how impossible it would be to carry out the double election on the basis of adult franchise. There is no escape from the fact that if there is to be direct election some fairly high qualification will have to be devised.

Mr. Joshi: I am not speaking with very much hope of convincing this body, but I think it is my duty, as representing certain interests, to state what I feel on this matter. I feel that there should be no difficulty in India in introducing adult suffrage for the election of the Central Legislature. In the first place, we could increase the membership of the Legislature to about 600. There are in India 275 districts, and the average area of a district is about 3,000 square miles, or half the area of Yorkshire. Therefore it cannot be said that our constituency will be so large that nothing of the kind exists in England. If we have 550 members in the Central Legislature, we shall have an area of constituency for every two members of 3,000 square miles. There is no physical impossibility about forming such constituencies in India.

Sir Chimanlal Setalvad: The member is forgetting that Yorkshire has, not one or two, but 26 members.

Mr. Joshi: We shall have two members for each district. But even for provincial legislatures we have got one member for a district, and if we are running elections with one member for one dis-

district we could certainly run elections still more easily with two members for each district. I think, therefore, that there is no really great difficulty, as made out by some people here, in the introduction of adult franchise. On the matter of principle, however, I am not against the introduction of indirect election with adult franchise. I do not wish to propound a scheme for indirect election, but some system of electoral colleges might be set up. We can certainly devise a system whereby elections can be made ten times easier than they are to-day. We have got to-day, even for the Provincial Legislature, one member for each district, and with a House of 550 members in the Central Legislature, there would be two members for each district.

Sir Cowasji Jehangir : Does Mr. Joshi mean that the Central Legislature should have 550 members?

Mr. Joshi : Yes.

Sir Cowasji Jehangir : And that each district in the whole of India should return two members?

Mr. Joshi : Yes—275 districts.

Sir Cowasji Jehangir : What about the Indian States?

Mr. Joshi : They would have one-third more. I think it is quite possible. In Europe there are Legislatures with large memberships of 600 or 800 which are functioning, and apparently functioning efficiently.

Sardar Ujjal Singh : I do not desire to discuss the merits of direct or indirect elections. Much can be said for both sides, and probably a compromise might be arrived at as in other Federations, where the Upper House is elected by indirect election and the Lower House by direct election. But there is one difficulty with regard to the size of the constituencies in a country as large as India. It is quite true that if the number of members in the Central Legislature is increased say to 300, if not to 500, the size of the constituencies will be one-third of what it is at present. There are now 90 territorial constituencies throughout India. But on account of communal representation one member has to cover a larger area than would have been the case were it not for such communal representation. For that reason the size of the constituency is very much enlarged. In that case unless there is some difference—and I should say a great difference—in the qualification for the Provincial Council and the qualification for the Central Legislature, the task of the candidate would become almost impossible in direct election.

What I would suggest is this. You have laid it down in the case of the Provincial Legislatures that the franchise qualification shall be so widened as to cover 10 per cent. of the population; that is to say, the existing voting strength in the Provinces will be trebled. I suggest that in the case of the Central Legislature also the existing voting strength should be increased three times, the necessary qualifications being determined by the expert Franchise Committee.

Chairman : I should like to suggest this for your consideration. I do not see how we can really pronounce any opinion on this unless and until we know, for instance, what the size of the Central Federal Legislature is going to be. If it is going to be a Legislature of 800 to 1,000, I can understand that one form of franchise is practicable; if, on the other hand, it is going to be a Legislature of 200, another form of franchise becomes necessary. How can we make any pronouncement at all when we do not know what the size of the Legislature is going to be? Is not this all we can possibly usefully do, to say that the question of the franchise, if there is to be a directly elected Federal Chamber, must be related to and dependent on the size and composition of that Chamber, and that in the absence of any knowledge of what that is and of any right to decide what it shall be we cannot usefully make any recommendations, beyond pointing out that it seems to us probable that, unless that Legislature is going to consist of a very large number of people, some definite reduction in the number of persons entitled to vote will be essential.

Lieut.-Colonel Gidney : Some higher qualification.

Chairman : Yes, some higher qualification will be essential. I suggest we leave it vague like that, making it plain that in absence of knowledge of what the Central Chamber is going to be like we cannot make more detailed suggestions.

Sir Cowasji Jehangir : I was told the question of direct or indirect elections was being decided by the Federal sub-Committee.

Mr. Joshi : If indirect election means election by the Provincial Legislatures it is one thing, but if it means what I suggested—say a hundred voters electing a secondary voter, and so on—it is a different thing. I do not know what you mean by indirect election.

Chairman : We do not know either. It is not for us.

Mr. Joshi : We speak here of direct and indirect election. In my judgment if we have an Assembly which is not elected by the Provincial Legislatures we can regard that as being a directly elected body.

Chairman : You had better leave it to me, perhaps, to make some draft report which we can consider at the report stage.

Dr. Ambedkar : It is now evident, at least to myself and some of my friends, that we shall have to record a note of dissent from certain propositions that will be placed before the sub-Committee. Will it be permissible for us to submit to you a note of dissent on the various points, which you may be kind enough to append to the report, or will you allow us some other method?

Chairman : I do not think that up to the present any of the sub-Committees have appended minority reports, as it were; I think the report of the sub-Committee has been one report, but has indicated on its face that certain members—naming them if necessary—have dissented.

Dr. Ambedkar : I should like, with your permission to point out one disadvantage which I see in that procedure. If we are not allowed to record our minute of dissent, you do not give us an opportunity to put our suggestions in a concrete form, which we should like to do if we may be allowed to do so. We are allowed the negative liberty of saying we do not agree, and that is all.

Chairman : I am not sure we cannot meet you. I think you have made your objection quite clear. What you want really is adult suffrage, and I think we have got a sentence in to indicate that certain members of our sub-Committee—naming them—objected to this because they thought the system of adult suffrage was the only satisfactory system. That states the point.

Dr. Ambedkar : What we should do would depend on the report.

Chairman : Let us leave the difficulty until it arises, and then see if we cannot meet you. I think we can.

Sir Hubert Carr : Apart from the danger of overlapping, there is the danger of something slipping through. I have in mind the question of representation. The Provincial sub-Committee has already reported without saying anything about representation, and here we have discussed suffrage but have not dealt with representation. The representation of minorities will come before the Minorities Committee.

Begum Shah Nawaz : And of special interests.

Sir Hubert Carr : But when it comes to this question of urban and rural representation, I am not quite sure where that will be discussed.

Mr. Joshi : The composition of the Legislatures.

Chairman : I will mention that point, if I may, and see what had better be done about it. You refer to such questions as the size of the Provincial Legislatures?

Sir Hubert Carr : And the qualifications of the candidates for the Provincial Legislatures.

Sir P. C. Mitter : And whether urban and rural should be separated.

Mr. Zafrullah Khan : They are separated already.

Begum Shah Nawaz : They are in my Province.

Chairman : I will have a note made of that, Sir Hubert, and mention it when we meet again to consider our report on these matters.

Sir Cowasji Jehangir : I should like to draw your attention to one more point on which enquiry may be made, namely, whether the Federal sub-Committee is going to report on direct or indirect elections for the Central Legislature, for both Chambers or for one Chamber; and what we are expected to do—whether as a franchise committee we should give an opinion on what sort of franchise there

should be for the Lower House or not. If they are going to do that I would rather not do it here.

A Member: That is Heading No. 4 for the Federal sub-Committee.

Sir Cowasji Jehangir: Then I have nothing further to say.

(*The sub-Committee adjourned at 4-40 p.m.*)

PROCEEDINGS OF THE FOURTH MEETING OF SUB-COMMITTEE No. VI.
(FRANCHISE) HELD ON 1ST JANUARY, 1931.

DRAFT REPORT.

1. * * *

2. The sub-Committee met on the 19th, 22nd, and 30th of December, 1930 and on the 1st of January, 1931, and have authorised me to present this Report.

3. In our discussion of the franchise principles we have found that they were closely connected with questions which more properly concern the composition of the legislatures, the nature of the constituencies, and the qualifications for candidates for election. These points have not been considered in the sub-Committee as they fall outside its terms of reference but we are of opinion that they should be examined by a competent body since the efficacy of any franchise system depends as much on these points as on the qualifications for the franchise.

4. *Extension of the Franchise.*—While it was generally held that adult suffrage was the goal which should ultimately be attained, it was agreed that the basis of the franchise could forthwith be broadened and that a large increase was desirable.

Some difference of opinion existed as to the extent to which this was practicable in present circumstances, and it was realised that the sub-Committee had not the necessary material to determine the precise limits of the advance. The Statutory Commission suggested such an increase in the number of electors as would bring that number up to ten per cent. of the total population. Some of our members thought that an increase to twenty-five per cent. of the adult population was immediately practicable.

We recommend that an expert Franchise Commission should be appointed with instructions to provide for the immediate increase of the electorate so as to enfranchise not less than ten per cent. of the total population and indeed a larger number—but not more than twenty-five per cent. of the total population—if that should, on a full investigation, be found practicable and desirable.

We recommend that, in addition to providing for this increase, the Commission should consider the introduction of a scheme by which all adults not entitled to a direct vote would be grouped together in primary groups of about 20, for the election of one

representative member from each group, who would be entitled to vote in the Provincial elections either in the same constituencies as the directly qualified voters or in separate constituencies to be formed for them.

(Mr. Joshi, Mr. Shiva Rao, Dr. Ambedkar, and Mr. Srinivasan regard these proposals as only "second best" and consider that the immediate introduction of adult suffrage is both practicable and desirable.

Sir Cowasji Jehangir, Sir P. C. Mitter, and Mr. Basu do not assent to the maximum or minimum we have suggested, but desire the discretion of the Franchise Commission to be entirely unfettered.)

5. *Uniformity of Qualifications for the Franchise.*—We recommend that in any given area the franchise qualifications should be the same for all communities; but we desire that the Franchise Commission in making their proposals should bear in mind that the ideal system would as nearly as possible give each community a voting strength proportional to its numbers and that the Commission should so contrive their franchise system as to secure this result in so far as it may be practicable.

(Sardar Sampuran Singh dissents from the latter part of this conclusion).

6. *Property Qualification.*—We consider that there should be a property qualification for the franchise and that in this connection the word "property" should be understood in its widest sense as including not only the ownership of landed property but also the occupation of landed or house property or the receipt of income or wages whether in cash or kind.

7. *Educational Qualification.*—We are of opinion that the Franchise Commission should consider the possibility of framing a suitable educational qualification as an additional qualification for the franchise, bearing in mind the ideal enunciated at the end of paragraph 5.

8. *Military Service Qualification.*—We are agreed that the existing Military Service qualification should be retained and we recommend that the Franchise Commission should consider the extension of this qualification so as to include service in the Auxiliary and Territorial Forces.

9. *Special Franchise Qualification for Women.*—We observe that under the existing franchise the number of women voters is infinitesimal as compared with that of men. No system of franchise can be considered as satisfactory, or as likely to lead to good government where such a great disparity exists between voting strength of the two sexes. We do not anticipate that the recommendations we have already made will reduce this disparity, nor do we think that they provide sufficiently for the enfranchisement of women. We therefore agree that special qualifications should be prescribed for women but we feel that there is not sufficient

material before us to justify an attempt to formulate these special qualifications. We therefore recommend that the Franchise Commission should devote special attention to this question in the light of all the evidence available including the recommendations of the Statutory Commission and the suggestion made in this sub-Committee that the age limit mentioned in the proposals of the Statutory Commission should be lowered from 25 to 21.

10. *The Franchise for Special Constituencies.*—We are of opinion that the franchise qualifications for special constituencies depend essentially on the nature of those constituencies. We are not empowered to consider the latter point nor are we in possession of information as to what special constituencies are contemplated. These questions require examination by a competent body. So far as the franchise aspect has been discussed in this sub-Committee a division of opinion has shown itself as to the desirability of permitting a voter qualified in both a general and a special constituency to vote in both.

11. *Urban and Rural Enfranchisement.*—We are of opinion that the Franchise Commission should endeavour so to adjust the franchise qualifications as to remove in those areas where it may exist any marked disparity in the operation of the franchise qualifications in urban as compared with rural areas.

12. *The Residential Requirement.*—We are of opinion that the residential qualification for the vote required by the electoral rules of certain Provinces should be abolished.

13. *The Future Electorate.*—We consider it inadvisable to lay down any programme of automatic extensions of the franchise. We prefer that it should be left to each Provincial Legislature to extend its franchise at its discretion after the lapse of 10 years from the date of the introduction of the new Constitutions.

14. *Franchise for the Central or Federal Legislature.*—The form of the Central or Federal Legislature has not yet been decided and in these circumstances we find it impossible to offer more than an observation of a very general character on a suitable franchise system for any directly elected Chamber that may be constituted. Assuming that there is to be some element of direct election it may be found practicable to enlarge the existing electorate for the Legislative Assembly according to the general principles which underlie our recommendations for increasing the provincial electorates; and in so far as this is practicable we should consider it desirable. The danger of an unwieldy electorate is however a real one unless the number of representatives to be elected is very large, and in that event the elected body would itself become unwieldy.

DISCUSSION.

Chairman: We will take this Draft Report section by section.

Section 1 merely sets out the terms of reference, and the Delegates. I take it that is agreed. (*Agreed to*).

Section 2 merely records the dates on which we sat. (*Agreed to*).

Are there any objections to paragraph No. 3?

Sir Hubert Carr: I should like, with regard to the words "by a competent body," to bring in some suggestion like "by a body of this Conference," because I feel that the question of the qualification of candidates for the legislature is really one of principle.

Chairman: Would this meet your point, Sir Hubert: supposing we said "should be further examined" and leave out the words "by a competent body"? I do not think it is for us to dictate to the Conference, or even suggest to them, what they should do about it. It is not within our terms of reference.

Sir Hubert Carr: Very well.

Chairman: It is suggested that before the word "examined" we should put in the word "further", and leave out the words "by a competent body." Is that agreed to? (*Agreed to*).

Are there any remarks on paragraph No. 4?

Dr. Ambedkar: I beg to move an amendment to paragraph 4, namely, that in the second section, line 2, to add the following words after the word "practicable"—"with the electoral machinery available in present circumstances". It would then read "Some difference of opinion existed as to the extent to which this was practicable with the electoral machinery available in present circumstances".

Several Members: There are other grounds.

Dr. Ambedkar: That is my amendment. I leave it to the Chairman as the best judge to sum up the sense of the Committee, but the impression that was left upon my mind was that the majority of those who opposed universal adult suffrage as being practical politics for the immediate future did so mainly upon the ground that there was not sufficient electoral machinery in India to cope with the situation if everybody was allowed to vote.

Chairman: I do not think myself, Dr. Ambedkar, that that was the sole ground on which the matter was put. It was one of the main grounds, but in recording the view of the Committee I do not think we should limit ourselves to saying that that was the sole ground. For instance, the difficulty of communications, and the lack of facilities for travel, and so on, were also very much stressed.

Dr. Ambedkar: I would rather like to have it made clear in the Report.

Mr. Joshi: You might put in some such words as "practical electioneering difficulties".

Sir Cowasji Jehangir: But there are other objections.

Mr. Joshi: We are talking of the general majority, and not of those people who do not want to vote on principle.

Chairman : I think what is already stated meets the point. After all, you and Mr. Joshi come in under the note at the end.

Dr. Ambedkar : I quite see that. Although we stand for the ideal, we may have to accept the second best, but we should like to have the second best as good as it can possibly be made. I think my point ought to be made clear, so that the expert Franchise Committee might consider it.

Chairman : I do not think that would meet the majority of the Committee. I think the majority of the Committee would rather feel that the words should not be qualified. Very well.

Now what about the next sentence beginning " We recommend that an Expert Franchise Commission should be appointed with instructions to provide for the immediate increase of the electorate so as to enfranchise not less than ten per cent. of the total population and indeed a larger number—but not more than twenty-five per cent. of the total population—if that should, on a full investigation, be found practicable and desirable " .

Dr. Ambedkar : I have an amendment on page 3. Instead of the words " but not " I should like to have the words " and even " substituted.

Chairman : Many of us felt, and I am one of them, that an immediate increase of twenty-five per cent. was straining it somewhat, and I do not think we should be asked to strain it further. Again, you come in under your reservation, Dr. Ambedkar.

Dr. Ambedkar : My second amendment is to strike out the words " and desirable ". This matter, whatever increase is desirable or not, is really one which must be decided by this Committee. It cannot be decided by the Expert Franchise Commission. That Commission is to be appointed to devise ways and means to carry into effect the decisions we take. How much increase is desirable is certainly a matter which cannot be left to the competence of the new Franchise Commission. From that point of view I think it is necessary to drop these words.

Chairman : It is very difficult to separate what is practicable and what is desirable. " Practicable " is an elastic word. It may be a very difficult thing to achieve or it may be a comparatively easy thing to achieve; but it may be possible of achievement and therefore you will say it is practicable. In considering the desirability, you can hardly shut out of your mind the extent to which the thing is practicable. The two must come in together to a certain extent.

Dr. Ambedkar : We have decided that in our opinion an extension which covers twenty-five per cent. of the population is desirable.

Chairman : You use such an elastic word as " practicable ". That is the difficulty I feel. You cannot put the two words in completely watertight compartments. What is practicable must react on what is desirable, and you use a very elastic word. I think it

would be wiser to keep both there. We give a clear view of our indication by saying at the very outset that we look forward to adult suffrage as an ideal.

Mr. Joshi: I propose that we should amend this paragraph in this way: "increase of the electorate so as to enfranchise not less than twenty-five per cent". You state below that we consider this to be the second best. I am prepared to consider my amended proposition as a second best, but not the one which is proposed.

Chairman: Does that mean that if we put it in in that way you would be prepared to strike out your name from the dissent at the end?

Mr. Joshi: No. I am prepared to say that it is a second best.

Chairman: I think we had better leave it as it is. Is that the sense of the Meeting?

Mr. B. V. Jadhav: In that case the word "adult" in the second section of No. 4—page 2, third line from the bottom—should be struck out.

Chairman: Yes. That word should go out I think.

Sir Chimanlal Setalvad: Some people held the view that it should be twenty-five per cent. of the adult population.

Lord Zetland: If you have "adult" in one place you must have it in the other as well.

Chairman: We had a discussion on this at the time. There was some little confusion. It was made plain that what was meant was total population. After saying that the Simon Commission recommend ten per cent. of the total population, we then record that some of our members thought that an increase up to twenty-five per cent. of the "total population", it should read, is practicable. Over the page we make our recommendation that there should be an attempt to enfranchise ten per cent. of the total population, and indeed a larger number, but not more than twenty-five per cent. of the total population, if that is found practicable and desirable. The word clearly should be "total". We will accept that amendment.

Now what about the paragraph beginning "We recommend that".

Raja of Parlakimedi: The idea is to ensure the getting of a great percentage of rural people into the Legislature. As such I would suggest that they would have a separate constituency of their own, and we might say specifically that they should have separate constituencies.

Chairman: We thought we had better leave it quite open, as we have done here, because it really is hardly within our purview.

Diwan Bahadur Ramachandra Rao: It does commit us to the statement that they may be grouped in the same constituency. I am not prepared to commit myself to saying now that these people who come in by grouping should come into the same constituency.

Chairman : Have you any objection to saying that the Commission should consider the introduction of a scheme? That is all they are asked to do. We have not had the material or the time or the knowledge to look into these things. All I want is some expert body to go into this matter and consider it.

Sir P. C. Mitter : I have no objection to the Draft but I would like it to be added that in my opinion it would defeat the object of giving the rural voters more representation if you bring them in the same constituency.

Chairman : You do not mind them considering it?

Sir P. C. Mitter : No, but I want you to add, if you will, that in the opinion of one member of the Committee it will defeat the object.

Chairman : It does not give any instructions to anybody. This does not commit us at all. All we are saying is that some body, to be constituted, should consider this question in both aspects.

Sir P. C. Mitter : Very well, I do not press my point.

Diwan Bahadur Ramachandra Rao : May I suggest putting in the words "or in some other suitable manner" after the words "in primary groups of about twenty"?

Chairman : I do not mind.

Mr. Joshi : I have an objection in principle to allowing these words to stand "in the same constituencies". This really means that we are creating a low kind of citizenship for the poorer classes of people. I quite understand individuals saying that the poor people must wait on account of the difficulties of perfecting our electoral machinery, but we are now suggesting that we should create electorate machinery by which the poorer people will be placed on a lower citizenship right. We are stating that the Expert Committee may consider that a group of twenty people should be practically made equal to one propertied man. I think this is absolutely wrong in principle. If a system of indirect election like the one suggested is practicable and good for the poorer classes of people, let us recommend a wholesale scheme of indirect election for all people.

But let us not accept the principle as we are accepting it here that the citizenship right of the poorer people is lower than that of the others. Therefore I propose that these words should be deleted "in the same constituency". I do not mind there being two separate constituencies.

Chairman : The point is this. If you do not do this you leave these people out altogether.

Mr. Joshi : I am not against separate constituencies.

Chairman : Your view is that you ought to have adult suffrage at once, and that is recorded, but if you are not going to have adult suffrage at once, if you are only going to enfranchise up to 25 per cent. of the total population, the question is, are you going to keep

the other people altogether out of it, or are you going to consider whether there is not some scheme by which those people who otherwise would be out of it could come into it.

Mr. Joshi : I am ready to have separate constituencies for them.

Chairman : Should this Commission consider both? We are only asking it to consider it.

Rao Bahadur Dayal Seth : I propose instead of the words "in addition to" the word should be "while", because if you have "in addition to" it would mean an increase over and above 25 per cent. of the maximum.

Sir C. Jehangir : I am going to speak on that point in a moment.

Mr. Shiva Rao : Should not it be clear that this is only during a period of transition, till we reach adult franchise? This proposal should not be for all time.

Mr. Foot : We cannot legislate for all time.

Lord Zetland : I would point out that in another part of our report we recommend that after 10 years the Legislative Council should be in a position to alter the franchise.

Mr. Fazl-ul-Huq : So far as the Report is concerned, our assent to these proposals was subject to separate electorates being maintained. If that is made clear somewhere in the report I do not mind. It makes a difference to me. I do not want to take up the time of the Committee, as many viewpoints have been noted, and I submit that my viewpoint may be taken note of.

Mr. Joshi : We should understand how separate electorates affect this proposal.

Mr. Fazl-ul-Huq : Then I have to explain. If you broaden the franchise and bring in a large number of electors, so far as these proposals are concerned there will be greater disparity between Muhammadan and non-Muhammadan electors than there is at present. Therefore if there are no separate electorates, many of these proposals would have to be reconsidered. I submit that we give our assent to the proposals subject to the fact that we assume that separate electorates will be maintained.

Chairman : We had better put in a note of your conditional assent.

Mr. Fazl-ul-Huq : If you will do so.

Chairman : I do not know who else would like to subscribe to that note.

Mr. Zafrullah Khan : We assume that we have in this Committee nothing to do with separate electorates.

Chairman : That is right; still, if anybody desires to record a note of dissent or conditional assent I cannot prevent it. We will consider that.

Rao Bahadur Dayal Seth: I want the word "while" instead of the words "in addition to". It should not be "in addition to". That makes a very great difference.

Chairman: It is difficult to follow this. I understand that you want to do this on page 3, line 7: strike out the words "in addition to", and put in, what?

Rao Bahadur Dayal Seth: The word "while."

Chairman: "We recommend that, while providing for this increase, the Commission should consider", etc. That is how it would then read.

Sardar Ujjal Singh: That is quite correct, because in fixing the minimum and maximum, by having the words "in addition to" there will be an increase of about three or four per cent. to the limit already fixed.

Mr. Foot: If I understood the argument that we had in the course of the debate it was this. We had many urgent speeches on behalf of adult suffrage. That was demurred to by other members of the Committee. Then the Marquess of Zetland said that whilst that may be looked upon as the right ideal ultimately, another course could be taken that might help to achieve the same purpose without committing ourselves to adult suffrage, and he then put forward a scheme the purpose of which was as far as possible to bring all the people—all the adult population of India—into association with their Government, and he in express terms said it was put forward with a view to meeting the suggestion made by Mr. Joshi and others, which was opposed by some on the other side of the room, and if we take out the words "in addition to" and substitute the word "while", we shall certainly take away a good deal of the preliminary argument upon which Lord Zetland based his case.

Chairman: No.

Rao Bahadur Dayal Seth: No, not as far as I remember. The Marquess of Zealand agreed; this was to give an additional qualification, and then there is the maximum of 25 per cent.

Sir C. Jehangir: No, that is not what is here. I find here: "Sir Cowasji Jehangir, Sir P. C. Mitter, and Mr. Basu do not assent to the maximum or minimum we have suggested, but desire the discretion of the Franchise Commission to be entirely unfettered." That would mean that we had no ideas of our own at all, and that we left the whole thing to the Franchise Commission to be appointed. I do not think that is quite correct, as far as I am concerned. I have very definite ideas—

Mr. Foot: On a point of order: are we discussing at present the amendment?

Chairman: I think it would be better if you would not mind, because the note of dissent really concerns yourself, and we must put in whatever you desire to put in. You tell us what you want to put in and that goes. So far as the substance of the clause is

concerned, may we dispose of this point "in addition to" first of all? I am not sure that I follow the point which is being put. May I see that I do? We have previously recommended that the franchise be extended at any rate up to 10 per cent., and if possible up to 25 per cent. of the total population. We recommend that in addition to those voters directly enfranchised there should be a body of voters indirectly enfranchised by this system. I take it the point of substituting the word "while" for the words "in addition to" is this, that you want to make it plain that the indirect voters are not to be included in your total of 25 per cent. Is that it?

Rao Bahadur Dayal Seth: It is not only that. If you are going to have this provision here, it means you are going to broaden the franchise over and above 25 per cent., and your maximum of 25 per cent. does not stand. Therefore you remove that maximum of 25 per cent.

Dr. Ambedkar: That is only for those who are directly represented.

Mr. Zafrullah Khan: If the Committee that is to be set up finds that it is both practicable and desirable to go even beyond the 25 per cent. and they want to make this in addition, I do not suppose anybody will have any objection. I do not anticipate that this will operate in any shape or form.

Sardar Ujjal Singh: We do not want to fix a minimum or maximum that is not practicable or desirable. We have limited the discussion of the Franchise Committee to be set up to 25 per cent., but by putting the words "in addition to" we extend that limit to the extent of three per cent.

Sir C. Jehangir: Much more.

Sardar Ujjal Singh: It may be more, but to the extent of three or four per cent., so we are extending the limit and going beyond what we have already recommended before. If you substitute the word "while" you will be within the minimum and the maximum, but you are giving an opportunity to the Franchise Committee to explore this system also whereby all those adult people who are not enfranchised otherwise will have an opportunity of exercising it.

Sir C. Jehangir: Sir, I was just mentioning the wording of this dissent of ours. I am speaking for myself now.

There are no ideas of our own in wanting to leave everything to the Commission to be appointed. That is not quite correct. I would much rather, even at the risk of delaying the proceedings of this Committee for a few minutes—which I have no desire to do unnecessarily—recount what I have said. Sir, it quite correctly expresses my dissent in one way that I do not agree with the paragraphs—

Chairman: Are you on this amendment to insert the words "in addition to" instead of the word "while"?

Sir C. Jehangir : No; I thought that was finished.

Chairman : Do let us dispose of this amendment. The amendment proposed is to strike out the words "in addition to" and to put in the word "while".

Mr. Jadhav : I oppose; I think it should stand as it is.

Chairman : I agree; I think it should stand as it is.

Rao Bahadur Dayal Seth : Then I have nothing more to say.

Chairman : We had better take it line by line. Will anybody interrupt if they have an amendment to propose: "We recommend that, in addition to providing for this increase, the Commission should consider the introduction of a scheme by which all adults not entitled to a direct vote would be grouped together in primary groups of about 20,"—then it is proposed to insert "or in some other suitable manner".

Is there any objection?

—"for the election of one representative member from each group, who would be entitled to vote in the Provincial elections either in the same constituencies as the directly qualified voters or in separate constituencies to be formed for them."

"(Mr. Joshi, Mr. Shiva Rao, Dr. Ambedkar, and Mr. Srinivasan regard these proposals as only 'second best' and consider that the immediate introduction of adult suffrage is both practicable and desirable.)"

Dr. Ambedkar : I should like to say that Mr. K. T. Paul was also of the same opinion as ourselves.

Chairman : That will be noted.

Mr. Joshi : I propose that instead of the words "second best" the words "quite inadequate" should be substituted.

Chairman : That is really a matter for you gentlemen. If you prefer those words "quite inadequate" instead of the words "second best," that is a matter for you really. So it will read: "Mr. Joshi, Mr. Shiva Rao, Dr. Ambedkar, Mr. Srinivasan and Mr. K. T. Paul regard these proposals as quite inadequate and consider that the immediate introduction of adult suffrage is both practicable and desirable."

Mr. Jadhav : My name also should be added to that list.

Chairman : A note will be made of that. Then it goes on: "Sir Cowasji Jehangir, Sir P. C. Mitter, and Mr. Basu do not assent to the maximum or minimum we have suggested, but desire the discretion of the Franchise Commission to be entirely unfettered." Obviously that is a matter for them to say what they want.

Sir C. Jehangir : I will speak for myself. It does not quite represent my views, because the meaning of this dissent would be really that I personally have no views of my own, and was prepared to give this Commission that is to be appointed an absolutely free hand. I am not prepared to do that. I am not in agreement with

the paragraphs as they have been drafted at present and now accepted by this Committee, for two reasons: firstly, I am not in favour of extending the franchise to 25 per cent. of the population direct straightaway; secondly, the paragraph suggested at the initiative of Lord Zetland really amounts to adult franchise exercised by an indirect system. That is what it amounts to. Therefore the report if clearly understood means that at first you desire to enfranchise 25 per cent. of the population, if desirable and practicable, giving them the direct vote. In addition to that you desire that all the remaining adults, men and women, should be enfranchised, who should exercise that vote under the indirect system of election. That is what this report comes to in short.

Chairman: I think there is substance in this. This is only a matter for you; you can put in exactly what you like. If you will tell us what you want in, we will put it in. Read out the words you want.

Sir C. Jehangir: I may be allowed to explain, because this is a most important matter. There is very strong feeling in India, and it is impossible to condense it into two or three words because—

Chairman: I must make this plain. The Committee have passed this matter; we have passed it and we cannot go back to it. It is only a question of what you want as recording your dissent. We will put in anything you like if you will read out to us what you want. We cannot re-argue the thing.

Sir C. Jehangir: I desire to propose another scheme, which is this, and I desire to put that in my own name if it is necessary and comes to it, if nobody else is there. I desire that there should be both a direct and indirect system of election; that for the indirect elections 25 per cent. of the population not entitled to the direct vote should be enfranchised, who should be the electors of colleges, consisting of 50 for each provincial legislature: the electoral colleges should elect one member to the Legislature.

That means, Sir, that as to the direct elections I would not change the franchise at all and allow the remaining 50 per cent. of the Legislature to be elected as they are elected to-day under the present franchise. It comes to this, that really 25 per cent. of the population will exercise the right of voting;

Under the direct system all those enfranchised at present will get a direct vote. Of the remaining adults, men and women, 25 per cent. of the population will get the vote. By lowering the franchise greater numbers will come in. You can let 25 per cent. of the population get the vote. They should elect electoral colleges consisting of fifty for each seat in the Legislature. I desire to put that in as a suggestion from myself rather than say that I will leave the whole thing to the Franchise Committee.

Chairman: I feel very great difficulty about this. We did not have this matter raised before at the sub-Committee. We cannot have a minority report. I suggest that the best thing for you to say is that you record your dissent from these proposals and consi-

der that the matter should be achieved, if at all, by a different plan. You could simply leave it in that way, making it plain that you do not in any way bind yourself to this. Short of a minority report I think that that is the best way in which to deal with the matter. We do not have minority reports.

Sir Cowasji Jehangir: It will have to be raised at the Plenary Sessions. I do not want to waste the time either of this Committee or of the Plenary Sessions. I thought that if I put down these seven or eight lines it would save time.

Chairman: How far would this meet you: "Sir C. Jehangir objects to any increase of the direct electorate"?

Sir C. Jehangir: That will not represent my views. I would rather that you put down what you first said.

Chairman: "Sir C. Jehangir records his dissent from these proposals, and considers that the basis of the franchise should be broadened, if at all, by another plan."

Sir C. Jehangir: Yes; by another system or by another plan.

Sir P. C. Mitter: I would also add that in my opinion the franchise should not be broadened unduly until at least two elections are over.

Mr. Joshi: If you put that in then we are entitled to put in what we think.

Sir P. C. Mitter: I am not putting in any scheme. I am expressing my opinion.

Chairman: If you will forgive my saying so there has to be a certain amount of give and take with regard to this matter. We have all to help one another to make this thing go through. I should suggest, that if you recorded your agreement with Sir Cowasji Jehangir, that is what it really amounts to, because the rest are really the reasons for your disagreeing with the majority. Is it not enough to state: "I do disagree"? You need not go on to state why, since that raises a difficulty, and there has to be a good deal of give and take.

Sir P. C. Mitter: I am not so concerned with the reason as with the conclusion. As has been pointed out the conclusion here is based on a number of reasons. I am not trying to put in a scheme. I quite appreciate that it is objectionable to put in a scheme. We are trying to build up a future electoral system. If you think that I ought not to insist upon it I will leave it to you, but I mention it, and it has been taken down. I feel very strongly upon it and it is so fundamental. I am not asking anybody to agree with me.

Chairman: You are a model member of a Committee. You do display the real principle of give and take because you leave it to me. I should suggest that the point is sufficiently met by your recording your agreement with the note of dissent of Sir Cowasji Jehangir. I am very much obliged to you.

Sir P. C. Mitter: I am satisfied as long as I have mentioned it.

Mr. Basu: Speaking from my own experience of electorates, I think that a much greater extension is likely to attain the object which Sir P. C. Mitter has in view. You want to pacify the people; and, after all, the contentment of the people is what is required of us. The only point on which I differ from the finding in this report is that I think that no maximum should be fixed. If in fixing the electorate it is found that the number in fact exceeds 25 per cent. that should go through. That is the only point upon which I differ. Let there be the minimum, but I think that there should be no maximum.

Chairman: Mr. Basu, I do not know if you will follow Sir P. C. Mitter's excellent example. You have been good enough to explain your views very cogently, and I quite follow them. I should suggest really that there is no reason why you should record a dissent at all, because, after all, you are leaving to this Commission an immediate increase up to 25 per cent. of the total electorate, plus this mukhi system for all those not enfranchised, plus the fact that in the course of ten years the Provincial Councils have complete liberty to alter the thing as they like. I should suggest that, so far as any possible maximum is concerned, you have there all that you can possibly want.

Mr. Basu: What I am afraid of is that if you mention a maximum here that may form part of the Statute. I do not want a maximum to form part of the Statute.

Chairman: This is not a matter for the Statute, but merely for the Expert Committee.

Mr. Basu: It will ultimately have to be put into the Statute.

Chairman: These are, at the most, guide posts. They are not things like what are in the Statute. Do you think that you can accommodate us, Mr. Basu?

Mr. Joshi: It is quite clear that Mr. Basu's name must come out from association with Sir Cowasji Jehangir.

Mr. Basu: It is not a question of name, but it is a question of faith in facts.

Chairman: I think that you had better agree with the rest of us.

Mr. Basu: I think that you had better scratch my name off. Very well, I will agree.

Chairman: "Sir Cowasji Jehangir and Sir P. C. Mitter record their dissent from these proposals, and consider, that the basis of the franchise should be broadened, if at all, by another system."

We now come to (5) "Uniformity of qualifications for the franchise."

Sardar Ujjal Singh: I suggest that the words after the words "all communities" should be deleted. I suggest that the words should be deleted: "but we desire that the Franchise Commission in making their proposals should bear in mind that the ideal system would as nearly as possible give each community a voting

strength proportional to its numbers and that the Commission should so contrive their franchise system as to secure this result in so far as it may be practicable." Those words are quite inconsistent with the words expressed in the previous sentence. When the franchise qualification is lowered, automatically the proportion of the voting strength and the population strength would become the same, but if you lay down this principle in this paragraph you would have to devise some artificial means by which the communities whose voting strength was not so high would get a larger voting strength. In that case you would be introducing an invidious distinction, in particular in villages. A man belonging to a particular community in one village and paying a certain amount of revenue will not be qualified to be a voter, whereas a man belonging to another community will be a voter. That is why I say that, if the object is to have the same kind of property qualification, and the same qualifications for all communities, then the sentiments expressed in that sentence are quite inconsistent, and the words ought to be deleted.

Sir P. C. Mitter: Which is the sentence which you want deleted?

Chairman: It is the whole of the sentence except the first two lines.

Sardar Ujjal Singh: "should bear in mind that the ideal system would as nearly as possible give each community a voting strength proportional to its numbers." It would automatically come with adult suffrage.

Chairman: I think, Sardar Ujjal Singh, that we had better put your name in after the name of Sardar Sampuran Singh. You both want to record your dissent. That meets you, does it not?

Sardar Ujjal Singh: I really want to know whether it is consistent with the previous sentence.

Chairman: The rest of us have agreed to it. I think that what we had better do is to put your name in as dissenting together with Sardar Sampuran Singh.

Sardar Ujjal Singh: As you please.

Dr. Ambedkar: We have submitted a note of dissent to this paragraph.

Chairman: Have you? I thought that this was agreed.

Sardar Ujjal Singh: I would beg the Committee to consider what this paragraph means.

Sir C. Jehangir: It does not mean anything.

Sardar Ujjal Singh: You say that in giving adult franchise the qualifications should be the same for all communities. Having said that, you go on to say "but we desire that the Franchise Commission in making their proposals should bear in mind that the ideal system would as nearly as possible give each community a voting strength proportional to its numbers." When you say

that the voting strength ought to be brought to the same level as the population, I do not know how you are going to achieve that end unless you want to make some distinction in the qualifications.

Chairman: You are dealing with a given area. We all agree that the Franchise Commission may have a different franchise qualification in one area to the franchise qualification which they have in another area.

Sardar Ujjal Singh: When it says "in any given area" it must mean a province. It does not mean a particular village or a particular district, but it means one province.

Mr. Shiva Rao: Not necessarily.

Chairman: It does not necessarily mean one province, if you will forgive my saying so. We discussed particularly the word "area," and we put in the word "area" because it did not necessarily mean a province.

Sardar Ujjal Singh: Then I beg to differ. I would like to put in the word "province." This is going too far, and it is making a distinction between one district and another, and between one village and another.

Sir R. Hamilton: As expressed here it is much wider than we wanted.

Chairman: "Province" is too narrow, and "area" is too wide.

Mr. Chintamani: I think that the word "area" is all right.

Major Stanley: This paragraph is dealing only with equality of franchise for all communities in the area. The paragraph really does cover it. Surely we do not want in an area smaller than a province to make distinctions as regards franchise between the various communities.

Sir C. Jehangir: There are at present differences.

Major Stanley: Not for various communities in one area.

Sir P. C. Mitter: Does this proposal say that there shall be differences as regards franchise for various communities?

Chairman: No.

Sir P. C. Mitter: Therefore, unless you adopt that principle of varying the franchise for the different communities you really cannot produce equality of voting strength for the different communities.

Sir R. Hamilton: You can lower the franchise so much that you very nearly bring in that proportion.

Mr. Basu: Let us take a practical illustration and see how the difficulty is to be met. There is a certain area in which there are one hundred persons who are adults, who would be in the ordinary course entitled to vote. Sixty of them are, say, caste Hindus and forty of them belong to the backward classes. The object of the Franchise Commission should be to fix the franchise at a limit.

which should bring on the electoral roll a proportion of voters which would be the same as the proportion of the people in the various communities.

Sir P. C. Mitter: That would be impossible under uniform franchise, I submit.

Mr. Zafrullah Khan: I believe that the wording of the draft Report is perfectly correct from all points of view. If you have uniform qualifications within the same area for all the communities that is the principle which we have sought to lay down. As to whether it is practicable is another matter. Even supposing that the criticism is correct that if you have a uniform property qualification you will not be able to achieve that, there are various other qualifications and each of those qualifications may not operate to the same proportion with each community. For instance, in one particular area the property qualification might bring in a very large number of voters of one community; the military qualification might bring in a very large number of voters of another community: the literacy qualification might bring in a very large number of voters of another community. It is for the expert Franchise Commission to consider in detail what are the qualifications by combining which in a particular area they would as far as possible get approximately the same number of voters, if that is practicable, in each community. That is one way in which it might work. In one particular area one community may have a very high property qualification, and another may have a high military qualification. I can conceive that that can happen in various parts of the Punjab. What we insist upon is that the Committee shall not say: "In this particular area in one community anybody who is serving in the army shall come in as a voter, but no other member of any community who is not a soldier." If you enable anybody to come in on any qualification everybody should be able to come in no matter which community he belongs to. The different sets of qualifications might operate differently in the various communities. I do not say that the Committee will necessarily be able to define such a bundle of qualifications that what we desire to achieve will necessarily be achieved. I do not know how far that may be practicable, but we leave the decision to them.

With regard to the second question, whether we should have in the word "area" or the word "province", in my submission the word "area" is preferable to the word "province". We have seen that the word "province" is necessarily narrow. It will be impracticable to say that in one province throughout, uniform qualifications should operate. We have seen that at present they do not. For instance, in the city of Bombay the qualification for a voter to get on to the register with regard to the rent is probably different to that in other places. We have seen that there are differences in different districts. Therefore, I do not see any kind of objection to there being differences. For instance, there are different rural qualifications in Sind and in Bombay. The appre-

ension seems to be that this leaves a possibility that in districts and areas similarly constituted different qualifications might be devised, but we are not leaving that to any particular interests or to any particular community. The whole question will be gone into by the expert Franchise Commission, and, unless there are very good reasons for making a difference, I am sure that they will not make a difference. For instance, it may be that in a very big town a property of very high value may carry a low rental, or property of a low value may carry a high rental, which in effect may be equal to property of a different value in smaller towns. Therefore, although the word "province" is necessarily narrow, the word "area" will not necessarily lead to different qualifications for different parts of the same province. I therefore, submit that on both grounds the draft is correct.

Major Stanley: I cannot help feeling that there is still a certain amount of misunderstanding with regard to this paragraph. I think that the last speaker has quite overlooked the fact that this qualification refers only to communities, and that this does not at all deal with the possibility of differentiation in franchise qualification either in a province or in an area. It says only that neither in a province nor in an area should there be any difference in the qualifications of different communities. I have no practical experience, and I may be entirely wrong, but it does seem to me that theoretically there is some advantage to be gained by it. The sort of things which I had in mind were two. First of all, there does already exist in some provinces different qualifications for urban and rural voters. That is a matter which the Franchise Commission might well take into consideration, by so fixing the urban and rural franchise that they secure as far as practicable a proportional equality between the communities in the area. The other case which they might well consider is a case such as this: When they were fixing the property qualification in a rural area, for instance, they might find that a qualification of Rs. 12 would produce a great disparity between communities, while the lowering of that qualification to Rs. 10 might go far to dissipate that disparity. Therefore, in theory, at any rate, I do see that it is wise and practicable to allow this discretion to the Expert Committee. It will give them some chance, at any rate, of bringing about the result that we desire.

Sir C. Jehangir: While agreeing with the idea underlying the latter portion of this paragraph I cannot help seeing that it is absolutely impracticable. You are setting the Franchise Committee an impossible task. This is no new question. This has been raised before, and it has been turned down on the ground that it is not possible. It has been turned down on more than one occasion. Major Stanley was quite right in saying that it was communities that we were discussing. The educational qualifications of communities are very different, and the property qualifications of communities are very different. If they had not been different we should not have heard of separate electorates. The

very reason that they are so different has given rise in the past to this demand for separate electorates. If you take any small community in any area who have a higher standard of education than the rest, any standard of education will bring on to the electoral roll larger numbers of that community in proportion to their numbers. How are you going to make a distinction unless you make a difference in that area in the educational standards. In one case you might say "a graduate", and in the other you might say "literacy". Not until then can you bring in the same numbers. The position is the same with regard to the property qualification and with regard to every other qualification. Therefore you are setting the Franchise Commission an impossible task. No scale will bring them in. Every scale which you take will have the same disparity in the percentages. In the case of the depressed classes no qualification of any kind will bring in the same proportion on to the electoral roll unless you have adult franchise. You may take it that if you enfranchised 75 per cent. of the population the depressed classes will not get anything like 75 per cent. on the electoral roll; they will get only 10 per cent. How is it possible then to bring in any franchise which would make this principle practicable? You may limit it. I quite agree with the first two lines that in any given area the franchise qualifications should be the same, but I must dissent from the latter part because it is impracticable. I cannot let a thing like this go forward as a principle enunciated by this Committee knowing that it is an impracticable proposition. I think that some of my friends have seen this. I always felt this. It will do a great deal of injustice to some communities. It will be liable to create a great deal of heart-burning and a great deal of trouble, and it will do a great deal of injustice to some communities. I cannot possibly agree to the latter part of this proposition.

Sir H. Carr: Are not Sir Cowasji Jehangir's difficulties somewhat met by the fact that we are agreeing to indirect election? That will enable you to remove some of that disparity which, as is so rightly pointed out, it will be difficult for any Franchise Committee to cover. I think that if they have indirect, as well as direct, election they will not find it so difficult to bring up the voting strength of each community in proportion to its population.

Sir C. Jehangir: We are talking of each area.

Sir R. Hamilton: With regard to paragraph 5, seeing that difficulty is expressed by the Sikh community, and that other criticisms have been made by those best qualified to speak, and that the paragraph is generally condemned as being impracticable, does not the paragraph simply seek to set out an ideal that we may assume will be dominant in the minds of the Committee which is set up? Therefore, inasmuch as the paragraph is being shot at from all sides, can we not eliminate paragraph 5? It is little more than a platitude. We may assume that anything that is valuable in that paragraph, or in the direction indicated by it, will be in the minds of the expert Franchise Commission. If there

is a difficulty in explaining the clause here it may be that we shall be only creating a difficulty for the expert Franchise Commission when they come to interpret its precise meaning.

Mr. Chintamani : May I presume to start with, that the word "area" is agreed upon, and that no more discussion is necessary?

Chairman : I think that, after what Major Stanley has said, there is no objection to the word "area". The qualifications ought to be the same whether the area is a province or the whole of India. I suggest that the word "area" should remain.

Sardar Ujjal Singh : I dissent.

Chairman : You dissent from the whole paragraph?

Sardar Ujjal Singh : Not from the whole paragraph.

Chairman : I will put down your dissent to whatever you desire.

Mr. Chintamani : Coming to the second part of the paragraph, I assume from the nature of the discussion that we are not merely considering whether the draft Report is a faithful report of the conclusion that we reached at the previous sitting, but we are reconsidering the conclusion that we reached.

Chairman : Unfortunately I cannot prevent it.

Mr. Chintamani : In the criticisms which have been directed to that paragraph, I think that one or two considerations have been overlooked by the previous speakers. In the first place, that paragraph is not a mandate to any Franchise Commission. The report does not purport to set forth anything more than a few general propositions which in the opinion of this sub-Committee are worthy of serious consideration by the Franchise Commission in framing their own conclusions. It is nothing more than that. If that is the status of this report the next question is whether the proposition embodied in this sentence is or is not on the merits a proposition which it is desirable that that Commission should consider. So far as I have heard the speeches I have heard objections based upon its alleged impracticability, but no one has said that there is something undesirable in it which would make it advisable to omit it. Sir Cowasji Jehangir has said that this suggestion was made several times before and turned down. I should like to know by whom it was turned down.

Sir C. Jehangir : I think that the Southborough Franchise Committee considered it.

Mr. Chintamani : I do not think so. I was one of the members of that Committee.

Sir C. Jehangir : The Simon Commission says something about it.

Chairman : The Simon Commission recommends it.

Mr. Chintamani : In the Government of India Despatch this recommendation has been specifically made by more than one local Government. I was the man who proposed this to the sub-Com-

mittee at the last meeting. It was not my own idea. I borrowed the idea from the recommendations of the Provincial Governments as I considered that it was a very equitable recommendation which those Governments had made. I do not wish to conceal from this Committee that the Government of India expressed the opinion that this would not be practicable, but they did not say that it was undesirable or improper. All that we are now seeking to do is to say to the Franchise Commission that we consider that this is something desirable to aim at. It will be for them, with the larger mass of facts which they will have before them, to reach a conclusion whether it is something which although desirable is also practicable or not. It is nothing more than that. For these reasons I think that it is desirable that this sentence should stand part of the report.

Chairman: I should like to point out if I may that for once only Sir Cowasji Jehangir has been guilty of a little lack of logic, because what is practicable is a wholly different thing to what is desirable. An ideal is an ideal merely because it is not immediately practicable. If it is immediately practicable it is not properly called an ideal at all. All that we say is that a certain system is an ideal system. The use of the word "ideal" in itself implies that it is not immediately practicable. I venture to think that all that it really is is a kind of useful test which the Commission obviously ought to have in their minds when they come to consider the various details. For instance, under the property qualification we are giving them a very wide latitude with regard to what "property" means. We have met Mr. Joshi's view by saying that it shall include income. In the case of the educational qualification there is a very wide latitude, and in the case of the military service qualification there is a very wide latitude. Surely the Committee, when they are considering with regard to any province "Shall we, or shall we not, recommend this property qualification, that educational qualification, or that military service qualification," ought, in considering whether they recommend that, to test it by this test: How will it bear upon the various communities? If a particular recommendation would lead to one community getting a great advantage, then that argument in itself is something against it. There may be other more cogent arguments which, notwithstanding, make them carry it through. I do not think that anybody disputes that it is an ideal, and I do not think that anybody disputes that it is not practicable. All the same, like all ideals, it is a useful thing by which to test what we are doing. I, therefore, suggest that we leave this in, strengthening if you like our phrase by inserting the words "so far as it may be practicable". We might put it in such a way as to show that we realise that it will be impracticable to carry out this ideal to any considerable extent, or something of that sort. I should have thought myself that the words "in so far as it may be practicable" meet the point. It is only an ideal. We hitch our wagon to a star, but we never hope to reach the star.

Sir C. Jehangir: It will be an injustice to certain small communities, and that is a very important factor that I have in mind. I will speak perfectly frankly. If you take any small community, such as my own or the Sikhs, if this principle were practicable we would get wiped out. It is not practicable. There is a population in the city of Bombay of one million, two hundred thousand; the population of the Parsees is forty-five thousand; If it was applied (whether it was practicable or not) we would get nothing on the electoral roll. Therefore, the ideal really is between two major communities, Hindus and Muhammadans; that is where the ideal comes in. If you put in the words "between the two major communities" I have no objection to it as an ideal; an impossible ideal, but an ideal. With regard to the Sikhs even it is a very big problem indeed. I do not want to touch upon that communal problem here. That is a very important point. It is a very important problem indeed in the Punjab, and also, if I may say so, for my own community in Bombay. Because it is impracticable I am not afraid of it; otherwise I should have spoken much more strongly. I know that it is impracticable I know that it is impossible, and I am not afraid of it, but I do want to point out that if it did become practicable it would be a great danger to a small community like my own and that of my friend Sardar Ujjal Singh. It would be a danger to small communities of that kind. It is an ideal between Hindus and Muhammadans. Is it an impracticable ideal. I have no objection to your putting it in there. By all means try to get as many Muhammadans on to the electoral roll as are in proportion to their population. Any system to do that is an ideal that I am in favour of, but when it comes to a small community like my own, or Sardar Ujjal Singh's, it is a most unfair and unjust principle which cannot be justified by any argument by any other community. I am glad to say that I feel confident that no other community will try to justify such an argument that the Parsees or the Indian Christians or my friend Colonel Gidney's community should have the number on the electoral roll according to their population.

Chairman: We have to distinguish between an ideal and what is practicable. They are two wholly different concepts. Would it meet you if we said "would as nearly as possible give each community"—

Sir C. Jehangir: "Major community".

Chairman: I was going to suggest "the larger communities".

Sir C. Jehangir: I have no objection.

Chairman: That would meet you?

Sir C. Jehangir: I have no objection at all.

Chairman: I do not think that Mr. Chintamani would object to that at all.

Mr. Chintamani: I doubt whether it would not be better to leave it out than to change "each community" to "major communities".

Sir C. Jehangir: Put in "major communities"

Rao Bahadur Pannir Selvam: What is a major community in the whole of India might be a very small community in one part of the country.

Chairman: It does not meet with approval, and therefore, I will leave it out.

Mr. Jadhav: At present the conditions are that the smaller communities have larger representation on the electoral roll, and if the franchise is altered they have a fear that the advantage they now enjoy will diminish to a certain extent, and I think the objections which are now raised are due to this fear.

Chairman: The minor communities are really protected, not so much by the number of voters as by the number of representatives they have, whether they have separate electorates or whether they have joint electorates with reservation. That is in the main their protection.

But in order to try to get a conclusion could not we say this, instead of using the words "each community"—Mr. Chintamani put it to me—"We desire that the Franchise Commission in making their proposal should bear in mind that the ideal system would as nearly as possible give the major communities a voting strength in proportion," and so on. I think that would do.

Sir C. Jehangir: "The two major communities."

Chairman: His point is, he does not want to confine himself to the major communities, but he wants to put it in this way that he is only recommending with regard to the major communities; the minor communities are not the subject matter of the recommendation at all. Cannot you meet him on that?

Sir C. Jehangir: It is too dangerous. When you talk about separate electorates, we have no separate electorates and we do not want them.

Dr. Ambedkar: It means this, that in order to maintain the advantage of having a large existing electorate the suffrage should not be extended to the majority of the people. That is what it comes to, that in order that Sir Cowasji Jehangir should maintain the existing ratio of his population to the electoral strength the other people in the country should not be on the electoral strength.

Sir C. Jehangir: All I mean is that the smaller community should not be jeopardised.

Dr. Ambedkar: Your position is bound to be jeopardised in any lowering of the franchise, and if you feel that proportionately to the other voters your position goes down, then your safety lies either in trusting to the majority or in asking for separate electorates. But you cannot say: "Because we will be thrown down, we will sink, therefore other communities should not be given it." It comes to nothing else but that.

Sir C. Jehangir: I do not say that.

Chairman: I am afraid that we will have to take our conclusions. Bear in mind, if you will, that we are agreeing to adult suffrage as an ideal. We have passed that part of the report. I have suggested the words "would as nearly as possible give at least the major communities."

First of all I will put it to the Committee that the words should remain as they are "give, if possible, each community." Who is against that?

A note will be taken that Sir Cowasji Jehangir, Colonel Gidney and Sardar Ujjal Singh dissent from the latter part.

Dr. Ambedkar: If you want to place it before the Franchise Committee we should still like to say that in our view the principle of adult suffrage should be applied to the depressed classes.

Chairman: We have got that already.

Mr. Foot: Otherwise you would put an addendum to each paragraph.

Chairman: We cannot have that every time.

Mr. Jadhav: Brahmins and non-Brahmins and different communities in Bombay, depressed classes and all should be added.

Chairman: We cannot go into that.

Now No. 6. Property Qualification. Is there any objection to No. 6?

No. 7. Educational Qualification. Is there any objection to No. 7?

Rao Bahadur Pannir Selvam: I have no objection except what has been referred to, the word "community" which you find in paragraph 5.

Chairman: We are now on paragraph 7.

Rao Bahadur Pannir Selvam: I am referring to paragraph 5. In connection with that, we must make clear what we mean by a "community", which might cause a heated discussion in the Plenary Sessions. When I raised that question about the educational qualification it was mainly because of the controversy which is likely to arise between the two communities, the Brahmin and the non-Brahmin communities. If we do not make it plain here, we make this an educational problem. "We are of opinion that the Franchise Commission should consider the possibility of framing a suitable educational qualification as an additional qualification for the franchise, bearing in mind the ideal enunciated at the end of paragraph 5". That ideal would apply also, if I may say so, to the sub-communities.

Mr. Foot: Could not that be met if we put a fullstop at "franchise"?

Chairman: A stop at "franchise". Would that meet you?

Rao Bahadur Pannir Selvam: I object to it wholesale.

Sir Robert Hamilton: We have already got paragraph 5. Does not that cover your point?

Rao Bahadur Pannir Selvam: In interpreting the word "community" there might be a doubt. When we say "community" we think of the Hindu as against the Muhammadan. Here the trouble would be between the Hindus themselves, the Brahmin and the non-Brahmin.

Chairman: I do not pretend to know anything about India, but I always thought that in Madras you referred to the Brahmin community and the non-Brahmin community; they are always treated as communities.

Rao Bahadur Pannir Selvam: That controversy was very much to the front during the last reforms, but now, because the non-Brahmins have not asked for any special privileges, one is apt to treat them all as one community. I am afraid the non-Brahmins might raise an objection, and there might be a difficulty about education being accepted as a qualification.

Chairman: After all, this is not a statute; if it was a statute your criticism would be most cogent. All we are giving is a few main principles, that the Franchise Commission may bear them in mind, and consider them. We need not particularise further I think.

Now No. 8. Military Service qualification. Is there any objection to No. 8?

Mr. Joshi: I dissent to 7 and 8.

Chairman: I thought we had largely met you on No. 6 by putting in this thing about wages. It was meant to meet you. Now you want to dissent to No. 7.

Mr. Joshi: The difficulty is this: by having 7, 8 and 9 we are creating a new class of voters belonging to the higher classes, with the result that to that extent the enfranchisement proposal, namely, up to 25 per cent., will be absorbed by the higher classes, and the enfranchisement will not sufficiently reach the lower classes. That is the criticism on all these three paragraphs.

Chairman: Your recommendation of adult suffrage covers the whole thing.

Mr. Joshi: Even if the franchise is not granted, a limitation of the qualification of property or income will be more suitable. That is our criticism of these paragraphs. If any limitation is to be made, we prefer a limitation by the property qualification and nothing more. I think that view should be expressed in some form.

Sir R. Hamilton: Does not your wages cover that?

Mr. Joshi: No, we are not content with leaving the qualification there. You take away what you give. If there is no limitation of 25 per cent. we cannot decide anything.

Chairman: We record your dissent, but I think I ought to warn you that a great many of the Committee, in order to get

unanimity, assented to your proposal of including wages in No. 6, in the hope that then you would show a like conciliatory attitude and consent to the educational qualification, the military service qualification, and so on. The whole thing is subject to the ideal of adult suffrage, which we recommend, and to your note of dissent saying you think this proposal is quite inadequate.

Mr. Joshi: My criticism is not properly understood. If you make wages a qualification, we consider that that qualification will apply to everybody; every educated man will have a vote. There will be a new class of voters, and that class will consist of students, nobody else, because every educated man will have some income, he is living on something, he is not a beggar if he is living on something; then who is brought in by this educational test except the students?

Mr. Foot: You may take the women who may come in under the educational qualification who may not be in receipt of income at all. A woman may go upon the register as the wife of an elector, as the widow of an elector, but you may have the unmarried woman who may not be in receipt of income and who may not therefore come under that clause and who may be able to come in under Section 7.

Mr. Joshi: I admit that the case of women is different. I agree that in the case of some females there will be no income; therefore there is a difference to that extent. But my argument is this, that the object of enfranchisement is the transference of political power from the class which enjoys it to-day—

Chairman: What I shall do is to record your dissent to any educational qualification.

Sir P. C. Mitter: Then I shall object to the inclusion of wages in No. 6.

Chairman: Now you have lost what to my mind might have been of great value to you; you are now going to get dissents with regard to wages.

Mr. Joshi: I am quite prepared to fight that question out anywhere; if not here, outside.

Sir P. C. Mitter: I withdraw.

Chairman: You dissent to No. 7. Do you dissent to any educational qualification?

Mr. Joshi: Nos. 7, 8 and 9.

Chairman: Your dissent will be recorded.

We have finished No. 7.

Is there any objection to No. 8 other than those mentioned?

Now No. 9. I record Mr. Joshi's dissent, if he desires it. Do you desire it?

Mr. Joshi: Yes.

Chairman: You have already recorded your general dissent on the principle that you are prepared for adult suffrage and nothing

else. Now you want a special dissent recorded with regard to women's vote.

Mr. Joshi: My reasons are quite different. I will make clear what my reason is.

Chairman: Then I record your dissent to the proposal for enfranchising women.

Mr. Joshi: Yes.

Chairman: Then No. 10. The franchise for special constituencies. Is that agreed? (*Agreed.*)

Then No. 11. Urban and rural enfranchisement. (*Agreed.*)

No. 12. Residential requirement. (*Agreed.*)

No. 13. The future electorate.

Dr. Ambedkar: We want to record dissent.

Mr. Jadhav: I propose that the figure "ten years" should be changed to "nine years".

Chairman: It is proposed that "ten" should be changed to "nine". Is there anybody else of that opinion?

As you are all alone, Mr. Jadhav, you had better let it stand. We will record your dissent.

Now paragraph 14. Franchise for the Central or Federal Legislature. I am not sure that paragraph 14 is at all satisfactory as it stands. We never really came to a conclusion on paragraph 14, and I did the best I could. Then I discovered that I really had not got the material, and I think the true position with regard to 14 was really this, that we were all so firmly of opinion that it was idle to consider what the electorate or franchise should be unless and until we knew much more about the second Chamber that we really thought we had better say nothing about it at all. On reconsidering this thing, it seems to me we had better adhere strictly to that attitude. That preserves everybody's position, if we simply say something of this sort: "The form of the Central or Federal Legislature has not yet been decided and in these circumstances we do not find it possible to make any observations with regard to the franchise systems." Something quite simple like that. May I take it that that is the sense of the meeting? (*Agreed.*)

We will have this Report prepared, and of course we shall report to the Plenary Meeting.

Mr. Foot: There is only one point. In view of the general objection based upon the claim for adult suffrage, need you have a note following each paragraph? Would not there be a general note at the end embodying the objection taken by Mr. Joshi and his colleagues?

Chairman: I think that would be better for you, I quite understand your position.

Dr. Ambedkar: I leave it to you.

Chairman : If I may say so, I think it might make you appear to be in rather a false position if, for instance, you appeared to be objecting to the women's vote.

Dr. Ambedkar : We have very good ground for doing that. We are quite prepared, in our minds, and we can meet whatever objection may be raised on that ground. We have no theoretical objection to women.

Mr. Jadhav : The maximum of 25 per cent. will be taken up by women, and then there will be no necessity of any other lowering of the franchise.

(The proceedings then terminated.)

Sub-Committee No. VI (Franchise).

REPORT PRESENTED AT THE MEETING OF THE COMMITTEE OF THE WHOLE CONFERENCE, HELD ON 16TH JANUARY, 1931.

1. The terms of reference to this sub-Committee were as follows:—

“ On what main principles is the Franchise to be based for men and women.”

The following Delegates were selected to serve on the sub-Committee:—

Sir W. A. Jowitt (<i>Chairman</i>).	Sir P. C. Mitter.
Lord Zetland.	Mr. Pannir Selvam.
Major Stanley.	Raja of Parlakimedi.
Sir R. Hamilton.	Mr. K. T. Paul.
Mr. Foot.	Mr. Ramachandra Rao.
Dr. Ambedkar.	Mr. Shiva Rao.
Mr. Basu.	Sardar Sampuran Singh.
Mr. Barooah.	Sardar Ujjal Singh.
Mr. Chintamani.	Sir Chimanlal Setalvad.
Mr. Fazl-ul-Huq.	Kunwar Bisheswar Dayal Seth.
Mr. Ghuznavi.	Sir Phiroze Sethna.
Lieut.-Colonel Gidney.	Dr. Shafa'at Ahmad Khan.
Sir Ghulam Hussain Hidayatullah.	Mr. Zafrullah Khan.
Mr. Hafiz Hidayat Husain.	Begum Shah Nawaz.
Mr. B. V. Jadhav.	Mrs. Subbarayan.
Sir Cowasji Jehangir.	Mr. Srinivasan.
Mr. Joshi.	Mr. S. B. Tambe.
Dr. Narendra Nath Law.	Sir Hubert Carr.

2. The sub-Committee met on the 19th, 22nd, and 30th of December, 1930, and on the 1st of January, 1931, and have authorised me to present this Report.

3. In our discussion of the franchise principles we have found that they were closely connected with questions which more properly concern the composition of the legislature, the nature of the constituencies, and the qualifications for candidates for election. These points have not been considered in the sub-Committee as they fall outside its terms of reference but we are of opinion that they should be further examined since the efficacy of any franchise system depends as much on these points as on the qualifications for the franchise.

4. *Extension of the franchise.*—While it was generally held that adult suffrage was the goal which should ultimately be attained, it was agreed that the basis of the franchise could forthwith be broadened and that a large increase was desirable.

Some difference of opinion existed as to the extent to which this was practicable in present circumstances, and it was realised that the sub-Committee had not the necessary material to determine the precise limits of the advance. The Statutory Commission suggested such an increase in the number of electors as would bring that number up to 10 per cent. of the total population. Some of our members thought that an increase to 25 per cent. of the total population was immediately practicable.

We recommend that an expert Franchise Commission should be appointed with instructions to provide for the immediate increase of the electorate so as to enfranchise not less than 10 per cent. of the total population and indeed a larger number—but not more than 25 per cent. of the total population—if that should, on a full investigation, be found practicable and desirable.

We recommend that, in addition to providing for this increase, the Commission should consider the introduction of a scheme by which all adults not entitled to a direct vote would be grouped together in primary groups of about 20 or in some other suitable manner, for the election of one representative member from each group, who would be entitled to vote in the Provincial elections either in the same constituencies as the directly qualified voters or in separate constituencies to be formed for them.

[Mr. Joshi, Mr. Shiva Rao, Dr. Ambedkar, Mr. Srinivasan, Mr. K. T. Paul, and Mr. Jadhav regard these proposals as quite inadequate and consider that the immediate introduction of adult suffrage is both practicable and desirable.]

Sir Cowasji Jehangir and Sir P. C. Mitter dissent from these proposals and consider that the basis of the franchise should be broadened, if at all, by another system.]

5. *Uniformity of qualifications for the franchise.*—We recommend that in any given area the franchise qualifications should be the same for all communities; but we desire that the Franchise Commission in making their proposals should bear in mind that the ideal system would as nearly as possible give each community a voting strength proportional to its numbers and that the Commission should so contrive their franchise system as to secure this result in so far as it may be practicable.

[Sardar Ujjal Singh, Sardar Sampuran Singh, Sir Cowasji Jehangir, and Lieut.-Colonel Gidney dissent from the latter part of this conclusion.]

6. *Property qualification.*—We consider that there should be a property qualification for the franchise and that in this connection the word “property” should be understood in its widest sense as including not only the ownership of landed property but also the occupation of landed or house property or the receipt of income or wages whether in cash or kind.

7. *Educational qualification.*—We are of opinion that the Franchise Commission should consider the possibility of framing a suitable educational qualification as an additional qualification for

the franchise, bearing in mind the ideal enunciated at the end of paragraph 5.

8. *Military service qualification.*—We are agreed that the existing Military Service qualification should be retained and we recommend that the Franchise Commission should consider the extension of this qualification so as to include service in the Auxiliary and Territorial Forces.

9. *Special franchise qualification for women.*—We observe that under the existing franchise the number of women voters is infinitesimal as compared with that of men. No system of franchise can be considered as satisfactory, or as likely to lead to good government where such a great disparity exists between the voting strength of the two sexes. We do not anticipate that the recommendations we have already made will reduce this disparity, nor do we think that they provide sufficiently for the enfranchisement of women. We therefore agree that special qualifications should be prescribed for women but we feel that there is not sufficient material before us to justify an attempt to formulate these special qualifications. We therefore recommend that the Franchise Commission should devote special attention to this question in the light of all evidence available including the recommendations of the Statutory Commission and the suggestion made in this sub-Committee that the age limit mentioned in the proposals of the Statutory Commission should be lowered from 25 to 21.

[Mr. Joshi, Mr. Shiva Rao, Dr. Ambedkar, and Mr. Srinivasan dissent from the proposals in paragraphs 7, 8, and 9.]

10. *The franchise for special constituencies.*—We are of opinion that the franchise qualifications for special constituencies depend essentially on the nature of those constituencies. We are not empowered to consider the latter point nor are we in possession of information as to what special constituencies are contemplated. These questions require examination by a competent body. So far as the franchise aspect has been discussed in this sub-Committee a division of opinion has shown itself as to the desirability of permitting a voter qualified in both a general and a special constituency to vote in both.

11. *Urban and rural enfranchisement.*—We are of opinion that the Franchise Commission should endeavour so to adjust the franchise qualifications as to remove in those areas where it may exist any marked disparity in the operation of the franchise qualifications in urban as compared with rural areas.

12. *The residential requirement.*—We are of opinion that the residential qualification for the vote required by the electoral rules of certain Provinces should be abolished.

13. *The future electorate.*—We consider it inadvisable to lay down any programme of automatic extensions of the franchise. We prefer that it should be left to each Provincial Legislature to extend its franchise at its discretion after the lapse of 10 years from the date of the introduction of the new Constitutions.

[Mr. Joshi, Mr. Shiva Rao, Dr. Ambedkar, and Mr. Srinivasan consider that a programme of automatic extension of the franchise should be laid down.]

14. *Franchise for the Central or Federal Legislature.*—The form of the Central or Federal Legislature has not yet been decided and in these circumstances we do not find it possible to make any suggestions regarding a suitable franchise system.

[Mr. Fazl-ul-Huq and Mr. Ghuznavi desire it to be recorded that their assent to this report is contingent on the retention of separate electorates.]

(Signed) W. A. JOWITT,

Chairman.

St. James's Palace, London.

1st January, 1931.

APPENDIX I.

SUB-COMMITTEE No. VI.

(FRANCHISE.)

MEMORANDUM ON THE POLITICAL STATUS OF WOMEN UNDER
A NEW INDIAN CONSTITUTION.*

BY MRS. SUBBARAYAN AND BEGUM SHAH NAWAZ.

In this Memorandum we desire to ask the Round Table Conference to give certain special consideration to the political status of women under the new Constitution.

In the first place, we consider it vital that the Conference itself should decide what women's position in the future Constitution is to be. We ask that the Conference shall bear in mind the statement in the Report of the Indian Statutory Commission that "The women's movement in India holds the key of progress, and the results it may attain are incalculably great"; and, from this point of view, shall regard it as a national question of great importance. We have been filled with apprehension by the attitude of the Government of India to it. They have brushed aside the question of women's political status as though it were a matter of no importance, and one which could be dealt with or not by the Legislatures of the future at will. In our opinion, if this question is postponed to a future and uncertain date, after the Indian Constitution has been re-formed and the claims of others to special consideration have been weighed and settled, it will be far harder to secure for it adequate examination. We urge upon the Conference, therefore, the importance of taking this matter into consideration now, and of examining the claims of women at the same time as those of other claimants to special consideration.

There are two other points round which our anxieties chiefly centre. The question of the franchise is one. The present voting qualification, given on equal terms to men and women and based mainly on property, produces in actual practice a very great discrepancy between them in voting power, as the number of women holding property is small. We hope that this question of franchise will receive most careful consideration, and that a franchise-qualification will be accepted which will give women their due weight in returning representatives to Legislative Bodies.

The other question on which we feel strongly the necessity of special consideration is that of seats for women on Legislatures. We may be asked why we require such special consideration. There has been, we believe, a theory in some quarters that women only want "a fair field and no favour" in India. Much as we believe in that ideal as an ultimate aim, we feel that in this opening of a new national life under a new Constitution, representation of women on Legislatures must to some extent and for a limited period be definitely secured. We regard the phrase "a fair field and no favour" at the present time as an illusory one; for, even with a franchise which produced equal voting power with men, we doubt very much whether, at first set off, it would produce a real equality of opportunity in the political arena. Contemporary events show that, after women have been enfranchised, the general public has as a rule been slow to elect them in any number to public assemblies, so great is the force of convention and habit. We need quote only the experience of Canada, Australia and the Irish Free State. England itself, where women have for long taken an important part in public life, has taken twelve years to elect fifteen women to Parliament.

* This Memorandum was also circulated to sub-Committee No. III (Minorities).

We therefore think it unlikely that India, in the first year of her constitution, will elect many women in open contest to her Legislatures, though it is probable that a small number may be so returned. The first years of India's new life will be of the utmost importance in the whole future of the country; and it is in our opinion vital that the views of women on the Legislatures should be numerically sufficient to be heard. We think, therefore, that some special arrangement, allotting temporarily a small proportion of the seats on the Legislatures to women, is really necessary. It should be a purely temporary measure; and we believe that after a time, when the public is no longer startled by the conception of women in public life, and has learnt to appreciate their presence there, such provision should be no longer necessary, and women will be able really to enter the political arena on the basis of "a fair field and no favour."

In conclusion, we wish respectfully to urge that no question of franchise for any Legislature, or of seats for any Legislature, may be settled unless the views of women on the matter have been consulted. We would also wish to suggest that the principle that sex should be no disqualification for serving our country should be embodied in the Constitution.

We would add that we have intentionally touched only on the outlines of the women's question in this Memorandum. We think that it is not necessary in this statement to give a detailed examination of the methods for securing an adequate franchise, or special seats on the Legislatures, though we are prepared to put forward proposals on both these heads. The main object of this Memorandum is to urge that the question of women's political status shall receive consideration by the Conference, and to indicate a few practical questions which closely affect it.



Indian Round Table Conference

12th November, 1930—19th January, 1931

PROCEEDINGS OF SUB-COMMITTEES

(Volume VII)

[SUB-COMMITTEE No. VII (Defence)]

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INTRODUCTORY NOTE.

Proceedings of the Indian Round Table Conference in plenary session, and in Committee of the whole Conference, are contained in a separate volume, the Introductory Note to which explains, briefly, the procedure adopted by the Conference.

Proceedings of Sub-Committees are contained in nine volumes as below:—

- Volume I.—Federal Structure.
- „ II.—Provincial Constitution.
- „ III.—Minorities.
- „ IV.—Burma.
- „ V.—North-West Frontier Province.
- „ VI.—Franchise.
- „ VII.—Defence.
- „ VIII.—Services.
- „ IX.—Sind.

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INDIAN ROUND TABLE CONFERENCE.

SUB-COMMITTEE No. VII.

(Defence.)

The Sub-Committee was constituted as follows:—

Mr. J. H. Thomas (<i>Chairman</i>).	Diwan Bahadur M. Ramachandra Rao.
The Earl Peel.	Diwan Bahadur Ramaswami Mudaliyar.
Sir Samuel Hoare.	Sir Phiroze Sethna.
The Marquess of Reading.	Mr. M. R. Jayakar.
The Marquess of Lothian.	Dr. B. S. Moonje.
H.H. The Maharaja of Alwar.	Mr. B. V. Jadhav.
H.H. The Nawab of Bhopal.	Sir B. N. Mitra.
H.H. The Maharaja of Bikaner.	Sardar Sahib Ujjal Singh.
H.H. The Maharaja of Kashmir.	Lieut.-Col. H. A. J. Gidney.
H.H. The Maharaja of Patiala.	Sir Hubert Carr.
Sir Akbar Hydari.	Sir Muhammad Shafi.
Sir Mirza M. Ismail.	Mr. M. A. Jinnah.
Colonel K. N. Haksar.	Dr. Shafa'at Ahmad Khan.
Mr. Srinivasa Sastri.	Nawab Sir Abdul Qaiyum.
Sir Tej Bahadur Sapru.	Raja Sher Muhammad Khan.

with the following terms of reference:—

“On questions of political principle relating to defence, other than strictly constitutional aspects to be considered under heads 6 (Powers of the Executive) and 12 (Relations with the Crown).”

(NOTE.—The terms of reference are meant to include such questions as Indianisation, but to exclude minor administrative matters such as the number of Sikh Regiments, etc.)

PROCEEDINGS OF THE FIRST MEETING OF SUB-COMMITTEE No. VII (DEFENCE) HELD ON 7TH JANUARY, 1931.

Chairman: Your Highnesses and Gentlemen. I want to relieve your anxiety right away by intimating that I do not think it will be possible for us to finish our business to-night, and therefore we want, so far as this evening's Conference is concerned, to take a

general review of our terms of reference. You will gather that our terms of reference exclude the Constitutional aspect of the question in the wider sense. A few moments ago reference was made to that. The real object of this Committee's work, I am going to suggest to you not with a view of insisting that there could be no alteration, might, I consider, be classed under four heads; first, what is broadly called the Indianisation of the Indian Army; in short what steps (if any) and how best we can accomplish a common ideal which can be summarised in a sentence that I will use—to give a better opportunity to the Indian soldier to attain the rank and position that he desires and to which his ability entitles him. I would prefer to use that short definition of what is called the Indianisation of the Army. The second matter under that same category would be this. If it was decided, as I personally hope it will be, that more responsibility must be given, what ought to be the necessary steps to be taken to bring that about? Obviously the first question that arises under that head is: ought there to be in India the same opportunity for the training of officers that exists in this country? In other words, whether you are to have in the future a Sandhurst, if I may use that short phrase, in India? Both these questions, I put it to you, come under the first category which I mentioned.

Secondly, there is the question whether any separate force should be raised and maintained outside the Regular Army on the lines discussed in paragraph 211 of the Statutory Commission's Report, and to which the Government of India's Despatch also makes reference.

Now, that would naturally raise in a very concrete form the question of whether you ought to have, and whether it is necessary in connection with any defence force—Army, Navy or Air Force—what I would call for short a unified control. No one who gives two moments' consideration to the matter could assume that you could have an Army separate and with dual authority; therefore the question naturally arises as to what I would call for short unified control.

H.H. The Maharaja of Kashmir: That is No. 4.

Chairman: That would be No. 2. I am summarising it in my own way. For the moment I will call it my No. 1 and my No. 2.

Thirdly, there would arise the question of the establishment of a military council. That, again, would be necessary in order to ensure any form of unified control, and the question would be, to whom that council should be responsible.

Then the next question, which is not the least difficult, would be the financial liability of India for the general cost of defence. That is not a new subject; it is one that has occupied the attention of Indian politicians for a long time and various suggestions have been made with regard to it.

At all events, I put to you that those four questions cover in the main our terms of reference. There may be others, but I put them

in that form because I think it will then avoid the possibility of us getting into a general discussion on a matter that has already been the subject of discussion in another Committee, the general defence of India. All that is work for the other Committees. I put it to you as a general proposition that the terms which I have already indicated cover in the widest possible sense the kind of questions that we, as a Committee, are called upon to consider. I only say that as a layman and not as a soldier, and the virtue of my position may be affected by the fact that I am not a soldier and that you may have an added advantage over me when we are talking about defence questions.

Sir M. Shafi : Which other Committee are you thinking of?

Chairman : The Committee that has just adjourned.

Sir M. Shafi : But that Committee discusses only the constitutional aspect of defence.

Chairman : That is right.

Sir M. Shafi : That is all.

Chairman : That is what I have said; we will not go into the constitutional aspect of defence at all.

Sir M. Shafi : May I make a suggestion?

Chairman : Certainly.

Sir M. Shafi : I should like to suggest that the members of this Committee should be supplied with a copy of the preliminary address that you have just delivered setting out the points of our discussion so that we may have it in front of us when we are dealing with the various matters.

Chairman : Certainly, that shall be done, but I do not want that to be laid down as decision.

Sir M. Shafi : No, No.

Chairman : What I had to do was to apply myself to the problem as I saw it and give a general review of what appeared to me to be our functions; and although we will arrange, of course, for that to be circulated it must not be taken that that lays down the laws of the Medes and Persians.

Sir M. Shafi : That is right.

Mr. Jinnah : Our terms of reference are these, to consider questions of political principle relating to defence other than the strictly constitutional aspect which is being considered by the Federal Committee. Then there is the question of relations with the Crown. When will that come up?

Chairman : Again, I do not dogmatise, but I have thought of it, and I have come to the conclusion in my own mind that they cannot be separated. For instance, when there is talk of dominion status you must keep this in mind. There is a form of Commission that is essentially a Dominion Commission as distinct from the King's Commission. I never disguised from the Imperial Conference that I hated the separation but it is for you to say. Therefore it is

involved in the question of a unified system, so that I think for all practical purposes they should be discussed together. It may be that you would make separate recommendations, and it may be that in a general discussion they may be discussed together.

Mr. Jinnah: In this Committee?

Chairman: In this Committee.

Mr. Jinnah: Therefore except for the strictly constitutional aspect we discuss the rest?

Chairman: Yes.

Mr. Sastri: Does this classification cover the question of the rate of Indianisation? I am not clear.

Chairman: Obviously it does for this reason. Again, as I have said, I am not speaking as an officer, but when you talk about the rate of Indianisation that is a phrase, but in its practical application what it means is this. What could be the period where training and experience would warrant responsibility being given to a certain person? It is not a question of saying Smith or Brown, or Robinson is entitled to be called General, but it is that Smith, Brown and Robinson have graduated through a period of experience and of training that fits them and makes them competent to be Generals. Therefore that cannot be determined by (I put it to you as it appears to me) a resolution; because you could declare if you like that on and after 5 years every officer should be an Indian. That would be a declaration and a resolution. It might sound popular, but if in practice when it was worked out you knew perfectly well that in five years they would not be competent to take that position, and that no Britisher would be competent to take it in five years, not because they would not be competent because they were Indians but because they would not have the necessary experience, it would be merely (to use a Canadian phrase) "humbug" to say it.

Mr. Sastri: I understood you to mean that. I was anxious to raise a different point. What I had in mind was the rate at which Indian officers would be recruited to replace the British officers now in command? That was the rate of Indianisation that I meant.

Chairman: I see your point.

Mr. Sastri: I thought your classification would not include that.

Chairman: Let us see what the position is at the moment. A certain number of Cadets go to Sandhurst—it suits their parents to have them trained, and so on—and opportunities are provided for those Cadets ultimately to take their place in the Indian Army. That is one point. Supposing you were to decide that it would be a good thing to establish a Sandhurst in India. I could conceive of you doing that and not excluding Indian public schoolboys from still attending Sandhurst here if some of them so desired. I am not excluding that, but I can conceive an arrangement being worked out in that way. Therefore what you would have would be this. You would have a number of entrants into Sandhurst here who

would be given their opportunity, but you would have a Sandhurst established in India and you would have the nucleus all the time to take their place in the Indian Army. Therefore, if that were the picture that I could conceive we would agree upon, I cannot conceive of you or anyone else being able to answer the question at what period, so far as years are concerned, could the whole of India be, if you like, controlling the Army; for the simple reason, that at the present time it takes, I think, 24 years to 26 years—some of my military experts will correct me—to become even a Lieutenant-Colonel.

Mr. Sastri: 26 years.

Chairman: Very well; that is why it is difficult for me to answer the questions specifically.

Sir B. N. Mitra: So far as the several Heads formulated by you are concerned, I do not think there will be any trouble about them. We want a real Indianisation of the Army and we want the Indianisation of the Army to go on at a very rapid pace consistent with efficiency and the necessary requirements of military training, and things of that kind.

Similarly, with regard to Sandhurst, I do not think there can be any difficulty. Everyone of us is very keen on having a well equipped Sandhurst in India which will satisfy the highest requirements of military training and education.

The real question to my mind is that: are we at this particular moment to leave the question of the Indian Army being Indianised from top to bottom absolutely in a vague condition, or can we decide upon the time within which we may expect—I am not pinning you down to a timetable, to the date and hour—the Indian Army to be Indianised in the true sense of the word? I know that attempts were made to draw up a scheme during the time of Lord Reading when Lord Rawlinson happened to be the Commander-in-Chief. I served on some of these Committees as a Member of Lord Reading's Government, and I should like to know whether your present advisers think it will take, say, about 40 years, or 25 years, or 50 years, or 60 years for the Indian Army to be Indianised, for an indefinite time. I should like some light to be thrown on that aspect of the question, because I believe there were schemes drawn up not by politicians but by very highly placed military officers, which were founded on the assumption that the Indian Army could be Indianised within a reasonable distance of time. Reading the Statutory Commission's Report—I confess I speak with all respect to the authors of that Report—the position to my mind is in a very unsatisfactory state, because as the authors of that Report say they cannot stipulate the time, but that it may be in the near future. By the near future I do not mean a year or two. Then they think that the defence of India should always be an Imperial charge. That is a view from which I very strongly dissent. I believe you will find, if you inquire, that schemes have been prepared by the highest of military authorities which would surprise everyone, that such-a-thing was possible as to Indianise the Army within a reason-

able distance of time. I do not see any reason why at this distance of time after 10 years we should leave that matter in the air. Personally speaking I think, with all respect to the authors of this scheme in the Report, that they did not go as far as some of the other schemes did go. I should like that question to be taken up and discussed. In other words, what I want really is that the objective should be before us that India has to achieve the status of a Dominion and any scheme of Indianisation of the Army which is drawn up must have a direct relationship to that objective. No scheme which has been drawn up yet to my mind has that objective in view. Now we are here, and we may as well be frank, working to achieve the full and complete status of a Dominion within a reasonable distance of time, and I want to know whether such a scheme could be produced by any Army expert, or whether you would give directions that such a scheme should be prepared, so as to satisfy the legitimate wishes of the people in this matter. I do not care about the practical side; that is a matter for the technical experts, but I believe attempts in that direction have been made in the past. I think they should be made more vigorously now.

Sir M. Shafi: I should like to say a few words to supplement what the last speaker has said. Both he and I were members of what was then known as the Military Requirements Committee. After the examination of a large number of witnesses, both official military experts and others, we submitted a Report.

H.H. Maharaja of Alwar: I should like to know whether we are starting on the discussion of the first subject upon the Agenda.

Chairman: For the moment I rather gather that we are having a sort of general discussion as to whether my broad headings cover our views, and then we shall come to each item later.

Sir M. Shafi: If His Highness the Maharaja had waited for a minute before he interrupted, the point of my preliminary remarks would have become clear in a very short time. The Government when Lord Rawlinson was Commander-in-Chief prepared a complete scheme of Indianisation of the Indian Army within a certain period. Probably that scheme is pigeonholed somewhere either in the India Office or in the archives of the Government of India. I understand that this question of the Indianisation of the Indian Army is one of the questions which you mentioned, Mr. Chairman, when you delivered your address. I am sorry I was not here then.

Chairman: That is so.

Sir M. Shafi: In connection with that question, what we would like to know is will materials be supplied to this Committee for the purpose of expressing its own opinion as to the Indianisation of the Indian Army, and will we be allowed to submit for the consideration of the Committee our views regarding the Indianisation of the Indian Army, whether those views are based upon, perhaps, the very schemes prepared by the Government of India or whether those views are based upon our own independent examination of the whole question. Will those materials be before us or not, and will

we be allowed to submit our own views with regard to a scheme of Indianisation to the Committee?

Chairman: I think I had better answer both those questions right away.

Sir Akbar Hydari: I want to understand what is meant exactly by the Indianisation of the Indian Army. Does it mean merely the officering of the Indian portion of the Army in India by Indians and not by Europeans, or does it also mean the replacing of the European troops by Indian troops?

Sir M. Shafi: It means the Indian Army and not the British Army in India, what is known as the British Garrison. That we have nothing to do with. There can be no Indianisation of the British Garrison: it is the Indianisation of the Indian Army.

Chairman: Yes.

Mr. Jinnah: That is exactly what I was saying in the other Committee when you came in. When you talk of the Indianisation of the Army, at the present time our Army is composed of roughly 170,000 Indians and 60,000 British troops. But I am giving very rough figures. ✓

Chairman: I have the figures here.

Mr. Jinnah: Those entitled to the rank of officer number about 3,000 in the Indian Army proper, and the other is about the same number practically, or a little less. Now, when we talk of Indianisation it is a very vague phrase. You see there is a misunderstanding at once. One party understands merely the Indianisation of the officers of the Indian Army proper. Then what is to happen to the other part of the Army? I should like your ruling on this, Mr. Chairman. Is the whole scheme to be discussed; first of all, the Indianisation of the Officer ranks in the Indian Army proper and the replacement of British troops, because as long as that is not done we cannot increase the Indian troops. Therefore it is part and parcel of the whole issue.

Sir Akbar Hydari: That is quite true.

Mr. Jinnah: If you like you can take them separately.

Chairman: But you must; they are two distinct questions. I understood Sir B. N. Mitra's reference to Indianisation when he raised it was the Indianisation of the Indian Army.

Sir B. N. Mitra: Exactly.

Chairman: I understood that and I applied myself to that. That obviously answers your question.

Sir Akbar Hydari: Thank you.

Chairman: Therefore, again, two points have been made; whether I as the Chairman have been supplied with some schemes in the archives of the India Office or the War Office dealing with this problem, and whether those schemes which are intended to define a date for this Indianisation are available to the Committee. That is the first question. I will answer that by saying that I

have been supplied with no schemes and do not want any schemes. I do not want you to have any schemes because any schemes that were so prepared would be valueless in relation to the position in which we find ourselves to-day. Surely as commonsense men we must apply ourselves to the problem as it is and not as it may have been forecast by anyone. That is my first answer. I have no schemes; but if you want any scheme, certainly it will not be a difficult matter to get one for you. I put it to you that it is far better to face the broad common sense of the problem with a clean slate than to be fettered in any way. If you want schemes, do not worry, we will get you them.

Mr. Jinnah: I am very glad to hear that.

Chairman: That is my answer right away.

Now with regard to the second point which was raised, what have you got in your mind as to whether it is fifty years, sixty years, or twenty-five years, or any other years. My answer is that neither the Government nor myself nor anyone approaching this question has got any period in their mind, and we cannot have a period in our mind because we are dealing with a practical proposition that cannot be determined by resolution. The facts are very simple and I repeat them, that if we here unanimously decided that what is called the Indianisation of the Army should take place five years from now, or ten years from now, or any other period that is mentioned, that declaration would be useless unless it carried with it a certainty and knowledge that that Indianisation which was dependent upon competency and experience would materialise by the experience that would be gained in that time, and that experience could not be gained unless it took the form of a process that you have to lay down. I am sure you do not misunderstand me. That is my difficulty; not because I am reluctant to say a period but because if we apply ourselves to a system that will bring that about, however we bring it about, time and circumstances will determine that by the scheme that we formulate and not by the mere declaration that we make.

Sir B. N. Mitra: My meaning was not that I expect you to declare that the whole Indian Army will be Indianised from top to bottom within a period of, say, ——— years; but assuming that we are to achieve Dominion status within a reasonable distance of time I think we must prepare ourselves for the Indianisation of the Army with that object in view. I should very much regret if the whole thing was left in a perfectly vague condition. I do not expect you could within the time at our disposal produce a scheme which would satisfy everyone, but I do certainly want some sort of direction to be given that a scheme must be prepared so that public opinion may be satisfied that there is a reasonable chance of the Indian Army being Indianised within a reasonable distance of time, and that the responsibility of self-defence being made over to the Indian Parliament at some time or other in the near future should be discussed.

Chairman: Is not that then exactly what we are to consider? But if there is any doubt let me remove it right away. So far as we are concerned, if any one has in his mind any view that we, the Government, are against in principle what is called the Indianisation of the Army let me remove that right away. We are not; but that is a phrase. Do let us apply ourselves to the practical application of the question, and that will be the work of our Committee.

Sir B. N. Mitra: I understand the point, but let me put it in another way. We are thinking of starting a Sandhurst in India.

Chairman: Yes.

Sir B. N. Mitra: On what scale we are to start this Sandhurst, what the enrolment is to be, what the amount of staff is to be, and how the various departments are to be regulated, will all depend upon our objective. How many students do we wish to train every year? That can only be determined by the time during which we wish the 6,000 odd officers to become Indians. The questions are all inter-related and we have to have some definite view. I am not sure that we can say twenty years, or twenty-five years or thirty years; but I think we must have some rough idea in our minds.

Chairman: I understand your point.

Dr. Moonje: If the first place, I think there is no organic relation between the acquisition of Dominion status and the acquisition of responsibility for the defence of India because these are quite different things. Somehow or other for reasons which we will not go into here we have not been trained to be prepared to take the responsibility of defence immediately, but that does not mean that India is not fit for the acquisition of Dominion status. The history of the British Empire will show that there are Dominions in the Empire which acquired Dominion status without being absolutely prepared to take the full responsibility of their self-defence. Their defence was guaranteed by the British Empire through its Navy. It is not the fault of the Indians that they are not in a position to take responsibility for the defence of their country. Therefore, it is the duty of the Empire to guarantee the defence of India until we in the natural course of events are in a position to take full responsibility. Therefore I think when we come to details and when practical propositions are made as regards Indianisation and the methods by which Indianisation is to be achieved that itself will decide the period when we shall be in a position to take complete responsibility for the defence of India. I therefore think when the time comes for practical details of Indianisation that in itself we settle the period when India will be in a position to defend herself.

Chairman: Might I suggest something that will save time? I do not want to hear a word about the competency, the qualification, or the desire of India to defend herself. All that may be taken for granted. I do not want to hear any discussion whatever about the advisability of defence because everyone knows perfectly well that India must be defended and that will be an obligation on the

British Empire. Do let us apply ourselves to this simple proposition, a demand that better and greater facilities shall be given to Indian subjects to participate in the value, for what it is worth, of what is called the Indianisation of the Indian Army—what those facilities are to be, how they are to be brought about, what is the control, and what shall take place in the period leading to the ultimate goal. Now, is not that a fair way of summarising the matter?

Mr. Jinnah: Let us get to grips at once. I beg to differ from my friend Dr. Moonje, because that is a different point. The real point is this. The principle we are agreed—Indianisation; Indianisation as rapidly as possible if you like. Let us see what is to be done. With regard to the Indian Army proper—I am speaking from memory now and I am open to correction—we have to think of what will be the vacancies per year. That is the first thing. You cannot possibly turn out people who are already there. I do not think that is suggested by anyone.

Sir B. N. Mitra: No.

Mr. Jinnah: We have 3,000 odd officers in the Indian Army proper. Out of that I believe there are only 70 Indians who hold the King's Commission—70 or 71; I am giving round figures. The remaining number of the 3,000 are British. Out of this total number of the officer ranks every year there is a certain number of vacancies and we have to recruit for those vacancies. You cannot go beyond that.

Dr. Moonje: That is right.

Mr. Jinnah: That is your highest limit. Having got that number—again I am speaking from memory because my mind is really occupied with the other Committee and I have not got my papers with me—I believe there are vacancies for about 100 per year roughly.

Dr. Moonje: 150.

Chairman: Never mind for the moment.

Mr. Jinnah: It may be a few more or less, but I am almost certain it is 100 in the Indian Army. The whole point is this. In the Skeen Committee we were up against this very question, and the question was how many should be Indians out of the 100 every year. You know as well as I do that it was only in 1918 that for the first time an Indian was declared eligible for a King's Commission. Then the Government of India, or the British Government, decided that there should be 10 vacancies for Indians at Sandhurst per year—that is, reserved—and under the present scheme of the Skeen Committee the suggestion is that the number should be increased from time to time. We started with double the number, 20, but that leaves, again, 18 British to be recruited as against 20 Indians. The question of the acceleration of Indianisation will depend upon what you are prepared to agree should be the number of Indians.

Dr. Moonje: That is right.

Mr. Jinnah: That is the first proposition. Out of the 100, or whatever the number may be, what is the number of Indians?

Chairman: 95 is the actual number.

Mr. Jinnah: Very well. The first question, therefore, is this, what is the number of Indians to be? Speaking for myself, and I believe my colleagues agree with me, I think that that number should be fixed, and I want no qualification of any kind whatsoever. Put them to a thorough test. I do not wish the efficiency of the Army to be in the slightest degree impaired because we shall be putting in their hands the property and the lives of 300,000,000 odd people. Therefore I am very strong for rigorous and if, you like, strict tests of their capacity. The question really before this Committee is what is the number you are prepared to give us out of this 95? That is the whole issue.

Chairman: Perhaps some of Their Highnesses have a view on this, because you have to remember, and I am sure you all do, that in addition to the very pregnant question you raised which is the kernel of the whole thing, is also the question of the position of the States.

Mr. Jinnah: Yes, I am not disregarding that.

Chairman: Therefore I would like at this moment, seeing that we have had a general discussion, to have the views of one of Their Highnesses.

H.H. Maharaja of Bikaner: Our idea is that whatever future arrangements we are making will be for a Federal army, and we would like to hear first what our British Indian friends have to say, and then if we have any special observations to make we will make them.

Chairman: As long as that is understood.

Sir Akbar Hydari: The proposition is that all the British officers in the Indian Army should be replaced by Indian officers in the shortest possible time. What then according to expert opinion is the shortest possible time within which that transformation can be effected, and how is that time determined. What are the real elements? What has to be the maximum rate of recruitment of Indian officers in place of the total number of vacancies in the Indian Regiments in the officer ranks, and what is the period that will be required when the higher ranks of the military service will be so filled with Indians that they will be able to command in the fullest sense of the term in war and in peace the Indian portion of the Army? Upon that will depend the answer to the question: what is the time during which the Indian Army can be Indianised to that particular extent?

Chairman: I am so glad you have put that question because it must be one that as practical people we shall apply ourselves to. This is not a question of the competency of a race or a people; everything that I say would be equally applicable to a British soldier as it would be to an Indian soldier but the test is not:

whether he is an Indian or whether he is a Britisher; the test is whether he is competent, whether he is qualified and, above all, whether he has reached that stage which, when we are dealing with discipline in the troops, he can command that support that carries his troops with him, because if that is not kept in mind the rest is valueless.

Then the second question you raise is not alone what is his relationship to India as an Indian soldier, but what is his relationship as a Dominion to the rest of the Empire as a fighting unit. Now, all those things must be considered and therefore that is why I refuse to talk about any period.

Mr. Jinnah: The period —

Chairman: Would be determined by circumstances.

Mr. Jinnah: No.

Dr. Moonje: The period will be determined when the practical suggestions are made as regards recruitment. For instance, if a proposal is made to-day that we require 95 recruits every year and we agree that out of that 95 as many as even the whole of it, if possible, had to be recruited from competent people, then it means—

Mr. Jinnah: The period is to be determined—

Dr. Moonje: Pardon me. Supposing we make a concrete proposal in this way, that 95 is the limit of the yearly recruitment for the officers of the Indian Army, and we come to an agreement that out of the 95 as many as possible who are competent are selected, then of course the period will be about 25 or 30 years. When a man has been in the Army for 25 or 30 years he will come to a position in the Army when he will be able to control a Regiment and he will be raised to the rank of Colonel or Lieutenant-Colonel in that way. Therefore the point is out of the 95 how many, if not all, can be recruited from India if the candidates can be got.

Sir M. Shafi: May I point out that it is quite true that any scheme which can be prepared for the Indianisation of the Indian Army will have to take into account the number of vacancies that occur every year, and also as to how many of the vacancies that occur are to go to Indians. When you have prepared such a scheme the scheme itself will determine the period during which the Indianisation is to take place. It is obvious, *Dr. Moonje*, that the scheme will do that because as vacancies occur and as they are filled up by the appointment of Indians the number of British officers will go on correspondingly diminishing.

Chairman: That is true only up to a point because what we must keep our minds on is this. Supposing there was an examination now: I will take a hypothetical case. There are about 30 of us here round this table. Suppose there was an examination in oratory everyone of us would get through.

Dr. Moonje: Yes.

Chairman: We would all get through. But supposing some other test was to be applied, God knows we might all fail, and therefore you cannot say 95 would pass because there are 95 vacancies. It is dependent upon competency; but again I emphasise, and I think Mr. Jinnah made it quite clear—he took the view that there must be no interference with the test.

Mr. Jinnah: Of course not.

Chairman: I think you made it quite clear that there was to be no difference in the test.

Mr. Jinnah: May I point out that I have now the figure before me and I am taking it from the Report. I think we were wrong as to figures. The normal strength of the cadre of officers of the Indian Army, cavalry and infantry units, has been taken as 3,200. ✓

It is understood that the wastage in that cadre has never been calculated, but it is assumed to be 160. That was the figure supplied to the Committee. ✓

Dr. Moonje: My impression was that it was 150.

Chairman: I am told that what you have quoted from is an error. I do not know, of course.

Sir P. Sethna: It was the figure given to the Committee by the Government.

Chairman: I am told that that is so, but that it was wrong.

Mr. Jinnah: Sir, we have had great difficulty about this figure before. I should therefore like you to be good enough to ascertain now from the Department a definite figure for the wastage per year.

Chairman: I will certainly do so.

Mr. Jinnah: We will call it X for the moment. We will proceed on the footing of X. I think we are off the point when we talk of fixing the period. The period will automatically be fixed according to the scheme. I do not want you to get frightened about this proposal of mine: I do hope it will not frighten anybody here, but suppose I say that from next year there shall be no British recruitment in the Indian Army proper, but that it should be only Indians who should be recruited: I venture to say that within a very short time the officer ranks of the Indian Army proper will be Indianised to the fullest extent.

Dr. Moonje: Say 30 years.

Mr. Jinnah: Therefore really it is no use saying we will do it in 25 years, 30 years or 50 years; it depends on the basis which is laid down.

Chairman: Plus something else. There is not only the test, but I am wondering whether we have taken clearly into account the fact that the first test is not necessarily the final test. I can quite conceive of any number coming through what we may call the Indian Sandhurst at the first test, but are we to assume that over a period of ten, fifteen and twenty years the same qualifications which brought them through the first examination will necessarily

get them through the examination which must be passed in order to be, say, a General? There is that factor to consider.

Mr. Jinnah: May I answer that question at once. In the ordinary course, either the man is fit to go on in the graded promotion, or else he is not fit.

Chairman: Yes.

Mr. Jinnah: Let us assume he has become a Major, and has got as far as that, and that after that he is no good and can never become a Colonel. What will you do with him?

Chairman: I do not know anything about the Army, but I assume that if he gets far enough to be a Major he will be all right as a Colonel. I think he would be found out much earlier than that.

Mr. Jinnah: It does not matter. He will start as a Lieutenant, and he may get stuck somewhere. What will you do with him if he does? Will you keep him?

Dr. Moonje: If he is inefficient, chuck him out!

Mr. Jinnah: You must chuck him out, and then there will be a vacancy.

Chairman: That is why you calculate dates.

Dr. Moonje: Suppose we fix the number at x . The first basic point is, are we prepared to say that if we get all the competent and best qualified material in India all the vacancies will be filled by Indians? That is the first basic point, and that will ascertain the period that will be taken for Indianisation.

Sir M. Shafi: The period will be automatic under the scheme. That is the point I was making, and you said "No"—without understanding my point you said "No".

Chairman: I have not looked at any particular schemes, I have been trying to look at the facts. I have already said "What value would any schemes be in the circumstances we are dealing with to-day, where we have a new situation?" It must not be taken if I do this that I am giving necessarily our last word or our views at all or anything of that sort, but, with the sole object of guiding the sub-Committee, would you like me to get out a memorandum on the problem as it exists, giving you the officers, the time, the training that is necessary and so on? It will not be given as an opinion, but as a statement of the problem with which we have to deal. If you think that will help you, I shall be delighted to do that.

H.H. The Maharaja of Bikaner: In this connection I think a point which was discussed a few minutes ago and which was raised by Mr. Jinnah, might also be dealt with in that memorandum. It is not merely a question of an officer passing Sandhurst; he has to qualify for the different grades. Let us suppose that he is a Major, and has to pass an examination to qualify him for commanding a regiment. There must be cases where even now you pass over British officers.

Chairman: Every day.

H.H. The Maharaja of Bikaner: Perhaps we can be given figures for the percentage that do not pass, and that will help us in arriving at the figures.

Chairman: Yes, I see.

Sir M. Shafi: Any scheme of Indianisation of the Indian Army must be based on two things. First of all on the number of vacancies that occur every year, and whether all those vacancies, or a part of those vacancies, are to be filled up by the appointment of Indian officers. If a scheme has already been prepared by the military experts of Government, and has been considered more than once and sent back more than once to the Army Department for reconsideration, and has been finally sanctioned by the Government of India on those two bases, such a scheme would be very desirable material for this sub-Committee to have to assist us in arriving at a correct conclusion. It seems to me this sub-Committee ought to get hold of such a scheme if there is one, and I know there is one, and I can tell you now the period that was fixed at that time for the complete Indianisation of the Indian Army. I can tell you that from memory.

Diwan Bahadur Ramachandra Rao: This was long before self-government and Dominion status had been conceded?

Sir M. Shafi: Yes, it has nothing to do with it, and if that scheme had been sanctioned long ago, as we had hoped it would be, the process would have begun.

Mr. Jayakar: With reference to the point that was made by Sir Muhammad Shafi, I support his suggestion, Sir, because even assuming that all the vacancies that arise during the year—namely 95, or whatever the number is—are filled by Indians, it is a mere matter of making an arithmetical calculation to see that it will be 35 years before all the vacancies will be filled by Indians. If, therefore, a scheme has been prepared in the past, when Dominion status was a very distant vista, and if that scheme lays down a period of time less than 35 years, as I suppose it does, that scheme would be a most valuable contribution and help to our discussion. I therefore support the suggestion of Sir Muhammad Shafi. If such a scheme was prepared in the past, and I understand it was, and was considered by the military authorities and by the Government of India—

Sir M. Shafi: It was prepared by the military authorities.

Mr. Jayakar: If I am not asking too much, may I know what the period of that scheme was?

Sir M. Shafi: Twenty-eight years.

Mr. Jayakar: Then that scheme would certainly be of most material help to us, if we could peruse it.

Sir M. Shafi: It provided for one-third of the Army in the next fourteen years, the next third in seven years and the final third in another seven years. That means twenty-eight years altogether.

Sir B. N. Mitra: In the first place, I should like to know what we are doing. Are we discussing the terms of reference, or are we discussing the first item in the terms of reference?

Sir M. Shafi: We are discussing what we should have before us.

Sir B. N. Mitra: That is a point which must be cleared up, because I have something to say about the terms of reference. Are we discussing at the present moment the terms of reference, or the first item in the terms of reference?

Chairman: I indicated not only the terms of reference, but what I thought the terms of reference covered, and I said that if it met the convenience of the sub-Committee we could have a general discussion on that this evening. It is quite true the discussion may have ranged over rather different ground, but it is not a disadvantage to have the whole matter ventilated, because I think ultimately it will help us. If you want to raise any question on the wider aspect I should certainly like you to do so.

Sir B. N. Mitra: The first point to which I should like to refer is the point raised by Sir Akbar Hydari, which unfortunately seems to have been overlooked in the course of the general discussion, namely whether the terms of reference include this specific question of a reduction in the number of British troops in India and their replacement by Indian troops or by militia; or by something of that sort. Do the terms of reference to this sub-Committee include a consideration of the question of the reduction of the British troops in India?

Chairman: You cannot talk of Indianisation without keeping in mind that it presupposes a reduction in British troops. That is obviously a part of it.

Mr. Jinnah: I understood you to say that.

Sir B. N. Mitra: But so far I think it is admitted that Indianisation means the Indianisation of the officer ranks.

Mr. Jayakar: It means both questions, but they must be kept distinct from each other. That is all.

Sir B. N. Mitra: I do not think it is clear if you read the heads of discussion.

Sir M. Shafi: It is item No. 1 in the scheme of Indianisation.

Chairman: I do not think there can be any doubt about it; everyone knows what Indianisation means.

Sir B. N. Mitra: Indianisation includes both these matters—the Indianisation of the officers in the Indian Army and secondly the reduction of the British troops in India.

Mr. Jinnah: I think the Chairman said—am I right, Mr. Chairman?—that we should take this question separately first, and then deal with the other. That is what I understood.

Chairman: That is it; I said so.

Sir B. N. Mitra: That clears up my point, for therefore that will be one of the items.

Chairman: I should like to suggest this. We could go on in a general discussion until your time arrived to leave, and yet get nowhere. It is generally agreed that our terms of reference are limited in the sense that the broad question of the defence of India is not involved in our discussion; we have to deal with the Indianisation of the Army, how it is to be brought about, training and so on. Now, it has been intimated that there are in existence somewhere—whether it be in the India Office or in the War Office does not matter—certain definite schemes that apply to the problem that we are discussing. It is also possible to supply to you other material for a proper consideration of the question. If it will help you, I am prepared to arrange for a little memorandum to be produced that will give you any schemes that will bear upon this matter, and the facts of the situation, and what it is we are trying to accomplish, and the broad outline of the scheme to that end. It is not because this will represent the views of the British Government, but because this material may be of assistance to you in forming a decision. Would you like me to do that? (Cries of "Yes.") Then I will undertake to do it.

Sir P. Sethna: It will help us greatly if we can get the scheme referred to by Sir Muhammad Shafi, because the Skeen Committee was appointed in 1926, and according to the recommendations of that Committee, which are to be found in one of the schedules, half the strength, namely 1,600 officers, would be Indians at the end of 25 years, whereas according to Sir Tej Bahadur Sapru and Sir Muhammad Shafi, a scheme which was prepared under the advice of the military experts five years previously Indianised the whole Army of 3,200 officers within 28 years. I think, therefore, that if that scheme were placed before us, it would help us greatly in arriving at a decision.

Chairman: The object is not necessarily to see something that favours our views, but to have the facts and material which will enable us to arrive at a right conclusion.

Sir P. Sethna: The facts are there, according to these speakers.

Chairman: I do not know anything about it, but whatever the facts are I will get them for you. We want them as material for our guidance. If we can get that out in time I will try and let you have that sometime to-morrow. Would that enable you to meet on Friday? (Cries of "Yes.") There would be no point in meeting to-morrow if you do not get the material till then.

Sir M. Shafi: For Mr. Wedgwood Benn's information, so that he can get that scheme at once, may I mention the fact that the orders issued with regard to the Indianisation first of four units, and ultimately of eight, were orders issued on that scheme. I think that gives him a clear indication of what scheme I mean.

Lieut.-Colonel Gidney: Mr. Chairman, I just wanted to ask you, in preparing that memorandum would you give us facts of this nature: say we accepted 50 years as a limit, for every 5 years what

would be the proportion of British and Indian officers, say at 10, 15 or 20 per cent. recruitment, so that we would know exactly every five years how many Indians and how many British would be in the officer rank.

Chairman: That will be a mathematical calculation.

(The sub-Committee adjourned at 6-43 p.m.)

PROCEEDINGS OF THE SECOND MEETING OF SUB-COMMITTEE NO. VII
(DEFENCE) HELD ON 9TH JANUARY 1931.

Chairman: In accordance with promise, I have had circulated to you the papers which give you the various details asked for about rates of wastage and the various schemes with proposals for rates of Indianisation to which reference has been made.

As I pointed out, it is easy to show a mere mathematical rate of complete Indianisation on paper, but as practical men it is a workable scheme that we desire, and not a mere declaration. It may therefore briefly be stated that if all recruitment for British officers is stopped the day that the output from an Indian Sandhurst starts, and if the output from that Sandhurst is calculated to meet the normal wastage, it will then be roughly 35 years before the last British officer is eliminated from the Indian Army; and if, in accordance with the view which some have expressed, it is not desired immediately to stop entire British officer recruitment, then the period will be 35 years after the last British officer has been recruited.

This is based upon a purely mathematical calculation; but, as was said by several speakers on Wednesday, the complete elimination of the British officer—or, if you prefer to put it so, the complete Indianisation of the Indian Army—is not a preliminary necessary in the nature of things to the full attainment of responsible government. As was so well stated by several delegates on Wednesday all the Dominions are at present still dependent on the British Navy to protect them.

The above statement is a mathematical answer to the question you asked. Those of you who are soldiers and who have had experience of war will realise that the entire new creation of an officer class is not merely a mathematical calculation alone. The question of your defence is too vital a one to take chances with, and I feel sure that the more responsible you are for your own government, the more must this aspect of the Army weigh with you. The question to be worked out, therefore, is what is a safe and a wise rate of progress in substituting the Indian officer for the British officer in the Indian Army, and whether it is necessary to eliminate the British officer completely at the earliest period, always assuming that there is a common object in view, namely the protection and defence of India. So far as I am aware, this claim has not been made in the Services sub-Committee, and I should imagine that if

the retention of a British element is necessary in civil occupations, it is far more so in the sphere of defence.

It will be remembered that the Skeen Committee recommended that the original proposals made in your Legislative Assembly, namely that the majority of Commissions should be given to the martial classes in the proportion in which those races provided recruits for the Army, should be dropped, and that recruitment for officers should be spread on a broader basis. That, shortly, was the recommendation of the Skeen Committee. Recruitment for the Army will presumably still continue to be made from those classes which have been found to provide the best soldiers, if we are to make sure that the defence is adequate.

It is therefore not difficult to realise that no mere mathematical calculation can establish that the future officers of your own, selected as recommended by the Skeen Committee, will be efficient leaders of their men. I repeat that it is not merely a question of that kind; it is a practical question which can be answered only in process of time and by the association both in peace and war; and it will be obvious that while this process is going on your defence must not be jeopardised by making an experiment on too large a scale.

If, therefore, this Conference considers that a training college should be established in India at an early date, the British Government at least see no objection. I would urge that it should start on a sound foundation so that it can be developed in the light of time and experience. Therefore, whilst we would all agree that the Indianisation of the Army is a desirable end and something to work for, it is not one which need necessarily precede fully responsible government.

I make that statement because it summarises the general discussion of two days ago. Attention was drawn to the fact that from time to time there have been recommendations on this question. I have already circulated to you the various recommendations made, but there are two things I desire to emphasise this morning. The first is that when you are dealing with the question of the defence of a country it is an entirely different proposition and must be considered in an entirely different light, from what is usually called merely Law and Order. In the second place, whilst it may be possible—and I see no objections or difficulties—for a declaration to be made on the principle of what is called Indianisation, carrying with it a definite recommendation for the establishment of a Sandhurst in India, in saying this I would also draw attention to the fact that that in itself—the establishment of a Sandhurst in India—need not prevent the existing scheme from continuing whereby a number of students attend Sandhurst in this country. On the contrary, I see advantages in that continuing.

Lord Reading: Yes.

Chairman: I do not want it to be assumed that one is necessarily a substitute for the other; on the contrary they can run con-

currently, and indeed I see advantages in that. I have therefore endeavoured, in order to focus discussion, to deal with the broad principles which we are asked to consider this morning. You have the material in the form of the schemes which have been drawn up, but again I repeat that I am not sure that those schemes help us very much. They do give an emphatic indication of what is possible, but at the same time I do not think we should be too riveted to schemes on paper; we should rather apply ourselves to the practical difficulties and practical propositions that we have got to face.

It is with those general observations that I wish to open this meeting of the sub-Committee.

Sir Tej Bahadur Sapru: I am grateful to you, Sir, for the statement which you have just made. So far as the establishment of a Sandhurst in India is concerned, the statement that you have made on behalf of the British Government, that they see no objection to it, will be received with great satisfaction. I will only add one word. I should like it to be put more positively and more emphatically; I should like it to be said that not only do the British Government see no objection to the establishment of a Sandhurst in India, but I would expect the British Government to implement that policy which has just now been declared, by very prompt action.

Chairman: Would you not like it much better to feel that you have helped the British Government to do it?

Sir Tej Bahadur Sapru: I refer to the British Government because, under the scheme which has been adumbrated by the sub-Committee over which Lord Sankey has presided, the Defence of India is a Crown subject, and therefore there will have to be co-operation undoubtedly between the British Government and the contemplated Federal Government. You may take it from us that everyone of us is extremely keen on having a Sandhurst at the earliest possible opportunity, and we are prepared to find the funds for that purpose. I do not think you will have any trouble about it, so keen is the desire for a Sandhurst. As regards the keenest of Indian opinion on the question of a Sandhurst, I would make a personal appeal to Lord Reading; he knows how strong the feeling is with regard to this matter in India.

But, when I talk of an Indian Sandhurst, I must be understood to mean that we want training and education for our lads in every branch of military education—artillery, engineering and so on. Not only that, but I should like Indians to receive training and definite positions in the Air Force of the country.

Chairman: I should like to assure you, so as to shorten the discussion, that when I say "Sandhurst" it is intended to include all the training that takes place in this country. I think it will save discussion if I say that.

Sir Tej Bahadur Sapru: All arms, yes. I further welcome the statement that you have made—and I believe that statement carries

the assent of Lord Reading—that we should have a further avenue opened to us of sending our men to Sandhurst in England. I leave it to the military experts and the Government of India to decide what would be the number of men they would send in future to Sandhurst. These are technical questions outside my scope, and which can be settled later on.

As regards the period, you will find from the Report of which you have supplied us with copies, and which was considered by Lord Reading and by Lord Reading's Government, that the military experts at that time were of the opinion that, without committing themselves to any mathematically precise date, the Indianisation of the Army could be effected in thirty years' time—my recollection was twenty-eight years' time. Now we realise that in a matter of defence, in a matter of that kind, we have got to be very careful. It would be impossible for anyone to fix a precise date by which the Indian Army would be Indianised from top to bottom so far as the officers are concerned; but at the same time we are very anxious that the rate of progress should be very substantial and should be rapid, consistently with the safety of the country and the efficiency of the Army.

I beg of you not to be under the impression that we want in any way or to any degree to imperil the safety of the country or to weaken the strength of the Army.

With regard to the question which has just been raised, as to whether the British element should continue or not, I wish in the first place to point out, as has been said, the report of the Services sub-Committee has yet to be considered by the Conference. I beg of you not to misunderstand me when I say that I do not accept the suggestion there that the recruitment in future of the All-India Services should continue through the Secretary of State. That has nothing to do with the question of the British or Indian element. Whether the recruitment shall continue through the Secretary of State or whether it shall continue through the Governor-General, assisted by an independent Civil Service Commission or Public Services Commission, is a question on which opinions have yet to be expressed.

Lord Reading: That is not a matter for us.

Sir Tej Bahadur Sapru: That has nothing to do with Your Lordship, no.

Chairman: I had already intimated on Wednesday, Lord Reading, that that was not a subject for this Committee.

Sir Tej Bahadur Sapru: Therefore what I say is this. No analogy should be drawn from it so far as the recruitment in the Army is concerned. It is not my intention to say or suggest that the British element should be at once eliminated. It is quite obvious that under any scheme for thirty or thirty-five years the British element will be there and will be sufficiently strong there, but what I want to emphasise really is this, that we must have the objective constantly in view, and that the rate of recruitment of

Indian officers in India, or of their training in Sandhurst in England, should be commensurate with the objective, so that within a reasonable distance of time we may find that the Army in India has been substantially Indianised. I am anxious about that, because that has a bearing on the further development of our constitution. Therefore, while I would not say that the British element should be excluded at once I would certainly emphasise the need for greater speed and a more rapid rate of recruitment in India from Indian material.

That is all that I would say at this stage.

Sir Phiroze Sethna: Mr. Chairman, you were good enough to tell us on Wednesday that we should, as far as possible, confine ourselves to the headings that you enumerated and of which we have received copies subsequently from the Secretariat. I will therefore endeavour to speak on two or three items on which I have to offer remarks. I would, however, like to remind the Committee that if the Simon Commission's report did not find favour in India, that was so for many reasons, but the principal one was in regard to the recommendations they made for the Indianisation of the Army. According to that report, the complete Indianisation was postponed to the Greek Kalends, and a proper paraphrase of the recommendations they made would amount to the British domination continuing for ever so long.

Now, Sir, the reason which they advanced for that recommendation was that there was not enough material in the country for the officers. That, Sir, is an incorrect assumption, incorrect for the reason that the material does exist, but it is because of the policy adopted in the country that men were not admitted for officers' rank and to-day the Indian Army is what you call a fighting Army and not a thinking Army, because the officers were drawn, up till 1918, simply from the British side. This development of having British officers in the Army was intensified after the Mutiny, but it was distinct even before the Mutiny. This is not a statement which I make on my own but I will refer the Committee to "The founders of the native Army had conceived the idea of a force recruited from among the people of the country and commanded for the most part by men of their own race, but of higher social position — men, in a word, of the master class accustomed to exact obedience from their inferiors. But it was the inevitable tendency of our increasing power in India to oust the native functionary from his seat, or to lift him from his saddle, that the white man might fix himself there.

" So it happened, in due course, that the native officers who had exercised real authority in their battalions, who had enjoyed opportunities of personal distinction, who had felt an honourable pride in their position, were pushed aside by an incursion of English gentlemen, who took all substantive power into their hands, and left scarcely more than the shadow of rank to the men who they had supplanted. An English subaltern was appointed to every

company, and the native officer then began to collapse into something little better than name.

“As the degradation of the native officer was thus accomplished, the whole character of the sepoy army was changed. It ceased to be a profession in which men of high position, accustomed to command, might satisfy the aspiration and expand the energies of their lives. Thenceforth, therefore, we dug out the materials of our army from the lower strata of society and the gentry of the land, seeking military service, carried their ambitions beyond the red line of the British Frontier and offered their swords to the Princes of the Native States.” That is what an eminent English ^{historian} historian himself says. After the Mutiny, the Peel Commission was set up and made recommendations which formed the basis of re-organisation of the composition of the Indian Army. The recommendations were inspired throughout by a fear of another Mutiny. According to the Peel Commission, the Indian section of the Army should be composed of different nationalities and castes which should, as a general rule, be mixed promiscuously in each regiment, and Europeans alone should, as far as possible, be employed in the scientific branch of the Services.

This was continued up till 1918. In 1918 a difference was made—that is to say, some Commissions were thrown open to Indians; but whilst Indians were excluded from the commissioned ranks there has also been the exclusion of Indians from the scientific branches of the Army, particularly, for example, the artillery. In regard to this, I may be permitted to quote from the evidence given before the Peel Commission by the same authority. Lord Elphinstone, Governor of Bombay, said:

“I agree with those who think that it is not judicious to train any natives of India to the use of guns. They make excellent artillerymen, and they attach great value and importance to guns, but these very circumstances make it dangerous to place them in their hands.” (Peel Report—Papers, page 45.)

In this opinion Lord Ellenborough concurred. He said:

“It appears to be the concurrent opinion of all men that we should keep the artillery wholly in our hands.

“The natives have a genius for casting and working guns, and we should not afford them means of enjoying it. . . . The natives die at their guns. Their practice in this war”—namely the Mutiny—“is allowed to have been at least as good as our own.”

I have quoted these things in order to show that if the Indians have failed to prove that they make good officers it is because the Indians have not been given a chance to work as officers, and that Indians have also been excluded from the scientific branches of the Army.

Now, Sir, that Indians have proved good officers is witnessed by the fact that the commissioned ranks have been opened to a small

extent to them; but even before then, during the War, when there was a dearth of officers, Indians were made officers, trained not at Sandhurst or Woolwich, but at Indore and Wellington in India; and according to a memorandum received from you this morning, 39 of such officers trained at Indore and Wellington are already in the Army. These men distinguished themselves during the War, and they are also rendering very good services as officers to-day, and that without any education at Sandhurst, which goes to prove that with proper training Indians can make as good officers as the British.

Again, Sir, it has been said at another stage of the (Simon Commission) Report that whereas the most virile of the so-called races provide fine fighting material, other communities and areas in India do not furnish a single man for the regular Army. This is a very sweeping statement to make. Evidently the authors of the Simon Commission Report have forgotten that before the Mutiny the Indian Armies consisted not only of the Punjabis and Sikhs, whose numbers before the Mutiny were limited as compared with what they are to-day, but before the Mutiny the Army was drawn from all classes of people. In this connection I should like to quote what a former Commander-in-Chief of the Bombay Army had said in regard to the Mahrattas. This was General Warre. He observed, 25 years after the Mutiny, as follows:

"History has proved that the whole of the western coast is a military country producing a war-like population. The southern Mahrattas have proved themselves in former days and are still equal to any other race in India as a fighting people. Their power has been broken and their military ardour quenched by almost total disarmament, but they are still a hardy people, in a mountainous district, inured to toil, and especially good in tracing their steps over the rough and impracticable ghats. What more can you require to make soldiers?"

I turn to the Madras soldiers. Another Commander-in-Chief, Sir Federick Haines, has said: "I cannot admit for one moment that anything has occurred to disclose the fact that the Madras sepoy is inferior as a fighting man. The facts of history warrant us in assuming the contrary. In drill, training and discipline the Madras sepoy is inferior to none, while in point of health, as exhibited by returns, he compares favourably with his neighbours."

We have heard it argued sometimes that people coming from the north are more martial and more war-like. May I ask whether for a moment the English would admit that because the Scots come from a more northern climate than the English therefore they are better fighting men than the English?

Sir Phiroze Sethna: What I wanted to point out was that it is wrong to assume that people from other parts of India cannot make good soldiers. I have not the names of the military officers who

have said that during the last Great War the Mahrattas proved as good as and better than any other Indian soldiers.

Now, the demand from the Indians for higher ranks has been persistent, and because of that demand, and also because of what success the Indian soldiers and officers achieved during the War, commissioned ranks were opened to the extent of five every six months, by admitting that number to Sandhurst. Thereafter there was framed what is known as the eight unit system. That scheme was nothing more than a mere sop thrown out to the Indians. Those who were able to foresee did predict that the Indian system was not at all satisfactory, and that it was purely racial. Of course, the then Commander-in-Chief, Lord Rawlinson, announced it with a flourish of trumpets, but it was not then known what his own ideas were on the subject, and those were brought to light by his biographer.

Col. Haksar: Sir Frederick Maurice.

Sir Phiroze Sethna: Yes, Sir Frederick Maurice, who quotes Lord Rawlinson's words as follows: "People here are frightened of this talk of Indianisation of all officers so that they won't send their sons out to serve under natives. I agree to the new system being allowed to take its course; but it will want very careful watching and cannot be hurried. The only way to begin is to have certain regiments with Indian officers only."

Chairman: I am sorry to intervene, but might I ask, does this kind of thing help us after my declaration? I just want to point out this, so to speak, for discussion. That kind of historical discussion cuts no ice. I wrote a book called "Labour Rules", but it is no good my looking there to find the answer to the problem of unemployment, because it is not there; and you have had my statement of the general attitude of the Government, and if we apply ourselves to that principle I think we shall do well.

Sir Phiroze Sethna: Very well, Sir, I will make no more references than those I have already quoted.

Now I return to the Skeen Committee. The Skeen Committee was appointed in 1925, but, as was brought to light on Wednesday last, it appears that the Government of India of their own accord had appointed a Committee of Military Experts in 1922 to enquire within what period the officer ranks of the Indian Army could be completely Indianised. You have sent us a memorandum of that scheme, Sir, according to which in 30 years all the officers may be Indians. That scheme, I am sorry to say, was never laid before the Indian Skeen Committee, nor was any reference made to it either before the Skeen Committee or in the Central Legislature by any officer of Government. It would appear from what has been brought to light that the Government of India were in favour of such a scheme, but it was perhaps Whitehall that turned it down and substituted the eight unit scheme. The Skeen Committee has condemned the eight unit scheme altogether, and that because of the evidence before it not only by every Indian officer but also by the Commanding Officers of the regiments which belonged to these eight

Indian units. It was condemned wholesale, and yet it is not only supported by the Simon Commission's Report but it is further supported by the Government of India Despatch, who say that if necessary the number of these units might by degrees be increased to 25. The Skeen Committee's Report was issued in March 1926. The Government of India did not carry out all the recommendations, but in 1928 they did meet us to some little extent. The most important recommendation was, of course, the establishment of an Indian Sandhurst. That was entirely turned down, at any rate for the time being, and that is the question which we are most anxious to revive, and we are glad to hear from you that the Government are quite prepared, not only to open an Indian Sandhurst but also an Indian Woolwich and an Indian Cranwell if necessary.

I now come to the question of the strength of the British and Indian Armies. At the present moment there are 56,327 British troops, 131,190 Indian troops, and about 34,000 reservists. Sir, the purposes of the Army in India were stated by the Eaton Commission appointed in 1879 to be: "To prevent and repel foreign aggression; to prevent army rebellion within British India and to watch and overawe the armies of the feudatory native States." Those are the words of the Commission's Report.

Of course now there will be no question of overawing the Armies of the Feudatory States.

H. H. Maharaja of Bikaner: Not the Feudatory States, the Indian States.

Sir P. Sethna: I am sorry. According to the military estimates of 1928-1929, the ratio of British to Indian troops is 1 to 2.26, but in the covering forces—

Chairman: Stop; I can now see where you are going out of order. I want to keep it quite clear that the general defence of India is not a subject for this Committee. As you know quite well that is a matter for the other Committee, and therefore no purpose would be served by discussing it here.

Sir P. Sethna: Very well; but I think in answer to Sir Akbar Hydari as to whether Indianisation also meant the replacement of British troops by Indians you said that question would come within our province. Am I right in assuming that?

Lord Reading: Surely that would not be a question for this Committee; would it? The Indianisation which we are talking of is Indianisation by means of Indian officers being substituted for British. That is what we have always understood. You are not speaking of substituting Indian Regiments for British Regiments, are you?

Sir P. Sethna: I do not think Lord Reading was present when this point was taken up. I think I raised it.

Chairman: You raised it, but I did not interpret it in that way.

Lord Reading: I was not present at the last part of the previous meeting.

Sir P. Sethna: I understood you, Mr. Chairman, to say that it embraced that point also, namely, that Indianisation meant both introducing Indian officers in place of British officers and also replacing British troops by Indian troops. I will take your ruling.

Mr. Jinnah: I should like to take your ruling, Mr. Chairman. I have not a copy of your ruling. I do not know why the full proceedings have not been sent to us, but I expressly stated that the question of the reduction of British troops would have to be considered.

Chairman: That is so.

Mr. Jinnah: And you said "Yes, but we will discuss that separately from the question of Indianisation". I think, if I may refer to the record, that that was your express ruling.

Lord Reading: I was not present then.

I should like to raise this point with regard to what I understood Mr. Jinnah to say just now. I understand a question was raised towards the end of the last day's proceedings and that it was decided that, although this question of substituting Indian Regiments for British Regiments did not arise on this first question of Indianisation which you, Sir, had put to us, that it would arise, nevertheless, within the purview of this Committee.

Lord Peel: What I wish to say arises out of what Mr. Jinnah said. I thought what he said was susceptible of two meanings. Mr. Jinnah talked about the reduction of British troops, and I do not know whether he wishes to raise this question, which is quite a different one, with which we are so familiar, the case, or the charge if you like, that the Army is too large in India. I thought what he meant to say was that he wanted to raise and discuss the question of whether there should be reductions in the Army, irrespective at the moment of whether it is Indian or British, on the question of Imperial troops, and so on, being kept in India. I thought he meant to raise that matter, but I may be wrong.

Mr. Jinnah: Let me make it quite clear to this Committee what I do mean. When you are talking of Indianisation it is not merely a question of Indianising the officer ranks. That is one part of it.

Lord Peel: Yes.

Mr. Jinnah: When you talk of the Indian Army the entire Army is the Indian Army strictly speaking, namely, the British troops and Indian troops. They are the British Army, strictly speaking. They are British troops; they are His Majesty's Forces. They are not really the Indian Army in the sense that one would understand it if it was under the Indian Government. They are His Majesty's Forces stationed in India composed of British and Indian troops, but for certain purposes they are kept separate. When you talk of the Indian Army there is no such thing as the Indian Army strictly speaking or constitutionally speaking. Then for the purpose of convenience we have been using the term "Indian Army proper", and that is always understood to mean that it is

composed of Indian sepoy and the officer ranks which command that portion of the Army. When we have been talking of Indianisation it does not mean merely that we Indianise the officer ranks in that section of the Army. If you are going to Indianise the Army, supposing we go on Indianising the officer ranks—

Chairman: Might I say that the important point is the answer to Lord Reading's question: The whole thing turns on what I said on this question, and I think we had better have that settled first, Lord Reading, because it is far more important if you do not mind. I am quoting from the shorthand note of the previous meeting. Mr. Jinnah said, "Those entitled to the rank of officer number about 3,000 in the Indian Army proper, and the other is about the same number practically, or a little less. Now, when we talk of Indianisation it is a very vague phrase. You see there is a misunderstanding at once. One party understands merely the Indianisation of the officers of the Indian Army proper. Then what is to happen to the other part of the Army? I should like your ruling on this, Mr. Chairman. Is the whole scheme to be discussed; first of all, the Indianisation of the officer ranks in the Indian Army proper and the replacement of British troops, because as long as that is done we cannot increase the Indian troops? Therefore it is part and parcel of the whole issue."

Then there was an intervention, and then Mr. Jinnah said, "If you like you can take them separately." Then I said, "But you must; they are two distinct questions. I understood Sir B. N. Mitra's reference to Indianisation when he raised it was the Indianisation of the Indian Army." Then Sir B. N. Mitra said, "Exactly." Then I said, "I understood that, and I applied myself to that. That obviously answers your question."

But you will remember that I read out the terms of reference which were very clear and distinct, to consider questions of political principle relating to defence other than strictly constitutional aspects to be considered under headings so and so.

Mr. Jinnah: Yes, but you will remember that I asked you, Mr. Chairman, with regard to the question as to the relations with the Crown, I asked whether that was to be discussed.

Sir B. N. Mitra: Might I draw your attention to exactly what was said. I said: "The first point to which I should like to refer is the point raised by Sir Akbar Hydari, which unfortunately seems to have been overlooked in the course of the general discussion, namely, as to whether the terms of reference include this specific question of a reduction in the number of British troops in India and their replacement by Indian troops or by militia, or by something of that sort. Do the terms of reference to this sub-Committee include a consideration of the question of the reduction of the British troops in India?"

Chairman: That is so.

Mr. Jinnah: And, further if you look at the Minutes—

Chairman: That is quite clear.

Mr. Jinnah: Yes, but I want your ruling further. Unfortunately these Minutes have not been sent to us and therefore I cannot put my finger on it at once, but I am absolutely certain that you did give that ruling, and that was with regard to the relationship with the Crown which it was said would be discussed somewhere. I asked you by which committee it would be discussed, and you said that that matter would also be discussed here. Therefore the only question which is precluded from the function of this Committee is the constitutional aspect of defence.

Chairman: Then that statement was followed by Sir B. N. Mitra, who said: "But so far I think it is admitted that Indianisation means the Indianisation of the officers' ranks."

Lord Reading: Yes.

Chairman: Then Mr. Jayakar said: "It means both questions, but they must be kept distinct from each other. That is all."

Lord Reading: That is right.

Chairman: So that that is quite clear; they must be kept distinct.

Dr. Moonje: Both must be considered here.

Lord Reading: I am asking for information in order that we may see where we are, and in order to get some notion of the duration of the proceedings because if we are to go into the other question of the reduction of British troops in the way in which it was put by Lord Peel, and in the way I suggested, by the substitution of Indian troops for British troops, surely we cannot decide that. I should have thought that was a matter which had to be discussed by the Military Committee.

Chairman: I have already intimated—you were present, Lord Reading, but Lord Peel was not—that in my opening speech, and I drew attention to the fact with that specific object this morning, that it would be impossible for that to be done by his Committee with the best will in the world. It is not competent, first, to determine a technical question of that kind; but I did say that the maximum which I thought could be done by this Committee would be to express its views on the general principle, the principle being, first, as I said, the Indianisation of the Army in India; and, secondly, the logical conclusion that that would carry with it; and I expressed on behalf of the Government concurrence in the establishment of a Sandhurst in India, and beyond that that training should continue in the Sandhurst here. Do let us be practical. If you wish to go outside that, of what value would any recommendation be, because you are dealing, as I said earlier on, with the defence of India, and the defence of India must be a matter to be carefully considered by experts so that a proper scheme can be worked out. I understand that forty copies of my opening statement will be circulated. In order to save time those copies will be distributed but we need not interrupt the discussion.

Mr. Jayakar: I take it your ruling stands, Mr. Chairman, that the question of the replacement of British troops by Indian troops

is within the purview of this Committee; but as practical men we all realise that the final details cannot be discussed and finally settled by this Committee. That is a matter of practical expediency to which we are all alive. I take it that your ruling stands that even that question is within the competence of this Committee. That is the position.

Chairman: Obviously a Chairman of a Committee of this kind dealing with a technical matter like defence has to take the advice of experts who are mainly responsible, and if in discussing the whole matter in detail we come to the conclusion that both the subjects mentioned by you were by the very nature of things interwoven, that they were bound to be interwoven, but that it was not a matter for this Committee to go into detail—

Dr. Moonje: Quite right.

Sir P. Sethna: No. Now that you have ruled I need not go into details, but I am sure that every Indian present would prefer that in process of time the British Army might be substituted by Indian troops. The British Army is maintained for different purposes. One principal purpose is for internal security and for doing police work, as it were. The percentage of the covering force and the field force of Indian troops as compared with British is larger. So far as internal security is concerned for every single soldier there are 1.24 British soldiers. I wanted to bring out this point in order to show that it is quite possible to reduce the number of British troops, because although India has a population of 320,000,000, and although we have communal and other riots, the casualties in a year in that country are far less than the number of casualties in Great Britain, which has a population of one-seventh of that of India, from motor car accidents. Therefore I say the British Army can be reduced. My point is that it might be reduced to begin with even by 10,000 men. The cost of an English soldier is four times that of an Indian soldier, and that difference in cost will amply cover the cost of an Indian Sandhurst. That is the reason why I wanted to bring out this point.

So far, as the question of finance is concerned, India must certainly bear the cost of its Army. It is, of course, true that the cost of the Army has risen very considerably. In 1910-11 it was only 29 crores, but it jumped to a maximum of 81½ crores in 1920-21, and, after the recommendations of the Inchcape Committee it came down to 55 crores, and it is about 52 crores at the present time.

Lord Reading: I think the 81 crores included the Afghan War, did it not, and the expeditions into Waziristan?

Sir P. Sethna: If we deduct the cost of the Afghan War the result would be more than 55 crores.

Lord Reading: Yes.

Sir P. Sethna: What I want to point out is that in this Army expenditure is one item of £2 millions paid for capitation charges. India is paying that because statutorily its revenues to-day are under the Secretary of State for India, and the Government of

India have little say in the matter. If the Government of India had self-government, surely they would dispute the payment of this. They have in fact been disputing it for more than twenty years, and no machinery has been found so far to decide whether that charge is correctly levied or otherwise. If we had control of our finances we should certainly dispute the payment of this capitation charge.

Lord Reading: Sir Phiroze, will you tell me this for information, because I do not know. I thought I heard it stated yesterday,—I think it was by Sir B. N. Mitra—that a Committee had been appointed to determine this very old and vexed question about the capitation grant.

Sir Tej Bahadur Sapru: That was stated in the sub-Committee over which Lord Sankey presided about a week ago, but when I was speaking Sir Bhupendra Nath intervened and said that as a matter of fact that question was under consideration.

Lord Reading: I thought it had been settled.

Sir Tej Bahadur Sapru: No, it was under consideration.

Chairman: I think I can go beyond that, because in looking up the details for this sub-Committee when I came to this very question I found that a Committee was appointed for that purpose.

Lord Reading: That is what I thought.

Lord Peel: I hope, Mr. Chairman, we are not going into this question of the capitation grant. It is one of the most complicated, difficult and intricate questions with which I have ever had to deal.

Mr. Jayakar: It is a question of finance which is not the concern of this sub-Committee at all.

Lord Peel: If we are going to go into that I shall require to look up the details. It is a very complicated question and would take a long time to discuss.

Sir Tej Bahadur Sapru: It will be for the Government of India of the future, as of the present, to discuss.

Chairman: I do not know what purpose is served by discussing this now, because this sub-Committee clearly could not deal with it; it comes into the wider and bigger question entirely, and instead of the discussion on it being of help to us I think it may do harm.

Sir P. Sethna: I want to point out that it is the Secretary of State who decides this point at present; although the matter may be referred to a Committee, payment is made, which would not be done, if India had Dominion Status. That is all I want to point out.

Now, Sir, the Skeen Committee made out that in the course of 25 years by its recommendations half the number of officers of the Indian Army would be Indians, but the report of the Skeen Committee is now out of date; with the present ideas in India, we cannot accept that. We would sooner accept the report which has been brought to light by Sir Tej Bahadur Sapru and Sir

Muhammad Shafi, and which they referred to last Wednesday, according to which all the officers in 30 years time would be Indians. That certainly would find favour with Indian opinion.

Now, Sir, you have enquired from the Chair whether we would like recruiting for the officer ranks to be purely Indian in future, or whether some proportion of British officers should still be recruited.

Chairman: Let me correct you there. I did not enquire whether you wanted that; I gave you a broad statement of what Indianisation would mean in a period of time in the first place if all recruitment was Indian and in the second place if a proportion of it was British; but I made no such enquiry as that to which you refer.

Sir P. Sethna: If Britishers are also recruited, it will not be possible to have all the officers Indians within 30 years, but there will not be any necessity for recruiting British officers, because the subalterns who are to-day taken into the Army will take 26 years to become Colonels, so that even if there is no British recruitment from now onwards we shall have British officers in the Indian Army for at least another 26 years.

With regard to obtaining sufficient men, if the recommendations of the Skeen Committee are carried out as to the means to be employed for getting proper material, then I am sure the men will be forthcoming. As the Despatch of the Government of India points out, in 1929, there were more candidates than were required and in 1930 the number was just equal. If proper facilities are given the men will certainly be forthcoming, and therefore I trust that the Government will take steps whereby the ranks of commissioned officers will be filled by Indians as soon as possible.

Dr. Moonje: Having heard all these arguments, I think the practical course would be to take into consideration the scheme information about which was given to us by Sir Muhammad Shafi and Sir Tej Bahadur Sapru on Wednesday, and to put it into practice. I therefore suggest the following formula for adoption by this sub-Committee:—

“All recruitment to the commissioned ranks of the Army, Navy and Air Force be made in India from amongst the Indians, provided that it shall be open to the Government to provide for recruitment in England to fill up such of the vacancies as cannot be filled up in India.”

If a decision of that kind could be arrived at I think the question of the Indianisation of the officer ranks of the Indian Army could be easily settled within the scheme referred to by Sir Tej Bahadur Sapru and by Sir Muhammad Shafi.

Chairman: I will read this proposal again, so that you may have it before you:

“All recruitment to the commissioned ranks of the Army, Navy and Air Force be made in India from amongst the

Indians, provided that it shall be open to the Government to provide for recruitment in England to fill up such of the vacancies as cannot be filled up in India."

That is a general declaration which Dr. Moonje submits for discussion.

Lord Reading: Are we to do that independently of the Commander-in-Chief?

Chairman: We might discuss that.

Sir M. Shafi: Mr. Chairman, so far as I can see only two questions are now before this sub-Committee. One question which was ancillary to the first of these two questions has already been settled, I understand, by the declaration which you, Mr. Chairman, made this morning; that is to say, the establishment of an Indian Sandhurst. We need not discuss that question any further.

Lord Peel: Why not?

Sir M. Shafi: I mean the principle need not be discussed any further, because I understood the Government had made a declaration that an Indian Sandhurst should be created.

Diwan Bahadur Ramachandra Rao: For all arms.

Sir M. Shafi: Certainly, an Indian Sandhurst for all arms.

Lord Peel: I did not know that proposal had been agreed to; I have had no opportunity of saying anything about it.

Chairman: I gather he does not mean that it cannot be discussed; I gather he means he does not want to discuss it himself.

Sir M. Shafi: Exactly. So far as I am concerned, the question of the establishment of an Indian Sandhurst in India is practically concluded as a result of the declaration which has been made.

Chairman: That is, if it is acceptable to the sub-Committee.

Sir M. Shafi: Yes, quite. So far as the first of the two questions that are before us is concerned, namely the Indianisation of the officer ranks of the Indian Army, it is now clear that a scheme was framed, after very careful consideration, by the Army Department of the Government of India during the period when Lord Rawlinson was Commander-in-Chief, and was approved of unanimously by the Government of India and was submitted to the Secretary of State. That scheme resulted in the end in what is known as the Eight Units scheme. Why the scheme then prepared was not placed before the Skeen Committee I for one cannot understand, but that scheme is now before this sub-Committee, and, so far as my friend Sir Tej Bahadur Sapru and I are concerned, we stand by that scheme. So far as the recommendations of the Skeen Committee are concerned—that is to say, that one half of the officer ranks of the Indian Army be Indianised within a period of 25 years—we are not prepared to accept it.

Sir Tej Bahadur Sapru: That is out of date now.

Sir Mr. Shafi: Entirely out of date.

H.H. The Maharaja of Bikaner: To what are you referring?

Sir Tej Bahadur Sapru: To the recommendations of the Skeen Committee.

Sir M. Shafi: Something like eight years has passed since the scheme adopted by the Government of India and sent up to the Secretary of State was produced, in 1922. If the scheme had been sanctioned at that time, by now the Indianisation of the officer ranks of the Indian Army would extend to one-sixth, for, putting aside one year, in seven years according to that scheme one-sixth of the officer ranks of the Indian Army would be Indianised, which means that by this time a great deal would have been accomplished. Nevertheless, even to-day Sir Tej Bahadur Sapru and I are ready to accept that scheme as coming into operation from January 1st, 1932; that is to say, from the commencement of next year.

Sir Tej Bahadur Sapru: I entirely associate myself with Sir Muhammad Shafi.

Sir M. Shafi: And we think this sub-Committee should now adopt that scheme.

Dr. Moonje: Quite right.

Sir M. Shafi: And should pass a resolution in favour of that scheme coming into operation as from January 1st, 1932.

Now, the second question which arises in this connection is the gradual elimination of what is known as the British garrison in India; that is to say, the British Army. As has been pointed out by my friend Sir P. Sethna, if a beginning were to be made towards the reduction of that section of our Army in India and the substitution of Indian troops, there would be a considerable economy in the military expenditure of India. As has been pointed out by Sir P. Sethna, the cost of a British soldier in India—the expenditure on a British soldier in India—is equal to the expenditure on from four to five Indians.

Dr. Moonje: Five.

Sir M. Shafi: It is between four and five, to the best of my recollection. The result of such a partial reduction would be an immediate saving in expenditure.

Sir P. Sethna: Forty lakhs.

Sir M. Shafi: That could be utilised towards the cost of an Indian Sandhurst.

There is also in this connection another report to which I wish to invite the attention of the sub-Committee. As I mentioned the other day, the Government of India appointed a Committee, presided over by Lord Rawlinson, of which both my friend Sir Tej Bahadur Sapru and myself were members, known as the Military Requirements Committee. The report of that Committee, made after a very careful examination of the whole problem, is also of the utmost value in considering the two questions which are now before this sub-Committee.

Dr. Moonje: Did that Committee suggest a reduction of British troops?

Sir M. Shafi: Yes, and in fact to the best of my recollection some reduction was actually made as a result of the recommendation of that Committee. ✓

Lord Reading: My recollection of it was that it was 10,000 troops. ✓

Sir M. Shafi: I only say that to the best of my recollection some reduction was made.

Sir Tej Bahadur Sapru: That is the case.

Sir M. Shafi: My recollection is very distinct, but some reduction of British troops was made as a result of the recommendations of that Committee. I think that that report would also be of the utmost value in regard to this question, and I think it ought to be before this sub-Committee.

I do not think I need take up the time of the sub-Committee any further. It seems to me that the reforms to which we have invited the attention of the sub-Committee are urgent, and there is a consensus of opinion in India—in so far as Indian political circles are concerned—that immediate steps should be taken towards the two goals which I have just indicated.

Lord Reading: I am speaking from memory and I am not at all sure about this, because a good deal has happened since then, but my recollection of the result is that during a period of a year or two years, or something of that kind, there was a reduction of something like 10,000 British troops altogether. That occurred during my time, and it was accepted at that time as a fulfilment of the recommendations made by that Committee. There may, of course, have been changes since, but that was what happened about it. ✓

Sir M. Shafi: I quite agree; that is my recollection.

Sir Tej Bahadur Sapru: That is my recollection also. The question was gone into at great length.

Lord Reading: Yes.

Mr. Jayakar: Do I understand there has been a scheme prepared by the Government of India, with the assistance of the military authorities, for the purpose of gradually replacing British troops by Indian troops?

Sir Tej Bahadur Sapru: That is right.

Sir M. Shafi: That is the case.

Mr. Jayakar: If that is so I submit, Mr. Chairman, that just as you were good enough to give us information about schemes for Indianising the officer ranks of the Indian Army so we ought to have the benefit of this scheme too.

Chairman: I think I had better intervene at this stage, because I am afraid we shall get at cross purposes. Any information which has been mentioned you shall have, if it is available. But

do let me remind you of this. If a Government—any Government, British or other—is responsible for the defence of a country, surely a committee of this kind, no matter how we are composed, cannot for one moment say “This is the measure,” “This is the limitation,” or “This is the maximum.” When we are dealing with defence, I put it to you it is not a matter which you can determine; it is a matter on which those responsible for that defence must, with their advisers, be the sole judge.

Sir M. Shafi: Quite right.

Chairman: As long as that is accepted we can go on with the discussion.

Mr. Jayakar: I do not dispute that principle; all I ask is that as one piece of material before this sub-Committee to help us in our consideration of the question we ought to have the benefit of that scheme. It will not be more than one of the materials before us; that is as far as I go at the present moment.

Chairman: Certainly, as I said, if I can get it; but even then I want to warn you against this. I do not know anything about the scheme you are discussing, so I am speaking without prejudice, but whatever that scheme may have contained then, the circumstances and changes that have been brought about or contemplated by this Conference must be factors that will ultimately determine it, and determine it on its present position and not on what it was then.

Sir Mirza Ismail: I cordially welcome the announcement made by you, Sir, this morning, that the Government have no objection to the establishment of a military training college in India. It only remains now to give effect to that decision; and I share the hope expressed by Sir Tej Bahadur Sapru that prompt action will be taken and that India will have the satisfaction of having a Sandhurst of its own, where training in all branches of the Army—infantry, artillery, cavalry and air force—will be given.

As regards the replacement of British officers by Indians trained in India or in England, I think that complete elimination of the British element in the Army is not desirable, even if practicable. If the British element is considered necessary and desirable for various reasons in what are called security services, it appears to me to be doubly so in the case of the Army. I should fix a given percentage of Indian officers to begin with, that percentage being increased in the light of experience. As regards the substitution of British units by Indian units, this Committee can only express its approval of the general principle that this should be effected in course of time. How that is to be done, and in what period that process should be completed, are matters that can only be settled as far as it is possible to settle them by a special committee appointed for that purpose. The fixing of the number of the Indian officers for appointment in the various branches of the Army, and the increase of that number according to a time-table, may also be left to be determined by that com-

mittee. It seems to me to be quite impossible for this committee to settle such details here.

Lord Reading: Hear, hear.

Sir Akbar Hydari: Sir, I want also to support, in the main, what Sir Mirza Ismail has said, and I want to add one more point, as to why, it will be impossible entirely to eliminate the British element from either the Indian troops or from the whole Army in India, and that is the discharge of its Treaty obligation by the Crown. If the details of those Treaties are looked into with the several States, it will be observed as to where and why and for what reasons a particular element must be British. It is therefore quite necessary that this subject should be left, as regards details and even with regard to even more general principles—certain details which may be involved in general principles—only to a Committee on which all the interests are represented.

Mr. Jinnah: I would apply my observations to the terms of reference before us in the light of the rulings you have given, Sir. Now the first proposition that I want to place before the Committee is this, that we have got now to give our expression of opinion, as far as there is an agreement in this Committee, either unanimous or such agreement that we can get, and the first proposition on which we have to express our opinion is the question of political principles relating to defence.

Now, what is the political principle on which we have to express our opinion with regard to defence? As I understand it, the political principle is that India should be in a position to take over the defence of India as soon as possible. That, I understand, is the political principle. Within what period, by what methods, is a different question, but that is the principle which we have got to bear in mind—that India must, as soon as possible take over the defence. Now, for that purpose we have to consider what scheme shall be adopted to realise that goal. Proposition number 2: that during the transitional period (which is called the strictly constitutional aspect) who should be the authority? That has got to be decided by the Federal Committee. The question of the strictly constitutional aspect of defence during the transition period is really within the purview of the Federal Committee.

Then we have a third proposition, and that is its relation to the Crown, and I put that question to you, Sir. If you look at the minutes, you will find that I said, "Then there is the question of the relations with the Crown. When will that come up?" And you were good enough, Sir to say: "Again I do not dogmatise, but I have thought of it, and I have come to the conclusion in my own mind that they cannot be separated. For instance, when there is a talk of Dominion status you must keep it in mind that there is a form of commission that is essentially a Dominion commission as distinct from the King's Commission. I never disguised from the Imperial Conference that I hated the separation but it is for you to say. Therefore it is involved in the question of a unified system, so that I think for all practi-

cal purposes they should be discussed together. It may be that you would make separate recommendations, and it may be that in a general discussion they may be discussed together."

Therefore that question is also before this Committee, and the question of the reduction of British troops. I do not say for a moment that we are going to sit down here and lay down a definite scheme as to how the number of British troops should be reduced, to what extent it should be reduced, within what period it should be reduced: those are matters of detail which will have to be considered by some other competent authority, but this Committee must express its opinion on principle that as you go on with the Indianisation the British troops must gradually be reduced. That is the principle on which I would ask this Committee to express their own opinion definitely.

Now, having stated these fundamental propositions that are within the purview of the terms of reference of this Committee, let me take up first of all the question of the Indianisation of the officer ranks of what is called the Indian Army proper. Now, Sir, there is a great deal of misunderstanding, if I may say so. I may tell you, and I can tell this Committee straight away, that the Sandhurst Committee Report is a back number. I have no hesitation in saying that to this Committee: it is a back number. It is very unfortunate that the Government of India did not at once accept it wholeheartedly, and try their best in the meantime to give effect to it. But that is a different question. I grant at once that the Sandhurst Committee Report is a back number; but I want the members of this Committee please to read the Sandhurst Report more carefully than it seems some of them had done when they made these observations. I would like you, Sir, to refer to paragraph 1, page 24. Now, the Sandhurst Committee

Lord Peel: You mean the Skeen Committee.

Mr. Jinnah: Yes, it is the same thing. In that Report I want to dispel the impression that is created that only half a cadre was to be Indianised within 25 years. That is not quite correct, and if you will read that paragraph carefully this is what is said in Paragraph 21, page 24, the second paragraph on page 24, and I want specially to draw the attention of the members of this Committee to that paragraph: "By 1944 the senior of the Indian King's Commissioned officers now in the Army will have completed 26 years' service and will therefore be due to be considered for the command of regiments. This is the crucial test, and because of this it has been suggested (in the scheme described in Appendix II) that the number of Indians commissioned should not reach 50 per cent. until this stage is passed." Now, that was the opinion that was expressed by some members. "Our colleagues, the Honourable Sir Phiroze Sethna, Mr. M. A. Jinnah, Diwan Bahadur Ramachandra Rao, Major Zorawar Singh and Major Bala Sahib Dafe, while agreeing to the principles upon which the suggested scheme of Indianisation is founded, consider that the

culminating point of the scheme, that is to say, the Indianisation of 50 per cent. of the cadre of officers in the Indian Army, should be reached at an earlier stage, viz., after 15 years."— I am going to read the whole of it, if you will please allow me, because, with very great respect I am going to explain to you with the utmost patience, and I am not in the habit of losing my patience. If you will only have patience, I know perfectly well what I am saying. I say, therefore, that some of us did not give our assent to 25 years, and now I will read on: "— in the case of Mr. Jinnah, Diwan Bahadur Ramachandra Rao and Major Zorawar Singh and after 20 years in the case of the Honourable Sir Phiroze Sethna and Major Bala Sahib Daffe, and that the intermediate stages subsequent to the establishment of the Indian Sandhurst should be correspondingly accelerated." Therefore our position—the position of some of us— was that after the establishment of an Indian Sandhurst the period should be accelerated to 15 years; at least, that was my position. Then this is the unanimous conclusion we came to: "It is, however, unanimously agreed that, whether the slower or the more rapid rate of progression is ultimately adopted, the scheme actually in operation should be reviewed in 1938, that is to say, 5 years after the inauguration of the Indian Sandhurst, with a view to considering whether the success achieved is not sufficiently solid to warrant a further acceleration at the rate of progress." Therefore the unanimous recommendation is this, that after 10 years the scheme should be reviewed, and we were not committed to a period of 25 years. Therefore it is absolutely wrong to say that the Skeen Committee was unanimously committed to a 25 years period. ✓

Sir Tej Bahadur Sapru: That is not what I said. You are imputing to me a wrong interpretation of the recommendation of the Committee.

Mr. Jinnah: Sir Tej does not appreciate the point yet. What I am saying is this, that it is generally taken by everybody that half the cadre was to be obtained within 25 years without any exception. That is not the position. The position is this, that we give the table, but the table was subject to being accelerated after examination, five years after the Sandhurst was established. Therefore our view was—at least, it was the view of some of us—that it ought to be done within 15 years. ✓

Mr. Jayakar: Half the number.

Mr. Jinnah: Half the number, I agree. I only wanted to clear away that impression—that in no circumstances could it be accelerated—that is all.

Chairman: I am sorry to interrupt you, Mr. Jinnah. What I am trying to get is, what contribution does any of this kind of argument make to this simple practical point? If you agree, as everyone agrees, to the phrase "the Indianisation of the Army", which boiled down means the substitution of Indians for the British,

the factors that govern that are not factors that can be merely set down on paper alone by anybody, not even military authorities. You have the practical application of the number of students, how the machine works, the proportion that turns out fit. For instance, I had a simple illustration, which I will give you. There have been 134 Indians admitted to Sandhurst. 69 are now serving, and for numerous reasons that I need not go into some of the others have dropped by the way, if I may use that phrase; and therefore the point that is bothering me is, what do we gain here by saying that in 25 or 15 or 30 or 40 years this complete thing will happen when there may be a hundred and one factors that cannot be calculated here that may upset the whole scheme on paper? Are we not compelled in the end, as practical people, to say "If we agree to this principle, let us at the earliest possible moment set about the necessary steps to give effect to it"? I do appeal to the Committee, that is how the position appeals to me.

Mr. Jinnah: Sir, what do you suggest?

Chairman: I suggest that if we agree to the principle that we have already indicated—

Mr. Jinnah: What is that principle?

Chairman: The principle is the Indianisation of the Indian Army.

Mr. Jinnah: We have agreed to that for the last quarter of a century.

Chairman: So you have to many other resolutions, which you still move.

Mr. Jinnah: I say I agree to that.

Chairman: So you have to many other resolutions which you still move to-day, and will continue to move, like me.

Mr. Jinnah: Let me understand you perfectly well. I do not wish to take up one single moment of this Committee's time unnecessarily. Let me understand. We are all agreed to the principle of Indianisation.

Chairman: Then shall I summarise what I suggest?

Mr. Jinnah: No, Sir; one by one, because I want to be very definite. My mind is a legal mind. We are agreed to the principle of Indianisation. What next?

Chairman: The next is that we should follow it up by a recommendation that to give effect to this there should be established a Sandhurst in India.

Mr. Jinnah: Agreed.

Chairman: Very well; the Sandhurst in India shall be no barrier and shall not interfere with the present arrangements for students coming to our Sandhurst.

Mr. Jinnah: Agreed.

Chairman: Very well. Then follow it up; we urge as a Committee that the necessary steps shall be taken to give effect to the establishment of a Sandhurst in India.

Mr. Jinnah: Agreed.

Chairman: Very well. If that is so what purpose do we serve by arguing as to what will be the period of training, and so on, in Sandhurst? The experts must work that out.

Mr. Jinnah: We are agreed in principle with the question that the Army should be Indianised. The principle of that has been agreed for a quarter of a century. As to Sandhurst, there was no agreement between the Government and us because the Government have not yet decided whether to establish a Sandhurst or not. If this Committee is going to recommend that a Sandhurst should be established as soon as possible, then we get that question out of our discussion.

Then the next question is how effect is to be given to the rate or the pace of Indianisation. That is a question which must be discussed by this Committee and some principle must be laid down.

I am not talking of whether it should be in 5 years, or 10 years, or 20 years. I quite understand that you may lay down very definite resolutions about periods and that you may not be able to do it. I quite follow that. The question is how is this to be given effect to.

Chairman: I will try and apply myself to answering that question. It is no good me suggesting a mode of procedure unless it is one that is going to carry us to definite conclusions.

Now, my answer to the last question, which is the fundamental one, is that there should be as a consequence or as a net result of any recommendation an expert Committee set up to give immediate effect to this. Now I put it to you that no one round this table—and I am not speaking as a military man at all; but common sense tells that the first thing to do is to secure the site of the building, the number of men you are prepared to train, the accommodation, and all those things. The period is all dependent upon that.

Lord Reading: Yes.

Chairman: Because any period that you lay down must be contingent upon those factors. What I want to see is that practical steps are taken to give effect to it.

Mr. Jinnah: I was in possession of the Committee, and I have not finished yet with you, Sir, or with this Committee. Let me complete what I have to say in this Committee.

If you mean to appoint a special Committee for the purpose of considering the question of the pace of Indianisation and the various questions which you have raised here, if that is the idea, that a special expert Committee should be appointed, are you going to give any guide; are you going to lay down any principles for that Committee, or are you going to give them a blank cheque

and say: "Now, you decide as you think proper." That is the next question which I ask. My experience, Sir, is this; that unless this Committee lays down some definite principles which will guide that Committee to examine the whole situation in the light of those principles which you lay down here it will be futile to have a Committee. What are the principles then? Are you going to lay down here merely a pious expression of opinion that there shall be Indianisation? That policy has been the policy of the Government for a quarter of a century now. You are not doing anything new. If you stop there—if the Committee decides that, of course, I have nothing more to say—it means that you are leaving the whole matter to an expert Commission or an expert Committee to decide as they think proper. I say you must lay down a definite principle as to the pace of Indianisation otherwise it is no use.

Sir M. Shafi: In support of what Mr. Jinnah has said——

Mr. Jinnah: One minute. I want your ruling, Sir. Are we, or are we not, going to lay down some definite formula, some definite principle, which will be guiding principle of reference to that Committee to give effect to it in detail?

Lord Reading: I suggest that is not a matter for ruling. That is a matter for this Committee.

Mr. Jinnah: No, but the Chairman is now asking me what is the good of going into all these matters. I do not wish to go **into any of them if that is the ruling**. If you tell me that this Committee need not bother about it and that there shall be a blank reference, well I have nothing more to say. I say it will not do.

Chairman: Do let me answer your question, because we may as well clear it up at once; we shall get nowhere if we do not. First I answer that it is not a question of ruling, it is a question of this Committee applying itself to the practical problem. I answer you in this way. When I made that declaration this morning in favour of Sandhurst I did not mean it as a pious declaration, and whatever may have been done in the past, we are speaking here as part of a bigger and a wider scheme.

Lord Reading: Hear, hear.

Chairman: Everyone assumes—at least I do, and I speak for myself—that when this Conference finishes it is not finished with words and resolutions, but that practical steps will be taken to dovetail into the whole the general principles. The logic of it all would be this, that if you pass a resolution such as I have indicated of which we are all in favour, Indianisation and a Sandhurst, and so on, that does not mean, and I want to make it perfectly clear, in so far as I am speaking for the Government, that that is not merely a way of shelving it, but equally the Government would be foolish to say that, having agreed to this principle, this scheme must be carried out in X number of years if there are a number of factors which would upset the whole calculation.

Lord Reading: Hear, hear.

Chairman: That is all I am safeguarding against, and I beg to you to believe that the Government means to have Indianisation of the Army, they mean to establish a Sandhurst, and they mean to give effect to it. If there is going to be a Committee there must be Indians on the Committee and there must be practical experts on the Committee.

Mr. Jinnah: I have understood you perfectly well, but there is one very big factor which still you have not appreciated and which I am impressing upon you. I am impressing upon you, Sir, and this Committee that you must lay down some definite expression of opinion as to the pace. Unless you do that I am not prepared to agree to a Committee. That is my point.

Chairman: I understand that.

Mr. Jinnah: You must decide here as to the pace. Then how is it to be given effect to, by what methods, and through what means or instrument is a different question; but I want this Committee to express its opinion as to the pace. As I have said before, the proposition, if you will allow me to say so, is in a nutshell. If we can only get correct information on one point then I think this Committee will be in a position to deal with it, and that is the question of wastage. What is the wastage.

Sardar Ujjal Singh: A figure of 120 has been given.

Mr. Jinnah: I am quite aware of that. We had great difficulty in the past in getting the number of wastage. I venture to say to this Committee that the highest speed that you can reach is as I put to you the other day—we will call it the X number of wastage—the highest speed that you can get to is to say that from 1930, or 1931, or whatever you like, there shall be no British recruitment. That is the highest speed you can get. The utmost that this Committee can recommend is that there shall be no British recruitment in the future. Beyond that speed you cannot go. It is impossible. Very well; now, in order therefore to understand how fast we can go what shall be the rate of our speed? Let us definitely know what is the wastage per year. On this point we had great difficulty in getting the exact number. At one time we were told 180 officially. I want the Committee to follow me in this critically. At one time we were told 180; subsequently we were told 160; that is to say, when we were engaged in our enquiry in Committee, and we ultimately accepted the figure which was given to us officially as 160; and we proceeded on that basis to determine the pace or the rate of acceleration. It is the same question now before you to-day, and to-day I am told the wastage is 120.

Diwan Bahadur Ramachandra Rao: We were told 90 yesterday.

Mr. Jinnah: I think yesterday we were told it was 95.

Diwan Bahadur Ramachandra Rao: I think you, Sir, stated that it was 95.

Mr. Jayakar : In the notes supplied to us overnight it is 120.

Mr. Jinnah : I want, first of all, to get what is the figure of wastage definitely.

Chairman : I am told the information with regard to wastage is in the documents which were supplied to you this morning.

Mr. Jinnah : That is 120.

Chairman : Yes.

Mr. Jinnah : Very well.

Diwan Bahadur Ramachandra Rao : Does it include British officers posted—

Chairman : I will find out. That is the total of the present establishment over the whole of the Indian Army.

Diwan Bahadur Ramachandra Rao : It seems to me that all these difficulties arise because of various calculations. Some are included for some calculations and some are excluded from other calculations.

Mr. Jayakar : In the notes supplied to us last night the total number of officers is 3,141.

Chairman : I am told that that includes all.

Mr. Jinnah : I have not yet finished what I wanted to say.

Diwan Bahadur Ramachandra Rao : I do not think it includes all other arms except cavalry and infantry.

Chairman : I am told the answer is that it includes everyone. I do not know.

Mr. Jinnah : I do not think so. I do not agree with that.

Chairman : This is a challenge on data which has been supplied and we are not going on until it is quite clear. I now put the question to those responsible for supplying this information, are these absolutely accurate facts based upon the whole of the officers in the Indian Army? I am told that those are the estimates we receive of the normal annual wastage on the present establishment of officers of the Indian Army with King's Commissions.

Mr. Jinnah : Of all arms?

Chairman : Yes. We must not doubt the accuracy of that.

Mr. Jinnah : Do I understand—I am very nervous in accepting this figure—now from you that this is the total wastage in the Indian Army proper with regard to all arms. That is what I want to know.

Chairman : The answer to that is Yes, so I am told.

Mr. Jinnah : Very well.

Chairman : Of the Indian Army.

Mr. Jinnah : The Indian Army proper?

Chairman : Yes.

Mr. Jinnah : All the Arms.

Chairman: All officers with the King's Commission in the Indian Army. It is made quite clear; you know what it is.

Mr. Jinnah: I do not want to proceed any further with that matter. I will leave it there. We will take it that 120 is the wastage.

Now I want this Committee to express its opinion, and the opinion I want from this Committee is this. Let us examine, first of all, what is the number of Indians who ought to be recruited per year. We, on this side, hold—at least I hold—that you can get all the 120 if you want them.

Dr. Moonje: Yes, quite right.

Mr. Jinnah: We have ample material. Imagine 320,000,000 people with a history behind them. Does any man of common sense believe that we cannot produce 120 boys per year who will be able to stand the most rigorous and strictest test of efficiency before they are granted King's Commissions? That is question number one. We can give you the whole number straight away. Are you prepared to accept it? If you want to Indianise the Army, if you really are in earnest, if you mean to hand over the defence of India as soon as possible to India, you can do it by saying henceforth the total number of the wastage shall be recruited from amongst the Indians, and that will take you 35 years.

Mr. Jayakar: 26 years.

Dr. Moonje: 30 years.

Mr. Jinnah: It will take 35 years. The last General will remain British. It will take you 35 years if you stop all recruitment to-day. I shall welcome it most wholeheartedly if you can do it in 28 years or 25 years. I am not opposed to that but in order to get that result this Committee must express an opinion that henceforth there shall be no British recruitment.

Dr. Moonje: That is the point.

Mr. Jinnah: That is the point on which I want to focus the attention of this Committee, and I say you must express your opinion on the pace of Indianisation.

Now, Sir, I have got to say this. Another difficulty on which I want an expression of opinion from this Committee is this. We are very often told that it cannot be denied that, at any rate, the defence of India must remain with the British Government, and so long as that is the position the degree of responsibility to be transferred must be limited.

I do not want to go into old history, but the scheme with which we are working now, which provides for 20 each year, means that it will take several centuries, I think, before we have even Indianised the Indian Army proper. Then there is the question, when we have Indianised the Indian Army proper, or are going on with the Indianisation of the Indian Army proper, of the reduction of British troops side by side with that. That again is a question of pace.

As you go on reducing the British troops, it may be necessary for the safety of India, both internal and external, that our standing Army of Indian troops, which is about 170,000 at present, should be increased. If that number has to be increased in order to replace the British troops as their numbers are reduced you will have to get more officers; remember that. Therefore, while you go on Indianising the officer ranks of the Indian Army proper, you may have to provide for an increase of troops as well as for additional officers, and there are some 3,000 odd officers—I am not quite sure of the number—with the British troops.

I say, therefore, that this sub-Committee must express a general opinion on the principle of the gradual reduction of British troops. The proportion of that reduction is a matter to be considered hereafter, but I would ask this sub-Committee to express an opinion on the principle, and to lay down that in our opinion British troops must be gradually reduced and replaced, if necessary by Indian troops.

That is all I have to say with regard to Indianisation. The next question is the question of a separate force, such as is suggested by the Simon Commission and which is referred to in the Despatch of the Government of India. I am opposed to that recommendation of the Simon Commission.

Lord Reading: I did not catch what recommendation you are referring to.

Mr. Jinnah: The recommendation which was referred to by the Chairman in the heads that he gave us.

Lord Reading: For a Dominion Army?

Several Members: For a separate Dominion Army.

Mr. Jinnah: I am opposed to that. I do not want to say anything more on that at the present moment unless I hear someone supporting it, because I do not want to take up your time unnecessarily; but if anyone is going to support it I will give my reply.

The next question before us is that of the Military Council. On that my view is that it will be essential to have a Military Council in India, just as you have here, for your purposes, an Imperial Defence Committee. I should like the Indian Princes and States to be represented on that Council, because it will be a question of All-India defence and the development of All-India defence, and therefore I should like the Indian Princes to be represented on that Council, and I am strongly of opinion that that will be necessary.

While we are thinking of the Indianisation of the Indian Army proper and the replacement of British troops, we shall also have to consider, as the replacement of the British troops takes place, another question, and that is not only to what extent we should increase our standing Army in view of the fact that a reduction of British troops has taken place—we may have to do that, or we may not have to make a proportionate increase—but

✓ we must also consider our second line of defence. Our second line of defence at present is in a very nebulous state. It consists of the Auxiliary Force and the Territorial Force, which are referred to in the note which has been supplied to the members of this sub-Committee. That question requires a great deal of attention in India, and has been given a great deal of attention in other countries situated as India is situated. You cannot bear the burden of a huge standing Army. ✓

In the old days whenever countries were in danger on their land frontiers what happened was that if there was a war two armies fought; the people were really not concerned with it very much. The two forces came into conflict with each other; one defeated the other, and the conquerer became the ruler of the conquered State, but the people went on as before; a man tilling his field suddenly came to know that, instead of A, B was the ruler of the country. He was not very much interested, except that a change of rulers had taken place.

But those days have gone; you cannot possibly now-a-days depend upon a standing Army only; you must also have your national army. That was shown by what happened to you in this country during the war. Your standing army would not have sufficed if you had been entirely dependent on it and had had no material behind it of a national character which could be mobilised; otherwise the position would have been serious.

Raja Sher Muhammad Khan: But there is a Territorial Army in India.

Dr. Moonje: Only in name.

Mr. Jinnah: I wish there was a real Territorial Army in India, because in that case I think we could reduce our standing army very much, and use the money which we are now spending on the army for some urgent national requirements of our country.

Lord Reading: There is a Territorial Force of 20,000, I believe, and an Auxiliary Force of 35,000?

Several Members: Yes.

Raja Sher Muhammad Khan: And a Reserve of 34,000.

Mr. Jinnah: Let me tell you, Lord Reading, that in America there is a Territorial Force of nearly a million.

Lord Reading: They have no standing army.

Mr. Jinnah: They have a standing army of over a lakh in America, and they have what is called a Citizen Army, or second line of defence, which is nearly a million strong. We have the figures and facts, and if you want to verify that, Sir, I would beg of you to look at, and let my colleagues here see, a copy of the report of the sub-Committee of the Skeen Committee, which has been suppressed by the Secretary of State for India, up to now, and then you will get the facts. I am asking for materials, and I do beg of you to induce the Secretary of State for India to release that sub-Committee's Report. ✓

Mr. Jayakar: I should like to know a little more of what Mr. Jinnah is saying. What is this sub-Committee's Report?

Mr. Jinnah: The sub-Committee which was appointed by the Skeen Committee to come to England, France, America and Canada, collect materials of the various systems that prevailed in these four countries, and we spent something over 3½ months in travelling round collecting those materials, and those materials will give you all the information as to what is happening to other countries like ours, such as America.

Chairman: But surely it does not help us. What is the hostile land frontier to America? I am not a military expert, but I know America. What is the hostile land frontier to America?

Mr. Jinnah: I was not saying that.

Chairman: Well, America was quoted.

Mr. Jayakar: My question to Mr. Jinnah was, I want to know the details of this Report, Sir.

Sir Phiroze Sethna: Ask the Government to give members a copy of that Report.

Sir Muhammad Shafi: Seeing that the land frontiers of India are much larger than the land frontiers of any other country, it follows that there should be a larger second line of defence in India than in those other countries.

Mr. Jayakar: My question to Jinnah was, I want to know the details of this sub-Committee's Report.

Mr. Jinnah: I say that the sub-Committee has made a Report giving you the various facts and figures with regard to the position of these four countries—France, England, Canada and America—giving you all the materials, and those materials, I say, if they were placed before you would give you a great deal of information which would enable you really to understand the whole problem—with regard to the second line of defence, I am talking.

Now, with reference to your remark, Mr. Chairman, I am very much obliged to you for saying that as far as you are aware America is not threatened with land frontiers. I agree with you; and yet America has a standing Army of nearly a lakh.

Chairman: That is to deal with boot-leggers.

Mr. Jinnah: Well, whether you have boot-leggers within your jurisdiction or whether you have boot-leggers on the frontier, these armaments are necessary. The question is where they are. Therefore I say that you will never get—let me tell you, you will never get—a reduction of military expenditure in India of any appreciable degree until you build up a real second line of defence. All countries placed as India is placed have got to do that.

Now, Sir, I have done with that question, and I conclude by saying this—that this Committee really must, if you are going to contribute anything useful to the question of the political principle of defence, if you are going to make any contribution,

you must make definite recommendations. That is all that I have to say.

Sir Muhammad Shafi: There is one matter which I think requires a little further elucidation, if I may be permitted just to invite the attention of the Committee to it. The paper with which we have been supplied this morning shows that the scheme adopted unanimously by the Government of India in 1922 contemplated complete Indianisation of the officer ranks of the Indian Army in 30 years, and if you turn to Appendix I to that Report you will find that according to that Report the number of commissions granted during each period is given in that Appendix. During the first 14 years, according to that scheme, the number to be granted annually averaged 81.4, the number to be granted during the second period averaged annually 182, and the number to be granted during the third period averaged annually 227—on an increasing scale—and having provided for this average grant of commissions at a certain rate during each of the three periods, the scheme contemplated complete Indianisation within 30 years. On the other hand, the Skeen Committee, you will remember, consisted originally of 14 members. Of these 14 members, Pandit Motilal Nehru resigned, and there remained 13 members. Of these 13 members a majority—that is to say, eight members—approved of the Skeen Committee's scheme which would Indianise 50 per cent. of the officer ranks of the Indian Army in 25 years. Three, including Mr. Jinnah, voted for 15 years, and two for 20 years. It is clear, therefore, that the majority report of the Skeen Committee contemplated Indianisation of one half—that is to say, 50 per cent. of the officer ranks of the Indian Army—in 25 years. That is what I meant when I said that neither Sir Tej Bahadur Sapru nor I, who were party to the Government of India scheme of 1922, are prepared to accept the Skeen Committee's Report. We stand by the original schemes of the Government of India adopted in 1922, and we ask that this Committee should lay down as a political principle regarding Indianisation that the officer ranks of the Indian Army should be completely Indianised within a period of 30 years commencing on the 1st January, 1932.

Lord Reading: Are we to lay that down without consideration of what the head of the Army considers possible? Is it contemplated that we should lay that down as a fixed principle without regard to the Commander-in-Chief or the expert authorities in India or the Government of India?

Sir Muhammad Shafi: May I point out, Lord Reading, that the scheme adopted by the Government of India in 1922 was adopted with the unanimous consent of the Commander-in-Chief, the then Viceroy and the members of the Cabinet, all after having fully considered it in all its aspects and upon the basis of the recommendations made by the Army Department of the Government of India. There is no reason to think that the conditions which existed in 1922 have undergone such a material change that the same principle cannot be adopted now.

Lord Reading: Was this approved by military experts?

Sir Tej Bahadur Sapru: Yes, by the highest military officer at that time in India.

Sardar Ujjal Singh: I should like to make a few remarks on this matter after the long speech to which we have listened from Mr. Jinnah. I do not wish to say very much on the points which have been already covered. I doubt very much whether any one disputes the capacity of Indians to hold high rank in the Indian Army. I do not want to say anything on that, nor do I want to say anything about any differentiation being made between man and man or between various classes. What is required is to have the best material for the higher ranks in the Indian Army by open competition. There should be a fair field and no favour.

I should like to say that I welcome your declaration, Sir, on behalf of the Government, and I believe that it will be received in India with a great sigh of relief. The establishment of an Indian Sandhurst immediately as soon as conditions permit will certainly be welcomed, but it does not carry the matter any further than what has been recommended in the Sandhurst Committee report. Unless you back up that declaration by a certain declaration of policy with regard to the pace of Indianisation I do not believe that it would create very great enthusiasm. As many of the speakers have already pointed out, the Sandhurst Committee report is already a back number. I think with regard to the establishment of a Sandhurst that you must lay down some definite principle because you will have to determine the capacity of the Sandhurst to be established. The Sandhurst Committee drew up a scheme, and according to that scheme they contemplated the establishment of a Sandhurst in India in 1933 with a capacity of 100 Cadets only. 33 Cadets were to be admitted every year. In that case the pace of Indianisation would be that in 1952 we would have only 50 per cent. of Indians in the higher ranks. That, you know, Sir, is not going to satisfy India now; and if you are going to satisfy Indian public opinion you must lay down some principles, and express some opinions, about the pace of Indianisation, and then leave the details to be worked out by the expert Committee. As has been mentioned, one scheme was drawn up as far back as 1922 for the Indianisation of the higher ranks in 30 years. If that could be true in 1922 it could certainly be true now. If you could draw up a programme of Indianisation in 30 years that might satisfy public opinion. From that point of view, from 1922 we have taken 38 years and not 30 years as was contemplated then. Without determining, or without laying down some principle with regard to the pace of Indianisation, the simple announcement of the establishment of an Indian Sandhurst would not carry us any further.

Then, Sir, with regard to the reduction of British troops in India. Opinion in India is certainly growing strong with regard to the reduction of British troops. Many of us here remember that previous to the Indian Mutiny the strength of the British

troops was very small. I have some figures but I do not know whether they are quite accurate.

Diwan Bahadur Ramachandra Rao: The number was 28,000.

Sardar Ujjal Singh: The strength of the British troops was 28,000.

Lord Reading: Of what date are you speaking?

Sardar Ujjal Singh: Previous to the Indian Mutiny in 1857. Of course it was after the Mutiny that the strength of the British troops was raised, and now it stands at about 60,000. When you compare the cost of British troops before the War and what it is now, all of us will realise what it means to India to reduce the number of British troops in India. Previous to the War one British soldier cost 1,000 rupees, but at present he costs 2,500 rupees, as against 650 rupees for the cost of an Indian soldier. Now, Sir, if a reduction in the number of British troops is gradually carried out of course with due regard to efficiency in the Army, with due regard to the safety of the country, and with due regard to other interests which have been pointed out already, we must lay down a principle here which has not been laid down before that there is a necessity for the reduction of British troops now, because a Federal Government having been established that suspicion is bound to be removed and the necessity for British troops which are kept there with the object of preserving internal peace, or for Imperial purposes, will certainly be curtailed.

With regard to other matters which have been mentioned by Mr. Jinnah, such as the relationship with the Crown, I should not like to say anything; but I do want to mention these two points particularly, the pace of Indianisation in the higher ranks of the Indian Army and the reduction of British troops. I think some general principle and an expression of opinion must be laid down by this Committee and the details should be worked out by an expert Committee to be set up afterwards.

H.H. The Maharaja of Alwar: I should like to ask a question of this Committee. I hope the splendid scheme of a Sandhurst College or school in India will be open to the Indian States also.

Chairman: The one thing that we want to avoid is segregation, and I have no hesitation in saying that the answer to His Highness' question is "Yes, certainly."

H.H. The Maharaja of Bikaner: The Sandhurst will be open to officers of the Indian State Forces as well as to our subjects?

Chairman: Certainly.

Diwan Bahadur Ramachanda Rao: With regard to the Indian Sandhurst Committee, a circular was sent round to all the Indian States asking them to inform the Committee as to what their requirements would be and whether they would be willing to have their officers trained at the Sandhurst which they proposed. Most of the States replied that they would be willing to take advantage of the Sandhurst when it was established.

Chairman: So that for all practical purposes we are discussing Sandhurst in relation to the whole.

Diwan Bahadar Ramachandra Rao: And the scheme provided for a certain number of candidates from the Indian States.

Chairman: At what time would you like to reassemble.

H.H. The Maharaja of Bikaner: We are seeing the Prime Minister at 3 o'clock this afternoon, so I am afraid we should not be able to be present if you recommence at that hour.

Mr. Jinnah: May I point out to His Highness The Maharaja of Bikaner that paragraph 48 of the Skeen Committee's Report says this, "It seems probable that a number of the Indian States would be glad to avail themselves of the benefits of the training available in the Indian Military College, if one is established, for the purpose of giving higher training to some of the officers of their State Forces. We believe that the participation of the Indian States in the College would be an advantage to India as a whole, as tending to increase the efficiency of the Indian State Forces, and we recommend that a certain number of vacancies be reserved for Indian States at the College over and above the number of vacancies available for candidates who seek Commissions in the Regular Indian Army."

Sir Akbar Hydari: It is only for the officers of the Indian State Forces.

Mr. Jinnah: They will be eligible for admission.

Chairman: To go back for a moment to the question of our next meeting, I understand the Princes cannot be here this afternoon.

H.H. The Maharaja of Bikaner: All the Princes have to see the Prime Minister this afternoon about their own matters.

Chairman: To-morrow morning we cannot meet because the funeral of the King's sister will take place.

Sir Abdul Qaiyum: I have a suggestion to make. I think the Indian Sandhurst should be open to British lads too.

Sardar Ujjal Singh: Yes.

Sir Abdul Qaiyum: We should encourage English lads from England to come, if they would care to come to the Indian Sandhurst.

Colonel Haksar: I quite agree.

Chairman: I do not know if it meets your wishes, but it may save discussion if in the interval I try and summarise the position in some broad general resolutions. That will enable you to have some material before you.

(The sub-Committee adjourned at 1-5 p.m.)

PROCEEDINGS OF THE THIRD MEETING OF SUB-COMMITTEE NO. VII
(DEFENCE) HELD ON 12TH JANUARY, 1931.

Chairman: You will remember, Gentlemen, that when we adjourned on the last occasion I said I would endeavour in the

interval to try and focus the discussion on certain definite resolutions. I think I am interpreting everyone's views when I say that to attempt to set up a definite scheme or a time table in a Committee of this kind and on such a question as we are discussing is next to impossible.

Lord Reading: Hear, hear.

Chairman: I think more harm would be done than good in attempting to do any such thing; but, on the other hand, there are certain definite principles on which there appears to be unanimity existing in the Committee, and instead of a long debate again over the whole subject, I have drafted a few resolutions as I so interpret your feelings which may be the basis of discussion.

I have arranged for copies to be circulated. I will now read them:

"(1) The sub-Committee consider that with the development of the new political structure in India, the defence of India must to an increasing extent be the concern of the Indian people, and not of the British Government alone." That is a first broad general declaration.

Then "(2) In order to give practical effect to this principle, they recommend:

(a) That immediate steps be taken to increase the rate of Indianisation in the Indian Army to make it commensurate with the main object in view, having regard to all relevant considerations such as the maintenance of the requisite standard of efficiency."

Now, that is the first statement following that declaration.

"(b) That in order to give effect to (a), a training college in India be established at the earliest possible moment in order to train candidates for Commissions in all arms of the Indian Defence Services. This College would also train prospective officers of the Indian State Forces. Indian cadets should, however, continue to be eligible for admission as at present to Sandhurst, Woolwich and Cranwell."

That is to give effect to the declaration which I made on Friday.

"(c) That in order to avoid delay the Government of India be instructed to set up a Committee of Experts, both British and Indian, to work out the details of the establishment of such a College.

(3) The Committee also recognise the great importance attached by Indian thought to the reduction of the number of British troops in India to the lowest possible figure and consider that the question should form the subject of early expert investigation."

On that you will also remember I intimated there was a Committee to consider that, and the idea is that that Committee's job

should start immediately our work has finished. Now that document will be circulated. You will see it gives a broad general effect to the discussion as it took place on Friday.

Lord Peel: Do you propose that the discussion now as it were, should start afresh on the basis of this paper which you have laid before us, and rather wipe out, as it were, what was said on the last occasion?

Chairman: Let me put it in this way. I hope there will not be too much discussion; I hope we shall apply ourselves to seeing how far these, what I call for short, resolutions meet the general views of the Committee.

Lord Peel: I see.

Sir Samuel Hoare: Your idea, Mr. Chairman, would be supposing there was agreement upon these resolutions that this would be the report of the Committee?

Chairman: That is so.

Sir Samuel Hoare: I see.

Sir M. Shaft: I take it the object is to focus the discussion on these propositions?

Chairman: Certainly.

Lord Reading: Mr. Chairman, you have by the step you have taken given effect to the propositions that I was about to make which would not have been so well-expressed or so carefully thought out, but which would have followed along the same lines, because I was very anxious that we should not as a Committee attempt to lay down principles which would fetter in any way the judgment or the discretion of the military authorities and the Government of India when they came to consider these matters; because frankly it seems to me impossible for us, although we have some distinguished military officers amongst us, and amongst them several of Their Highnesses and others who are here present now whom I need not name, we cannot consider ourselves an expert Committee, and it would be most dangerous for us to lay down any principle, as it seems to me, stating any rate of Indianisation or anything of a precise character of that kind which would or might embarrass those who will have to deal with this subject. You have dealt with it, Mr. Chairman, in a manner that seems to me to satisfy certainly my views, and so far as I can gather, the views of the majority of the Committee. You do affirm that the rate of Indianisation is to be increased, but it must be having regard to all relevant considerations. I quite accept that.

With regard to the Indian Sandhurst, which is in (b) and (c), I do not desire to say anything. I raise no objection to that. The Committee known as the Skeen Committee was appointed by me. It reported after my time, and has been dealt with. Some of its recommendations have been made effective; others, and especially this one, have not yet been accepted by the Government. I quite agree that this is a matter which should receive early attention.

It can be dealt with, I suppose, now by a Committee if it is set up at once which will have to examine it. It has to be borne in mind when the new Government comes into operation that it will have to bear the burden of responsibility for these various matters, and before anything is done one would think that they must be the authority to give the instructions and to come to conclusions in consultation no doubt with the military authorities here and the Viceroy who is in charge of the reserved subjects; but there can be no objection to the setting up of the Committee so that there may be no time lost in examining this whole question; and that it is necessary to have an examination is made very plain by the discussions which have taken place here. I think Sir M. Shafi and also I think Sardar Sahib Ujjal Singh, and I am not sure there were not others, who said that the Skeen Committee's Report is dead; it is out of date. It is true they only say that with reference to the part which deals with the Indianisation of officers, but it serves to illustrate the point I want to make with regard to it, that these Reports very soon become out of date. You cannot help it. The 1922 Committee's Report which is before us and which is preferred by most of those who spoke, including Sir M. Shafi, because it proposed a much more rapid Indianisation than the second Report—the Skeen Report is dead and you go back to 1922.

Sir M. Shafi: Perhaps Your Lordship means a comparatively rapid Indianisation; not much more rapid.

Lord Reading: It seemed to me from what was said much more rapid. It does not matter about the term; it is preferred because it is more rapid. Well that is the 1922 Committee's Report which is even older than the Skeen Committee's Report. I do not suppose anyone would say that you could take those recommendations and accept them without further consideration. I would point out also that there have been a good many changes made since 1922 when the matter was examined with very great care at the time. The whole question was considered, as I have said, in all detail, and I think the one thing at any rate that stands out very clearly in my mind is that this is a subject which no human being, and particularly an Indian who is interested in the defence of India, would ever venture to pronounce a hasty opinion upon. Everyone must assume certainly who is familiar with that Report that the whole question requires most careful examination. I say no more about it; I am content to leave it in that way.

The only other matter with which I want to deal is one which I confess has rather troubled me in the discussions in this Committee, and that is No. (3). Of course I bow to your ruling, Sir, which permits of some, although very limited, discussion with regard to the reduction of British troops. It had never occurred to me when we were talking of Indianisation that we were speaking also of a reduction of British troops. In my time, at any rate, and as I have understood the nomenclature, the debate on Indianisation has always referred to the Indianisation of officers, the question of the substitution of Indian officers for British; it has always been

discussed under the term of "reduction of British troops." I cannot dwell upon that or make more of it, because you have said, Mr. Chairman, that to some extent it is open. All I wish to say with regard to it is that I would hesitate very much indeed to express any opinion with regard to the number of British troops without—

Sir Samuel Hoare: This does not express an opinion.

Lord Peel: It leaves it quite open.

Lord Reading: That seems to emphasise the wisdom of what I am saying, that I would hesitate to express any opinion. All I am saying is that I would hesitate to express any opinion for that reason, and probably no doubt if this is adopted you must remember it is a proposal. It is, "The Committee also recognise the great importance attached by Indian thought to the reduction of the number of British troops in India to the lowest possible figure and consider that the question should form the subject of early expert investigation. Now, that is a proposal. If it is accepted there is nothing more to be said with regard to it. It may make it easier; but as far as I am concerned I want to say this. I think one has to be very careful about it. When you speak of reducing the number of British troops in India to the lowest possible figure, that, I presume, means consistent with the obligations which Britain has undertaken and consistent with the work which the Army has to perform, and also bearing in mind the required efficiency of the troops and especially the numbers that are to be employed if the Army consists only of the number of troops that we have at present. I have in mind particularly in this connection one matter, I have no doubt there are others, which probably Sir Akbar Hydari would be more familiar with than I am, as I am only speaking from a recollection of the time when I was there, under which the British Government is under obligation to keep British troops, or to keep Indian troops with British officers, and in that connection the obligations could not be performed unless you maintained to some extent, at any rate, these troops and British officers. All I wish to say with regard to this, having gone through this question with very great care at one time, when after a great deal of pressure, and legitimate pressure, especially based on the desire for economy in the Committee's Report of 1922 we reduced the number of British troops by something like 15 per cent., that is by about 10,000. That was done only a few years ago. For my part I hesitate very much to express any opinion that a reduction of British troops is desirable at this moment or that it can be achieved. I should not like to say, and I do not want to be committed to any observation of that character, although I quite agree that the Committee is entitled to form the view that as soon as you can consistent with safety and efficiency and all relevant considerations reduce the number of British troops because the cost is much cheaper. It is between four and five times cheaper to have Indian troops than British. But you must not do that until it is safe to do it. I should be very surprised if you could do it to any extent at the present moment, bearing in mind all the considerations that you

must take into account for the defence of India and all possible contingencies. For my part, as I have said, I should hesitate at this moment to give a vote in favour of the reduction of (1). I should like to be satisfied. I hope I am right in thinking that everyone here would take that view. That is all I wish to say with regard to that matter. I do hope that we shall not in the debate get any further than that in considering this question of the reduction of troops.

Sir M. Shaft: Lord Reading has expressed his opinion which of course, coming as it does from him, must carry weight and receive careful consideration with regard to the second and third propositions, which you, Sir, have formulated on this paper. May I venture to ask him what is his opinion as to the principle laid down in paragraph 1? He has not said anything with regard to that. Before any of us express our opinions I should like to know whether His Lordship accepts the principle laid down in paragraph 1.

Lord Reading: Yes, certainly; that is why I did not criticise it.

Sir M. Shaft: If that is so, then bearing the principle laid down in paragraph 1 in mind it seems to me that that necessarily leads to two things.

Firstly, with regard to what is called the Indian Army proper—that is to say, the Indian section of the Army in India—it leads to the Indianisation of the officer ranks of that section of the Army. In the second place, the principle noted in paragraph (1) also leads to this, that the British garrison in India—that is to say, the British Army—should be gradually eliminated, being substituted by Indian regiments to the extent that may be necessary.

Lord Reading: Why do you say that, Sir Muhammad?

Sir M. Shaft: Because of the principle laid down in paragraph (1).

Lord Reading: I do not agree.

Sir M. Shaft: It lays down that “The defence of India must to an increasing extent be the concern of the Indian people.” That necessarily, I venture to submit, leads to those two results.

Lord Reading: If you will allow me to say so, Sir Muhammad, I should like to point out that that is not quite right, for what you have referred to is not the whole of it; it goes on to say “and not of the British Government alone.” If your question to me had been whether I said the defence of India must be the concern of the Indian people, I should have said I did not agree; but when you add “and not of the British Government alone,” then I do agree.

Sir M. Shaft: I quite agree, but the point is this: At present the defence of India is the business of the British Government alone; at present the Indian people do not come into the picture constitutionally so far as the defence of India is concerned. Therefore, if the people of India are to have an increasing share in the defence

of their own country, I venture to submit that two results which I have submitted to you necessarily follow. In the first place there must be the Indianisation of the officer ranks of the Indian Army; and secondly there must be the gradual elimination of the British garrison and the gradual substitution for it of Indians for the purposes of the defence of India. I do not say, of course, that there should be any large elimination of or decrease in the British garrison; I do not say that at all. Lord Reading said that after very careful consideration in 1922 certain conclusions were arrived at, including the reduction of the British garrison. I forget now what was the actual percentage proposed.

Lord Reading: Roughly ten thousand out of seventy thousand.

Sir M. Shafi: I entirely agree that the scheme which was framed in 1922 and the conclusions which were arrived at in 1922 were the result of very careful consideration, and in that lies the value of the conclusions then arrived at; that is the reason why I said that that scheme—having been very carefully considered and revised and, after revision, adopted unanimously by the Government of India, including Lord Reading, the late Lord Rawlinson, and all the members of the Executive Council—is a scheme which is worthy of the serious consideration of this sub-Committee.

I do not say that in every detail that scheme must necessarily be adhered to; all I say is this, that the period of Indianisation which was computed at that time is a period which should be borne in mind by this sub-Committee—within thirty years. I venture to think that the opinion then arrived at holds good even now: I see no material change in the conditions in which those conclusions were arrived at. On the contrary, having been myself one of the representatives of India in the Imperial Conference this year, and knowing what is going on at Geneva and what steps the British Government is taking in order to bring about an agreement between all the great Powers with regard to the reduction of armaments and with regard to arbitration being adopted as the means of settling International disputes, and so on, I say that to my mind there is some prospect of a change for the better coming in the near future, though I do not say there is a change for the better to-day. That being so, it seems to me that the scheme prepared in 1922 is worthy of the consideration of this sub-Committee.

What I say is this. The three principles laid down by the Chairman in the paper that has been placed before us *prima facie* appear to me to conform to the principles which are worthy of adoption by this sub-Committee; and, if you adopt the first principle, the second and third seem to me to be the necessary consequences of the first.

Chairman: Before I call on His Highness of Alwar, I want to make one observation which I feel you must all keep in mind. If this conference to-day were composed of representatives of South Africa, Canada, and New Zealand, all enjoying what is called Dominion Status and so on, I want to remind you that by their own

action, claiming as they do to be equal co-partners with this country, the question of the defence of the Empire is not a matter for them. They themselves by their own act—and I hope it will never be departed from—are subject to a body called the Committee of Imperial Defence. Therefore, in view of the fact that you are not discussing law and order but are discussing defence, you must always have at the back of your mind that any scheme, no matter who submits it, whether it be one government or another, must by the very nature of things be subject to the Committee of Imperial Defence, because after all they are the responsible body for the Defence of the Empire as a whole. I make that observation because that must be a governing factor, and I do not want anybody to feel that there is something special for India about this. It is not something that is special to India; it is common to the Empire as a whole.

Sir Tej Bahadur Sapru: Would Your Lordship, consistently with the principles enunciated in these resolutions, recommend the Expert Committee to be appointed to treat the reports of the Committees appointed during your Viceroyalty in India, and also the report of the Sken Committee, as the basis of their consideration and discussion?

Lord Reading: I should not like to say as a basis. I think they should have those reports before them and consider them. It is too much to say they should regard them as a basis, but I certainly agree that they should have those reports before them and that they should consider them.

H.H. The Maharaja of Alwar: On my own behalf, Sir, I should like sincerely to congratulate you on the brevity of the report which you have put before us, and when I read the various paragraphs in it, firstly saying that the defence of India must to an increasing extent be the concern of the Indian people, secondly that immediate steps be taken to increase the rate of Indianisation commensurate with the main object in view, thirdly that a training college in India should be established at the earliest possible moment, fourthly that the Government of India be instructed to set up a Committee of Experts, both British and Indian, to work out the details of the establishment of such a college, and, fifthly, that this Committee also recognises the importance of the reduction in the number of British troops in India to the lowest possible figure, and considers that the question should form the subject of early expert investigation, speaking for myself I doubt very much if Indians could have drafted a report more suitable to themselves, and I cordially support every word that you have said there. I congratulate you not only on the brevity of this report but on the material that it contains.

No doubt a great deal will depend on the two Expert Committees which will work out the details, and I can only express the hope, in concluding my extremely brief speech, that those committees, when they come to work out the details in accordance with the instructions given to them, will be equally generous in their sentiments and in the working out of the details, as generous as

you, Sir, have been in drawing up the report of the sub-Committee, which I cordially support. I hope my colleagues will do you the justice, after expressing their individual opinions, of helping you in the same direction.

Sir Akbar Hydari: I want to suggest that an additional paragraph be added in the following terms: "The Committee also recognise that no action should be taken so as to prejudice in any way the power of the Crown to fulfil the military obligations undertaken by it in any Treaty it may have entered into within any particular Indian State." All this will have to be borne in mind. As I have repeatedly said here and elsewhere, we are definitely of opinion that the obligation of the Crown to discharge certain obligations towards the Indian States must emphatically remain within the Province of the Crown and be unaffected by any action that may be taken, unless and until the Crown assures that State that its Treaty obligation will not be thereby affected.

Chairman: I will have a copy of that resolution, but I should like to make it clear that, whether any such resolution as that indicated by you is submitted or not, neither this sub-Committee nor any other Committee can in any way abrogate Treaty obligations that are in operation. I have always acted under the assumption—and I am sure everyone else has—that that stands beyond question, so that if any such declaration as that meets your point you have it from me, and I am sure it must be the clear intention of any committee.

Sir Akbar Hydari: It may be a declaration by you, but as this will go out as the report of the sub-Committee it would be desirable to have the report in that form.

Chairman: Please let me have a copy of that.

Lord Peel: I shall try to emulate the admirable example of His Highness, who has just spoken, as regards brevity, but I should like first of all to quote a sentence from the Skeen Report which seems to me very pertinent and which expresses in many ways my general point of view. I am quoting the words of Sir P. Pattani, who says here that he is not approaching the question "from the point of view of Indianisation against Europeanisation. I am only treating it", he says, "as an Imperial question. It is in the interests of the Empire itself that every component part, every limb of the Empire, should be equally strong, so that no weak link or organ, no weak part of the body, should be so weak as to hamper the whole of the body in the event of a great danger." I think that is admirably expressed, if I may say so, by Sir P. Pattani.

I can say very briefly all I want to say on these proposals. I have always held that India, as she advances towards responsible government, must necessarily take the obligations upon her which that great position involves, and therefore that she must take an increasing part in her own defence. I agree with that proposition, and I also agree that—subject of course to the necessary requirements of efficiency—that rate should be increased.

Perhaps I may be allowed to say that, as I think Lord Reading will well remember, I was responsible over here for carrying through the proposals for the Indianisation of the Eight Units. I am quite aware that subsequently those proposals have been considered to be inadequate, but at the same time they were an extremely important commencement, and I think they have had very valuable results.

Then as regards the training college to be set up in India, I quite agree that that college should be set up, and I also agree that that should be coincident with young men also coming over for training at Sandhurst; I lay great stress on that point. Quite apart from the fact that Indian parents may often be unwilling to send their sons over here for training, I think this proposal would enable you to tap a very valuable section of the youth of India—that is to say young men who, whatever the grants may have been at Sandhurst, might consider it rather a heavy responsibility to come over here. A great many sons of families who are most competent to take part in the defence of their country will have an opportunity of getting that training in India itself. I should like to add that they will come over here to be attached to a regiment as well.

I am therefore in general agreement with those proposals, and I think (c) follows from them, so I need say no further word on that point.

I should add in parenthesis that I am only dealing with the question of the Army, because my friend Sir Samuel Hoare, who is an expert on Air matters and who flies a great deal more than I do, will say a few words on that side of the subject.

With regard to the very important question of the reduction of British troops in India, of course the question of the expense of British troops in India has been brought before me constantly, and of course the question has been raised that more are kept as an Imperial Reserve than might otherwise have been kept. I am extremely glad, Mr. Chairman, that you have advised that this sub-Committee should not itself go into the question of what reduction, if any, should be made, whether by way of reduction or substitution, at the present time, because I do not think we are really constituted for that and it is a most difficult and complicated question and one which involves a great many problems of defence which it is quite impossible to state in open committee. It involves all sorts of questions, possibly affecting other countries—questions of mobilisation, questions of support, questions of assistance elsewhere and so on—which it would be extraordinarily undesirable to state publicly.

I also recollect very vividly the fact to which Lord Reading has already referred of the reductions in 1922 as a result of the advice given by the Committee over which Lord Inchcape presided.

I should like to point out with regard to that that India at that time, was in a very difficult financial position, and that financial questions pressed very hard upon us when we arrived at those decisions; but I should like further to say—because I think it is

worth saying—that that subject of the reduction of the British Army by that number of troops was examined after many many days most carefully in the Committee of Imperial Defence. I sat upon it for many days on that subject; it was thoroughly canvassed, and all the great military and air experts and the best military intelligence were brought to bear upon it, and the best military advice, and not only that, but advice of other kinds, from the Foreign Office and other quarters. Therefore, I think, Mr. Chairman, that you are extremely wise in saying that this subject should be the subject of expert investigation. I am not going to say now, of course, what should be the direction to that Committee; that will be considered later; but I feel—and Lord Reading has alluded to some aspects of this matter, that really the question of the reduction of the British Army in India rests upon so many wide considerations that I hope the reference to that Committee will be a wide one, and that they will be able to take into consideration a great many other matters which, as I say, cannot be discussed here publicly but will be thoroughly thrashed out in that Committee. That Mr. Chairman, I think, on those matters, is all I have to say. There are many things that I would have said about the Indianisation of the Army, but I think it becomes unnecessary to say them owing to the decisions at which you have arrived. Generally speaking, I think I should welcome these investigations, because I am not afraid of any investigation of that sort. I think the whole matter can very fairly be looked into, and I do not think there is any objection to it.

Sir Muhammad Shaft: Is it not an accepted theory, both in England and in India—in fact, in all civilised countries—that the greater mechanisation of the Army must necessarily result in the numbers of troops actually employed being decreased?

Chairman: Well, if you put it this way, that if I were going out in the dark would I prefer to have two chaps with me with sticks, I would prefer a revolver myself; but that does not prove anything, except my wisdom.

Lord Peel: That is no doubt a better answer than I could have given, I will only just remind Sir Muhammad of this, that the process of transition to mechanisation is an extremely expensive one, and a great deal of experiment and a great deal of work has got to be done before you settle on the exact form of mechanisation which it is prudent and wise to adopt.

Sir Samuel Hoare: Mr. Chairman, I have only one or two very short sentences to add to what Lord Peel has said, but I was a member of the Committee of Imperial Defence for seven years, which is a long time, and I was head of the Air Force for seven years, which is also a long time for a connection with a Service Department. That experience leads me to say two things. I would say first of all to my friends from India, whatever you do in this matter of Indianisation, keep the Army free of politics. I agree with you that we should proceed with the Indianisation upon the

general lines set out in the first of these resolutions, but I do say, and say it most sincerely, having had a unique experience, perhaps, in starting what was a new fighting service for peace-time purposes—because you will remember that the Air Force was only created during the war, and that in the years immediately after the war, when I was at the Air Ministry we had to build from the very beginning—whatever you do, do keep these Army questions as free as you can from politics. If you once let politics influence you in dealing with such a question as Indianisation I am very much afraid that you will do irreparable damage to what is really one of the most sensitive of all machines—namely, a fighting machine that depends above all things upon *esprit de corps* and a feeling of mutual trust between officers and men in the various units. That is my first word, I will not say of warning, but word of advice to you. I would say, secondly, that when you come to start your Indian Sandhurst, keep up above all things the efficiency of the training. I should be very sorry to see a lower standard adopted for the training of officers in the Indian Sandhurst than the standard adopted in the British Sandhurst.

Dr. Moonje: We shall have the same standard of efficiency.

Sir Samuel Hoare: I am delighted to hear Dr. Moonje say that. You will pardon me, I am sure, for making these observations, because I had a unique experience of these questions after the war, and it is particularly necessary in connection with the arm with which I was connected—namely the Air Force. It is very wrong to assume that you can train a pilot in a few weeks or a few months, and make him an efficient Air Force officer. It needs a highly specialised training, and I believe that when you come to go into the details you will find it practically very difficult to add to your Indian Sandhurst a small Department for the training of Indian Air Force officers. I believe you will have to adopt other expedients for it. I do not now dogmatise, because they are practical questions and they can only be dealt with in a practical way; but, as Dr. Moonje has just said, keep up your standard of training.

Thirdly, as to the question of economy mentioned in the last of these resolutions—a question which I know is of intense interest to India, as indeed it is of intense interest to us here as well—there again I say, whatever you do, do not press it too far, do not break your military machine in trying to cut down expenditure too quickly; and if your experience in India is in any way like my experience here, the danger is not from the military authorities in opposing their will upon the civilians, but quite the contrary—the civilians imposing their economies, regardless of military considerations, upon the military. Now, Gentlemen, if your experience in India is the same as mine, that is a danger that you have got to have in view.

Let me, lastly, assure you that the last thing in the world we wish to do here is to inflate the number of British troops in India, and to keep more than are actually required. From the point of

view of Great Britain, whatever may be the actual amount of the capitation charges in India, the existence of these many units in India does, in various ways, direct and indirect, place a very heavy financial obligation on the British tax-payer. Neither in the past have we had, nor now have we the least intention of using the excuse of the defence of India for keeping in being more battalions or more Air Force units than are actually required. Having said that, Mr. Chairman, let me end by saying that I see no reason why we should not agree unanimously to these resolutions and I hope that as a result of that certain things that India, I know, has required for many years will be carried into effect at no distant date.

Mr. Jinnah: Did I understand Sir Samuel Hoare to say that he agreed with the resolutions?

Sir Samuel Hoare: Yes, I am prepared to accept these resolutions.

Col. Haksar: In paragraph 2 (b) you have said, "a training college in India be established at the earliest possible moment in order to train candidates for commissions in all arms of the Indian defence services. This college would also train prospective officers of the Indian State Forces." I would suggest for your consideration that while on this subject, and in consequence of the reference made in sub-paragraph (b) to the Indian States, our recommendation should be that the officers of the Indian States would also be eligible for training at the staff college in Quetta.

Chairman: Well, that is a question of wording. The object of this was to cover, quite clearly and specifically, the question put from the States on Friday: did the Indian Sandhurst, as we call it, include an opportunity for the States? The answer was "Yes," and that was merely to cover that. You need not worry about it.

H.H. The Maharaja of Bikaner: I wish to add another small point, and to say that the States' subjects will be eligible to go to the Indian Sandhurst. I think it is so in the case of the English Sandhurst already.

Chairman: That is so, that is the intention.

H.H. The Maharaja of Bikaner: I have also another verbal suggestion in paragraph (2) (c), where we speak of an expert Committee, both British and Indian. I wish to suggest that it should include, after the words "British and Indian", "including representatives of the Indian States", because we have already made it clear in the Sankey Committee that the States wish to have the same voice in defence and military affairs as the Federal Army in British India.

Lord Reading: I think it covers it as it is.

Chairman: I think it covers it.

H.H. The Maharaja of Bikaner: I only wanted to make it clear, that is all.

Chairman: Quite so.

Mr. Jayakar: Like some of the previous speakers, I also admire the brevity of the formula which you have proposed for the consideration of the Committee. Speaking for myself, I should have preferred—though recognising the inability of this Committee, not being an expert Committee, to go into details—I should have preferred like Mr. Jinnah, who spoke on the previous occasion, that this Committee, without touching any details, should give a direction to the expert committee as regards important principles, including, *inter alia*, the rate or the pace of Indianisation. But if it is the view of the Committee that we should arrive at some unanimous conclusions, I recognise the wisdom of being content with 14 annas instead of 16, and if that is the wish of the Committee I would not like to go against the united wishes of this Committee. In that case may I submit one consideration for the approval of this Committee—namely, that when you refer to certain investigations, for instance in clause 2 (b) and in clause 3, I am anxious that all the pioneer work that has been done in the matter of such investigations by previous committees appointed by the Government of India, and on which military experts have sat, and which have had the benefit of all the important consideration at the hands of these experts—I am anxious to link up the work of these previous committees in the matter of the two investigations mentioned in clause 2 (b) and in clause 3. I recognise, as Lord Reading has pointed out, that he may not like to make the recommendations of these two previous committees the basis. He objects to the word “basis” there. May I suggest another formula which may be added as an additional paragraph—namely, that in making the investigations mentioned in clause 2 (b) and in clause 3 above, the fullest consideration be accorded to the proposals contained in the Government of India Committee’s scheme of 1922 for the Indianisation of the officer ranks, and in the scheme recommended by the Military Preparations Committee of the Government of India. I am anxious that all this work—

Sir Muhammad Shafi: The Military Requirements Committee.

Mr. Jayakar: The Military Requirements Committee, yes. I shall be quite frank. I am anxious that all the great work which has been done during Lord Reading’s time by the two committees, on which military experts sat, including the Commander-in-Chief, should be linked up with the work of the Expert Committee, and therefore I desire that this paragraph be added so as to bring that work into line with the work of the expert committee.

Sir S. Hoare: I find some difficulty in isolating one or two Reports. These are two very valuable Reports I quite agree; but looking back over even my own memory I can remember heaps of enquiries into various phases of Indian defence, and I cannot imagine any Committee of this kind being set up that did not take into account these various Reports. I do see objections to picking out one or two of them and trying to say that the other ones are less worthy of consideration.

Chairman: I had that point in my mind with special reference to the two Reports which were mentioned; but you will observe that during the discussion certain members of the Committee went back, if I may use that phrase so as not to be misunderstood, on a later Report to the recommendations of an earlier Report which clearly showed that there were not only differences of opinion but that experience changes the situation. I thought I would put the words in a much wider sense, but what I thought at the end was this, as practical people not only will this recommendation but the notes of our discussion be given to any Committee. Whatever the Committee may be commonsense tells us that before they start they will look at all the Reports.

Lord Peel: Of course.

Chairman: I cannot conceive of any gentleman here being asked to sit on a Committee to investigate this matter without him enquiring in the same way as I did. I was a novice, and when they asked me to take the Chairmanship of this Committee, I said, "Knowing nothing about it show me everything that has been written on it recently." Is not that what will happen?

Sir M. Shafi: Which later Report had you in contemplation when you were pleased to make the remark just now about going back upon previous views.

Chairman: The words I had in mind were that the Committee should be urged to take note of the various Reports on this subject.

Sir M. Shafi: I see.

Chairman: I did not exclude any.

Sir M. Shafi: With reference to the remark that you made just now—

Chairman: I know your point.

Sir M. Shafi: You said they went back on previous views.

Chairman: I did not say they went back, but that some preferred the Report of 1922. That is what I meant to say.

Sir M. Shafi: May I point out so far as the later Report is concerned the only Report that probably you had in contemplation was the Skeen Committee's Report. That was later.

Chairman: Yes.

Sir M. Shafi: But the 1922 Report was never placed before the Skeen Committee at all, and therefore you cannot say that the Skeen Committee arrived at conclusions different from those of the previous Committee after carefully considering them. In fact the previous Report was never placed before the Skeen Committee.

Mr. Jayakar: Replying to the point made by Sir Samuel Hoare, I quite agree with what has been said about an expert Committee being appointed to consider all the material which has been traversed on previous occasions, but the answer to that has been given by Sir M. Shafi, that before the Skeen Committee the Report of the 1922 Committee was never tendered although it is a most

material document. In that connection that Committee had never the chance of looking into it. I am therefore anxious that special attention should be drawn to those two important Reports because they are really very relevant and very material on the question which these two expert Committees would be considering.

The next and last point which I wish to make, and which is merely a matter of drafting, is the difference in language between 2 (c) and 3. Both deal with an expert Committee and a subsequent investigation. The language which you have employed in 2 (c) is, "That in order to avoid delay the Government of India be instructed to set up a Committee of experts, both British and Indian, to work out the details of the establishment of such a College." Compare that with the language in (3). "The Committee also recognise the great importance attached by Indian thought to the reduction of the number of British troops in India to the lowest possible figure and consider that the question should form the subject of early expert investigation." My apprehension is that whatever our intentions here may be that when this document is given effect to, especially in the atmosphere of India, some kind of shelter will be taken under the different phraseology of 2 (c) and (3), and whereas the investigation recommended in 2 (c) will be immediately taken in hand the investigation recommended in (3) may not be taken in hand for another five, six, or a number of years, and for that the difference in phraseology may be held responsible. I am therefore suggesting, Sir, that the phraseology of (3) might be altered. I quite recognise that the urgency of 2 (c) is more than the urgency of (3); I am not blind to that; but I am very anxious that we should do nothing here to encourage the belief in India especially that the enquiry mentioned in (3) is to be held up for any length of time as opposed to the enquiry recommended in 2 (c) which is to be taken up immediately.

Sir M. Shafi: Might I suggest a slight modification of the formula proposed by you, Sir?

Chairman: Shall we settle this one point first?

Sir M. Shafi: It is in connection with this very point. If you add after the comma including those two my friend has mentioned in his Report I think that will serve his purpose and my purpose also.

Mr. Jayakar: No.

Sir M. Shafi: Will you read your formula again?

Chairman: Let Mr. Jayakar finish as he has one other point to submit.

Mr. Jayakar: Therefore I am suggesting without insisting too much on the language that this possibility should be obviated in so far as the difference of language would cause it, and I therefore suggest that changes might be made in (3) so as to correct the impression that it is not our intention to hold up the enquiry for a long time.

Chairman: I can answer that. If we can find words with which to do it we certainly will. We have no intention whatever of using words that can be construed in a different way on this subject. The urgency of the subject is recognised, and certainly it is not the intention to merely camouflage it by different words. I will give you that assurance. I feel I am interpreting the wishes of the Committee. You know the effort we are making to conclude matters this week. I hoped to conclude the meetings of this Committee to-night but I have had an addition, I will not call it an amendment, submitted to me. Is there general agreement on this amendment? I have it on paper and I will read it to you.

The amendment reads as follows. I want everyone to know what it is: "The Committee also recognise that no action should be taken so as to prejudice in any way the power of the Crown to fulfil the military obligations undertaken by it in any Treaty it may have entered into with any particular Indian State." It is suggested not by way of an amendment but merely that that should be an addition to any Report. That is your object I take it, Sir Akbar Hydari.

Sir Akbar Hydari: Yes.

Chairman: I draw your attention to that.

Sir T. Sapru: That obligation does not become wider by being in statement of that character.

Mr. Jinnah: This cannot be taken as an amendment.

Chairman: I have already said it is not an amendment. It could be taken as an addition to the Report.

Mr. Jinnah: I say "No".

Chairman: You may say "No", but that does not preclude me from saying "Yes".

Mr. Jinnah: No.

Chairman: If this Committee felt—

Mr. Jinnah: You were asking my opinion.

Chairman: I am giving you mine so that there shall be no misunderstanding. I have already said that, in my judgment what is contained in this is taken for granted. If this Committee felt—

Mr. Jinnah: You are asking my opinion.

Chairman: Will you let the Chairman finish? I said if the Committee so desired and felt that they liked any such addition as that I would not object to it.

Mr. Jinnah: That is exactly what I was saying. I do not object to your statement. It goes without saying that you have to fulfil your Treaty obligations. No man can ask you not to do so, but the question with which I am concerned, is this, why should this form part of our Report? I object to that.

Sir T. Sapru: I should like to make a very few observations. Like Mr. Jayakar and other of our friends who have spoken this

afternoon, I should also like to express my satisfaction with the manner in which the resolutions have been drafted. I am particularly satisfied with the opening portion, and I would particularly invite the attention of the Committee to the words, "The sub-Committee consider that with the development of the new political structure in India——"

Those words seem to me to be the essence of the whole matter. Let me tell you frankly that whenever the question of the Indianisation of the Army, or any question relating to the defence of India, has arisen in the past the objective of India has never been kept in view. This to my mind is a very satisfactory departure from the old lines on which the question of defence has been considered and discussed. I served on some of the Committees which were appointed by Lord Reading, and although I am free to confess that the recommendations of those Committees, so far as Indianisation was concerned seemed to me to be far more drastic than the recommendations of the later Committee, still I would say that at the time when we were sitting on those Committees there was no question of such a political structure as we have been trying to evolve here. For that reason I attach a great deal of importance to the language of this resolution.

Now, I quite recognise that these questions of a military character cannot be disposed of by a Committee like this, but I do not think that the terms of your resolution, Sir, as they stand preclude us from raising any one of these questions before a Committee of experts, nor do I think shall we be precluded from inviting them to express their opinion on those questions.

I am particularly satisfied with clause (a) which expressly states, "That immediate steps be taken to increase the rate of Indianisation in the Indian Army." Again you come to very important words, "to make it commensurate with the main object in view, having regard to all relevant considerations such as the maintenance of the requisite standard of efficiency."

As regards clause (2) (b) I have nothing to suggest, except that I think the language is comprehensive enough.

As regards clause (3) what I would say is this that the question of the reduction of the number of British troops in India was considered by the Committee appointed in Lord Reading's time.

I quite agree with Mr. Jayakar that when these Expert Committees do sit their attention should be drawn to the reports which were submitted to Lord Reading's government by the Committees appointed by him. I used the word "basis" in the question I put to Lord Reading, but if his Lordship objects to that I would at any rate say that I would emphatically draw their attention to those reports, because those reports suggest a line of progress which to my mind has been ignored in the subsequent treatment of the question. I would not fight about words, but I do certainly hope and trust that the broad policy which was kept in

view by the framers of those reports will be kept in view by the Expert Committee, and in the light of the new political structure in India which we are building up, and which was not in contemplation at that time, I hope the attitude of these Expert Committees will be even more progressive than that of the committees of 1921 and 1922.

As to the exact number of British troops, or their reduction at this particular moment or any particular moment, these are questions which require to be considered by an Expert Committee, but I venture to think questions of this character will come up for periodic revision and consideration every five or ten years, according to the circumstances existing at the time.

Speaking for myself, subject to the understanding that all these questions shall be taken up and discussed before the Expert Committee, I am prepared generally to give my support to these resolutions.

Dr. Moonje: Sir, I entirely agree with what Sir Samuel Hoare has said with regard to keeping the Army entirely free from politics and with regard to the need for efficiency. I agree from that point of view, but I take exception to the language used in (a) of these resolutions. This says: "That immediate steps be taken to increase the rate of Indianisation in the Indian Army." I believe that does not carry us any further. To-day we may have twenty or twenty-two vacancies allotted to us at Sandhurst. If these vacancies were increased to twenty-five or thirty, it might be said that effect had been given to the resolution as it is here, but that would not carry us any further. What I say is this. If we are really going to make India responsible for her own defence, along with taking a due share in the defence of the Empire, as the other Dominions are expected to do, where is the harm in taking them if a sufficient number of Indians are available for the commissioned ranks of the Army? Why should they be precluded from having the training or from being recruited for the Army? If India cannot produce a sufficient number of men the recruitment may be made in Britain, but if India can produce a sufficient number of men who can pass all the tests for efficiency which can be produced, why should the number be limited and why should not they be given a chance of serving their country in the Army?

I think, therefore, that the wording of (a) should be changed to read: "That immediate steps be taken to arrange for all recruitment henceforth for the commissioned ranks of the Army, Navy and Air Force to be made in India from amongst Indians, provided that it shall be open to the Government of India to provide for recruitment in England to fill up such of the vacancies as cannot be filled up in India, and that due regard should always be had to the relevant considerations such as the maintenance of the requisite standard of efficiency."

Lord Peel: I do not know whether this amendment is going to be pressed, for if so I shall have a good deal to say upon it, and I

trust the other one will not be, for I am bound to say that, with all respect to Sir Muhammad Shâfi, I do not think his amendment is really necessary either, because all these Commissions always look back to past reports, and the whole matter is brought before them.

But when I said that I agreed generally to this Report, I did so because I did not want to spend the time of the sub-Committee in bringing forward amendments; but, if other amendments are brought in, I must withdraw that assent, and I shall myself ask and claim from the Chairman the right at a later stage to move several amendments. I do not want to do that, however, if it can be avoided.

Sir Samuel Hoare: Dr. Moonje has brought forward a totally new proposition, prejudging all the problems which are to be examined by Expert Committees. I do not want to go into his proposal now, because I do not know, Mr. Chairman, what your ruling will be; but if it is gone into I shall most respectfully ask to have the right of dealing fully with amendments which are raised.

Dr. Moonje: Lord Peel objects on the ground that this is a totally new proposition, but it is not a new proposition. On the very first day I brought this question to the notice of the President, and the President was kind enough to bring the matter to the notice of the whole house. It does not require any Expert Committee to pass an opinion on whether, if efficient Indians are available, they should be given the training or not. I do not think expert advice is wanted to decide that, and I would only add this. Do not put any kind of artificial restriction to the recruitment of efficient Indians for service in their Army. That is the only question I want to put. If efficient Indians are not available, I am not going to say inefficient Indians should be taken, but where is the need for expert advice in this matter?

Sir Samuel Hoare: I ask Dr. Moonje not to press his amendment, but if he is going to press it I shall have to give him an answer which will have nothing to do with politics at all but which will show that his proposal cannot be worked. I do not want to go into that in detail if it can be avoided.

Dr. Moonje: I have not heard any objection to my proposal except the one Lord Peel has advanced, and I do not think my proposal is one on which any expert advice is required. It only says that if efficient Indians are available they should not be precluded from serving in their Army. If efficient Indians are not available, it is not my intention to say that the standard of efficiency should be lowered or inefficient candidates taken. I therefore think I should press for this amendment, namely, that we should amend paragraph (a) to read: "That immediate steps be taken to arrange for all recruitment henceforth for the commissioned ranks of the Army, Navy and Air Force to be made in India from amongst Indians, provided that it shall be open to the Government of India to provide for recruitment in England to fill up such of the vacan-

cies as cannot be filled up in India, and that due regard should always be had to the relevant considerations such as the maintenance of the requisite standard of efficiency."

H.H. The Maharaja of Bikaner: I am very sorry, Mr. Chairman, to have to ask to speak at this stage, but I have to see the Prime Minister on a rather important matter in twenty minutes' time, and I thought that as I was going away it might help to cut short some of the discussion if I made a little statement presenting my views, which I believe will not be very different from the views of many of the States. I am speaking with particular reference to the point which has been discussed here to some extent to-day and more particularly earlier in our proceedings, with regard to the fact that the States have their Treaties with the British Government. The British Government's guarantee of protection for our principalities is a fact which is well known to everybody. In addition, as I think Lord Reading pointed out, there are some States which have specific guarantees from the British Government to maintain, in consideration of areas ceded or other considerations, certain contingents of troops, British or Indian as the case may be—I am not well acquainted with the details—for the protection of those States.

Those questions are there, and I can quite understand the anxiety of those particular States in that connection. Nor can anyone wonder at the very natural desire of the States to see that the protection, and especially the protection from external and internal dangers of aggression guaranteed by the Treaties, should be really effective even after federation.

Therefore, as we have repeatedly urged in other committees such as the Federal Structure sub-Committee, the States must be perfectly satisfied that they are safe and that they will have every guarantee of immunity from danger in the future; but to my mind the question does not necessarily hinge upon the maintenance of an exact number of British troops or on their being maintained permanently for this specific purpose, so long as the guarantee of protection can be fulfilled.

I wish, particularly to say on this occasion—and I think Sir Akbar Hydari will probably be of the same opinion as myself—that we are not putting forward a view which has been put forward by Sir Leslie Scott. We are very grateful to Sir Leslie Scott for the great efforts he made in putting forward the case of the States before the Butler Committee, but Sir Leslie, in his own personal capacity and in no way on instructions from us and at our desire, put forward the suggestion that British troops could never be withdrawn or Dominion Status granted because of the Treaties with the States. That is a view to which I personally and many others of us do not subscribe; we do not subscribe to that view because we do not want to stand in the way of the advance of our country, which is our Motherland, in regard to these matters. I for one decline to believe that it will be beyond the statesmanship of Great Britain and our ingenuity, combined with the goodwill of British

India and the States, to settle this question, and I feel sure that we shall be capable of devising some scheme which will provide satisfactory and adequate guarantees for the States. Meanwhile as federation progresses and as we see how it is working, it is possible that the States and British India and the Crown may come to some arrangement by which satisfactory guarantees to the States could be given.

As I have to leave in two minutes' time, and as I hope the sub-Committee will finish its Report to-day, I should like to point out that as in other cases so in the Military Council the States will naturally claim their fair share; they will want to have a voice in the management of whatever affairs come under the purview of Federal India. As a keen soldier I should like to say that in addition to the training to be imparted at the Indian Sandhurst, which we hope will be set up very soon, I, in common with many of my brother Princes who are soldiers, attach the greatest importance to the education, training, fitness and efficiency of our cadets.

Finally, if I may be permitted to express my personal view, it is that Indianisation is overdue. That view, I think, is shared by us on this side, and personally I think the Eight Units scheme, however necessary it was to start with, is a scheme which on the face of it has so many demerits that I need not go into details. I hope that when effect is given to Indianisation it will be real Indianisation in the proper sense of the term.

Chairman: There are one or two observations which I should like to make. I cannot rule that I will not accept amendments, because that would be an arbitrary decision that could not be justified, whatever one's views may be; but there are certain things I would ask you to remember.

This is not an unimportant sub-Committee, and the decisions at which we arrive and the recommendations that we make are not only important to India, but are, I believe, looked forward to with more than ordinary interest in India, and they will be looked forward to as what I would call a measure of our sincerity, and that is the test of the whole thing.

First of all, I should like to say this to Dr. Moonje, and I say it as one who has had many years' experience in negotiations. I am indifferent to the wording of a resolution. I have conducted negotiations where, the more it looked as if I was gaining something, from the spirit in which these things were offered me I knew I was losing. I attach infinitely more importance to the spirit behind the declaration than to anything else. That is the first point I want to make. In drawing attention to that fact I want to emphasise that I did not wait for the discussion before clearly declaring, on behalf of the Government, our views, and in doing that I had in mind quite clearly what I said before—the spirit behind the declaration. There is another thing to which I want to draw your attention, and it is this. Above all, in an important subject

like the one we are discussing, you ought to strive to go to the main Plenary Session with a unanimous recommendation. If you do that you gain two things. You not only help your own position at home—and in helping your position you are helping ours; let us keep that clearly in mind—but the very unanimity of your decision is the best guarantee that whatever committee is set up, or whoever they are, they have got something clear and definite and specific to act upon, whereas if you have a division, and if there are amendments either from one side or the other, the inevitable result of it will be that sides will be taken; and we want to avoid sides being taken. We do not want the Committee that talks about Indianisation to be either pro-British or pro-Indian. We want them to go into the question realising that Indianisation is something practical and something that can be accomplished if there is a spirit and intention behind it; but in doing that we do not want them to go into that question and merely assume that they are serving India by making a declaration that so many more Indian officers should be in the Army if they have done anything that impairs the efficiency of the Indian Army, because that would have retarded Indianisation and not helped it; and that is why I welcome the declaration that when you talk of a Sandhurst in India we are talking about a standard of training in India to be equal to the standard of training in this country. That is the second point.

Now, the only difference really is this. First, there is a suggestion that if we put in the words, sort of giving an indication or an instruction, or whatever it may be, that these particular reports should be examined, you may help it. But do you help it when you accomplish the same thing by drawing attention to it in the Report that will be drafted? I myself will take the responsibility of drafting that Report, and I will draw attention to all the schemes that were mentioned here. I will draw attention to them as being legitimate matters that were discussed by the Committee, and therefore I would beg of you to consider if you could help me now to have a unanimous decision. You have heard the decision of the Princes, you have heard the decision of Lord Reading, you have heard the decision of Lord Peel and Sir Samuel Hoare. If added to that there goes forth a unanimous declaration, that does two things: not only does it accomplish your object, but it enables us to say to the meanest critic, "The practical side of it is safeguarded, because we have not given preference to a mere principle or a declaration to the real efficiency that is fundamental to it." As I say, I cannot rule out your amendments, Dr. Moonje, neither can I rule out yours, Lord Peel; I shall be compelled to accept them if they are pressed; but I would say that I do not think either side would gain anything by pressing their amendments comparable to what they would gain by a unanimous decision. I solemnly tell you, never mind what the words say, the spirit behind these words is a genuine attempt to solve this question. That is the appeal I would make.

Dr. Moonje: I am very pleased and I am very glad to assure you that you have my fullest sympathy for the principle that you have enunciated. I am quite willing to co-operate with you and to bring about the thing which you desire; and what is the thing that you desire to bring about? It is that it should create an anticipation in India, it should create a feeling in India that something really tangible is being done here. If that is the desire I have great pleasure in co-operating with you and responding to your appeal. Now, look at it from the practical point of view. Supposing these resolutions go before the people of India, how will they look at it? There are only a few people from India present in this Conference, and the people in India will not be feeling the intangible spirit that animates us all here; they will read this resolution in cold print, and what will they find? They will find it this way—to increase the rate of Indianisation. Then when I go back to India I shall be asked, “What have you brought, Dr. Moonje, about the Army?” “An increase in the rate of Indianisation.” “Yes, but the Skeen Committee has also proposed an increase in the rate of Indianisation. They have proposed that each year four men from Sandhurst should be taken; and supposing four or five are taken, we know our Government of India as what they are, and therefore,” they will say, “you have brought us this thing; this is nothing new.”

Sir Tej Bahadur Sapru: But you have got the words, “to make it commensurate with the main object in view.”

Chairman: I am sorry to interrupt, Dr. Moonje. I was going to draw attention to that, but do let us talk for a moment about the critic in India. If the Lord Himself went back to India from this Conference He would have a rough time, and you will be no exception to that general rule; but, on the other hand, your words would be criticised just as much as these words. But there are declarations in this document that you have never had in a Report before and do let me emphasise this, that the only limit I put on you is the practical one, and the practical one is as much in your interests as it is in ours; and that is all I would say.

Dr. Moonje: Excepting, perhaps, that the training college should be established at the earliest possible moment, nothing tangible seems to have been done here.

Raja Sher Muhammad Khan: You can say that Indian officers will be in all arms.

Dr. Moonje: If you have not understood yet what I want, I will make it perfectly clear in this way. If India can produce all the men efficient and fit to be recruited into the army—

Chairman: And this will give them the chance. This is the very thing that will do it.

Mr. Jadhav: As a matter of fact, I would point out that the college cannot be had with a few students there, and that the object which Dr. Moonje has in view is provided for.

Dr. Moonje: No, no. Our college that has been recommended is to start in 1933 and our yearly recruitment is about 160. If India can produce 160 Indians capable and fit, and considered fit after examination, why should not all the 160 people be recruited in India? That is my point.

Chairman: Dr. Moonje, may I make this appeal to you? You are talking as an Indian—I had intended to finish to-night, but if not we shall have to go to the amendments. I want to put this as a fair proposition to Dr. Moonje. Supposing that all you say is correct—I do not think it is, but supposing it is—and you table your amendments, I have got an intimation of further amendments from this side, and I have also got a fair body of support for the original proposition. Now, do you then, Dr. Moonje, accomplish the object you have in view by a Report going from this body which will then be tantamount to three Reports? It will be so many for one amendment, so many for another, and so many for the other. Do not you, by that means, defeat the very object you have in view?

Mr. Jinnah: May I just say this, Sir. I appreciate the draft which you have placed before us, and I think it forms a very good basis. Now, I do not want to go into outside matters, but the only point that has not been brought out in this draft is the basis of the rate of acceleration, the increasing rate. It has not been brought out. Now, is it not possible for us to appeal to our friends there, the representatives of the British delegations, and cannot we put our heads together so that we can express that idea in your draft? The idea is this. We have got this pace defined by the Skeen Committee—we all know that—and that pace is half the cadre in 25 years, and a certain number of Indian recruits every year increasing. We have also got the other scheme, which of course was not before us. The honourable members, who were members of the Government of India, probably are not liable to be prosecuted under the Official Secrets Act, but they have mentioned the matter here and we have come across it. To tell you very frankly I have not yet been able to understand that scheme from the memorandum.

Sir Muhammad Shafi: Because the scheme is not before you.

Mr. Jinnah: The scheme is not before us, it is only the short memorandum that is given; and the first thing that I do not understand is this—that that scheme contemplates the Indianisation of 6,000 officers. I do not know whether you have noticed that. Well, there are not 6,000 officers in the Indian Army proper, unless they meant both the British troops as well as the Indian Army proper, so I do not know how they get the 6,000. But the scheme is not yet before us, and I do not know what that scheme is, but whatever that scheme may be I do appeal to the British delegations that we must express our idea that this time it means business, that the acceleration will be a real one—that is to say, it will be much more than the Skeen Committee's recommendations. Now, that is the idea that I want to bring out. In what language, in

what words—that is a matter as to which probably, if you give us time, we may be able to fit it in, but that is the idea, and unless you bring that idea in and if you go and appoint *de novo* another expert committee, we shall go on again. The Skeen Committee worked for 14 months and examined something like 400 to 500 witnesses in India on all these points. It means starting this thing over again, a controversy which will go on; and I want to point out this to you. I attach the greatest importance to any decision which is arrived at unanimously—I do, very great importance—and I did attach so much importance to it that notwithstanding my very strong opinion in the Skeen Committee I was so anxious for unanimity that I agreed to that scheme of 25 years subject to the revision after 10 years.

What was the result of that unanimity? We made the Report in 1926, and the Government of India and, if I may say so, the British Government, have not up to the time we met in this Committee accepted the main recommendations of that Committee unanimously. Now you are appealing to me in the same way. You say: let us be unanimous. I attach importance to it. You say: when your expert Committee is sitting the whole question will be left open, and if this Committee is going to make any valuable contribution to a political principle you must Indianise the officer rank in the Indian Army as quickly as possible. Then give an indication of the case in some language which will definitely lay down that we mean that.

Chairman: I know you admire frankness because I am always frank. I do not want to cover up my feelings in any way. If I thought that what you have said reflected the general view of all those attending this Round Table Conference I should despair of the result. What I mean is this, that if you are going to base any conclusions arrived at at this Conference on any past experience of sins of omission or commission then it is hopeless. But I do not think that is so. My answer is that any Committee going into this question with these broad, general declarations so clearly and definitely made would be compelled to arrive at decisions as speedily as if you said either the Skeen Report or any other—

Mr. Jinnah: I am not referring to that. I say this declaration is not a clear indication as to the pace, and I want some words so definite that it will convey to your expert Committee that that was the intention of this Conference. It is not there present. I have no doubt everything will be all right.

Chairman: I feel sure, Mr. Jinnah, that if you were in many other capacities you would say now what I am going to say, that if there was a technical matter which I knew other folks were better able to judge than I, I would only be showing myself as a foolish man by giving instructions to people who knew more about it than I did, always providing they had to give effect to the principle.

Mr. Jinnah: There is nothing technical about this at all:

Chairman: Oh, but there is.

Mr. Jinnah: No, I beg your pardon; that is where I fundamentally differ. There is nothing technical about this question upon which I am now addressing you. It is a very simple question really.

Chairman: It is both technical and practical.

Mr. Jinnah: No; do not let us get away from the point. It is neither a technical nor a difficult question; it is a practical question.

Dr. Moonje: Quite right.

Mr. Jinnah: It is a very practical question. As Counsel would say to a jury you should give expression to your opinion on that point, and that point is a very simple one. We have, according to your own statement to-day, one hundred and twenty vacancies per year. The Skeen Committee's Report is that we start with twenty vacancies for Indians and gradually go up, and according to that graduated scale it will take twenty-five years to get half the cadre. Now, we hope to get the full cadre as quickly as possible. You should give some expression of opinion which will convey to every man in India, and I entirely endorse the opinion of Dr. Moonje with regard to what he said about India, I am not disputing your *bonâ fides*, sir, or your sincerity; I do not challenge a single word of what you intend to do. You may intend to do a thing, but express it so that India will know here that we have got something in clear language. I would appeal to my friends there to turn it over in their minds. Let us also think it over. Cannot we find some formula which will convey that idea? Surely we can.

Sir Samuel Hoare: We have the formula in paragraph (a), that immediately steps be taken to increase the rate of Indianisation in the Indian Army to make it commensurate with the main object in view. I am prepared to agree to that.

Mr. Jinnah: To increase the rate?

Sir Samuel Hoare: But when it comes to defining what the rate is to be, I am not prepared to agree.

Mr. Jinnah: The present rate is that we have twenty vacancies.

Sir Samuel Hoare: I know that.

Mr. Jinnah: It is open to a Committee to say it is enough to say thirty.

Sir Samuel Hoare: I am not prepared myself to agree to any number. If it is a question of this Committee stating any number then I should have to notify my dissent.

Mr. Jinnah: You did not hear me. I am not saying you should lay down the number. I say if you leave it to a Committee with these words, "increase the rate," the Committee may for their own reasons come to the conclusion that thirty is an increase, or thirty-

five is an increase, or forty is an increase. What I want to emphasise is that it must be conveyed to them that there should be a substantial increase.

Chairman: I will undertake to clear that up if that is what you have in mind, because I come back to the point that if words are merely used to camouflage, do not let us bother about it. They are not so used. I will endeavour in the Report leading up to this to state fairly and accurately the discussion that has taken place here. I would again urge upon you for the last time the advantage of having unanimity, because it has been pointed out that this is a matter for the experts.

I understand it is not customary to take a vote. May I take your assent to these resolutions which will form the basis of a Report?

Mr. Jayakar: Before I give my vote, do I understand you to say that the points which I raised will be incorporated in the Report very clearly so that I need not move, as I did in my speech, that there should be a further addition after clause (3) that the two Committees in making the investigations mentioned in paragraphs (2) (c) and (3) should give the fullest consideration to the proposals contained in those two schemes. I wanted to move that as an addition to clause (3), but if it is your suggestion that in your Report you will make this perfectly clear—

Chairman: I said quite clearly that there is no intention to alter the meaning.

Sir Samuel Hoare: Do I understand you are going to give an historical account as a preface to these resolutions?

Chairman: But make these the findings.

Sir Samuel Hoare: Yes. If you do that by all means put in Mr. Jinnah's and Mr. Jayakar's point and anyone else's points, as you think it, but also put in our point that we do not agree.

Chairman: Exactly; but you see now where you get. I will undertake to give a fair summary pointing out that references were made to these various Reports, but I do submit it is not going to help us if we have to put the points of disagreement when there is almost unanimity existing. But still, I am in your hands. Do you agree then to these general resolutions?

Mr. Jinnah: I cannot agree.

Chairman: I understand that even the Princes thought that the addition was unnecessary.

Sir Akbar Hydari: No.

Sir Samuel Hoare: If the addition was put into the historical—

Chairman: I will meet your point by a reference to it.

Sir Akbar Hydari: Supposing you added here, "for the requisite standard of efficiency".

Sir Samuel Hoare: I agree entirely with what you say, but I am a little bit reluctant to opening the question of altering the actual resolutions.

Sir Akbar Hydari: I do not mind the way in which it is done.

Chairman: We will make that quite clear.

Sir Tej Bahadur Sapru: I think Sir Akbar Hydari has some fears about the obligations of the Crown towards the States. I do not think we were unmindful of that. I do not think there are any obligations in whatever we are settling here.

Chairman: That is so, I will see that it is quite clear.

Sir Samuel Hoare: I suggest you should say Sir Akbar Hydari raised the point and other members of the Committee accepted this as a question that did not need discussion.

Chairman: I will put it higher than that, that it was raised and I ruled that it was accepted without question.

Sir Akbar Hydari: Thank you.

H.H. The Nawab of Bhopal: I should like to make one suggestion which might help Sir Akbar Hydari. I should like to propose that when the question of the removal of the British troops is being considered by the Committee, in view of the fact that one of the objects for keeping these troops in India is to carry out the Crown's obligation of giving protection to the Indian States, I think it would not be unfair if the Indian States asked that the same Committee might also examine how far it would be possible and how far it would afford the States the necessary protection if these troops when the time comes are replaced by further additions to the Indian States troops paid for out of the Federal funds but kept under the direct command and control of the States as Federal troops. That might accelerate the pace of Indianisation in the sense in which we are using the word "Indianisation".

Chairman: It might do, but you would start a hornets nest round here.

H.H. The Nawab of Bhopal: I am only making the suggestion; I do not raise the point.

Chairman: I understand that point, but I am afraid it would start the whole controversy over again.

I am trying to see how I can fit it in.

(The sub-Committee adjourned at 6-35 p.m.)

PROCEEDINGS OF THE FOURTH MEETING OF SUB-COMMITTEE NO. VII
(DEFENCE) HELD ON 14TH JANUARY, 1931.

Chairman: You will remember that on the broad principle of the resolution submitted there was no substantial disagreement, but various points were raised. The first point took the form even of

an amendment to safeguard the position of the Treaty obligations of the Indian States. I intimated that my inability to accept that amendment was because that was taken for granted. You will see that all those points are embodied in the Report, and so far as I could accurately interpret what was discussed, I think you will agree that in the Report itself every point is adequately covered. Therefore I am now going to submit to you that this should be the Report which should ultimately be submitted to the full Conference. That is the matter which is now before you.

Diwan Bahadur Ramachandra Rao: In opening the proceedings of the sub-Committee, you mentioned the question of a military council. Is that to be dealt with at all?

Chairman: I did mention it, as you say, but the discussion took a general form; that is to say a wide range, and I gathered that your view—and it must be so in practice—was that there should be a military council. No one could argue against that. Therefore merely to have a discussion that there shall be a military council would be a waste of time. You are quite right and I am accepting that as a general principle. There would be no point in arguing the reasons why there should be a military council. As a matter of fact, I am advised by my Secretary that I had thought of the words “the advisability of establishing a military council including representatives of the Indian States was agreed to”, because there was no disagreement on that and there was no point in arguing something which would be obvious.

Mr. Jinnah: It should be in our Report.

Chairman: Yes, I will see that those words are put in.

Diwan Bahadur Ramachandra Rao: I should like to raise another point, namely, with regard to the future control of the Army in India. Proposals have been made that the Commander-in-Chief should not be in charge of the administration of the Army in the Government of India. Is that a matter to be put in the Report?

Chairman: I understand and appreciate your point, but I want this Report to be a practical Report on a practical subject. The first question that would arise would be with what are we dealing? I intimated, and every one agreed, that the ordinary questions of law and order were not involved because that was accepted as something which was outside our province. Therefore it was agreed that we were dealing with the Defence of India. Now, does not it follow from that that you must have someone responsible? That is obvious; and that someone dealing with defence must be the Commander-in-Chief wherever he may be. Therefore, whilst I have not said anything about it in the Report, for obvious reasons it follows.

Diwan Bahadur Ramachandra Rao: I should like to know whether the Commander-in-Chief would be a Member of the Government of India in charge of the administration of the Army.

Chairman: Then you raise a different question.

Lord Reading: Yes.

Chairman: You raise then what I would call for short a purely constitutional question. I do not prejudice that, I express no comment, but that would hardly be a subject for this Committee.

Sir Tej Bahadur Sapru: This question was discussed in the Sankey Committee, and I pointed out that according to the Despatch of the Government of India which has come to the Secretary of State the Commander-in-Chief should no longer be a member of the Executive Council.

Lord Reading: Surely that is not a matter for this Committee.

Sir Tej Bahadur Sapru: No.

Lord Reading: That is a matter for the Sankey Committee.

Chairman: That is the answer. Now, subject to those intimations and the addition of the words I have suggested, do you agree that this Report shall go forward to the Plenary Session as the recommendation of this Committee?

Lt.-Col. Gidney: Unfortunately I was absent on other Committees when you had your previous meeting. The only point which I desire to raise is this. It seems to me that there is no mention whatever made in this Report of the Navy. At present we have one training ship in India which is answering very well indeed. I think we have nearly 80 boys there and this forms the nucleus of a Mercantile Marine Service, and I think it will eventually be used as the nucleus of a Navy. Might I humbly submit to you the inclusion in your Report of some reference to the need of India training its own Navy, which is really a branch of its defence? I submit for your consideration that that might be considered in this Report too.

Lord Reading: That is already established.

Chairman: I am quite sure we do not want to raise a controversy as to the development of that Branch. That Branch is doing useful work and nothing in our recommendations will interfere with that. When you specifically mention what, after all, is a minor matter so far as the Navy is concerned, you may raise a controversy on that aspect which there is no need to do. At least, that is my feeling about the matter.

Lord Reading: It is already done.

Chairman: Nothing that we have done, or do, or recommend, will interfere with that.

Lt.-Col. Gidney: Does not that come into defence?

Chairman: It is there.

Lt.-Col. Gidney: We have no Navy, no nucleus, or anything.

Chairman: I know; but you know perfectly well that the question of the cost of defence is a very controversial and debatable one, and if you at this stage enter into a controversy as to increasing the cost of defence, I can see a number of folk who would be likely

to take part in the discussion on the other side. Nothing we have done has prejudiced the existing situation.

Lord Reading: Yes, it is just as it was before established.

Chairman: Now, that being so, do you agree that I submit this Report on your behalf to the Committee as a whole?

(Members expressed assent.)

Mr. Jinnah: I only want to make one point. I do not want to take up your time; but with regard to paragraph 4 of the Report, sub-clause 2a, I wish to record my opinion for what it is worth, and I say I am not satisfied with this recommendation unless a clear indication is given as to the pace. As to the rest, I have nothing more to say.

Chairman: I take note of that; but I would not put it so low as you, Mr. Jinnah, when you say it is your opinion "for what it is worth". Your opinion is worth a lot; I take it because it is Mr. Jinnah's opinion. Just as other folk express disagreement on particular points I have noted your particular point. Subject to that are you all agreed?

Mr. Jayakar: May I say one word?

Chairman: Yes.

Mr. Jayakar: With reference to Clause 2a, I should like to find out whether the Committee will agree to add one word: "that immediate steps be taken to increase substantially the rate of Indianisation in the Indian Army to make it commensurate—". I am aware that the words "to make it commensurate" give an indication of the rapidity of pace; but I should like to have some direct statement of that view by the addition, if it is possible to do so by the consent of the whole Committee, after the word "increase" add the word "substantially".

Sir Tej Bahadur Sapru: I support that suggestion made by Mr. Jayakar; that would meet the point of view of many people.

Chairman: It is covered by the other safeguards, but if it meets your particular Indian point of view, I do not think there is any objection.

Lord Reading: I have no objection.

H.H. The Maharaja of Bikaner: I think it ought to be put in.

Chairman: I agree to the addition of the word "substantially".

Mr. Jinnah: I do not withdraw my objection.

Chairman: No, yours is still a substantial objection.

Diwan Bahadur Ramaswami Mudaliyar: I do not know whether it comes within the terms of reference, but we from Madras and other Provinces are very keen that recruitment should be from all classes of India and should not be confined, as it is at present, to classes called the martial classes. You will find that the Report of the Simon Commission has a paragraph on the subject, which

puts forward the point of view of Madras as a whole, official and non-official; they are not satisfied with the treatment accorded to Madras as non-martial classes. I do not know whether it should be considered to be a political matter or as a matter affecting the technique of the Army, but I should like to put that forward.

Chairman: I think your point would be covered by the words "having regard to all relevant considerations" I am quite sure your point would be covered by that, because your point would be relevant to the considerations that would govern the Indianisation of the Army; I think that would be a fair interpretation.

H.H. The Maharaja of Bikaner: And Mr. Mudaliyar's views would be noted too.

Chairman: Obviously; they are on the Minutes. That being so, I want to thank you, gentlemen, and I will endeavour in accordance with your decision to do my best to get this Report through the Committee as a whole. I thank you for your patience and consideration, and I hope I have not worked you too hard.

H.H. The Maharaja of Bikaner: Mr. Chairman, may I draw the attention of yourself and this Committee to some remarks that I made in the Federal Structure Committee to the effect that the troops of the Indian States would be maintained as now. This does not mean any modification of that; and that they would still be available as now, for the service of the King and the defence of the country according to the present scheme. That is all I need say. I want to make that clear.

(The proceedings then terminated.)

Sub-Committee No. VII (Defence).

REPORT PRESENTED AT THE MEETING OF THE COMMITTEE OF THE
WHOLE CONFERENCE HELD ON 16TH JANUARY, 1931.

1. The terms of reference of this sub-Committee were as follows:—

“To consider questions of political principle relating to defence, other than strictly constitutional aspects to be considered under heads 6 (Powers of the Executive) and 12 (Relations with the Crown).”

The following Delegates were selected to serve on the sub-Committee:—

<p>Mr. J. H. Thomas (<i>Chairman</i>).</p> <p>Lord Peel.</p> <p>Sir S. Hoare.</p> <p>Lord Reading.</p> <p>Lord Lothian.</p> <p>H.H. The Maharaja of Alwar.</p> <p>H.H. The Nawab of Bhopal.</p> <p>H.H. The Maharaja of Bikaner.</p> <p>H.H. The Maharaja of Kashmir.</p> <p>H.H. The Maharaja of Patiala.</p> <p>Sir Akbar Hydari.</p> <p>Sir Mirza Ismail.</p> <p>Colonel Haksar.</p> <p>The Rt. Hon. Srinivasa Sastri.</p>	<p>Sir Tej Bahadur Sapru.</p> <p>Diwan Bahadur M. Ramachandra Rao.</p> <p>Diwan Bahadur Ramaswami Mudaliyar.</p> <p>Sir Phiroze Sethna.</p> <p>Mr. M. R. Jayakar.</p> <p>Dr. B. S. Moonje.</p> <p>Mr. Jadhav.</p> <p>Sir B. N. Mitra.</p> <p>Sardar Sahib Ujjal Singh.</p> <p>Lieut.-Colonel Gidney.</p> <p>Sir Hubert Carr.</p> <p>Sir Muhammad Shafi.</p> <p>Mr. M. A. Jinnah.</p> <p>Dr. Shafa'at Ahmad Khan.</p> <p>Nawab Sir Abdul Qaiyum.</p> <p>Raja Sher Muhammad Khan.</p>
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2. The sub-Committee met on the 7th, 9th, 12th, and 14th January, 1931, and have authorised me to present this report.

3. The discussion in the sub-Committee centred mainly round the question of Indianisation, and every aspect of this question received thorough attention. It was unanimously agreed that in a matter of such importance as Defence, the utmost care was necessary in expressing opinions, and the sub-Committee as a whole was very anxious not to create the impression that anyone in any way or

to any degree wanted to say anything that could even remotely tend to imperil the safety of the country or to weaken the strength of the Army. It was in view of this general feeling that all sections of the sub-Committee emphasized the importance of maintaining the same standard of efficiency in training as prevails now in England. The sub-Committee also recognised that in dealing with the question of Defence it was not possible to overlook that a factor that must govern all considerations of the subject was the responsibility of the Crown through the Committee of Imperial Defence, which body was ultimately responsible for examining all these problems. It was realised that the responsibility of the Committee of Imperial Defence was not something that was special to India, but was common to the Empire as whole.

Subject to the above matters of agreement, the general discussion regarding Indianisation was on the following lines. The majority of the sub-Committee considered it impossible for practical reasons to lay down any definite rate of Indianisation or anything of a precise character that might in any way embarrass those responsible for Defence and fetter the judgment or the discretion of the military authorities. Those that held this view felt that the principle of the Indianisation of officers of the Indian Army could not be looked upon as merely a question regarding the efficiency of a single officer or group of officers, or even of a single unit or group of units. It was a principle that to the majority appeared to affect the Army as a whole. It was in consequence the view of this large section of the sub-Committee that a highly technical question was involved on which the sub-Committee was not qualified to express an opinion. One section of the sub-Committee, however, was in favour of a strong affirmation to the effect that the complete Indianisation of the officers in the Indian Army should take place within a specified period, subject of course to the requirements of efficiency, and further subject to the provision of suitable candidates for recruitment as officers in India. Those members who were of this opinion held the view that this was not a technical question at all, but involved only practical considerations. The difference in these two views being fundamental, the sub-Committee decided to incorporate these in its report, and the Chairman further undertook that, when, in pursuance of the resolutions of this sub-Committee, expert committees were appointed, those expert committee would as a matter of course take into consideration the proceedings of previous Committees and in particular the proceedings of the Military Requirements Committee of 1921 and the Committee on the Indianisation of the Indian Army of 1922.

4. Subject to the above the sub-Committee arrived at the following definite resolutions:—

(1) The sub-Committee consider that with the development of the new political structure in India, the Defence of India must to an increasing extent be the concern of the Indian people, and not of the British Government alone.

(2) In order to give practical effect to this principle, they recommend—

(a) That immediate steps be taken to increase substantially the rate of Indianisation in the Indian Army to make it commensurate with the main object in view, having regard to all relevant considerations, such as the maintenance of the requisite standard of efficiency. (Mr. Jinnah dissented and desired a clear indication of the pace of Indianisation.)

(b) That in order to give effect to (a) a training college in India be established at the earliest possible moment, in order to train candidates for commissions in all arms of the Indian defence services. This college would also train prospective officers of the Indian States Forces. Indian cadets should, however, continue to be eligible for admission as at present to Sandhurst, Woolwich and Cranwell.

(c) That in order to avoid delay the Government of India be instructed to set up a Committee of Experts, both British and Indian (including representatives of Indian States) to work out the details of the establishment of such a college.

(3) The Committee also recognise the great importance attached by Indian thought to the reduction of the number of British troops in India to the lowest possible figure and consider that the question should form the subject of early expert investigation.

5. A view was expressed that an addition should be made to these resolutions to the effect that the sub-Committee recognised that no action should be taken so as to prejudice in any way the power of the Crown to fulfil military obligations arising out of treaties with particular Indian States. It was ruled, however, and accepted by the sub-Committee that such a specific declaration was unnecessary; the Chairman giving an undertaking that neither this sub-Committee nor any other Committee could in any way abrogate treaty obligations and engagements that were in operation.

6. In agreeing to the foregoing recommendations the sub-Committee were unanimous in their view that the declaration must not be taken as a mere pious expression of opinion, but that immediately the Conference was concluded, steps should be taken to deal effectively with the recommendations made.

7. The advisability of establishing a Military Council including representatives of the Indian States was agreed to.

Signed on behalf of the sub-Committee,

J. H. THOMAS.

ST. JAMES'S PALACE, LONDON,

14th January, 1931.

APPENDIX.

SUB-COMMITTEE No. VII.

(Defence.)

MEMORANDUM CIRCULATED TO THE SUB-COMMITTEE BY
DIRECTION OF THE CHAIRMAN (MR. J. H. THOMAS).*Numbers.*

The total number of officers with the King's Commissions in the Indian Army is at present 3,141. Of these 108 are Indians (69 from Sandhurst, 39 direct).

Composition.

These 3,141 are divided among the various ranks as follows:—Field Marshals, 2; Generals, 3; Lieutenant-Generals, 4; Major-Generals, 20; Colonel, 94; Brevet Colonels, 4; Lieutenant-Colonels, 284; Majors, 445; Captains, 1,833; Lieutenants, 356; Second Lieutenants, 74; Quartermasters, 22. These figures do not of course represent the normal distribution. Owing to over-recruitment during the war and under recruitment after the war there is an excess in Captains and a deficiency in Lieutenants and Second Lieutenants.

The Indian officers are divided as follows:—Brevet Major, 1; Captains, 39; Lieutenants, 54; Second Lieutenants, 14.

Promotion.

Up to Lieutenant-Colonel promotion is on a time-scale, *i.e.*, Lieutenant after 2½ years' service, Captain after 9 years' service, Major after 18 years' service, Lieutenant-Colonel after 26 years' service. Above Lieutenant-Colonel promotion is by vacancy on an authorised establishment. Promotion on the time-scale is not automatic, but dependent on the officer's ability to pass the recognised professional examinations and other tests of efficiency.

Wastage.

In a recent letter from the Government of India the normal annual wastage* has been estimated at 120. The figure of 160 given in the Skeen Committee Report is understood to have been based on evidence given to that Committee by an officer in the War Office which referred to the *British Army*, the conditions in which are substantially different from those in the *Indian Army*, *e.g.*, it contains a larger proportion of junior officers who for various reasons do not continue their Army career. It is regretted that no figures are available which show in accordance with the Maharaja of Bikaner's desire what proportion of this wastage is formed by officers retired on account of inefficiency. It is comparatively small but exists.

* *i.e.* On the present establishment. On an establishment increased by the substitution for Viceroy's Commissioned Officers of the new type of Indian Officer the wastage would naturally be greater.

SCHEMES OF INDIANISATION.

I.

Government of India's Committee, 1922.

“The Committee have regarded it as axiomatic:—

- (a) That the efficiency of the Army as an instrument of war must be maintained.

- (b) That a definite standard of efficiency must be laid down.
- (c) That the authority to determine this standard of efficiency must be the Commander-in-Chief acting in accordance with the policy of Government.
- (d) That the military authorities must be the sole judges of the fitness of candidates for commissioned rank.
- (e) That the military authorities must be the sole judges of the progress in efficiency of Indianised units.
- (f) That the scheme of Indianisation must be so framed as to ensure that its development shall provide a real and fair test of the fitness of Indians for command in the several ranks and of the fitness of Indianised units for war.

The Committee recommend therefore, that the complete Indianisation of all arms and services (excluding Gurkhas for whom special arrangements will be necessary) of the Indian Army be carried out in three definite stages, each of 14 years, commencing from 1925:—

- (a) First period: 1st to 14th year.
- (b) Second period: 15th to 28th year.
- (c) Third period: 29th to 42nd year.

This was reconsidered and modified to

- (a) First period: 1st to 14th year.
- (b) Second period: 15th to 23rd year.
- (c) Third period: 24th to 30th year.

i.e., a total of 30 years.

But the Committee felt strongly that they would fail in their duty if they did not record their opinion that it is quite impossible at present to guarantee that it will be possible to provide this very large number of educated, trained and experienced officers in a shorter time than that originally recommended by them, *i.e.*, three periods of 14 years each or 42 years in all.

They recommend that during the first period of fourteen years:—

- (a) One regiment per group of cavalry, one battalion per group of infantry, and a corresponding proportion of other services be selected for Indianization.
- (b) The average number of commissions in fighting formations in the Indian Army to be given to Indians in each year should amount to approximately 81—*vide* Appendix I.
- (c) The establishment of a Cavalry Regiment and Infantry battalion and a Pioneer battalion selected for Indianisation be fixed at 28 officers.
- (d) The establishment of a pack battery selected for Indianisation be fixed at 6 officers.
- (e) The establishment of Engineer units selected for Indianisation be fixed at under:—

Headquarters Companies	3 per company.
Field Companies	6 per company.
Field Troops	4 per troop.
Railway Companies	7 per company.
Army Troops Companies	7 per company.
- (f) The number of officers to be posted to the Quartermaster-General's services be approximately 48.
- (g) The number of officers to be posted to the Indian Army Educational Corps be approximately 54.

The officers will be posted to units as follows:—

- (a) Cavalry, infantry and pioneers. Two Indian officers would enter each such unit yearly displacing one British officer and Indian officer as at present commissioned.
- (b) Artillery: One Indian officer would enter each battery biennially (every second year) displacing either one British officer or one Indian officer as at present commissioned.
- (c) Engineer units: Indian officers would enter engineer units as follows:—
 - (i) Headquarters companies: One officer every fourth year.
 - (ii) Field companies: One officer every second year.
 - (iii) Field troops: One officer every third year.
 - (iv) Railway and Army Troops companies: One officer every second year.

This officer would displace either one British or one Indian officer commissioned as at present.

In this way, after twelve years, all British officers in 7 Cavalry regiments, 20 Infantry battalions, 3 Pioneer battalions, 6 Pack batteries, 1 Headquarters Company, engineers, 6 Field Companies, engineers, 2 Field Troops, engineers, 1 Railway Company, and 1 Army Troops Company undergoing Indianisation would have disappeared and such units would be completely officered by Indians.

The Committee further recommend that, with a view to ensuring the necessary supply of military qualified officers for the Quartermaster-General's and Educational Services, a number—approximately 16—Indian officers should be appointed annually and posted as supernumeraries one to each of certain selected units undergoing Indianisation.

The Committee think that it will be necessary ultimately to post Indian officers to units irrespective of Class, but they are of opinion that the point is not one upon which a definite decision can now be given and that experience gained during the progress of Indianisation will alone indicate the course to be followed with a view to reconciling the requirements of military efficiency and possible class feeling.

It is recommended that during the second period the numbers of commissions to be given annually should be increased to approximately 182, and this should provide for the Indianisation of the following units:—

Cavalry regiments	7
Infantry battalions	40
Pioneer battalions	3
Pack batteries	6
Engineer units:—	
(i) Headquarters companies	2
(ii) Field companies	6
(iii) Field troops	1
(iv) Army troops companies	2

Together with a portion for the Quartermaster-General's and Educational services, and an allowance for wastage among first period officers.

The remaining units of the Indian Army would be Indianised during the third period—which if justified by experience might be shortened.

The Committee recommend that all ancillary services be Indianised on the same lines as the fighting troops."

APPENDIX I.

(i) Number of King's Commissions to be granted, by periods with average number to be granted annually.

(ii) Grand total King's Commissions.

(i) Number of King's Commissions granted during each period:—

	Officers.
(a) First period:—	
(i) Fighting Troops	937
(ii) Q. M. G. Services	148
(iii) I. A. Educational Corps	54
	<hr/>
	Total . 1,139
	<hr/>
Average annually	81.4
 (b) Second period:—	
(i) Fighting Troops	1,966
(ii) Q. M. G. Services	444
(iii) I. A. Educational Corps	137
	<hr/>
	Total . 2,547
	<hr/>
Average annually	182
 (c) Third period:—	
(i) Fighting Troops	2,561
(ii) Q. M. G. Services	481
(iii) I. A. Educational Corps	136
	<hr/>
	Total . 3,178
	<hr/>
Average annually	227
 (ii) Grand Total: King's Commissions:—	
(a) First Period	1,139
(b) Second Period	2,547
(c) Third Period	3,178
	<hr/>
	Grand Total . 6,864
	<hr/>

N.B.—Corps of Signals whose numbers are relatively small have not been taken into consideration.

2. The Tank Corps, whose numbers also will probably be small, and which are yet undetermined has not been taken into consideration.

II.

SCREEN COMMITTEE, 1926.

Scheme of Indianisation.

“ The details of the suggested scheme of Indianisation of the Indian Army are shown in tabular form in the statement appended. The following notes are explanatory of the statement :—

1. The normal strength of the cadre of officers of the Indian Army (Cavalry and Infantry units) has been taken as 3,200. The annual wastage in that cadre has, it is understood, never been actuarially calculated, and it has been assumed to be 160, the only figure of authority supplied to the Committee.

2. It is proposed that an increase of 10 vacancies at Sandhurst should be sanctioned immediately. An interval must be allowed in which to advertise the extra vacancies, etc. To permit of an increase in May, 1928, the additional cadets would have to be ready to pass the examination held in September, 1927, and would have to commence their special preparation for the examination at least six months before that. It is therefore postulated that there would be no increase of actual entrants until the September term of 1928, when ten cadets instead of five should be admitted to Sandhurst, the examination for admission having been held in May, 1928.

3. In 1929 and in successive years, up to and including the year in which the proposed Indian military college is opened (*vide* note 4 following) it is proposed that there should be an increase of four each year, as a temporary measure, in the number of vacancies allotted to Indians at Sandhurst.

4. In 1933, a military college on the lines of Sandhurst should be opened in India. The capacity of the college should in the first instance be 100 cadets, and the course of training three years. A batch of 33 cadets should join the college in 1933 and in each of the two succeeding years.

5. After the opening of the Indian Military College, the number of vacancies allotted annually to Indians at Sandhurst can be reduced to the former figure of 20. Any vacancies at Sandhurst not actually taken up by Indians should be added to the establishment of the Indian Military College.

6. In 1936, the first cadets trained at the Indian Military College receive their commissions.

7. In 1936, the annual intake at the Indian Military College is increased by 12, this making a total of 45 Indian cadets sent for training, exclusive of the 20 Indian cadets sent to Sandhurst.

8. In 1939, and at intervals of three years thereafter, the annual intake at the Indian Military College is further increased, on each occasion by 12. In 1942, the intake rises to 69, giving, with the 20 Indian cadets sent for training at Sandhurst, a total of 89 Indian cadets to be commissioned.

9. In 1944, the Senior Indian King's Commissioned officers now in the Army will be due to be considered for command of regiments. After this stage is passed and, it is assumed, passed successfully, the number of commissions granted to Indians rises above 50 per cent. of the total annual recruitment to the Indian Army.

10. In 1952, more than 50 per cent. of the total officer cadre of the Indian Army consists of Indians.

11. The above figures are subject to a percentage correction on account of inevitable wastage and failure. This cannot be calculated precisely and for the present purpose it is not necessary to attempt to do so".

Table showing suggested scheme of Indianisation.

Year.	Numbers sent for training.			Numbers Commissioned			Total Commissioned.	Remarks.
	(a) Sandhurst (½ years).	(b) Indian Military College (3 years).	Total.	(a) Sandhurst.	(b) Indian Military College.	Total.		
Already Commissioned.	—	—	75	—	—	75	75	
Now at Sandhurst.	18*	—	18	—	—	—	—	
1927 February	5	—	10	{ 7 2 }	9	—	9	84
September	5							
1928 February	5	—	15	{ 9 5 }	14	—	14	98
September	10							
1929 February	10	—	22	{ 5 5 }	10	—	10	108
September	12							
1930 February	12	—	26	{ 10 10 }	20	—	20	128
September	14							
1931 February	14	—	30	{ 12 12 }	24	—	24	152
September	16							
1932 February	16	—	34	{ 14 14 }	28	—	28	180
September	18							
1933 February	18	33	71	{ 16 16 }	32	—	32	212
September	20							
1934 February	20	33	63	{ 18 18 }	36	—	36	248
September	10							
1935 February	10	33	53	{ 20 20 }	40	—	40	288
September	10							
Carried over	—	—	417	—	—	288	—	

* Includes 3 Cadets who should have been commissioned by now in the ordinary course, but who were kept back as still requiring further training.

Table showing suggested scheme of Indianisation—contd.

Year.	Numbers sent for training.			Numbers Commissioned.			Total Commissioned.	Remarks.	
	(a) Sandhurst (1½ years).	(b) Indian Military College (3 years).	Total.	(a) Sandhurst.	(b) Indian Military College.	Total.			
Brought forward.	—	—	417	—	—	288	—		
1936	20	45	65	20	33	53	341	First batch Commissioned from Indian Military College.	
1937	20	45	65	20	33	53	394		
1938	20	45	65	20	33	53	447		
1939	20	57	77	20	45	65	512		
1940	20	57	77	20	45	65	577		
1941	20	57	77	20	45	65	642		
1942	20	69	89	20	57	77	719		Half numbers under Training Indians.
1943	20	69	89	20	57	77	796		
1944	20	69	89	20	57	77	873		
1945	20	81	101	20	69	89	962		Half numbers Commissioned Indians.
1946	20	81	101	20	69	89	1,051		
1947	20	81	101	20	69	89	1,140		
1948	20	93	113	20	81	101	1,241		
1949	20	93	113	20	81	101	1,342		
1950	20	93	113	20	81	101	1,443		
1951	20	105	125	20	93	113	1,556		
1952	20	105	125	20	93	113	1,669	Half Total Cadre Indians.	
Total	—	—	2,002	—	—	1,669	—		

III.

Government decisions following on the Skeen Committee's Report.

Provisional 8 units scheme accompanied by an output of 25 officers a year from Sandhurst. Such an output would, as a matter of fact, eventually provide for 16 units with ancillary departments and staff. (Para. 160 of Government of India's despatch).

IV.

Plan proposed in the Government of India's despatch.

25 unit scheme. The number of 16 would require to be increased to 25 in course of time to absorb an annual output of 33 officers a year from an Indian Sandhurst. (Para. 161 of Government of India's despatch.)

NOTE.—Schemes 1, 3 and 4 provide for the replacement of Viceroy's Commissioned Officers by the new type of Indian Officer.

The Auxiliary Force (India) has an established strength of some 35,000. The Indian Territorial Force has an established strength of some 20,000 including some 800 officers.

A PLEA FOR ENGLAND'S CONTRIBUTION TO ARMY EXPENDITURE IN INDIA.

Circulated to all Delegates at the request of Sir P. C. Mitter, The Maharaja of Darbhanga, The Raja of Parlakimedi, Mr. Fazl-ul-Huq, Mr. A. H. Ghuznavi, Dr. Narendra Nath Law and Sir Sayed Sultan Ahmed.

(Mr. Barooah, in a letter, dated 20th January, 1931, requested that his support of this Memorandum should be recorded.)

The object of this Note is to draw attention to one factor which, to our mind, is essential to the success of a new Constitution in India; and we are anxious to stress it lest it should be forgotten in a preoccupation with the nature and form of the Constitution. It is our opinion, based largely upon the experience of the Montagu-Chelmsford Reforms, that the success or failure of any Constitution in India would depend in a great measure upon the scope it furnishes for the economic uplift of rural India and the removal of middle-class unemployment. If it should turn out that it cannot stand this test, its satisfactoriness in other ways would be of but little value. The constant complaint of the Ministers that the financial handicap prevented them from promoting "nation-building" activities pointed to a pressing demand which it was not found possible to fulfil; and the failure of the Reforms was due, in no small degree, to financial inadequacy. We are, therefore, emphatic in our view that the new Constitution should start with such an adjustment of India's finances as would enable "nation-building" work to be undertaken without further loss of time. Any constitution aiming at democracy would depart from its own purpose if the rural masses were to remain as poor as they are; and there can be no steady progress if continued middle-class unemployment provided a persistent atmosphere of discontent.

The adjustment of India's finances might take place along various lines; but there is one that has been brought forcefully to our notice by the observations of Mr. Ramsay MacDonald in his "Government of India" and of the Indian Statutory Commission in their Report. Both Mr. MacDonald and the Commission urge an equitable distribution of India's military expenditure between England and India, Mr. MacDonald suggesting that England should bear half of the expenditure. We shall give the relevant quotations and references later on; but it is necessary at once to say that if India could be relieved from her admittedly excessive expenditure on Defence, she could immediately take in hand the work of the uplift of the masses which has been more or less neglected in the past. We look for an improvement in India's financial position from this more than from any other source; and we hold that both justice and considerations of self-interest as between England and India require a settlement in the direction pointed out by such weighty authorities as Mr. Ramsay MacDonald and the Indian Statutory Commission. We suggest that England should make over to India annually a substantial proportion of India's total expenditure on Defence; and that provision should be made for making available to the Provinces the financial relief thus afforded, so that the work of nation-building may be

proceeded with without more delay. We are aware that alternative suggestions have been made in other quarters, and we shall deal with them later in this Note; but at this stage we are merely concerned with making our general attitude clear.

We shall now pass on, by means of facts and figures from the Report of the Indian Statutory Commission, to analyse the financial position of India in relation particularly to Defence and the welfare of the rural masses.

Sir Walter Layton points out that the annual income of the British population is about £100 per head, and that of India was Rs. 107 (about £8) per annum, and according to a more cautious estimate it is only about Rs. 80 (about £6). Sir Walter Layton further points out, "The proportion of this annual income which is taken in Britain by the tax gatherer and spent upon military and naval defence is about 2½ per cent., viz., £2 10s. 0d. per head. In the case of India, the expenditure upon the army is 2s. 7d. per head, or, leaving out of account the Indian States and including British India only, 3s. 4d. per head, or about 2 per cent. of the average annual income. But, whereas the amount collected by the Government and spent upon education in Britain is as much as £2 15s. 0d. per head, the amount spent on education in British India is less than 9d. per head.

These simple figures illustrate three of the chief features of the financial situation in India, viz.:—

The mass of the people are extremely poor.

She is incurring expenditure on the primary functions of government, such as defence and the maintenance of law and order, as high in proportion to her wealth as Western nations.

Her expenditure on social services such as education, health, sanitation, etc., on the other hand, is far behind Western standards and indeed in many directions it is almost non-existent.

"The insufficiency of India's revenues to provide adequately for the latter classes of expenditure has been a factor of political importance in that it has created dissatisfaction with the very small headway that it has been possible to make in the direction of social amelioration under the Reforms."

Sir Walter Layton on page 215, Vol. 2 of the Report, sets out a balance sheet of India's finances. It will appear from it that the total central revenue is 88·22 crores; it further appears that the cost of Defence is 55·1 crores, or, in other words, it is as high as 62·5 per cent. of the total central income. The total expenditure on social services, such as education, medical and public health, is very inadequate, such expenditure being 12·57 crores on education and 6·38 crores on medical relief and public health, which means a total of 18·95 crores. The population of British India being 247 millions, it works out at an average of 4 annas, or about 4½d. per head on medical relief and public health. The inadequacy of expenditure on agriculture and rural industries is even more striking, the total sum spent for all the Provinces of India on agriculture and industries being only 3·24 crores, i.e., only 2d. per head. Considering that India's rural population is as large as 226 millions, and that the prosperity of India depends so largely upon the improvement of her agriculture and rural industries, the neglect of past Governments, due mainly to inadequacy of funds, is deplorable.

The inadequacy of funds on social services and on agriculture and industries is due in the first place to a large proportion of the income of India, poor as her citizens are, on Defence. It is due also to the comparatively large expenditure by the Provincial Governments on the primary functions of government, such as maintenance of law and order, and the Services: General Administration (15·76 crores), Police (12·28 crores), Jails and Justice (8·31 crores), Pensions (4·05 crores). The total expenditure on General Administration, Police, Jails and Justice, Pensions, together with Civil Works expenditure on these heads, will come up to more than 47·40 crores. Since the total provincial revenue is 88·25 crores, this represents about 53·5 per cent. of the total provincial income. We have already noted that the total expenditure on Defence is 62·5 per cent. of the total central revenue.

It is thus clear that on primary functions of government, India, both at the Centre and in the Provinces, is spending quite a large proportion of her income.

Comparing the Defence expenditure of India with that of the Dominions, we find that India's expenditure is very high as compared with that of the Dominions.

FINANCIAL EXPENDITURE—FINANCIAL YEAR 1927-28.

(Pensions are not included.)

Figures in thousands of pounds.

	Central expenditure.	State or Provincial expenditure.	Total.	Net defence expenditure.	Percentage of central expenditure.	Percentage of total (Central and Provincial).
Australia	82,121	113,847	195,968	4,733	5·8	2·4
Canada*	65,700	31,300	97,000	2,785	4·2	2·9
Irish Free State . . .	31,437	—	31,437	2,264†	7·2	7·2
New Zealand	24,945	—	24,945	969	3·9	3·9
South Africa	22,841	10,635‡	33,476	809	3·5	2·4
India	66,165	65,220	131,385	41,325	62·5§	31·5**

* 1926-27.

† Gross.

‡ Appropriations.

§ 62·5 per cent. of total expenditure.

|| Page 217, Indian Statutory Commission's Report, Vol. 2.

**Page 216, Indian Statutory Commission's Report, Vol. 2.

The Indian Statutory Commission has reported that the size and expense of the army serving in India is determined not merely by the purely Indian aspect, but also by the Imperial aspect, and that there are elements which "make it inequitable to regard its cost as falling solely upon Indian revenues."* The Commission further points out that it is somewhat difficult to evaluate every factor, and they would not attempt even to evaluate some of the aspects of the question relating to the division of army charges which had been under discussion between the Government of India and the Home Government. Lastly, as they were more concerned with constitutional problems than with the division of army expenditure, they did not feel it necessary to do anything beyond touching upon the Imperial and the Indian aspects of the problem.

* On this point the following extract (page 16) from Mr. Leonard Le Marchant Minty's "Constitutional Laws of the British Empire" (1923) is of interest:—

"In December, 1927, it was announced that a treaty had been made with Iraq acknowledging it to be in every way an independent State. Great Britain, however, still remains responsible to the League during the next twenty-five years for carrying out the mandatory powers entrusted to her. This, in fact, has meant the maintenance in Iraq of armed forces and aeroplanes costing over £4,000,000 a year. The upkeep of Indian troops so employed is included in the Indian budget, and as the future of Iraq is not of direct concern to India, and India has no control of the exercise of the mandate, their presence there is open to strong constitutional objections."

Mr. Ramsay MacDonald in his book "The Government of India" came to more definite conclusions. He expressed it as his deliberate opinion that half the army expenditure of India should be met from Imperial, and not Indian funds. We quote below the following from page 154 of his book:—

"What is the proper charge for India to bear for this occupation? A large part of the army in India—*certainly one-half*—is an Imperial army which we require for other than purely Indian purposes, and its cost, therefore, should be met from Imperial and not Indian funds. When we stationed troops in other parts of the Empire, we did not charge them upon the Colonies, but in India we have the influence of the dead hand"

Then, again, he observes:—

"Thus, India is treated as an independent State, which, however, we rule and whose military policy we control, while it 'borrows' from us a certain number of troops for which it pays. The arrangement is most unsatisfactory.

"It may be said that if India were an independent State its military expenditure would be much higher. But then, India is not an independent State, and is entitled to claim some privileges of Empire; its weakness ought not to subject it to a more expensive military arrangement than Canada or Australia.

"A self-governing India would no doubt insist upon bearing some definite share in defence, but like the Dominions it would settle how much it ought to bear: it would adjust the cost to its means, and it would decide in what form it was to make its contribution—*perhaps an Indian-recruited army*. In any event the present plan, by which India pays for the Imperial army stationed there, without in any way determining policy, is as bad as it can be. If the existing system of military defence is to last, *the whole cost of the British army stationed in India should be borne by the Imperial Exchequer.*"

It would appear from the last-mentioned sentence, that if the whole cost of the British army stationed in India is to be borne by the Imperial Exchequer, perhaps England's contribution to the total army expenditure borne by the Indian Exchequer will be not less but more than half. However, be that as it may, it is clear from Mr. Ramsay MacDonald's opinion, as also from the Indian Statutory Commission's Report (Vol. 2, pages 167—173) that India is equitably entitled to ask for a substantial contribution from England towards the army expenditure. In our opinion it is not necessary to examine the details of the share payable by England with meticulous care. We should rather aim at coming to an equitable adjustment on a broad basis, after taking into account political factors in both countries which have an important bearing on their future well-being.

There would probably be those who, although impressed by the justice of our proposal, would still be averse to the idea of an annual contribution to India on account of England's immediate obligations in respect of her domestic problem of unemployment. To them it would not perhaps be wrong to point out that what is asked for in this Note as a contribution to India would be but a small proportion of what England has been annually spending towards unemployment relief. Nor would it be unfair to draw attention to one factor, which is often missed by those whose eyes are fixed upon the hardship of an immediate sacrifice, and who are unable or unwilling to take the longer view. We are convinced that our proposal would be a political gesture of great value, fraught with far-reaching economic consequences to both India and England. The assistance offered by England to the uplift of her rural masses will not be lightly forgotten by India. With new bonds forged between the two countries, the bitterness of the immediate past would be greatly assuaged; and India's trade relations with England—which have been normally of the friendliest—would visibly improve. An advance in the standard of living in rural India cannot but have its natural effect upon British trade; and unemployment which is so large a result of trade depression is bound at least to diminish, when one of the potent causes is removed.

It is from this point of view, too, that we hold that the contribution we are asking for would have great economic results for England and India, even though these might appear to mature too slowly in the beginning.

We desire that England should contribute to the Indian Government a fixed percentage of India's total expenditure on Defence. In view of the weighty opinion of Mr. Ramsay MacDonald, we suggest that a percentage which would amount to half the total expenditure is *primâ facie* fair. If in spite of the deliberate opinion of Mr. Ramsay MacDonald, the present head of His Majesty's Government, it still be desired to examine the question further, we have no objection provided the following factors be taken into consideration:—

- (1) The fact that no such contribution has hitherto been made, and England has escaped a just liability for many years past.
- (2) The fact that the employment of British troops and British officers is accountable for a large proportion of the expenditure.
- (3) The merit of an opinion expressed by Mr. Ramsay MacDonald.
- (4) The Imperial aspects of the problem.
- (5) The political aspects.

Such an examination is bound to take some time, it may be several years. We therefore suggest that the payment for the first five years in any case be on the basis of the total expenditure on Defence as estimated by the Indian Statutory Commission, namely, 55.1 crores of rupees; England's contribution during this period 27.55 crores of rupees annually, that is, on the basis of the allocation suggested by Mr. Ramsay MacDonald. This payment should begin from the next Indian official year, that is, 1931-32. After the inquiry has been completed, say, during the next five years, the percentage and the amount of the contribution may be fixed so that it could remain in operation for a period of, say, ten years.

The administration of the Defence of India should remain with the Government of India irrespective of the constitutional position of that Government. We repudiate the suggestion of the Indian Statutory Commission that India should contribute to England for the Defence of India, but we are emphatic in our opinion that the contribution should be from England to the Government of India.

Lastly, we are anxious that the suggested contribution of England should be made immediately available to the Provincial Governments by means of Statutory Rules, so that the long neglected problems of rural India may be taken up without any further delay.



Indian Round Table Conference

12th November, 1930—19th January, 1931

PROCEEDINGS OF SUB-COMMITTEES

(Volume VIII)

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INTRODUCTORY NOTE.

Proceedings of the Indian Round Table Conference in plenary session, and in Committee of the whole Conference, are contained in a separate volume, the Introductory Note to which explains, briefly, the procedure adopted by the Conference.

Proceedings of Sub-Committees are contained in nine volumes as below :—

- Volume I.—Federal Structure.
- „ II.—Provincial Constitution.
- „ III.—Minorities.
- „ IV.—Burma.
- „ V.—North-West Frontier Province.
- „ VI.—Franchise.
- „ VII.—Defence.
- „ VIII.—Services.
- „ IX.—Sind.

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INDIAN ROUND TABLE CONFERENCE.

SUB-COMMITTEE No. VIII.

(Services.)

The sub-Committee was constituted as follows:—

- | | |
|---------------------------------------|---|
| Sir W. A. Jowitt (<i>Chairman</i>). | Mr. B. Shiva Rao. |
| The Marquess of Zetland. | Mr. H. P. Mody. |
| Major the Hon. O. Stanley. | Sir Cowasji Jehangir. |
| The Marquess of Reading. | Sir A. P. Patro. |
| Sir Robert Hamilton. | Rai Bahadur Kunwar Bisheshwar Dayal Seth. |
| H.H. The Maharaja of Alwar. | Maharajadhiraja Kameshwar Singh of Darbhanga. |
| H.H. The Maharaja of Nawanagar. | Raja of Parlakimedi. |
| Sir Prabhashankar Patani. | Dr. B. R. Ambedkar. |
| Rao Bahadur Krishnama Chari. | Lieut.-Col. H. A. J. Gidney. |
| Sahibzada Sultan Ahmed Khan. | Mr. K. T. Paul. |
| Mr. C. Y. Chintamani. | Sardar Sampuran Singh. |
| Sir Provash Chunder Mitter. | Sir Shah Nawaz Bhutto. |
| Dr. Narendra Nath Law. | Mr. A. H. Ghuznavi. |
| Mr. J. N. Basu. | Khan Bahadur Hafiz Hidayat Husain. |
| Mr. S. B. Tambe. | Mr. Zafrullah Khan. |
| Sir Chimanlal Setalvad. | Dr. Shafa'at Ahmad Khan. |
| | Mr. Fazl-ul-Huq. |
| | Sir Edgar Wood. |
| | Raja Narendra Nath. |

with the following terms of reference.

“ On the relations of the Services to the new political structures.”

(NOTE.—The terms of reference are meant to include such questions as the ratio of British recruitment in the All-India Services, and on the other hand the question reserved in the footnote to para. 4 of the Provincial Sub-Committee's Report, *i.e.*, responsibility for the internal administration of the Police in the Provinces.)

PROCEEDINGS OF THE FIRST MEETING OF SUB-COMMITTEE No. VIII
(SERVICES), HELD ON 6TH JANUARY, 1931.

Chairman: The terms of reference to this sub-Committee are as follows: The relations of the Services to the new political structures. To that we have a note added: "The terms of reference are meant to include such questions as the ratio of British recruitment in the all-India Services, and, on the other hand, the question reserved in the footnote to paragraph 4 of the Provincial sub-Committee's Report, that is, responsibility for the internal administration of the Police in the Provinces."

My experience is that discussion is much more fruitful if it is focussed on a particular point by the terms of an agenda, but at this morning's meeting we might have a general discussion, particularly with a view to getting the detailed points we have presently to discuss clearly present in our minds.

In considering the Services the first line of demarcation is between All-India Services on the one hand and Services which are not All-India on the other. With regard to the latter—I mean, of course, the Provincial Services and the Central Services—we shall have very little to do. The power of control in respect to these Services is already so full and adequate that I cannot think there will be much difficulty in making such adjustments as may be necessary, save that everybody would desire that such safeguards as exist to-day for the benefit of those in the Services should not be taken away from them.

The main topic will be the All-India Services, of which there are five, and it might be well to consider them separately. There again, we have a broad line of demarcation. First of all we have to consider the position of those who are already in the Services, and secondly, to consider the future. With regard to the persons already in the Services there seems to have been expressed an almost unanimous body of opinion that we must do with regard to these people what is just and what is generous, both because we all desire to do that, and, secondly, because it has been pointed out that it is the wise thing to do. When you are embarking upon a great constitutional reform it is desirable if possible to avoid at the same time great changes in the administrative machine. Therefore, with regard to the question of the existing Services, we shall have to consider what security, safeguards, and satisfaction must be given to the persons now in the Services. I do not regard it as possible for a Committee like this in the limited time in which we have to work to do more than lay down general principles. For instance, we may lay it down that those in the present Services must have their rights duly safeguarded; the actual steps to be taken to safeguard those rights would be a matter to be considered by the authorities hereafter.

With regard to the future the questions fall under certain heads: should recruitment on an All-India basis continue at all? Should there be a European element in the future, and if so, what ratio

should be taken? If you consider that it is desirable to retain a European element in the Services, at any rate for a limited time, you will probably all agree that you must get the right type of European element. It is no good unless you get them "out of the top drawer". Therefore you will have to consider what steps must be taken to ensure this. The principle applies not only to the European recruitment, but to the Indian recruitment too; you want to get that "out of the top drawer". You have to take steps to see that you get the best type of men. The success of any democracy obviously depends on a very efficient and honest Civil Service. Whether we can lay down absolute and definite rules I very much doubt. It depends upon the authorities in India, and we should like to hear the views of the University authorities in India and here also, because the candidates will largely come from the Universities. It will be interesting to know what steps they recommend. What securities and safeguards would the young men and their parents require? On all these topics we should content ourselves, I think, with laying down broad generous principles.

I hope, as a result of this morning's discussion, to be able to prepare an agenda for our future meetings. There are two other topics to consider. The first is, in connection with the Services, the setting up of a Public Service Commission, that is to say, not merely with regard to the Centre, as we have it to-day, but with regard to the Provinces. It is thought by some, possibly by many, to be the most efficient way of getting the right sort of people, and, when you have got them, to see that they are free from an undue measure of political influence.

The second question relates to the internal administration of the police.

It seems to me that on these lines we might have a very useful discussion. I invite you this morning to have what I previously called a second reading debate. In particular I should be very glad if you would give me the benefit of your opinions as to the way in which we could most conveniently discuss the points so that at our next meeting I may be prepared to meet you with an agenda.

Mr. Chintamani: The terms of reference of this Committee, although brief, may be said to be very comprehensive. "The relation of the Services to the political structure" is a phrase that includes nearly every question of importance in relation to the Services, namely, recruitment, conditions of service, pensions, etc. I will follow your directions, and as far as possible, endeavour to limit my observations to those Services which at present are recruited on an All-India basis. You said that they were five; I think they are the Indian Civil Service, the Indian Police Service, the Indian Medical Service, the Indian Forest Service, and the Irrigation Branch of the Public Works Department.

It is a question upon which there has been no complete agreement in the party to which I belong, whether the Services in the future should be recruited on an All-India basis, but the greater

mass of opinion has been that the Civil Service and the Police Service should continue to be All-India Services, while the Medical Service, the Forest Service, and the Public Works Irrigation Service need not be so regarded. But on one point there has been complete agreement—agreement approaching absolute unanimity—namely, that even the recruitment of the All-India Services shall be made under the control of the Government of India, and no longer under the control of the Secretary of State for India. It is fatal to the whole scheme of representative and responsible government, on the construction of which we are here engaged, to leave to a distant authority like the Secretary of State who is responsible to the British Parliament the decision in the matter of recruitment of the Services. In the Provinces there have been few handicaps more serious acting against the success of Ministers than the circumstance that the administrative agency to whom they have to function is not an agency in the recruitment of which they have any part or in the control of which they have more than a very minor share. If the Indian Civil Service and the Indian Police are to be recruited, as a good many Indian public men of progressive views hold that they should be, and if that recruitment is to be under the control of the Government of India, and not of the Secretary of State, what are the conditions that it would be prudent and wise for us to impose as a part of the constitution upon the liberty of the Government of India?

The first point I wish to make is that the Indian Civil Service as we have known it all these years must from the point of view of future recruitment cease to exist. As was stated by a very distinguished member of that Service, Sir Henry Courthope, Chief Commissioner of Assam, the present constitution of the Service is due to historical circumstances. Order had to be evolved out of chaos, and when the lines of future progress had to be laid down, it was considered not merely desirable but essential that there should be a body of highly-trained men in whom nearly all authority in civil administration should be concentrated. Take the post of District Officer, known as Collector in some places, and Deputy Commissioner in others. This was a functionary in whom was vested authority so nearly despotic that I imagine the Ruling Princes would themselves be content with the exercise of so much authority. Conditions, however, have since changed, and with the development of various departments with their own Heads and the devolution of authority to them, the District Officer has ceased to be the all-absorbing functionary that he was in the beginning. This tendency must continue at accelerated speed.

In the second place we have long asked for complete separation of judicial and executive functions, so that both these functions should no longer be combined in any single officer. One of the first steps taken by the Reformed Legislatures was to pass measures insisting upon the carrying out of this reform, and this was followed by the appointment of Committees in several provinces for effecting this step. However, all their labours have come to nought, as the

Government of India, having first promised liberty to Provincial Governments, afterwards interposed an effectual obstacle. I cannot conceive of any reformed Government in the country which would not regard it as one of its first duties to separate judicial and executive functions, and thus create confidence in the public mind that justice in criminal matters was being done.

Various administrative functions that once devolved upon the District Officer have since passed to Heads of Departments, and with this and with the separation of judicial from executive functions which it will be one of the first duties of the new Government to carry out, I am of opinion that a Service like the Indian Civil Service will become an anomaly and an anachronism. What will be needed will be separate judicial and executive services, recruited each in such a manner as may be appropriate to it, the recruitment being by the Government of India. I am assuming that the recruitment for both will be on an All-India basis. If the recruitment of the judicial Services be Provincial instead of All-India, there will be no difficulty in making arrangements accordingly. When you vest in the Government of India the authority to make this recruitment, the next step will be that by Statute you make it impossible for the Government as a whole, and much more so for individual members thereof, to abuse their power by the mere exercise of patronage. The remedy for this evil is the constitution of a Public Services Commission, not as a mere administrative body, subordinate to and amenable to the control of the Executive Government, but as a Statutory body whose rights and responsibilities are defined by the Statute itself. Once the personnel of that Commission is appointed, and they have been told by the Executive Government of their requirements, the Executive Government should cease to have any voice whatsoever, and it should be the duty and authority of that Commission to make recruitment in the manner most conducive to the national interest without regard to any subsidiary considerations.

The same observation holds good with reference to Provincial Public Services Commissions. I mention it here so that I need not refer to it later on. These Commissions should be as completely independent of the Provincial Governments as the All-India Commission should be independent of the Central Executive Government, and there should not be any possibility of the Commissions being swayed, publicly or privately, directly or indirectly, by considerations of the convenience of members of the Executive Government. With regard to adequate treatment of the claims of minorities to posts in the various branches of the public Services, it will also be enjoined upon those Commissions to see that consistently with the best efficiency that they may lay down, no one section of the people will get anything like monopoly or even predominance in any branch of the public Service, but appointments will be distributed fairly and equitably among all, and not merely fairly and equitably, but with a generous consideration for those minorities which on account of backwardness, have hitherto failed to get their proper

share. I do not wish that there should be any suspicion in the mind of any minority community that their claims are prejudiced.

In the next place, Sir, we have to consider where these All-India Services should be recruited. I would say that that should be left entirely to the decision of the Government of India. The present Government of India in their Despatch on the Report of the Simon Commission have referred to the recommendations of the Lee Commission with regard to the ratio of Indians and Europeans. I am here to say that I dissent completely and absolutely from the conclusions of the Government of India.

The time has gone by when we may toy with the question of ratios and proportions in the matter of future recruitment, and after this long distance of time we have to satisfy ourselves that progress has been made. When we are here determined to get nothing less than Dominion Status and responsible government for our country, it is an anomaly and will lead to any amount of administrative inconvenience if any restriction whatsoever is placed upon the liberty of the responsible Government of India with regard to the recruitment of the Services. Let it be noted that my observation has absolutely nothing to do with the recruitment of Europeans or Indians. If the Government of India should decide at a given date that the interests of India demand that a certain number of highly qualified Europeans should be appointed, there should be absolutely nothing to prevent them doing so. If in a given situation the Government of India should decide that the recruitment of any Services in a particular area should be only of Europeans and not Indians, they should be at liberty to do so; that liberty should be theirs. There should be no recruitment under the control of an authority outside India, but recruitment should be by the Government of India and in India, of whatever subject of the King the Government of India may choose to recruit.

I hope these observations may remove the apprehension that I am swayed by any prejudice in the view I take. It is due entirely to the constitutional aspect of the question that I take this view, and not because of race prejudice. So far from having that prejudice I am among the huge body of my countrymen who have a profound admiration for the great qualities of the Indian Civil Service, who in the administration of the country in the difficult situations have set up a high standard of devotion to duty, and a capacity to deal with those difficult situations with resourcefulness and a sense of responsibility, which has gone a long way towards levelling up the tone of the Provincial Services. I am glad to think that a stoppage of future recruitment outside India does not mean the loss of the services of this highly-trained and experienced body of men, who will still have many years of service before them, and it is not proposed by even the most radical of Indian politicians that a single act should be done which would affect any one of those Services. I entirely associate myself with you, sir, if I may do so, in your observations with regard not only to the necessity but to the wisdom of doing not mere justice but even of according generous

treatment to those already in the Services. We shall have absolutely no objection here—when I say “We,” I am sure I speak for all my countrymen, because no one wants any actual injustice to be done—we have absolutely no objection to safeguarding the positions and to producing a confidence in the minds of the Europeans recruited by the Secretary of State that the condition of the Services shall be and will be respected by the future Government of India and the Governments of the various Provinces, with respect to their salaries and other conditions; there should be an absolute safeguard not only of their actual but of their accruing rights—a phrase which has come into vogue in Indian terminology. There should be a clear understanding that that phrase “accruing rights” does not act as a bar to the abolishing of superfluous posts by a future Government of India. I have said this because in recent years the opposition to our proposal for the abolition of certain posts has been met by the argument that when the present men entered the Service they knew of the existence of those posts and probably what their promotion would be and that therefore the abolishing would mean a certain loss for which they should be compensated. This particular argument I absolutely repudiate. In deciding what posts should be set up, what posts should be created and what posts should be abolished, in the discharge of that duty of the Government no question of what is “accruing rights” should be allowed to act as a bar.

Then, sir, speaking of the Police, you have referred to the footnote referring to the internal administration of the Police Department. I am aware that the reference is to the observations made by the Marquess of Zetland in the Committee on the Provincial Constitution. His proposal was that it should be laid down in the Statute that all matters of a departmental nature which at the present time are under the control and final disposal of the Inspector-General of Police and do not go before the Government Council shall continue to be so controlled instead of those powers being usurped by future Ministers. I beg to say that this proposal of the noble Marquess implies a certain distrust, not only of the *bonâ fide* but of the common sense of future ministers, for which there is no justification and which I entirely repudiate. If you cannot trust future ministers to distinguish between matters of principle and policy on the one side and matters of administrative routine on the other, if you cannot trust them to continue to control the departments, including the Inspectors-General of Police in the administrative duty which must be finally disposed of by them without reference to the Government Headquarters—involving much delay—if you cannot trust them to do that, then do not trust them at all. Put them on the footing that the Government you are going to establish in India will consist of men who will be endowed with common-sense, with a sense of responsibility and with a regard for the interests of their own country and who may therefore be trusted with the exercise of powers appropriate to members of the Government.

If you do not make that assumption, it is far better that you should say so and send us back home without further delay than that you should appear to be making concessions while at the same time inserting safeguards and reservations which take away altogether from their effectuality. In my opinion it is absolutely unnecessary and utterly undesirable to make a distinction between matters administrative pertaining to the Police Department and matters administrative pertaining to any other Department, and to make provision for the exercise of powers by the Head of the Police Departments when you do not feel that there is any necessity to make similar provision in respect of the Heads of other Departments. In my own mind I have not the slightest doubt that no sensible Indian Minister will seek to do the impossible by depriving Inspectors-General of Police of the powers necessary for temporary discharge and of taking into his own hands duties which would be within the power of any human being to discharge within 24 hours.

That is so far as the internal administration of the police is concerned.

Then, Sir, it is necessary for me to say a word or two about the Indian Medical Service. The condition of that Service is the most anomalous and at the same time to Indians most irritating and insulting. The Indian Medical Service is a very military service, the military service being a very big branch in the Civil Administration. These men, engaged in Civil Medical Administration as Civil Servants in districts are only partially under the control of the Governments which they serve. The anomaly has gone so far that the Government of India have not only laid down a minimum number of Indian Medical Service officers which it shall be the duty of every Provincial Government to keep in the Civil Administration, but it went further and laid down the minimum number of European officers of the Indian Medical Service who must be maintained, and incredible as it may seem to you, Sir, they have gone still further and also specified the particular districts, the particular stations where the officers must be European and shall not be Indian; yet the minister in charge of the Medical Service has to answer to the Legislative Council day after day in regard to the administration of that Department, and if anything goes wrong he gets the blame, and if anything goes right the credit goes to the other officers. I do not see, in view of the progress the medical service has made in India, a shadow of justification for the continuation of this most anomalous arrangement. We have long pleaded for the complete separation of the Military from the Civil medical service. We have said that the recruitment of the Military medical service shall be partly in England and also partly in India; but the civil recruitment must be exclusively in our own country and the control of the Provincial Government shall be not less complete than their control over any other branch of the Civil Administration. A minister who is given a strictly limited authority in other departments is still more limited in the medical department; he cannot even transfer an officer from one district

without the concurrence of the Government of India, and not even the Provincial Government can get at the head of the medical department in its Province an officer of its choosing; it must go to the Government of India and must accept the officer of the Government of India, whatever part of India he may come from. This must come to an end.

In the Public Works Department in 1919 officers of the Buildings and Roads Branch raised less objection to their transfer to the control of the Minister than the Irrigation officers did, the Irrigation officers having been fortunate to remain outside the control of the Legislature and wanting a continuance of that privileged position. The Irrigation officers have stated that in their Branch the qualities of energy and outdoor activity and responsibility and impartiality which are required can only be looked for in Europeans, and this claim has been put forward not only by Europeans but by Anglo-Indians, who when it is useful to them act as if they were Europeans and otherwise claim India as their motherland. Now, Sir, the Irrigation Branch of Public Works Department stands on practically the same footing as the Buildings and Roads Branch, and both should be recruited on a Provincial basis and entirely under the control of the Provincial Governments. Its recruitment should be entirely on a Provincial basis.

I reiterate what I have said, namely, that the recruitment should be also under the control of statutory Public Services Commissions.

I think I have covered the points dealt with in your remarks, and I venture to think the recommendations of this Committee should proceed more or less upon lines similar to what I ventured to indicate, in order to put forward a scheme which will fit in with the system of responsible government.

Sir A. P. Patro: Sir, you have very rightly divided the subjects into two: First, as regards the Services already in existence, and then for future recruitment.

With regard to the Services now in existence, upon whatever basis they may be so far as the new constitution is concerned, it is agreed on all hands, by all schools of political thought, that their rights and privileges should be strictly and scrupulously maintained by statutory safeguards—their pensions and their privileges—but as has been referred to by the previous speaker, with regard to what is known as “accruing rights,” there has been a great deal of controversy on that matter as to what is meant by “accruing rights”. Compensation is claimed on behalf of the All-India Services on the basis of loss of “accruing rights,” either at the time of retirement or at the time when they retire from the Service before that period. Therefore, the question of “accruing rights” should be carefully considered, and there should be no basis whatever for compensation; but all their rights, namely, the compensation they are entitled to, the privileges, pensions and family pensions, provident fund, everything should be strictly safeguarded by statutory provisions. There is absolutely no doubt whatever on any side about their present rights and privileges being maintained.

Then, Sir, as regards the future recruitment, it may be divided into two parts, namely, provincial recruitment and recruitment on the All-India basis. As regards the provincial recruitment, it should be, practically speaking, a principle that every Government should have its own agency to carry out its own policy, but in working out how it should be carried out what is the process which should be applied in carrying out this principle? There comes the difficulty in policy, the expedients which should be allowed to be adopted.

Future recruitment should be, in my view, in the case of what are known as the security Services as recommended by the Government of India, and there should be an All-India basis for some time to come. In 1939, when there will be an equal proportion, will be the time to review the whole question of the Services and whether it should continue to be as at present, recruitment by the agency of the Secretary of State, or whether we should have recruitment by the Government of India. By that time, 1939, everything will have been settled and the new machine will have been in working order and it may not be necessary for us to have the full recruitment as we have at present; there will have to be some alteration in the ratios at that time, and it will then give us more breathing time to adjust every part of the machinery of that administration, so that we will be in a better position to adjust the ratios in the proportion of recruitment, if necessary; but it would be a question for the Provincial Governments in 1939 to reconsider the whole subject and say whether it would be on the basis as at present.

With regard to the two other Services, I do not see any reason why they should continue to be on the basis as at present. Immediately the Irrigation Branch of the Public Works Department may cease to be recruited on an All-India basis; but it has more or less been agreed, and the Despatch of the Government of India shows, that with regard to the two security Services we shall have to keep them on an All-India basis, recruited as at present, both in India and in England for a time, and it is only then that it would be possible and practicable to reconsider the whole subject in 1939.

Then, Sir, when we come to the whole of the system of recruitment, whether the conditions should be continued or not, the matter is premature at present, because, as I say, when the Provinces and the Government of India attain their substantial position and status, then we would have to consider whether the European element would be required or not. As has been remarked very rightly by the previous speaker, the door will be still open for recruitment in India and in England. The Government of India will have to consider whether it would continue to be the same or not. The door will not be closed to European recruitment till the Government of India may be in a position to consider the matter. The Public Services Commission will be a different body, certainly must be a different body; I do not want to cast a reflection upon the constitution of the Public Services Commission because they must be above all political considerations.

It should be on a better basis than at present both in regard to the Central Commission and in regard to the Provincial Commissions. There should be a Commission which would be quite independent of all political interference and caste influence. Caste is the bane of India in the Services. Caste leads to all sorts of monopolies. We must get rid of this demon Caste. So far as we are concerned in the Madras Presidency, we are a majority community; nevertheless we have a very poor representation in the Services. My friend has referred to the protection of the minorities, but even the majority community in Southern India requires those safeguards and protections which my friend has so eloquently pleaded for on behalf of the minorities. A majority community, which bears the very heavy burden of taxation, which bears all the brunt of the battle, and which has got all at stake, should be adequately and properly represented in the Services. That such a community should not be adequately and properly represented in the Services is a great grievance. Therefore we want instructions given to the Public Services Commission that not only the minority communities but also the majority communities should have their interests safeguarded and be properly represented.

A Member: On an efficiency basis?

Sir A. P. Patro: Certainly. Efficiency should not suffer simply because a particular community wants better recruitment. I insist on a standard of efficiency, to be maintained not only for the minorities but for the majorities. Wherever there are two candidates for a particular place, the merits of those two candidates should be judged properly, and the candidate belonging to an unrepresented community should be given the preference if his merits are better. No injustice should be done to any particular class or caste or community. Communal justice should be done all round. I am sorry to insist on this question of communal justice, but it is necessary that the truth should be spoken and the real facts faced. It is no use burking the question, or, for the sake of politeness, keeping this matter in the background. This is a time in which we must speak frankly. It is therefore my painful duty to bring this matter to the notice of the sub-Committee, and to say that all requisite safeguards should be provided in any future scheme providing for recruitment.

As to the question of internal Police, and whether the Inspector General should have the right to recruit and control the Service, and as to whether the Minister should not have a voice in the matter, that is a thing which, by convention and by actual practice, would certainly regulate itself. At present the Inspector General of Police has the right of recruiting all subordinate officers for the Police Service. He has also got the control and discipline of the Police Force, subject to the general policy of the Government. The Minister therefore would lay down the policy, and, as usual, the Inspector General would carry out that policy, having a certain amount of freedom in the matter of transfers and recruitment to

the subordinate Services. I do not think, therefore, that the point raised by Lord Zetland in the matter of the adjustment and control of the Services in the Provinces or in the Centre has any force.

I agree with a previous speaker that it is necessary that steps should be taken to recruit the best men either in India or in England. As has been remarked by our esteemed Chairman, it is too early for us to enter into the details. The matter of qualifications and so on should be left, as has been suggested, to the local administration, and the Government of India should be consulted. The University authorities also should be consulted. However, these are details which we need not discuss; but on general principles I say that at present the rights and privileges of the members of the present Services should be safeguarded, and future recruitment of the Security Services, as recommended by the Government of India, should continue to be on the same basis as at present until 1939. Then it should be given over to the Provinces to determine how they would recruit. It will then be obvious, if recruitment be continued, that it should be continued by the Government of India and not by the Secretary of State.

As regards the Indian Medical Service, I agree that in so far as the Military Service is concerned it should be in the hands of the Government of India; but as regards the Civil Service it is an anomaly; the privileges claimed are altogether unjustifiable on any ground whatever. The allocation of certain places and localities seems to me a thing which cannot be justified on any principle whatever.

Therefore that matter also requires to be carefully examined.

There is no doubt whatever that, as recommended by the Government of India, the Irrigation and Forestry Services should discontinue to be recruited on an All-India basis. Irrigation must be provincialised, because it is part of the Public Works Department. The Works Branch has been provincialised, and the Education Service, which was previously on an All-India basis, has also been provincialised, as advised by the Lee Commission; and those two Services have not suffered in any way in efficiency.

We have to go on step by step until ultimately the whole of the Services are under the control of the Government of India and the Provincial Governments. The Provincial Governments must have control of the Services which will carry on their own policy and work. Whatever the theory may be in regard to that, I think the time has not yet come when the two Security Services can be dispensed with immediately, but that they will have to continue until 1939, when the whole question will be reviewed.

Dr. Shafa'at Ahmad Khan: The two previous speakers have already covered the ground and have dealt with most of the points. I should like to deal with the question of what is called the Security Services. As has been pointed out, there are five Services at the present time which are recruited by the Secretary of State for India. Of these five, two are Security Services—the Indian Police and the

Civil Service. I agree that for the present we should not decide what ratio should be fixed for Europeans in those two Services for the future. I agree that when the question comes up for decision in 1939 the whole question should be reviewed by a competent and impartial body. I say that because I feel that while we are embarking on a very big project, and introducing responsibility in the Centre, we should be very careful to see that our administration is not entirely dislocated. We are prepared for the fullest form of responsibility which is possible in the present circumstances, but I am not quite sure whether, if simultaneously we introduced far-reaching changes in the administration of the country, it would be really practicable and expedient. For this reason I think it would be desirable to postpone the question of the consideration of the ratio of Europeans in these two Services for the present, and to decide this question in 1939, when we will be in a position to see how the new organisation which we are constructing now has worked; and in the light of the experience we have gained we will be able to formulate positive, definite, and clear-cut principles on which our administration should be based.

As regards the three other Services which have been enumerated—the Forestry Service and the other two Services—I am definitely of the opinion that they should be provincialised. As regards the Forestry Service, there is not one local Government which has advocated the maintenance of the Lee ratio in those two Services. For this reason I believe it is expedient that all these Services should be provincialised, and that the appointments should be made by the Government of India.

I now come to the other point which was discussed by Sir A. P. Patro. He referred, quite rightly I think, to the need for the representation of minorities in the Public Services Commission. Majorities too, if necessary. I am in complete agreement with him on this point. I believe that if the claims of minorities in the Public Services are ignored, and if the claims of the majorities also are ignored, we will have a new caste in India—a caste which will I am afraid assume a much worse form than other castes in India. For this reason I am emphatically of the opinion that positive, definite, and emphatic instructions should be issued to the Public Services Commission laying down as a fundamental principle that the claims of minorities in the various departments of the Public Services should be fairly and adequately considered, and that their claims should be implemented.

The Public Services Commission presented a memorandum to the Simon Commission, in which they stated that their decisions in some cases had been overruled by the Government of India. I do not know to what extent that complaint is justified, but this I can say—that if a Public Service Commission is going to be appointed in the Provinces, then that Public Service Commission should be completely immune from the influences—party, caste, and other influences—which as we know are brought to bear on the highest as well as on the lowest officials on some occasions. It must be laid

down that members of the Public Services Commission should not be appointed by the Ministers, but by some independent authority. Moreover, their powers should be ample. They have complained that in many cases their powers have been limited and restricted. I am very strongly of the opinion that the Public Services Commission which is appointed should have powers over the recruitment of the Provincial Services and even, in some cases, over transfers.

The last point to which I would like to refer is that which was raised by Lord Zetland, namely, the question of the control of the Inspector General of Police over the transfer and posting of Police Officers. I have considered the question very carefully, and I have come to the conclusion that if the principle enunciated by Lord Zetland is followed it will not really mean any restriction on the power of the Ministers. The Ministers do not really want to interfere in the minutiae of administration. They do not wish to know why a person is posted to a particular district. They do not wish to know why an Inspector of Police is posted there and another here. They leave all those details, even in the case of transfers, to the heads of the department. If this is the actual practice now, what objection can there be to confirm it not only by usage but also by statute? If this is done it will lead to stability; it will create confidence; and it will increase the discipline of the Force. For these reasons I am very strongly of the opinion that the proposal made by Lord Zetland should be considered, and I am inclined to think that when it is considered it will be accepted by this body.

Mr. Basu : At the present moment, as has been stated, there are five Services which are recruited for the Government of India by the Secretary of State in this country. The difficulty I feel in dealing with the matter is this, whether the categories of the different Services will continue to be what they have been in the past, or whether the categories will be readjusted. From our experience of the development of the Government of India in the past, we have found that there have been changes with the lapse of time. For instance, in the forties and fifties of the last century the officer whom Mr. Chintamani has designated as either the Collector or the Deputy Commissioner of the district was in charge not only of the Civil Administration, the collection of revenue, and so forth, but to some extent he had charge of the public works, he had also charge of the roads, of the public health, and where there were small towns or cities within his district, he looked after the municipal affairs of those localities. But in the seventies and eighties local bodies were established, and a great part of his functions—for example, looking after the roads, the water supply, and so on—were taken out of his hands. As Mr. Chintamani has pointed out, he was not only the Executive Officer, not only the person who was to decide what was to be done on behalf of Government in a particular case, or as to whether certain persons were to be prosecuted or not, but in addition to prosecutor he was also judge. In his capacity as magistrate he tried cases. Since then

there has been gradually an increasing appointment of judicial officers, though still to a certain extent as regards criminal cases the jurisdiction of this officer remains. So far as my own province is concerned, the Collector of the district looks after general administration and the collection of revenue. As we get on, the work is bound to be specialised. For instance, in policing a particular district, we have the District Superintendent of Police; and then in Provinces where there are divisions consisting of a group of districts we have an officer on the top of the division known as the Commissioner of the Division. The Collectors ultimately have the prospect of being appointed Commissioner, and if we abolish the Commissioners we shall be abolishing what might be described as a "Post Office" between the Government at headquarters and the District Officers. Owing to the facility of communications, however, such an expensive "Post Office" is becoming unnecessary. Madras has done away with Commissioners, if it ever had them. The other Provinces may do away with Commissioners, and we may have, in view of the stringency of finance, which rendered nugatory whatever good there was in the last reforms, to see their complete abolition. We may have to employ special revenue officers instead of the system which dates from the latter portion of the 18th century. The revenue system now prevailing in British India was laid down in the time of Lord Cornwallis, and to a great extent it is a system which requires some amount of elastic expansion. If we assent to what two previous speakers have said, we must stand quiet and do nothing until 1939 and 1949.

Dr. Shafa'at Ahmad Khan: I did not say 1949.

Mr. Basu: Even if it is 1939 we start with a great handicap. One of the reasons for the failure of the Governments that were brought into existence as a result of the Montagu Reforms was stringency of funds, and one of the ways whereby that stringency can be relieved is the simplification of the administrative machinery. The administrative system of British India in the districts and in the Centre is much more expensive than the administrative system in this country. We have the District Magistrate, the Joint Magistrate, the Assistant Magistrate, the sub-Divisional Magistrate, and so on until you crush the people with the burden of the administrative machinery.

Sir A. P. Patro: All that is Provincial.

Mr. Basu: It may be Provincial, but many of these posts are manned by the men of the Civil Service, so that if we make a general statement "Civil Service," it may mean finance, it may mean Customs, it may mean Secretariat work, it may mean revenue collecting out in the country. Therefore one expects a man who probably in the days of yore might have been in a position to do anything and everything, still to turn his hand to all sorts of tasks although now he is a specialist man with specialised knowledge relating particularly to one department only. You cannot impose service like that on such men and expect them to do anything and everything that is required.

I think, therefore, that there should be no limit of time as regards future recruitment. The Government which will come into being will have to find out where it stands, what its resources are, and what machinery it can use with safety and for the purposes of real development and progress. It is of no use setting up the machinery and saying that it must be maintained, and the people must be kept back for such and such a length of time. That is what was done under the last reforms, and it created a tremendous amount of discontent. In Bengal nearly three-fourths of the revenue was spent in general administration and the police, and although this is the unhealthiest of the Provinces, the people dying like flies, the expenditure of public health is ridiculous proportionately. My friend Sir Provash Mitter was in charge of education for a little while, and did what he could, but I do not think the education got the amount which it ought to have received. The ratio of the illiterate has almost remained the same during the last twenty years. How long will the people stand it? We talk about readjustment, and then we are proposing to settle machinery upon them to start with which cannot be readjusted. (A Voice: "Retrenchment.") Retrenchment is a means of readjustment of the administration to some extent. But I urge that the question of recruitment by such categories as the Civil Service and the Police cannot continue any further. It has been admitted by previous speakers that so far as the Forest Department is concerned, this should go to the Provinces entirely. They have their own officers to develop their own forests, and each Province should try to develop its own forest resources.

With regard to the Medical Service, the recruitment of the I. M. S. is in its primary nature military, but in India everybody is expected to do everything. The military surgeon is placed in charge of a district, or is given a University Chair, where he will teach midwifery or some special department of medicine. We are coming to a time when things are getting specialised, and a man who specialises in a particular department of medicine should not be kept out because there are certain members of the Services who have to be provided for. The Medical Colleges in India are now very well equipped, and have large hospitals attached to them. The men trained there are men with a knowledge of local diseases and local conditions. They know what particular kind of disease will have to be dealt with in a particular locality. As regards the Medical Services, therefore, I submit that the Provinces should be left alone. Almost every Province has its own medical college, and has a Civil Medical Department with Civil Surgeons (though called Surgeons they are also Physicians) in charge of districts, and there are district hospitals and dispensaries for distribution of medicine and examination of patients. I think that so far as the Medical Department is concerned, there is no occasion, except in the military Services, to have a centralised Service. For example, a particular locality is known to be bad for cholera; to this locality will go doctors who have specialised in the treatment and preven-

tion of that disease; the same is true with regard to malarial fever. Those who have specialised in dealing with that disease should be allocated to that area. The Medical Service, except in the Military Department, should not be centrally recruited, but provincially recruited.

With regard to the police, there is a Provincial Police Department which deals with ordinary crime and criminal investigation, and there are certain departments of the police which are probably inter-Provincial or affecting more than a particular Province—for example, railway police and river police. The Central Government may have a small police department for co-ordinating the administration of the Police Departments in the different Provinces, but as regards the higher Services the Department may be centrally recruited to keep up the standard of the Police Service. We know, unfortunately, from the Report of the Police Commission which sat in 1896 or 1897 that the Police Department does require a little looking after, otherwise it has a tendency to lapse into inefficiency.

So far as the higher Officers of the Department, those controlling the Services are concerned, they may be centrally recruited.

With regard to the fixing of English recruitment and Indian recruitment, I do not think there is any need again for fixing a ratio. So far as the Government which will be brought into being is concerned, for its specialised work it will have to come to England for a great many years for many of its Services. For instance, the Education Department has been provincialised, but several Governments I know have repeatedly asked either the Secretary of State here or the High Commissioner to recruit officers for them. With regard to recruitment in England, I do not think that the recruitment should be done independently by the Secretary of State. Even when the recruitment is in England, it should be by the Government of India, through agencies which that Government may lay down. That is the ordinary rational practice, and there is no reason why that practice should be departed from in this particular case. We require for example persons who have experience in criminal investigation. We ask for a certain number of officers. We ask for some officers who have experience of traffic administration. In fact, only a year or two ago, a Traffic Police Officer from London had to be imported into my own city of Calcutta, where traffic conditions are becoming very crowded. In all these ways it will continue to be necessary for some time to have the assistance of European officers, but the discretion must be with the local men. If you entrust the Legislature there with the responsibility of administration and then tie their hands by giving them the machinery and bidding them proceed with it, allowing them to have no voice in the nature of the recruitment, and requiring them only to accept instructions, you will be starting with a condition of things whereby the responsibility you confer will be largely nullified in actual practice. The man who has to carry on the work of administration, who has to organise and co-ordinate his Department with the other Departments of the State, should

have his peculiar needs considered. You should not impose on him a certain service and mechanism which will make it difficult for him to move at all or, if he moves, to move badly.

Therefore I submit that the recruitment should be by the Indian Governments, whether Provincial or Central and where the recruitment is in England it should be by an agent of that Government under conditions to be imposed by that Government.

As regards the safeguards to those who are in the Service, the conditions under which they have entered the Services are clearly laid down in their covenants. There is no Indian who will desire in any way to take away any rights or any privileges that they possess. Those must be continued, if necessary, by statute.

As regards the persons to be employed hereafter, they will be employed under new conditions, and those conditions will govern their services.

As regards fixing the European element, I have already stated that even in that respect there should be no hard and fast rule laid down, because we know that in India there are so many opportunities for training, and you have left in their hands the administration of very large bodies, and it would be a very great grievance to people there if it is said that people from outside are for a good long time to come to have charge of these departments, even though they are able and fit to take charge. It is fitness that should be the aim, and I think the sooner we give effect to that aim of fitness the better.

As regards the Buildings and Roads Branch and the Irrigation Department of the Public Works Department, it has been clearly pointed out that in India the roads, for instance, are probably more important, because there are vast tracts of country which have no railway and which can only be reached by means of roads. The roads have been transferred and provincialised. There is no reason **why irrigation should continue to be a Central subject.**

That is all I have to say.

Sir Chimanlal Setalvad: Mr. Chairman, I wish to be as brief as possible on the various points that arise.

I do not think we need trouble ourselves very much about what are known at present as the Provincial Services; they will continue **Provincial Services and will be recruited by the Provinces** as they are being recruited at present. The real question that we have to tackle relates to what are known as the All-India Services, and there we may first put out of the way the position of the present members of the All-India Services. So far as they are concerned, there is no question; I do not think anybody disputes that their rights under the covenants under which they are serving have to be maintained, and any provision that may be necessary for that purpose has to be devised.

The more important question is with regard to future recruitment. In regard to future recruitment, it has been said by some

speakers that till 1939 we should not touch the matter at all and that the matter should be left to be reconsidered in that year, which means that till that time in 1939 the recruitment will continue or has to continue on the present basis by the Secretary of State and in the proportions of British and Indian laid down by the Lee Commission. Now, Sir, I emphatically dissent from that position. We are all here insisting upon responsible self-government for India, a Dominion status for India. To my mind it is an entire negation of responsible self-government and Dominion status for India to say that the All-India Services shall be recruited by the Secretary of State for India—not only recruited by him, but that the present system under which he has control should also continue. What would be said if the Secretary of State for the Dominions were to claim that he would recruit the Services in the Dominions, that he would control their salaries, their transfers? Would that be tolerated for a moment? And if we are going to really have a change in the administration of India, if you really mean to make India self-governing, if you really mean to raise India as a Dominion, then it is absolutely anomalous to vest the recruitment and the control of the Services in the hands of the Secretary of State. It is absolutely inconsistent with the position we are claiming for India. It is an inconsistency which goes to the root of the matter. If India is to have self-government, if India is to be a Dominion, then India must have the power and the right and the duty to recruit its own Services. I am, therefore, strongly of opinion that all future recruitment of the Services should be in the hands of the Government of India. That does not mean that British are not to be recruited. The Government of India will determine its own necessities and the appropriate men required for the various Services, and in its discretion will decide how many British they want, how many Indians they want, and the rest of it, and the recruitment should be, as has been suggested already, through an independent Public Services Commission. But I do maintain, Sir, that all the present restrictions of all kinds, as to the place of recruitment, as to control, should go if India is to have responsible self-government. Those are matters which must be within the discretion and within the decision of the future Government of India and not imposed upon the Government of India by any outside authority like the Secretary of State. I am very clear about that, and some of us hold very strong views about it. Then it is said: Oh, unless you leave the present system untouched at any rate until 1939 you are embarking upon a great constitutional change in India, you will be disturbing or dislocating or disorganising the administrative machine. Those apprehensions are entirely unfounded and they do not take note of the present situation. Then I say that from now all recruitment by the Secretary of State should cease and that the recruitment should entirely be vested in the Government of India or the Public Services Commission. That does not mean that thereby the British element in the Civil Service will disappear. Why, Sir, the present members of the Civil Service, including the newest recruits of last year—which were more than 50

per cent.—the proportion of Indians according to the Lee Commission in the Indian Civil Service is a little over 33 per cent., so you have the remaining 67 per cent. British. Those people will be in India holding their posts, the last recruit of last year will be there 30 years, and the senior officers will be there some 20 years, 10 years, and so on; so taking it on an average for at least another 20 or 25 years the present British element in the Services will be there. Therefore, there will be no such dislocation or sudden removal of the British element at all. If you ceased recruitment now, the effect of fully Indianising the Services would come after 20 years, not now. Therefore there is no apprehension that because of recruitment in the manner I am suggesting therefore the British element in the Services will at once disappear. The British element will be there—and the Indians will continue to be there—certainly for another 20 to 25 years; therefore surely by that time the new constitution of India would have become absolutely stable.

Then, Sir, I have already referred to the question of the control of the Services. It follows, if my suggestion is to be adopted that all recruitment should in future be by the Government of India and not by the Secretary of State, as a corollary it follows that the control of those Services, the discipline, transfer and all sorts of things, should also vest in some authority in India and not in the Secretary of State as at present. When I say that the rights of the present Civil Service people should be maintained I should make it clear that what is to be secured to them is what they are entitled to under their covenant. I would make my point clear, because there is a matter upon which I hold very strong views. At present in six Provinces the Governors are chosen from the Indian Civil Service. To my mind that has to go now and immediately. If the new Constitution is to be introduced into India the Civil Service should be purely a Service in the same way as the Civil Service is in this country: they should no longer be dictators of policy, they should no longer be members of a Government, they should be the machine—a very efficient machine—to carry out the policy of the new Government. They should not be, as I have said, anything more than your Civil Service in this country is. You do not choose a minister from the Civil Service here; you do not choose the Prime Minister from among the members of the Civil Service. Further, when you have under the new Constitution responsible government in the Provinces with all ministers responsible, and government in the Centre as we are asking for, there, again, no doubt with certain reservations of certain departments, the Civil Service man will be at the top of the ladder in the Services. You cannot go and place him in the Governorship above the heads of all his superiors who are there. I put my point on a still higher basis. It is not only that, but I do maintain and have maintained for a long time—and there are many people who will agree with me in that—that the Indian Civil Servant, trained in the traditions of the Service for 30 years, gets such a Service mentality, gets such a narrow view of things, that it is not the right thing to put him at the head of an

*vide
Montagu's
speech in
the House
of Commons
5th June
1919.*

administration where you do require a broad outlook, where you do require a mentality which you cannot acquire if you are part of a machine working for 30 years. When I say that, Sir, I do not mean to reflect in the least upon the capacity, the reliability, and the efficiency of the Civil Service. I myself have personal experience of their work as a member of the Government in Bombay, and I have nothing but praise for the efficient manner in which the **Civil Service discharge their duties**, but that is quite a different thing to placing at the head of an administration such a Governor where you have to dictate policy, where you have to take a larger view of things and not the Service point of view, which he can never get out of his mind. It is not his fault, because he has been in that machine and part of that machine for a period of 30 years. Therefore I am very clear myself that we in this Committee should definitely express that opinion that the Governorship should now be recruited entirely from outside the Civil Service. If I may refer to what are called the Governors' Provinces, you have the experience of men in public life in England sent out as Governors. On the whole it has worked very well, and by contrast we always see that the people coming out from here as Governors in the Governors' Provinces have taken a much broader view of things, have always acted much more sympathetically with the people and have been more receptive of public opinion than the civilian Governors have been, and I want that system to be inaugurated in all the Provinces of India. Therefore if that is to be so I want to make it clear that it should not be said with regard to the present members of the Civil Service who are there that because, when they entered, the Governorships were open to members of the Civil Service, therefore they should also continue and the last recruit of last year continues to have that right or that privilege, because it must be remembered that all these posts are what are called selection posts; nobody has a right or claim to any of those higher posts at all. Their right is, under the Covenant, to what is called the time scale, that is, to get their salaries regulated by period: 5 years, 10 years, 20 years, and so on. Those are places to which they are entitled to rise, but beyond that the places are entirely at the discretion of the Government and are what are called the selection grades, in which nobody has a claim or a right. Therefore I want to make that position clear, so far as I am concerned, that while we are quite prepared to guarantee them in such a manner as may give them the most perfect security in their present rights, it must not mean, as has been attempted in various places under the vague term "accruing rights," that the appointment to these Governorships should also be there for those people who are there now, including the newest recruit of last year. The Governorship stands, as I have said, on a different footing altogether. Sound policy requires that it should no longer have any member of the Indian Civil Service the Governor of any Province.

Then, Sir, a word with regard to the proposal of the Marquess of Zetland which is embodied in the Committee's Report about the Police. I must say with regard to that that I was rather surprised

at the argument that my friend Dr. Shafa'at used. He said: Oh, look at what is going on at present, do the ministers ever interfere with the Inspectors of Police, do the ministers ever concern themselves with the posting of subordinate officers, they have always left it to the Inspector-General. If that is so, why do you want to make a provision, why do you show that distrust when your past experience says there is no room for distrust and impose, as is sought to be imposed, a Statutory provision or some provision in the rules of the character mentioned? If the ministers have in practice, according to Dr. Shafa'at, acted in the right way, they have left matters which should be left to the Inspectors-General entirely to them. Why are you, now that you are having a new Constitution, to go back upon that, to show distrust in him and bind him down to this, that or the other? Surely the ministers of India might be expected to be men who can be trusted to use their power with commonsense and with discretion, and it has been rightly said that when you are framing a new Constitution if you are not prepared to trust your ministers you had better not do so at all. It is no use inaugurating a new Constitution, taking on self-government, taking on Dominion Status, and then trying to hedge round by all sorts of safeguards the discretion and the power and the authority of the ministers who are to come into existence. Let us be frank about it. Do you really mean to raise India now to real responsible self-government? Do you really mean to raise her to a Dominion status? Then you have to take risks. In anything you do you have to take risks. As I have said before on another occasion, when these changes come, we have no illusion about it, mistakes will be made; it may be efficiency may suffer for a time, but we are prepared to take all those risks, and England should be prepared to take all those risks in handing over the power to India. All the stages in any country have to be gone through. The sooner the process is begun the better. It is no use saying, on the one hand, "We want to give responsible government" and then be apprehensive as to what will happen "I must safeguard this, I must safeguard that, I must safeguard the other," which in effect cumulatively renders the grant of self-government a sham and a delusion. Do not do that. Do it in the fullest measure and trust the people to whom you are giving power. You must remember that they are the people who are to be the most affected by any inefficiency in government; they will suffer more than you will—the English people. Therefore if they are ready to take those risks, if they are ready to administer their own affairs in the manner in which they wish them to be administered, surely it is not for anyone to stand in their way.

Then, Sir, with regard to the Forest and Medical Services, I entirely agree with what has been said that the present position of the Medical Service is absolutely an anachronism and it has to be done away with. The Provinces should be placed in charge of the Medical Services and should have a free hand in the matter. So also with regard to Irrigation and the other Departments.

I will not detain you any longer, but I would repeat that I am very clear personally on the point that all future recruitment and control of the Services by the Secretary of State should cease immediately and now that the whole of the recruitment and the control of the Services should vest hereafter in the Government of India, and that the Services should be recruited by an independent Public Services Commission not to be influenced by any executive, either Central or Provincial. I also entirely agree that the Public Services Commission should in that recruitment give a fair and proper share to every community in the various Services and that no community should be kept out of their proper share in the administration.

Sir Cowasji Jehangir: Sir, I would rather speak on the points as they come up later on, but I cannot help expressing my general agreement with the very lucid speech made by Sir Chimanlal Setalvad. There are one or two points that have not been touched upon; one is that of recruitment for the Central Government. Up to now the Central Government recruits from the Provinces and there has been a difference of opinion as to what should take place in the future. It has been suggested that the Central Government should recruit for themselves. I do not think that would be possible. I do not know whether there is any difference of opinion in this Committee, but I for one would certainly desire recruitment for the Central Government to continue as it is to-day, that is, they select the best men they can find from the Provinces for the Centre, who in their turn may return to the Provinces with added experience and knowledge. I do not want to enlarge on this subject. There is a good deal of written matter on this point. I will leave it at that.

As so many speakers have already said, the important point is the All-India Services, especially the Civil Service and the Police. I am in complete agreement that they should be recruited by the Government of India through a Central Public Service Commission; and after what Sir Chimanlal has said as to how illogical it would be to continue recruitment by the Secretary of State under the new conditions that we visualise, I have nothing further to add. All I can say is that we hope to see in the future no more Secretaries of State. If there are to be no more Secretaries of State there can be no more recruitment by the Secretary of State. If we are to come under another Secretary of State who may be at present in existence, and to whom India may be added—Colonial, Dominion, or whatever it is—I do not think India is going to admit the principle of recruitment in that way. Personally I can see no objection to recruitment by the Government of India with a Public Service Commission in the future.

Coming to Irrigation and Forestry, as to Forestry I think it is admitted on all hands now that it should be provincialised. In some Provinces it is already a transferred subject. But as to Irrigation, I regret I must differ from my friend Mr. Chintamani. I think it is one of the most important activities in our country, and especially so in one or two Provinces. Therefore I would prefer

to see recruitment for the Irrigation Department as an All-India Service and not a Provincial Service. We will get better men by an All-India recruitment—and we require the very best men we can get for Irrigation. In some Provinces it is a question of life and death. In Sind and Punjab Irrigation plays the most important part of all the departments of Government. Crores of rupees have been invested in irrigation works, some as protective measures. After all, the great problem of famine is tied up with this question of the administration of the Irrigation Department. Therefore, considering it from that point of view, I trust that this sub-Committee will agree that recruitment for the Irrigation Department should be on an All-India basis.

Coming to the question of the Lee Commission's recommendations, I see there is a distinct cleavage of opinion. My friend on my right desires no change to be made until 1939, and he agrees to recruitment by the Secretary of State until that period both for the Police and for the Civil Service. But since we disagree on the question of the method of recruitment, naturally there must be disagreement to the principle he has enunciated. I may point out that one of the principal reasons why we want a reconsideration of the proposals of the Lee Commission is that for the future there will have to be retrenchment. I notice that in this country the question of retrenchment in the Civil Service is by no means discarded. You hear criticisms, and you read criticisms, even in this country, that your Civil Service is top-heavy, or that some of your posts are quite unnecessary. In India there has always been this criticism. If the Lee Commission's recommendations are to continue to 1939, the reconsideration of the number of posts which we have at present cannot take place until 1939. I am firmly of opinion that there is a great waste of brain power in India. You find the most capable men doing work which could easily be done by very ordinary men, and the excuse is that they are being trained. In some cases this training goes on for 20 years without the man holding a responsible position because the Service is crammed. There are too many seniors. The juniors, who are called juniors, have been in the Service for 15 and 20 years, and are Collectors. You find Assistant Collectors with 15 and 17 years' service. Considering the qualifications of these men, considering that they are really the best men that England can send out to India, surely you do not want us to keep them doing ordinary revenue work for 17 and 18 years. I can understand their doing it for five, four, or three years in order to learn the language, to see the country, and to get acquainted with the customs and, shall I say, the prejudices of the people; but when it comes to a state of affairs that these men have to be continued in these posts for 15 and 20 years, the waste of money is colossal. Therefore if we do not have the right to reconsider the Lee Commission's proposals, we cannot remedy this state of affairs.

There is no question in my mind of not recruiting Englishmen in the future. I believe we shall require them. I only trust and

hope that we shall get them. There has been a considerable amount of criticism in India as to whether we shall get in the future the right type of men. Therefore those who have grave doubts on that very important issue desire that the Lee Commission's recommendations shall continue until 1939 or 1940. I am one of those who believe that when the position settles down Englishmen will find that in India they will have as profitable, as pleasant, and as instructive a time as they have had in the past. I personally believe that with a complete transfer of power, and with a full measure of self-government, the English Indian Civil Servant will be more powerful and more influential than he is to-day, even if he actually does not exercise, or has not the right of exercising, the same powers that he has to-day. A man is not influential because he actually has powers given to him under an Act or by a Statute. He is influential because he makes himself so useful that he is indispensable; and the man who exercises power relies on him for advice, assistance and guidance. That is what makes a man influential. I firmly believe that the English Indian Civil Servant will continue to play that part even to a greater extent in the future than in the past. But we do not require the same numbers, because there is not the work for them to do. They must come out young. We cannot get the necessary quality unless we get them young. Therefore I am quite prepared to admit that we shall require them in the future—and I will repeat that I trust and hope we shall get them—but I do not desire to have more numbers than we require. I desire that their training should be for a short period only and that they should automatically go to the top of the tree—because we are prepared to pay them well and handsomely.

I now come to the question of the Indian Medical Service, which has caused a considerable amount of irritation in India—an irritation which is not understood in this country because of the unfair treatment which our Indian Medical Officers have received in the past. I am prepared to admit that since the last reforms, during the last 10 years, at least in my province and in my city, the position of the Indians in the profession has considerably improved. In the city of Bombay to-day there are only one or two Indian Medical Service men holding high posts in hospitals, and one of them is an Indian. For the future it has been decided that all these appointments in the hospitals shall go to the local practitioners who hold better degrees and better academic qualifications than the members of the Indian Medical Service. To-day we have got a number of London M.D's. and F.R.C.S's. in Bombay with huge practices—far better practices than any I.M.S. men. Therefore, the position in Bombay has improved. But what is causing the greatest irritation are the orders of the Government of India and the Secretary of State that in certain districts as Civil Surgeons there shall be European Indian Medical Service Officers. The reasons for that are simple. They are known to all my friends here. There may be a small number of Europeans living in a certain area, and they claim to be allowed to have the assistance, in time of illness, of

only a European. Therefore, it becomes necessary, there being no private European practitioners, to post a Civil Surgeon—an I.M.S. European. The time has passed when such contentions can be brought forward with any logic or with any reason. I am prepared to admit that for any part of India where there is even a small population of Europeans, the Government shall see that the best qualified Medical officers are provided, especially for Government servants; but I am not prepared to make any distinction between brown and white colour. I am prepared to allow that in such areas the Indians shall have European qualifications. It is only right that English Government servants in India should claim to have within easy reach an Indian with European qualifications, because in his own country he has available at his door medical advisers with European qualifications.

Mr. Shiva Rao: What do you mean by European qualifications—registered in England?

Sir Cowasji Jehangir: No—educated in England. There are numbers of Indian medical men doing no work. There are numbers of them wanting a practice—London M.D's. and London F.R.C.S's. I am prepared to make no distinction between brown and white, but I am prepared to say that any district in which there is a certain number of Europeans should have the assistance of a medical officer with European qualifications, and I am in a position to say that Government will be able to get all their requirements from the Indian medical profession. There are numbers of them all over India who would be only too willing to enter Government Service, and who would be able to fulfil all that is required of them. I may point out that in some of our main cities the most important practitioners to-day are Indians, and that Englishmen call them in in preference to European practitioners who are next to their own doors: Why? Because they are best qualified to serve them. In questions of life and death when you want medical assistance, you do not look at the skin of a man. You look at his qualifications, and whether he is going to get you well. That is the main and only test.

Chairman: Will you start our next meeting by completing your speech?

(The sub-Committee adjourned at 1-5 p.m.)

PROCEEDINGS OF THE SECOND MEETING OF SUB-COMMITTEE NO. VIII
(SERVICES) HELD ON 7TH JANUARY, 1931.

Chairman: Sir Cowasji was in possession of the Committee. Perhaps he will resume his address.

Sir Cowasji Jehangir: I do not desire to keep the sub-Committee from proceeding on to the details; I have only two points to make. Mr. Chintamani has referred to the privileges of the Indian

Civil Service. I am in complete agreement with what Mr. Chintamani has said, but I would just like to add one word. There is a point on which he did not touch, and that is the question of retirement on proportionate pension. At present there is a limited period during which Officers can exercise that right. It has been suggested that in the future Officers should be allowed to exercise that right as long as they continue in the Service, that that option should be given to them. It is a privilege which they considerably appreciate. It gives them considerable safety and peace of mind, which is much more important than anything else. They can go on proportionate pension at any time if they find conditions so unsatisfactory as to make it impossible for them conscientiously to continue in the Service. I would be prepared to allow them to exercise that privilege in the future during the whole term of their office. I am against retaining dissatisfied Officers under any circumstances, and if an Officer, an Englishman—I would not extend that privilege to Indians—if a dissatisfied English Officer desires to leave because he is conscientiously not able to continue in his Service, I would not stand in the way of his going, and therefore I would extend that privilege to him.

Sir, the next point I desire to refer to is the special reference made to us in connection with the point raised by Lord Zetland at the Provincial sub-Committee. I am afraid I was not able to follow him very clearly, because the discussion was stopped rather suddenly, as it was decided that the point should be referred to this sub-Committee. I understood him to say that he desired to place some checks of some sort upon the whole Department in Provincial Governments—the Minister in charge—and he referred to the Indian Police Act. Whether he wanted to go further than the Indian Police Act or not I am not able to say; therefore I would like to have an elucidation on that point from Lord Zetland, but I would point out that the relevant sections are 2, 4, especially 7, and 12. In 2, they are empowered to fix all salaries. In 4, the Government are empowered to appoint certain of the higher Officers in the Police—amongst others, District Superintendents and the Assistant District Superintendents. Under Section 7 the appointment of all Police Officers other than those mentioned in Section 4 shall, under such rules as the local Government shall from time to time sanction, rest with the Inspector General, Deputy Inspector General, and Assistant Inspector of Police, who may under such rules at any time dismiss, suspend, or reduce any Police Officer whom they shall think remiss or negligent in the discharge of his duty or unfit for same. Then it specifies certain punishments. Under Section 12 the Inspector General of Police may make rules with the approval of the local Government as he may deem fit for the organisation, classification, and distribution of the Police Force, the places at which the members of the force shall reside, and the particular services to be performed by them, etc., and also make all such other orders and rules relative to the Police Force as he may consider fit.

Well, sir, that gives fair control to Government. I would like to ask Lord Zetland a specific question, whether he desires further checks than the Police Act at present entitles him to enjoy, and if not, has he any apprehensions that this Act will be repealed, and if so, what those apprehensions are? It has been clearly stated by nearly all the Delegates that as far as recruitment is concerned they desire a Public Services Commission to be appointed, and if any change is made it can be only made to strengthen this Act rather than to weaken it, and therefore I fail to see where we as a sub-Committee can make any recommendations in this respect.

Sir Robert Hamilton: Mr. Chairman, in my country of Scotland we pay a great respect to the study of logic; therefore I listened with great interest and attention to the remarks of Mr. Chintamani and Sir Chimanlal Setalvad yesterday, but I could not help thinking when I listened to them that although they were perfectly logical in their arguments they were in some respects, if I may venture to say so, a little way distant from the practical difficulties of the case with which we have to deal. After all, human affairs are full of illogicalities; you have only to look at the British Constitution, it is a whole mass of illogicalities, and when it comes to dealing with practical business I am never afraid of being illogical if I can get a scheme that will work. If I may suggest it, what we are concerned with here now is to get a scheme that will work, and not to pay too much tribute to what is logical because it is logical. We have an old saying in this country (it is a very wise one)—that you should not swap horses when you are crossing a stream. We are about to cross a very big river with regard to India, and I am inclined to think that it would be dangerous to do anything that would interfere with the working machine that you have while you are facing the difficulties of crossing that river. I should like, therefore, to offer a remark or two on the general subject of debate.

With regard to recruitment in the future, I, of course, look forward to the time when the United States of India, or whatever title the new India may have, will do their own recruiting for India and will draw from wherever they want the best servants they can have. Nothing but the best is good enough for India, and all India in future of course will have that power. But now we are concerned with the change over at the present time, and it has been admitted on all hands that the Indian Civil Service have rendered great and outstanding service to India in the past. You have at your hand there a splendid machine. Why take any step at this moment to damage the working of that machine when the whole of the energies of India will be devoted to building up the new Constitution? It has been suggested by Sir A. P. Patro and, I think, by Dr. Shafa'at Ahmad Khan that 1939 would be a suitable date on which the question of recruitment might be revised and reconsidered. 1939 is the date that has been taken because it has been mentioned by the Lee Commission. I am not wedded to 1939, it might be at an earlier date, but 1939 has been chosen as

a date on which to hang the argument; and I think myself it would be wise to carry on at present with a view to a general revision of the position when 1939 or some such date is reached.

As regards Sir Cowasji's remarks yesterday as to the handicap that would be placed upon India by the expense of carrying on the present system, I must confess I did not quite follow his argument, because I do not see that there is any necessity for filling up posts that are not wanted; surely there is no obligation on anyone to make appointments if the appointments are not wanted.

Mr. Chintamani: That is what he insisted upon.

Sir Robert Hamilton: With reference to the Police, I am glad Lord Zetland is here to-day and will be able to answer the questions that have been specifically put to him, but as I understand his proposal put forward to the Provincial sub-Committee it was to the effect that the discipline and the morale of the Police should be maintained by leaving the great powers which are now in the hands of the Inspector-General. I am afraid we all of us find difficulty when discussing these matters in getting away from the past. I am looking at it from the point of view of the future and how it will be worked by the new India. Sir Chimanlal, I think, argued that it would derogate from the power of ministers if these matters were left in the hands of the Inspector-General of Police. I cannot agree with him. I think it would strengthen the hands of the Ministers who have the use of the Police; it would be one of the chief weapons in their hands for administering law and order, and it would strengthen their hands if these matters were left to the administration of the Inspector-General. I look forward to the time when the Inspector-General may be an Indian Officer, not necessarily a British Officer, and surely it will be to the advantage of any Minister who has to use that important force that all these matters of discipline in the Force should be maintained by the Inspector-General in the Force and should not come before them in the Ministry. Of course that is subject to the general control which a Minister must have over the force, but as regards internal discipline I am convinced that it is desirable that that should be left to the Inspector-General of the Force. There are very great difficulties to be faced and we all know what very great difficulties the Indian police force have to face and with what success it has met them, how the morale of the force has been kept up and maintained in the face of those very great difficulties. To my mind it would be disastrous if any steps should be taken that would damage that when the new Ministers in the new India will have to use that force. Fancy what it would be if the Force broke their hands when they tried to use it. I must strongly suggest to the Committee that we should take no step in our suggestions that will have any effect of that nature.

I do not desire, Mr. Chairman, to go into any of the details which will be dealt with afterwards when we come to them. If I may do so I would venture to suggest again that in considering these matters that we have before us we should look forward to the

way that they would be worked in the new India, and keep our eyes as far as we can from the old conditions, which, I hope, are behind us for ever.

Sir Chimanlal Setalvad: I would like to try to clear away a misapprehension under which Sir Robert Hamilton is labouring as regards what I said.

Taking the recruitment of the Services, Sir Robert Hamilton is mistaken in thinking that I or my friend Mr. Chintamani are merely carried away by logical symmetry at all. We as much as Sir Robert Hamilton look at the practical side of the matter. What I said was this. I entirely agree with him that when you have a new constitution put into operation we must not interfere with or damage the machine. I am in perfect agreement with that. What I pointed out was this, that that machine would not in any manner be damaged or interfered with if you stop recruitment now, because, as I pointed out, the present British element in the Civil Service, which amounts to 63 per cent. to-day, will be there for another twenty years to come.

Sir A. P. Patro: Gradually reduced.

Sir Chimanlal Setalvad: It may be gradually reduced; still you will have it in the first ten or fifteen years of the operation of the new Constitution. Therefore you will have the machine exactly as it is to-day in that form working and functioning under the new Constitution. Therefore, there need be no apprehension that if you stop recruitment now the machine would in any way be less efficient than it is to-day, under the new Constitution. All I say is that recruitment should cease now; otherwise if you go on till 1939 you will have many more hundreds of people on your hands, and the day will be far distant when recruitment can be done by the Indian Government themselves. Therefore, I submit that we are not carried away by logic; we have the practical view in mind, and it is because we are practical that we suggest the matter which we are proposing.

Secondly, coming to the police matter, I entirely agree again with Sir Robert Hamilton that the new Minister should have the Police machine undamaged and that nothing should be done which would bring about that result. But we are not in this sub-Committee suggesting that the safeguards that are there at present under the Police Act should be removed. We are not recommending their abrogation. What I am insisting upon is this sub-Committee or the Conference not laying down any restrictions. At present the Constitution is there but why do we apprehend that the Minister who would come into power or the Government that would come into power would straight away go and abrogate this Police Act or the safeguards that are there? Why assume that? It will be in the interests of the new Government that the Ministers should continue to keep alive the provisions that are there under the Police Act. Why do we apprehend that they would do something quite contrary to that, something which

would hamper themselves, as has been pointed out by Sir Robert Hamilton? There is no disagreement between him and me as to the desirability of vesting the internal discipline of the Force as it is at present in the Inspector General. The only difference between him and me is this. I say: leave matters as they are; there is no reason to apprehend that the new Minister of the new Government would straight away go and do something which would be undesirable in their own interests. What Sir Robert Hamilton proposes is that here and now we should put restrictions on the powers of the Ministers, that we should tell them not to do this, tell them not to do that, tell them not to do the other. What I say is: Trust them to do the right thing and they will do the right thing.

Chairman: You will see in the heads of discussion one of the numbers is "the internal administration of the Police". That is a subject which really stands by itself. I rather venture to think we shall get nearer in understanding the point if we defer the discussion of that topic till then.

Raja Narendra Nath: Sir, I should like at this stage to make a few general remarks and to add to them if necessary when we discuss the agenda under each head.

There appears to be agreement in the sub-Committee on two points: first of all that the interests and rights of existing members of the Services should be amply safeguarded; secondly, that there ought to be an All-India Service for certain Branches of administration.

Some remarks have been made with regard to the necessity of economising expenditure on public administration. It has been generally observed that the administration of India is too heavy. I am in favour of effecting economy; at the same time we should not go too far. In the first place, the efficiency of the Service has to be borne in mind, and whilst determining the conditions connected with it we should not lose sight of the economic conditions prevailing in the country and the standard of education which we expect from our future public service.

If in our country the ablest men in a profession make a very large income we cannot afford to give very small salaries to our public servants who will be entrusted with duties of a very delicate character. We must put them above temptation.

The question of the European element in the Services has come up for discussion, and although I find that there is a specific head in the agenda which deals with it I should like to offer a few remarks. As Sir Robert Hamilton observed, we should not be bound by dates. It seems to me that each Province should be given power to determine the proportion of British element in each branch of service. A suggestion to that effect was made by the Indian Central Committee, and that suggestion merits a careful consideration by this sub-Committee. The suggestion was that each Provincial Council should determine the proportion of the British element in each kind of Service. I would restrict that

suggestion in another way. I should like a Committee to be appointed by each Provincial Council, consisting of a few elected members of the Council and some nominated members selected from each branch of the Service the recruitment of which is in question. That Committee, presided over by the Governor, should determine for each Province the proportion of British element in each kind of Service required, and such fixing of proportions should be made periodically. The conditions in each Province vary; a larger number of British servants might be required in one Province than in another, and therefore it is hard for us to lay down any specific rule. As soon as the new Constitution comes into force the Committees should determine, each for its own Province, the proportion of British element required with due regard to the conditions in that Province.

A suggestion was made by one of the speakers that the British element in the Services should continue to be recruited, but not necessarily should be recruited out of India. I think that if the British element in the Services is to be maintained we must certainly have the best kind of European available. Europeans domiciled in India or Anglo-Indians, whenever they require higher education for their youth, send them to England. Therefore, as we need the British element in the Service, the recruitment for it will have to be made in England. It all depends what agency will control that recruitment. It may be the High Commissioner if not the Secretary of State, but if the recruitment of British Officers is continued it should be made from the best class of British Officers available.

Some remarks were made in this sub-Committee with regard to public men from public life in England functioning as Governors of Provinces as compared with members of the I.C.S. There is a general opinion among my countrymen that men taken from the public life of England prove more responsive to the public opinion of India, but I am not quite certain whether that view is correct. There again the circumstances of each Province differ. If the Governors who are stationed in the large cities, like Calcutta or Madras, are more responsive to Indian opinion, it may be due to the fact that public opinion there is better organised, more vocal, more forcible than elsewhere. The necessity of appointing a Public Service Commission has been mentioned by many speakers, and I fully approve of the various arguments advanced by them. I realise that the Public Service Commission should consist of men of independence, that in the Provinces the members should be appointed by the Government of India, and in the case of the Public Service Commission regulating the All-India or Central Services, the appointments should be made by some higher authority. But I would also lay down specific instructions in the Constitution as to the way in which recruitment should be made. Mr. Chintamani said that ample provision should be made for the accommodation of minorities. I would suggest that a certain proportion should be reserved for redressing communal, race, or class, or caste inequalities. If, for example, in Madras the appointments made purely on

merit are absorbed by Brahmans, who are in a minority, the reservation should benefit the non-Brahmans. I should like to have certain principles embodied in the Constitution on which the Public Service Commission should proceed. I am afraid that in the Provincial Public Services considerations of political expediency might sometimes prevail, and therefore I want some amplification of the present Section 96. The reservation I propose should be made and continued until all classes are able to attain an equality of status and education. In one Province that kind of reservation would benefit the majority. It might be that in the Punjab, appointments made strictly on merit would be absorbed altogether by Hindus. But I would not leave the matter simply in the general way that Sir Chimanlal Setalvad proposes that the claims of all communities should be satisfied. I think that is too vague. I would like to give some specific directions, and in this agenda I should like to add somewhere another item, namely, the elucidation of the principles on which the Public Services Commission in each Province and for the whole of India should make the appointments.

Chairman: That is why I worded Section 7 of the agenda, "recommendations in relation to a Public Service Commission" in such a general way. Any such recommendations would be in order under that heading.

Sir Edgar Wood: Sir Robert Hamilton has dealt with one aspect of the subject upon which I intended to speak, but now it is necessary for me only to make a few remarks. It is about this suggestion to have another Commission appointed to enquire into the question of the Indianisation of the Services. I take it that without another Commission it would be very difficult to make any alteration. I make the same plea as Sir Robert Hamilton made, that the control is changing, so why change all the machinery at the same time? We have to remember that at this stage it is a little premature to commit the country to something fresh before the requirements of the new Constitution are known. Do let us realise our responsibilities here and work for safety. We are not communists to pull down everything at the same time in the hope that we may be able to build up something better.

Another point is that we must not forget, as one speaker said, that there are provisions at present for the Services. I refer particularly to the Indian Civil Service. The Lee Commission lays down provisions whereby in 1939 there will be a fifty-fifty basis of Indians and Europeans. The Government have accepted the provisions of that Commission, and the Services have accepted them. I submit with all due deference to my legal friends here that in justice and fairness to that Service it would not be right before 1939 to change those conditions—that is to say, it would not be right to make those conditions different in 1939 from what has been provided in the Lee Commission, because those conditions have been accepted by both sides. Any change made to-day would be, I

take it, with the object of altering that fifty-fifty basis. By all means have the Commission before that date, but I submit that it would not be regular to bring in an alteration which would affect that fifty-fifty basis in 1939. It would be changing the conditions of the Service for those who are in it to-day, and who have accepted those conditions. This is a matter which we have to consider when dealing with this question of the I.C.S. and the other Services. In a similar matter I have had to deal with a large institution in India where it was contemplated to alter the conditions of service, and we were advised on the highest authority that we must be careful not to change the conditions of the Service, that to do so would be *ultra vires*. But in any case, as Sir Robert Hamilton has pointed out there is going to be a transition period. Do let us avoid confusion and have stability at any rate during that transition period. Nothing will make more for instability than to have the conditions of service come under consideration during that period.

There is another subject I wish to refer to, one which was raised by Lord Zetland in the Provincial sub-Committee, namely the question of Provincial Governors drawn from the I.C.S. Some of the speakers in that sub-Committee were in favour, but I think the majority were against. I quite agree that there is an official mentality which is apt to be a cause of friction and irritation to non-officials. It is apt to be very marked in the Indian Civil Service. No one knows it better than commercial men, and especially in the past it was very marked indeed. But that attitude, I submit, is changing and has changed very considerably indeed. One can now look to a larger proportion of officials who have a wide non-official outlook than was the case even five years ago. Very fine tributes have been paid in this Conference to members of the Civil Service. Sir Chimanlal himself, who is against this proposal, speaks highly of their capacity, their reliability, and their efficiency. One speaker in the Provincial sub-Committee said, "I do not recall a single member to whom I would not take off my hat for his conscientiousness and extreme solicitude for the welfare of India." What finer testimonial can any possible aspirant for a Governorship have?

Chairman: I am a little doubtful whether we are not getting beyond the terms of reference. This is a border-line question, and I am told that it has formed the subject matter of discussion before the Provincial and Federal sub-Committees. We do not want to entrench upon their ground. I hope that any reference to it at this stage will be of the most general nature. I suggest that we leave the matter over in order that I may ascertain what is the view of the Federal sub-Committee.

Sir Chimanlal Setalvad: It is a border-line question, but it comes very appropriately before us.

Chairman: I do not mind stretching our terms of reference and discussing it so long as the references are quite general and brief.

Mr. Chintamani: In making your enquiry of the Federal sub-Committee I would suggest that you bring forward the question of whether our own reference includes members of the Provincial Governments as well as officers of those Governments.

Lord Zetland: In the Provincial sub-Committee the question of the desirability of members of the I.C.S. being eligible for Governorship of Provinces was discussed, and a definite recommendation was made under that heading in the Report of the sub-Committee.

Sir A. P. Patro: That is so.

Chairman: Let us leave it over now if we may. I will ascertain what course we should take about it.

Sir Edgar Wood: The next point is the Police. It has been said that it is not necessary to provide for the recruitment, and discipline. I have no doubt that Lord Zetland will reply to this much more fully than I need do, and I do not propose, therefore, to go into a great deal of detail. We have to remember the present position of the Police. They are underpaid, they are badly housed, and they are unpopular very largely because they are underpaid. If we could now put down an additional five crores of rupees for the Police I would not have very much anxiety about the transfer. I say that then there would be no question of the Police Service being an unpopular one, and there would be co-operation throughout. The position is that there is growing discontent and the position is dangerous. That is a definite fact. Once the Police go we shall have communism and absolute chaos. One speaker asks why do we expect that there will be any political interference which might affect the morale of the Police? We do not expect it, but I submit that we would not be true to our obligations if we omitted to provide against it. A man who insures his life for the benefit of his children in case he dies does not expect to die. He does it because he may die; he provides against the contingency. I am quite sure that it is agreed, even by my friends Mr. Chintamani and Sir Chimanlal Setalvad, that the Police should be removed from the influence of party politics. Sir A. P. Patro has said so: They are removed at present by the provisions in the Police Act, and it is in my opinion essential that the Police should know at this stage that the *status quo* is going to be maintained. Do not let them continue with this feeling that the *status quo* may not be maintained, and that therefore the Service is going to be a very difficult one. If those gentlemen who are present here to-day were going to form the new Legislatures, I think that one could say: leave it to them and the Police Act will be continued; but who is going into the new Legislatures? I should like to know that very much indeed. Nobody knows, and everybody is very much afraid. It is our duty to provide a sound Constitution, and law and order is a vital part of that Constitution. I would go a step further than the Police Act. I would fix the Police grant, and have the alterations in the grant votable every year. That may not commend itself, but I think that I am correct in saying that it is done in this

country. Then, if people are afraid of the I.G., I would have a central grant in aid as they have in Great Britain, which would give the right to a central body of inspection and to see that there is general efficiency. That would be some sort of control over the I.G. There is not the slightest objection in the Service to an Indian minister. The Police have told me so, and they keep on telling me so. There are some of them at home at present. There is also no objection to recruitment through the High Commissioner instead of through the Secretary of State; they do not mind that at all, and a great many of them would welcome it. There is no objection to provincialisation of the Police Services. The great point for safety, in my opinion, is to raise their pay, and we have not got the money at present to do it. What I have suggested with regard to the grant in aid is largely following the British model, and it is acknowledged by everybody, I think, that the British Police is the best in the world. In the County Constabulary the Chief Constable appoints, promotes, and dismisses. In the Metropolitan Police the Commissioner has these powers. I submit that this Committee might do well to concentrate for the purposes of the Police in Calcutta on the Metropolitan Police constitution here. It seems to me that that is definitely very suitable for Calcutta conditions. I do hope, at any rate, that if these other conditions with regard to the Police are not appreciated, the *status quo* with regard to the I.G. will be definitely provided for.

Khan Bahadur Hafiz Hidayat Husain: I want to make a few observations on the statements made by Sir Robert Hamilton and by the last speaker. I entirely appreciate what Sir Robert Hamilton says with regard to the powers of the Inspector General and the maintenance of the *status quo*. I fully agree that the Inspector General should be vested with very large powers for the Police administration. He would also have knowledge, full and complete, of the material from which he should recruit for his services. I find very considerable difficulty, however, in agreeing with him with regard to the recruitment, the enlistment, and the maintenance of the Indian Civil Service. The great objection, which to my mind seems to be insuperable, is that if we are going to have provincial autonomy, and if every subject is going to be transferred to the administration of the Legislative Council, the retention of the I.C.S. and the I.P.S. is, to my mind, fraught with considerable difficulties and inconveniences. I am not going to deal with those Services which we are all agreed should be transferred. If we are going to retain the I.C.S., what is the position? I am not quite sure what one of the previous speakers meant when he said that there ought to be no change in the conditions. Of course we do not contemplate any change in the conditions of the Services now, but if we are going to have the machinery in full working order in the Provinces, I do not see how we can accept Sir A. P. Patro's recommendation that all this should be postponed until the year 1939. Even now we know that there will be difficulties with regard to the administration of the Indian Services. We should not therefore, make those difficulties any greater. So far

there are three safeguards for the maintenance of the Indian Services. Firstly, a member of the I.P.S. or of the I.C.S. has an option to retire if he does not like his subject being placed under the control of the new body. I am not prepared to agree with the gentleman who said that the man should have liberty at all times to resign from the Service. My idea is that they should make up their minds as soon as possible. The period is one year, and I would extend it to two years. If they are to resign from the Services, I don't think that that will impair the efficiency of the Services. I think, therefore, that a man should make up his mind in the course of two years if he is going to resign. Now the Governor is charged with the reservation of the rights of the I.C.S. The salaries and pensions of the members of the I.C.S. should not be voted by chance. I am prepared to agree to this, but, further than that, we should not place impediments or obstructions in the working of the provincial administration. The point which is lurking behind the proposition here is that the efficiency of the Services will be imperilled. I am prepared to agree so far that under the conditions obtaining in India at present we want, and we shall probably want for some years to come, a large leaven of European elements. I am prepared to agree so far, but there should be no bar to Europeans entering the Services if the proposals that I am going to make should be accepted. What I propose to do is to divide the Services into two classes, A class and B class. The Europeans shall be entitled to enter into the A class, and of course I will do everything to pay them well. The Provincial Services might be put into the B class. Of course you get Indians of the highest intellectual order who can carry out administration efficiently, and probably as equally efficiently as Europeans. I am reminded, as I am speaking now, of the memorandum which was prepared by the President of the Public Services Commission. He went so far as to say that he had known cases in which Indians had failed in the I.P.S., but the same people had passed in the I.C.S. Therefore you cannot say that the Indians who compete for the I.P.S. will be of a lower standard of intelligence than those who compete for the I.C.S. I say that if we divide our Services into the A class and the B class, and put the Europeans into the A class, this objection will be removed. A great deal has been said with regard to the proportion of Europeans. I have said that I consider that a leaven of Europeans is necessary at the present moment for the maintenance of the efficiency of our Services, but if the competition is to be continued in our Services I still see no reason why there should be any definite proportion with regard to the maintenance of European elements. The Europeans and the Indians will compete together. Those who pass will come in, and those who fail will go out. Therefore, to my mind there seems to be no reason why a very great leaven or a definite proportion of Europeans should be kept.

I will come to the last point which I wish to urge. In certain Provinces a constitutional convention has been set up, sanctified

by the resolutions of the Government, that a certain proportion of the Provincial Services is kept for certain communities. For instance, in the United Provinces the Muslims are entitled to one-third of the Services. I very respectfully maintain, Sir, that these proportions, which are the order of the day, should be maintained. Of course I do not say that any community should be taken with or without qualifications. I say that subject to the necessary qualifications, as has been the practice, this preference should not be deviated from. Otherwise there would be heartburning in those provinces where a convention has been set up under which a certain percentage has been given to the minority communities. I do not know whether this question could not be better settled in the Minorities sub-Committee. On the question of Services, I am bound to bring the proposition before this sub-Committee, that this proportion shall be retained.

Mr. Mody: There has been general agreement on the question of the position of the members of the Service who are in that Service at the present moment. The assurance which has been conveyed by everybody that their pay and pensions will not be prejudiced in any way, ought to prove completely satisfactory. If, in spite of that, there are members of the Service who do not find the Service pleasant enough or profitable enough for them, then there is the option. We can state a period of time in which they can exercise that option and retire upon a proportionate pension. I am rather sorry that on the other question, namely, the point of time when the recruitment and control of the Services should be transferred to the Government of India, there has not been complete agreement amongst ourselves. I support the view that that control should come to the new Government of India at the earliest possible moment. I am not supporting that merely because it is logical, as Sir Robert Hamilton would imagine. I say that it would be most injudicious for the new Government of India to be tied down to arrangements which were made under entirely different conditions. After all, you are conceding enormous powers to the new Government of India. If India is fit enough for those powers the question of the Services ought not to be beyond their province. I do not propose to cover the same ground as that covered by previous speakers. My only excuse for **intervention in this general discussion** is that I want to put my own definite point of view. I think that it will be absolutely necessary for the Government of India which is going to come into existence, not only to reorganise the Services, but entirely to change the conditions of service. India simply cannot afford to let things exist as they are at present. Everybody is agreed, and I think that that agreement must be very gratifying to the members of the Service, that they have done very great and meritorious services to India, and that they are an exceedingly efficient, honest, and devoted body of people, but, Sir, it cannot be gainsaid that under the conditions under which that Service came into existence, we are maintaining a very expensive Service, which I think is not

maintained by any other country. In England the scale for the permanent officials is nothing like the scale which obtains in India. While it is not proposed to rob any man who is in the Service at the present moment of the privileges and emoluments which are due to him, I think it would be fair that new conditions of service should be laid down for the future. After all the scale of civilisation that obtains in India at the present moment is of a primitive character. Our social services, if India is to come into line with Western countries, will have to be on a much more advanced scale than obtains at the present moment. I believe that I am right in saying that in the last 15 years the cost of Services in England has gone up by 300 per cent. I should not be surprised if it went up by a larger amount in India in the next 15 or 20 years, because it is not possible for India to achieve self-government and to achieve Dominion Status and at the same time to maintain her social services at the very low scale on which they are at the present moment.

Well, if they are enlarged what happens? You will want a whole army of officials to maintain these Services; you will want to increase the strength of the Services very considerably. Can India afford to have an Indian Civil Service on the scale which obtains at the present moment if its strength is going to be largely increased? Everyone knows that the failure of dyarchy was very largely because the Ministers who were in charge of the transferred departments had not the money to spend upon essential national requirements, and the same position in a much more aggravated form will confront the India of to-morrow if we have to advance in line with other nations of the West and we have to greatly increase our social and other services. I feel, therefore, that it is all important that at the earliest possible moment the recruitment and control of the Services should pass to the Government of India and that the Government of India ought to appoint a Committee or Commission straight away, or at the earliest possible moment, and find out on what new terms the Services can be recruited in the future. If you do not do that and if you maintain the same scale of emoluments, I say that the experiment of self-government in India will fail disastrously; either India will stagnate or she will have to have a greater extension of all these Services, but on a scale which she can afford. I do not know whether in any of the terms of reference it will be permissible to press for this point of view, but I feel very strongly that it is a point of view which ought not to be lost sight of in any consideration of the position of the Services in future.

Lieut.-Colonel Gidney: Sir, although the subject vitally concerns the community I represent, my remarks will be very few. Briefly, I agree entirely with what Sir Robert Hamilton has said that we should not swap horses in midstream. I join with others in the praise of these Services, and I would like to add that this sub-Committee should make a specific statement or recommendation that not only their pensions but also their provident funds

should be assured to the present members of the Services, and that this should be restated in specific terms; I refer to the terms of the Montagu Report of the 9th February, 1922.

Sir, I will defer my remarks on the Medical Services, of which I have the honour to be a member, when we come to that part of our terms of reference. There is, however, only one point I wish now to stress in a few words to this sub-Committee, and I do so in all humility and sincerity. I am sorry, Sir, that the economic protection of the Anglo-Indian Community in the new Constitution does not find a place in your agenda. Possibly it may surprise some Delegates to hear me make this statement, but I do so fortified with the reports of both the Simon Commission and the recent Government of India Despatch. If you will allow me, I will briefly refer to paragraph 340, page 298 of the Simon Commission report, which makes this recommendation: "We have one observation to make in regard to recruitment by the Central Government. In our first volume we have described the peculiar position of the Anglo-Indian community and its economic difficulties. Its dependence upon employment under the Central Government is due not only to its aptitude and capacity but to the policy of the Government in the past. We suggest, therefore, that some special consideration should be shown to the community in recruiting for the Central Services with which it has a traditional connexion."

Let me refer to the Government of India Despatch. Here we find a specific recommendation by the Government of India that the economic future of the Anglo-Indian Community should be placed under the protection of Parliament as a special obligation; this recommendation means that the position is so serious for us that the Government of India are unable to afford us any protection as Statutory natives of India and therefore they ask that we be placed as a special responsibility to Parliament. My one reason for mentioning this is to obtain if it is possible, some statement from this sub-Committee in support of these recommendations. Sir, I am one who believes and hopes sincerely that the time is not far distant when India will be able to supply from her own people and institutions every servant it needs from the highest to the lowest, and there will be no need or demand to travel 7,000 miles to Europe for training before one can secure employment in his own country. I was very sorry and pained to hear what my friend Mr. Chintamani said in his speech when he charged the Anglo-Indian community with seeking a status of European and Indian to suit its own convenience. I wish Mr. Chintamani had not sat so long in an editorial chair and would, if he could place himself in my position. I would then ask him what attitude would he adopt to protect his community from economic disaster as to-day faces the Anglo-Indian Community? It is my lot to fight for my Community, surely he will allow me the privilege of fighting for them in the best way I can. Our perilous position to-day is the creation

of the Government; it is a creation which has been imposed on us and which we have always resented. I refer to our anomalous status. For social purposes we are called Anglo-Indians; for defence purposes we are called Europeans, British subjects; and for economic purposes we are called natives of India. I regret this extraordinary status has been imposed upon us. Sir John Simon said that our community was between two stools, and stood in danger of being crushed out of existence by the process of Indianisation. It is to protect our economic condition and save us from extinction that I make a fervent appeal to this sub-Committee on behalf of a body of loyal subjects who have worked faithfully and loyally for India in the past and who are willing to work in the same way in the future. It cannot be denied that we have rendered great services to India but the process of Indianisation has seriously affected us within the past decade: whereas in 1921 there were scarcely one thousand unemployed Anglo-Indians, after ten years of the operation of the Reforms there are to-day fourteen thousand unemployed, or one-third of the community. Is this to be our reward for our services to our Country and Empire? I ask this sub-Committee to make special reference in its report to the future economic protection of the Anglo-Indian community, not because I wish to continue living a life of communal isolation which has been enforced on us and has been our ruin. No, Sir, I wish to secure protection for my community for a few years only, and it is for those few years, 20 to 25 years, that I ask for this economic safety. Do not deprive us of the 20,000 jobs we hold to-day out of two million appointments in the various Services. If you do it will mean the extinction of a community that has rendered good, loyal and faithful service to its Motherland, India. I plead with the members of this Committee to do their best to incorporate something in their recommendation so as to ensure some economic protection to the Anglo-Indian community. We are being squeezed out of all the Departments which we created and which we helped to maintain, and as our economic future has been placed as a special obligation on the British Parliament I beg members of the British Delegations to give my claim their very serious and sympathetic consideration and not to allow the Anglo-Indian Community, a body of faithful and loyal servants to be driven out of the services and of their country.

Mr. Fazl-ul-Huq: Our position has already been made clear, and this morning, after having listened to the debate, I only wish to say that I agree with the remarks which have been made by Sir Robert Hamilton. I find that on this side of the House—I have consulted my friends—they are of the same opinion, namely, that we should not discuss existing conditions, especially with regard to the Police or the Indian Civil Service, till we see how the Constitution has been working. We want evolution and not revolution of any kind.

Chairman: That finishes our general discussion. You will all find in your places certain heads of discussion, which, with your

permission, I will not read through; then we can start our discussion, but I read them through in order to invite your suggestion as to whether we ought to put in any new heads in order to embrace thoroughly everything that can safely come within our terms of reference. These are only my suggestions.

The first is this: "(1) The question of safeguarding the position of existing members of the Services." Then "(2) The question of reassuring existing members of the Services with a view to securing that they will serve for their normal term." May I point out the distinction between these two, why I have separated them? No. (1) merely deals with the preservation of the existing rights, whatever those rights may be. We are not here functioning as a body of lawyers or judges to determine what they are. Whatever they are, one assumes that they shall remain. No. (2) is a different point. No. (2) assumes that if you want the existing Services to remain you may have to extend the rights, and what I have got in my mind particularly is the point mentioned I think, by Sir Cowasji Jehangir, that you may have to give them an added right in that they shall have a right of retirement on proportionate pension, not only for a limited period of one year, but for a longer time, possibly for an unlimited time. Obviously if you do that, or extend the time to two years as was suggested in one quarter, you are not merely safeguarding existing rights, but you are giving new rights. That is the distinction between (1) and (2).

I just point out, if I may, with regard to (1) that I do not think we need have any discussion as to the term "accruing rights". As I have said, whatever the rights are, it is not for us to pronounce upon them; but as I do happen to be a lawyer and fortified by the opinion of my predecessors, I may tell you that I entirely dissent from the view that a man can be said to have lost an accruing right merely because some post has gone to which he might or might not have won his way. An accruing right is a right which accrues in the normal process of time. That is what I understand an accruing right to be, and that is what my predecessors have advised. I do not think there can be any doubt about that.

Sir Robert Hamilton: May I ask a point upon (2)? You say "with a view to securing that they will serve for their normal term." It would not necessarily mean serving for their normal term if they had the right to retire, would it?

Chairman: What we want them to do is this, as I understand. The bulk of opinion is that we are very anxious to avoid a sort of landslide which might take place.

Sir Robert Hamilton: Would not it be better to say "with a view to encouraging them to serve for their normal term?"

Chairman: It is suggested that there should be the word "encouraging" instead of the word "securing". We want to induce them to go on serving and not throw in their hands, and it is suggested in some quarters that one of the best ways of doing that would be to say to a man: Look here, you have not only got a year

in which to make up your mind; you have got that right and that right shall continue—

Raja Narendra Nath: Would not it be limited to a number of years?

Chairman: That is a matter for discussion. Perhaps the word “encouraging” better expresses my meaning than the word “securing”.

“With a view to inducing them to serve.” Would this do—
“with a view that they may serve for their normal term”.
(*Agreed.*)

Now (3) “Should recruitment on an All-India basis continue for any of the following Services”. You see I have left out the Indian Medical Service and I have put that in as a separate heading by itself because we may have to discuss it rather widely.

Mr. Shiva Rao: What is to happen to the Central Services and some other Services mentioned in the Government of India Despatch? For instance, the Indian Political Department, Ecclesiastical Department, persons appointed outside India, and various others.

Chairman: We will put in a separate heading “Central Services” and see how far we have to make recommendations under that head.

The question is raised generally, I understand, not merely as to recruitment on an All-India basis, because, of course, the fact that they are Central Services involves that they are recruited on an All-India basis.

Sir P. C. Mitter: There would be the point as to whether there should be independent recruitment or whether some may be by promotion.

Chairman: We can put in a general heading “Recommendations, if any, in relation to Central Services”.

Sir Cowasji Jehangir: “Services under the Central Government.”

Chairman: We can add “Recommendations, if any, required as to Services under the Central Government”. That will be No. 9. I have written down: “(9) recommendations, if any are required, as to Services under the Central Government.”

Mr. Shiva Rao: Are we precluded by the terms of reference from discussing Military Services here? Will that be a question to be discussed by the Defence sub-Committee?

Chairman: I think that is a matter for the Defence sub-Committee.

“(3) Should recruitment on an All-India basis continue for any of the following services:—

- (a) Indian Civil Service,
- (b) Indian Police Service,

(c) Indian Forest Service,

(d) Irrigation Branch of the Indian Service of Engineers.

So far as I have gathered from your discussion, there seems to be a large measure of agreement that it should continue on an All-India basis for (a) and (b) but that it should not continue for (c) and there seems to be a divergence of view with regard to (d). "Is it desirable to secure an element of European recruitment, and if so for which Services? Should any such recruitment be done by fixed ratio, e.g., the Lee ratio for each Service, or on some other system." On that we shall have a discussion with regard to what Mr. Chintamani says that it should be left to the Government to decide from time to time what shall be done. I just point out for your consideration what occurs to me as a practical difficulty about that, and that is this: if you are going to have recruitment for these Services you must work to a scheduled programme, because boys at school or young men at University have to think of the careers they are going to adopt and have to start training, and it is hardly feasible, I should imagine, to say it so happens that there certainly are a block of 50 vacancies and next year there may be none. Unless you work to a definite schedule I should think it would be difficult to get anybody.

Dr. Ambedkar: There is one thing which it seems to me necessary that this sub-Committee should consider, whether this process of Indianisation should not be accompanied by some distinction in the matter of pay, pensions, and other privileges of Indians as against Europeans in the Civil Service of the future. I think that is a point which this sub-Committee must necessarily consider. I should therefore like to add to this paragraph "Should the Indian element be on a par with the European element in the matter of pay, pensions and other privileges".

Chairman: We will bear that in mind.

Then "(4) Who should be the recruiting authority for the recruitment of All-India Services under the new Constitution?"

Sir Chimanlal Setalvad: You will have to add there the question of control, who shall recruit and who shall control.

Chairman: We will leave that for the moment.

Then "(5) Recommendations concerning the Civil Branch of the Indian Medical Service". That is quite at large. We can make what recommendations we like there.

Then "(6) The desirability of recommending that the question as to what conditions may be required to attract and retain future recruits of the right type should be referred to a technical Committee or Committees". It occurred to me that there are so many of these points, for instance, with regard to rates of pay, which we have to consider. You do not want to pay more than you need; on the other hand it is bad economy to pay people inadequate salaries when you do not get the right type of man. That is obvious.

The point made as to the question of control seems to me to involve highly technical matters, calling for expert knowledge, so that I doubt whether this sub-Committee is qualified to express any final opinion—I know I am not. I therefore purposely drafted Item (6) of the agenda so that we might consider whether we ought not to say that there should be Commissions set up to determine this question. Can any of you say—I cannot—what rate of pay is necessary to attract the right type of people? Is anybody prepared to say that he knows? Or can anybody formulate what precise regulations should be made regarding control, if we are to cope with that topic?

Sir Chimanlal Setalvad: I think the broad principle with regard to control should be dealt with here, namely, whether it should rest with the Secretary of State as at present or devolve upon the Government of India.

Dr. Ambedkar: The distinction of remuneration as between Europeans and Indians is a broad question which this sub-Committee ought to decide. The particular principle whether the two elements in the Service should be treated on a par is certainly one for his sub-Committee.

Sir Provash Chunder Mitter: If you want to have an All-India Service it is necessary to remember that conditions in the Provinces are not the same. Unless you take evidence I cannot see how even broad generalisations can be made on the question of attracting the best men for the Services throughout India.

Sir A. P. Patro: We had a Committee to investigate whether there should be any retrenchment in the Services. It was a very independent Committee, but the result at which it arrived was that the rates of salaries should actually be increased in some respects. I think that this question should be considered by an independent Committee. Some of us, while strongly in favour of Indianisation, feel that in the interests of our own country there should be greater economy in the matter of the salaries of the Indian officers, but at the same time there should be sufficient attraction to such officers, enabling them to maintain their position and prestige in the country, and preserving them from temptation. As to what scale is adequate to keep the best men in the Service, this is not a matter which can be determined off-hand, it is one which will require very careful consideration. These are vital questions affecting the efficiency of the Service. My respectful submission is that we should not burden ourselves with details at present.

Sir Chimanlal Setalvad: With regard to control, I am afraid my remark was not quite understood. I only want to have the large principle settled, whether the control should be in Whitehall or in India.

Dr. Ambedkar: I should like to draw your attention to the report of the Ceylon Commission, which recommended the broad principle that there should be differentiation of salaries between the natives of Ceylon and others.

Chairman: It may meet the point if we had at the end of Item (6) of the agenda, "and if so whether any definite recommendation should be made for the guidance of such Committees".

Lord Zetland: The question which Sir Chimanlal Setalvad wishes to discuss will come up on Item (4). The control goes with the recruiting authority.

Chairman: We can add to Item (4) "and what general recommendations should be made as to control". I agree with Lord Zetland that the one is a corollary of the other. The control goes with the recruiting authority. Will you, therefore, add to Item (6), in order to meet Dr. Ambedkar's point, "and if so, whether any definite recommendations should be made for the guidance of such Committees".

Item (7) refers to a Public Service Commission, in the singular; I think we had better have it in the plural. We may want to recommend that there should be a Public Service Commission for each Province, and further to make recommendations as to the existing Central Public Service Commission.

Raja Narendra Nath: And would you add to Item (7), "and the general principles to be laid down for their guidance"?

Chairman: That would clearly come in. I will so construe the word "recommendations": Item (8) relates to the internal administration of the Police, and we have added an Item (9), "Recommendations, if any are required, as to Services under the Central Government". Suggestions have been made to me that other matters ought to be included. It has been suggested that the question of whether permanent members of the Services should or should not be eligible for appointment to Governorships and so on might be dealt with. What I propose to do is to leave that out for the time being, to ascertain whether it is the subject matter of discussion at some other sub-Committee. If not, we shall have to consider it here.

Raja Narendra Nath: The Provincial sub-Committee have dealt with it.

Chairman: Then I am not going to rule it in order here.

Sir Chimanlal Setalvad: In that sub-Committee it was treated as a borderline question, but it comes properly here when dealing with Services.

Sir Edgar Wood: In the Provincial sub-Committee it came in merely haphazard; it was not one of the subjects deliberately brought before us, and I do not think it was very carefully discussed.

Chairman: The terms of reference to us are, "the relation of the Services to the new political structure". It is only by a strained reading that this can come in, and as it has been discussed by some other sub-Committee I shall rule it out.

Mr. Shiva Rao: I was asked by the lady Delegates to raise the question of the admission of women to the Public Services.

Chairman: I am going to rule that out of order, and also to rule out of order the same question in so far as it relates to the Anglo-Indian Community. We are quite entitled to make any recommendations we like, but considered as a topic by itself it is out of order, because we are concerned with the relation of the Services, and not with those who should be in the Services. Mr. Chintamani says that he has a point with regard to Minorities.

Mr. Chintamani: I think it will be covered by Item (7).

Lieut.-Colonel Gidney: With regard to Item (5), concerning the Civil Branch of the Indian Medical Service, does that include the question of recruitment?

Chairman: Yes, everything. I did not put the Indian Medical Service in the list of Services in Item (3) because the method is different from that in being in the other Services. This is a case of *sui generis*, and I have not included it with the others.

Lieut.-Colonel Gidney: It is the only Service which to-day is recruited by nomination and not by competition.

Chairman: We will now start a discussion on the different heads. Is there any difference of opinion on Item (1): "the question of safeguarding the position of existing members of the Services"?

Lord Zetland: One point occurs to me. I am sorry I was not able to be here yesterday, when it may have been referred to. There is considerable apprehension amongst members of the Services with regard to the future, not of their regular pensions so much, as of the Provident Fund and Family Pensions Fund which have been subscribed for largely by the members of the Services themselves, but which under existing arrangements are merged in the general balances, and not kept in the accounts of the Government of India as a separate fund. Would it be open to this sub-Committee to make a recommendation in general terms that the question of the provident and family Pensions Fund is one of great importance, and that in any re-arrangements made under the new Constitution power should be secured to the Secretary of State to safeguard the fund.

Chairman: Manifestly you cannot interfere with existing contracts, and therefore even before the discussion of yesterday, I had endeavoured to draw up some resolution which I thought of proposing to you for your consideration. It reads as follows:—

"Inasmuch as the Government of India Act and the rules made thereunder by the Secretary of State in Council guarantee certain rights and safeguards to members of the Services; due provision shall be made in the new Constitution for the maintenance of those rights and safeguards for all persons who have been appointed before the new Constitution comes into force. When the new Constitution is drawn up, suitable safeguards for the payment of pensions, including family pensions and provident funds, should be provided." (*General Assent.*)

We now come to Item (2): "The question of reassuring existing members of the Services with a view to securing that they will serve for their normal term." The main point is the extension of the time limit for retirement on proportionate pension.

Sir A. P. Patro: I agree with Sir Cowasji Jehanjir that in order to secure efficiency there must be sufficient proportionate pension. It is necessary that there should be such inducements as will make the officers remain and continue to render efficient service. Therefore I think that they should have the privilege of retiring at any time they like, but no period should be fixed within which they must announce that they are going to retire. If a period is fixed the difficulty will be that they will be looking forward to that period, marking time, and doing no effective service. It will lead to a certain amount of demoralisation. If the option is retained, there will be a further inducement to them to remain in office for some time, and give full and effective service.

Mr. Mody: I cannot agree with that view. I believe it would entirely destroy the morale and efficiency of the Service if it was left to every member of the Service to pick and choose his own time to retire. It would not be possible for a man who made these mental reservations to give his best to the service of India. If a definite period of time is given to him, he knows where he stands, and will do his best. I would confine the option to such a period as three years, which is a reasonable period for him to make up his mind whether the conditions of service in India are or are not suitable to him.

Sir Cowasji Jehanjir: I would like to add one word with regard to this matter. The idea is, and you will find it in the printed matter that has been placed before you, to prevent officers retiring at the end of this limited period when they have not made up their minds.

Chairman: Certainly.

Sir Cowasji Jehanjir: The idea is that in two years, or in three years, or in whatever period you may lay down, the time is not long enough to gain the necessary experience of the running of the Government to enable them definitely to make up their minds. The result is that, although they have doubts about retiring, they feel it incumbent in the interests of their families, that they should exercise that option rather than not do so, because if they do not exercise that option, and six months or a month after that, conditions become impossible for them, they cannot retire at all because they are deprived of their proportionate pension. The result is that you keep a dissatisfied officer. I would much rather pay a man anything he likes to get rid of him if he is dissatisfied than to force him to serve me when he is unable conscientiously to do his best for me. Let the man go at any time, and give him that chance, rather than force him to make up his mind at a certain period when he may do it in one way or in the other.

There is one qualification, and I think that you will also find it in some of the papers that have been placed before you. We do not desire that European officers in India should be looking out for jobs in their own countries, whether it be in England or anywhere else, knowing well that they are in a position to accept a job at any time during their service in India, getting a proportionate pension, but serving someone else afterwards at additional pay. These questions have actually arisen in practice. You will find instances where, during the two years, or during the year where this option has been allowed to them, they have been trying to secure jobs of a very profitable character elsewhere. They exercise their option if they can get the job, and they do not exercise their option if they fail to get a satisfactory job. That must be prevented. Something has been laid down somewhere with regard to it in some rule, but I cannot lay my hand upon it at the moment. Perhaps my friends will help me. There have been some rules laid down by Provincial Governments that no officer shall enter into any negotiations for any other job during his term of option. I would make that a condition precedent, that no officer during his term of service in India shall be in communication with any person outside to get a job.

Mr. Chintamani: How can you prevent him?

Sir Cowasji Jehanjir: The question has actually arisen in practice and it has been prevented. I will try to look it up if you will give me time. It occurred to me only just now. This case did not occur to me yesterday. I will have it looked up, but I make my suggestion conditional to the explanation that I have just given.

Sir Provash Chunder Mitter: I would like to place some material before the Committee. When I was minister for Education in 1922 and 1923 in Bengal there was a particular officer of the Indian Educational Service with whom I got on very well, and he was a very capable officer. He applied for retirement on a proportionate pension. I sent for him, and I asked him: "Why are you going? Are you in any difficulty?" He told me frankly: "At the present moment I am in no difficulty, but I cannot anticipate the future. In the meantime I have got a job in England. My present prospects are very much better here than what I can get there, but I am preferring a certainty to a better uncertainty." The result is that we have been paying his pension charges during all these years. I feel sure that if he had not had to make up his mind within one year, or two years, or three years, he would have remained, and we would have got a much better service. A good deal can be said in favour of a time limit, but after all what is our object? If we want to keep British officers in the Service and if we call upon the British officer to make up his mind by a given date, then we shall be losing a friend. Many of them will naturally be on the lookout for retirement. After all every one wants to come back to his own country. If we served in England, and if we could have an opportunity of going back to India, even with less

prospects, we would naturally try for it. I do not think that the addition of Sir Cowasji Jehanjir's is very practical. I know that in our Provincial Government there is a rule like that. Some friend may find a job, and that position is not very practicable. Therefore I think that from the financial point of view, and from the point of view of getting contented work out of our men, it is better not to have a time limit.

Dr. Shafa'at Ahmad Khan: Sir, the proposal of Sir A. P. Patro that the member of the Indian Civil Service should be allowed to retire at any time has certain defects, and they have been pointed out very lucidly by Sir Cowasji Jehanjir.

Dr. Ambedkar: He supported it.

Dr. Shafa'at Ahmad Khan: I suggest a compromise, and the compromise is that the members of the Services should be allowed to retire at stated intervals, say in five years, ten years, or fifteen years, every five years.

Sir A. P. Patro: No.

Dr. Shafa'at Ahmad Khan: I think that it will work, because if a person is satisfied with his conditions of service, and if you impose a restriction regarding his option, and say that he will not be allowed to leave after two years, then if he cannot afford to leave the Service owing to his position, he will be a useless and discontented element of the Service. He will go on working, but he will not put in his best. If you give him the option of retiring, say after his fifth year of service, or after his tenth year of service, I think that he will be able to exercise that choice. In my opinion both the country which he serves and himself will reap a benefit by the change.

Mr. Chintamani: I regret that I must definitely oppose the proposal that the privilege of retirement on proportionate pension should be open to officers for an indefinite period and without any time limits. The period of time should be adequate for an officer working under the new Constitution to make up his mind whether the conditions are congenial to him, or whether he would prefer to go. A period of three years has been suggested by Mr. Mody. I am willing, and I am sure that he will not seriously dissent from me, to go further and to suggest five years, that is to say, the lifetime of one Legislature. If an officer during five years does not find anything so very disagreeable to him as to compel him to quit the Service it is not likely that such conditions will arise thereafter. In making the proposal of unlimited generosity to officers in the Services, the speakers seem to have overlooked the criticism which has always been levelled at governments under existing conditions, namely, that they have regulated matters as if India existed for the Services and not the Services for India. There is still a person called the taxpayer, and it would not be out of place if we sometimes remembered his existence. With regard to proportionate pensions and allied matters for the benefit of the Indian Services, I do not hesitate to say that they would not be possible in any

country where the Government is responsible to the representatives of the people themselves. Some of the speeches of those who are so anxious for the retention of the Services of European officers in the All-India Services suggest that after all, their admiration for the conscientiousness, honesty, and devotion to duty of these officers was of a strictly limited nature. They seem to feel that the constant anxiety of the officers is their own remuneration and their own affairs, and not the Service to which they are attached, and that, in the giving of their best to the Service of which they are members, they will be thinking only of themselves.

I am a critic, sir, but my sense of their devotion to duty and of their honesty is far greater and deeper than for me to cast this reflection upon them that while in the Service they will not be giving of their best to the Service, but will be thinking only of themselves. From all points of view I think that every reasonable requirement will be met if we recommend that it be provided that for a period of five years after the coming into force of the new Constitution officers of the All-India Services shall be at liberty to retire on proportionate pensions if they find the new conditions of service un congenial to them. If they do not exercise that privilege within five years, then they should conform to the ordinary Service rule, and should not be eligible for any special privileges.

Mr. Shiva Rao: I was going to suggest three years, but I am quite willing to accept Mr. Chintamani's proposal of five years. I should like to invite the attention of this Committee to the provision in the Nehru Report upon this very point: "Any officer of the Public Services who desires to retire within three years of the establishment of the constitution, or is not retained in the service of the constitution, shall be entitled to receive such pension, gratuity or other compensation as he would have received in like circumstances if the constitution had not been established." I find that it is practically a reproduction of a provision in the Act of South Africa, which says that any officer of the Public Service of any of the Colonies then established of the Union who is not retained in the service of the Union, or assigned to that of the Province, shall be entitled to receive such pension, gratuity, etc. As a matter of fact, the right to retire on proportionate pensions is a concession which is made in India, and which was not made in the case of South Africa when the Union was established. Three years is really an ample period within which any officer can make up his mind whether he will continue to serve the new Constitution, or whether he would like to take advantage of a proportionate pension and retire, but I am quite prepared to agree to Mr. Chintamani's proposal that the period should be extended to five years but not any longer.

Mr. Zafarullah Khan: I should like to divide this question into two parts. We are all aware that the lines along which the British Parliament was willing that the Government of India should be constituted were declared in principle as long ago as August, 1917. Then the Government of India Act was passed in 1919, the

Preamble to which again very clearly reiterates the principles which are going to be followed in the future development of the Constitution of the Government of India. Under that Act, and the rules made thereunder, a certain option of retirement on proportionate pension was given, which I think was applicable to the then existing members of the Services. I am not quite clear whether any option was given with regard to persons who might, subsequently to the coming into force of that Act, enter the Services, but if any option was then given, and there is a limited period with regard to it, I submit that it should in no case be extended. People who joined the Services after the coming into force of the Government of India Act in 1919 can have no grievance if no further option than that which may have been given under the provisions of that Act is now allowed to them, inasmuch as they must have known that anything that might subsequently happen, and anything that is now likely to happen in 1931 or 1932 would be only the further implementing of the policy then very clearly declared which would rule with regard to the development of the Government of India; that is with regard to people who joined the Services after 1920. Generally, with regard to people who joined before, with regard to whom it could not be said that they were aware that these changes were going to take place, my submission would be that the furthest that we should go would be Mr. Chintamani's proposal to give an option of retirement within five years from the coming into force of the new Constitution. That would be not earlier than some time in 1932. Therefore the option would expire in 1937; which gives a period of 20 years, starting from 1917; for people who were members of the Services then at various stages to have made up their minds. I do not think that any very sudden disorganization might be expected from this, because, in the first instance, this option would not apply to the Indian members of the Services; they would be there throughout. Then, as I have said, the five years should not apply to those who joined the Services after 1920. We do not apprehend that all those who are serving now in India, and who have served loyally, would think that as soon as practical effect is given to the principle that the Government of India must be carried on more or less in accordance with the wishes of the people, that declaration, and its practical implications, makes it impossible for them to go on serving in India. Therefore, there will be only a proportion of those senior members who would wish to retire. I think that the period of five years from the coming into force of the new Constitution is a reasonable period within which members of the Services must decide whether they are going to cast in their lot with the new order of things or not. I do not think that any of those apprehensions would in practice really be justified.

Chairman: May I point out, particularly with reference to what Mr. Zafrullah Khan has said, that I should not consider the matter, if I were you, from the point of view of the grievance of any particular servant? I do not look at it from that point of

view at all. Every servant under the Government of India, when the new Constitution comes in, will have a contractual right to go, and he will have a contractual right to go for a year; that is the legal position. No servant can have any grievance if his contract is carried out; so long as you give him his contract you have given him what he has bargained for, and that is all that he can ask for. It is not from the point of view of the grievance of any servant that I think that we should consider this matter. It is solely from the point of expediency with regard to the Government of India, because what I anticipate, knowing very little about it, if I may tell you my views, is, that supposing you confront the various servants with this position and you say: "You may have, instead of one year, three years", or you say: "You may have five years," is it not quite certain in the first place that apart from any grievance there is a danger that you would have rather a landslide, and all your people leaving India before they knew what the new conditions were going to be like? Would not that be the position if you limited it to one year? May not that put the Government of India in a very difficult position? Whatever sort of staff you may have, good, bad, or indifferent, Europeans or Indians, at the very initiation of this great experiment, this tremendous new Constitution, it seems to me that you are placing yourselves in an appalling difficulty if you take steps which may bring about a landslide of your existing staff. Therefore, I think that everybody would desire, not from the point of view of the grievances of servants, but from the point of view of simply giving the thing a chance, to take such steps as you can to ensure that you are not going to have a very large change of staff. Then comes the question of time. Ought it to be three years, ought it to be five years, or ought it to be unlimited in point of time? Again I should suggest that the sub-Committee considered that simply and solely from the point of view of expediency. I would remind you that the Statutory Commission said that the time ought to remain open indefinitely. Bombay, Madras, the Punjab, the Central Provinces, Bengal, the United Provinces, Bihar and Orissa have all agreed, with the exception, I think, of one non-official in the Punjab, and the Government of India have said that they regard this right to retire for an unlimited time as essential, not in the interests of the Service, but for the good government of India. Therefore it seems to me that you are taking upon yourselves rather a big proposition if you are going to fix an arbitrary limit of time. You must consider also the position of a comparatively young man. He may think to himself: "What attracts me in this Service are the prospects which it holds out. For the next five years I do not particularly care about things. I am quite low down in the scale, but I hope that I can go on and achieve a big, a prominent, and an important position." If you put that man into this position that he has got to make up his mind to go or not to go in five years' time, may he not say to himself: "The next five years do not hold out very much attraction for me. It is the future which holds the attraction for me. As I have to make up my mind in the next five years I had better

make it up now." It is entirely a matter for you to consider, but it seems to me that it ought to be considered entirely from the point of view of the Indian interests, never forgetting the interests of the taxpayer, as Sir P. C. Mitter said. The great thing to remember is that you have to take care to avoid any risks which may jeopardise the success of this experiment, and it does seem to me that anything which may produce a landslide of the existing staff may jeopardise the experiment.

When we come back at 3 o'clock I hope that we shall be able to take a decision upon this point straight away. There is not very much difference between us. It seems to me that it is a difference of a time limit on the one hand, or of the extension without a time limit on the other. During the luncheon interval, we may be able to agree.

Mr. Chintamani: I would like you to consider that if a man retires early the taxpayer will have to pay for quite a long time.

(The sub-Committee adjourned at 1 p.m. and resumed at 3 p.m.)

Chairman: Having considered the matter during the adjournment, I beg to propose the following resolution, which I think will reconcile all divergent views:

"As it is important that those responsible for the working of the new Constitution should not at its initiation be embarrassed by the economic waste and administrative difficulties which a change of staff on a large scale would entail, it is desirable to take such steps as are necessary to reassure existing members of the Services with the view that they may serve for their normal term. In particular the sub-Committee agreed that the right to retire on proportionate pension should be extended.

"The opinion of the sub-Committee was divided as to whether the extension should be for an unlimited term or for a definite period of years—say five years.

"The sub-Committee recommend that whatever course is necessary to avoid the risk of these results should be adopted provided that the same is conducive to loyal and efficient service."

(General Assent.)

We come now to Item (3): "Should recruitment on an All-India basis continue for any of the following Services: (a) Indian Civil Service, (b) Indian Police Service, (c) Indian Forest Service, (d) Irrigation Branch of the Indian Service of Engineers." I pause there, and suggest that I rather gather the sense of the Committee to be "Yes" to (a), "Yes" to (b), and "No" to (c). May I take it that the answer is "Yes" to (a) and (b)?

Mr. Shiva Rao: I think that all these Services should be provincialised. I do not think it would be satisfactory to work these Services on an All-India basis, and at the same time ensure a proper relationship between the Services and the Ministry.

Mr. Basu: The Indian Civil Service is a general Service that is recruited, and there are bifurcations and trifurcations. After a period in the general Service, some members, for example, go to Customs, some take the Judicial line and become Judges, and others remain in the Executive and Revenue Departments. Are we going to have a Service which is not a specialised Service, such as we ought to have, from the very start? It may be, as I pointed out in my general remarks, that with the new Constitution it will be necessary to recast the categories of Services, instead of having one Service, namely, the I.C.S. The I.C.S. has done good work in the past, but it is to some extent an anachronism, and may be more so within a short time. The question is whether by this kind of nomenclature we shall be tending to continue and perpetuate a state of things which does not fit in with the requirements of the present day.

Dr. Ambedkar: This question has to be considered from more than one point of view. There is, first of all, the point of view of Provincial autonomy. We are framing a Constitution in which we propose to give as large a degree of Provincial autonomy to the Provinces as possible, and it seems to me that no Province can be deemed to have Provincial autonomy if it has not the right to regulate the Civil Service that is going to work in its area. There is another and very important point of view, namely, finance. When we have an All-India Civil Service we have a fixed scale of pay. Salaries, remunerations, and other privileges are on a scale which is somewhat remote from what would be obtainable in the various Provinces. A Civil Service that will not be costly to Bombay or Bengal may be costly to smaller and poorer Provinces, like Assam, Sind, the North-West Frontier Province, and Punjab, and it may be that these Provinces will feel themselves satisfied with a little less efficient service than the All-India basis would give them. Having regard to finance at their command, they may regard the brains and efficiency obtainable as quite sufficient for their purpose. Finally, I agree with Mr. Basu with regard to specialisation. I do not understand how the passing of an examination like that of the I.C.S. can give any man the competence to serve in certain specialised Departments. A man who has passed his I.C.S. examination, with mathematics as a special subject, may be placed in the Department of Agriculture or in that of Indian currency. We ought to have a Service which not merely assures a certain standard of education in those who participate, but also allow for a certain degree of specialisation. It is necessary, in my view, that the All-India character of some of these Services should now cease, and the Provinces should be allowed liberty to cut their coats according to their cloth.

Sir A. P. Patro: The objection which has been raised by Dr. Ambedkar is a very relevant one. Even at the risk of being criticised as enthusiastic for the British Service, I may state the practical aspect of the matter, and cite the experience we have had. The difficulty with regard to the provincialisation of Services is that

in comparison with the All-India Services the scales for the Provinces have had to be fixed, not altogether equal to that of the All-India Services, but in a certain approximation thereto. In Madras we have provincialised the Agricultural Service, dispensing with the All-India basis, but there was such an amount of protest from the people, concerned that their emoluments ought not to be cut down or their conditions worsened, that it has been necessary to make two classes, called the A and the B class. The A class has been allotted a scale very little below—a few per cent. below—of the All-India Services. It has also claimed special privileges. The members of the B class have also claimed a higher ratio in proportion to what they have been getting. Therefore, by dispensing with the All-India basis and provincialising the Service, being desirous of getting the best men possible for the Provincial Service, we have not been able to effect any great saving. The time scale of pay that was adopted throughout India is the real difficulty. In the Provincial and Subordinate Services in the Madras Presidency the time scale of payment absorbed more than one crore of rupees, and it has not yet reached the summit of the expected expenditure; indeed, it will take eight or nine years more to reach the summit. Therefore the difficulty is not so much the salary of the All-India Services—the All-India Service increment in Madras altogether amounts to about 38 lakhs of rupees—but in the case of the Provincial and Subordinate Services, when the time scale was introduced it absorbed more than a crore of rupees. The question is not so clear that one can merely say, “stop recruitment from All-India Services, and you will have a saving of expenditure”. My experience has shown that the time scale of pay is the real burden on the Provincial revenues, and not merely the recruitment on an All-India basis.

Lord Zetland: I think Dr. Ambedkar's remarks give a somewhat misleading idea as to what the functions of the officers of the Indian Civil Service are. Dr. Ambedkar said, “How can you expect that a man who has merely shown himself capable of passing the I.C.S. examination should be competent to act as an expert agricultural officer?” In the first place, may I point out that the qualifications of the members of the I.C.S. are not merely an ability to pass competitive examinations. After they have passed their examinations they have to go through a considerable period of probationary instruction—I think a period of two years, but it is varied from time to time—at certain selected Universities in this country, where they are given courses of specialised instruction in the different branches of administration in which they expect to be engaged. The work of the I.C.S. generally speaking, is administrative. Anybody who listened to what Dr. Ambedkar said might imagine that there was no such thing in India as a specialised Agricultural Service, but there is such a Service, and although it may be true that there have been and are occasions on which a member of the I.C.S. who has studied agriculture has been given administrative charge of an Agricultural Service, generally speaking the

Agricultural Service is specially recruited from agricultural experts, both European and Indian. This question which we are discussing is almost inseparably bound up with the next question as to the recruitment of these officers. I do not want to overlap with that, but I would say just this, that if it is considered desirable to continue to recruit a certain number of Europeans for the Indian Civil Service—and, as far as I understand it, most people do regard that as an advantage—it must, I think, be an All-India Service. You will never get Europeans of the type you require if the recruiting authority is going to be the Provinces. I can speak with a good deal of personal experience on this subject. We all know that during the war the recruitment of Europeans for the I.C.S. underwent a break, and at the end of the war when it was sought to re-establish the recruitment of Europeans of the right type from the Universities in this country, great difficulty was experienced in doing so. With others I visited a number of the Universities in this country with a view to explaining, not only to the students of the Universities, but to the University authorities themselves, the sort of terms on which the young men from this country would serve if they joined the I.C.S., and it was made perfectly clear to me in the course of that experience that the one thing that the young men and the University authorities also did regard as important was that the recruitment should be on an All-India basis, and not only so, but should be by the Secretary of State for India. It is really a question of practical expediency. I would like any members of this sub-Committee to go and consult, say, the Civil Service Commissioners in this country or leading members of Oxford or Cambridge, or some of the Scottish Universities, whose duty it is to advise young men as to the careers they should adopt, and they would be satisfied that if the Secretary of State ceases to be the recruiting authority, the I.C.S. recruitment of the type of man you want to get from this country will dry up. I am not expressing for the moment any opinion, though I have my own very strong views on that question, but I am putting before you the practical aspect of the question. Let me assure Dr. Ambedkar and any others who think with him that if they insist on recruitment for the I.C.S. on a Provincial basis, they must understand that the recruitment of the type of man they want in this country will cease.

Chairman: Mr. Basu's point of view on Dr. Ambedkar's remarks should clearly be considered. We should be careful to make it plain that in recommending recruitment for the I.C.S. we do not regard the I.C.S. as perfect, good though it is, or as a thing which must be continued for ever on exactly the same basis. It will be necessary to do whatever is possible to remould and recast it. Those of Dr. Ambedkar's school of thought suggest that the All-India Services should be done away with, and small Provincial Services set up in their stead.

Dr. Ambedkar: I think that I should make my position clear. I hold, with the rest of the members of this Committee, that it is

very necessary to have a European element in the Service, but I do not share the view of the noble Lord, Lord Zetland, when he said that if you make the Service provincial it will dry up the source of recruitment.

Sir Provash Chunder Mitter: Upon that point I can give some material to the Committee. In 1924 and 1925 the Bengal Government decided not to recruit for the Indian Educational Service. Later on the member wanted to recruit from England, and even today the Indian Educational Minister and the Educational Department are trying to recruit from England. One post which they are very anxious to recruit from England is that of Professor of English. For three or four years they have tried. They wanted to give an initial salary of £800, whereas in the regular Indian Educational Service the Indian salary is somewhere about £500. They have not got anyone. They wanted to get a Professor of Physiology at an initial salary of £800, but they have not got anyone. I was not in charge of the department so that I have not got any inside knowledge, but I am told that the reason is that the recruits feel shy of going out to India to a Provincial Service, and whether the salary is good enough. That is one reason. The other reason is that they want a life-long career, so that even with better terms they do not want to go to a Provincial Service. I am one of those who believe that those difficulties will disappear, but at the present moment they are a reality.

Lieut.-Colonel Gidney: I will give you my experience as a retired officer in the Indian Medical Service. When provincialisation of the Civil Medical Services was suggested and various Indian Medical Associations and others participated, I can assure this Committee that it seriously affected recruitment in England of European members for the Indian Medical Service to such an extent that to-day the authorities have to beg, borrow, and steal from hedges and highways for candidates and yet they will not enter the I.M.S. Why? Because of this uncertainty and insecurity of service. I give you this as an illustration of how difficult it is to secure suitable I.M.S. recruits in England.

Mr. Chintamani: Sir, having regard to the speeches which have been made upon this question I feel it difficult to vote "Yes" or "No" without making an explanatory statement. The Marquess of Zetland has spoken of the necessity of continuing to recruit the Service on an All-India basis if we want satisfactory recruits from the universities of England and Scotland. There are a large number of Indian public men, amongst whom my friend Sir Chimanlal Setalvad and myself are included, who do not want any more recruitment in England or Scotland for the Services in India. We recognise the value of the services of highly trained European Officers, but as both of us have pointed out these officers, including the most junior of them, will still be there for varying periods extending to 25 years. We feel that if we cannot be competent even at the end of 25 or 30 years that we shall not be able to manage our affairs without recruiting for our Services in countries other than

India we should be candid to ourselves and withdraw the demand for self-government, to press which we have come here. The question next arises, if we do not have any future recruitment for the Indian Civil Service in England or Scotland, will it still be necessary to keep up the Service on an All-India basis? One of the principal arguments on that account disappears, namely, the subject of recruitment. With this should be considered the other question raised by me in my general speech yesterday, and repeated by Mr. Basu and by Dr. Ambedkar a few minutes ago: should the Indian Civil Service continue on its present basis at all, that is to say, as a Service which supplies officers not only to the Revenue and Executive departments, but to the Judiciary, the Customs, the Post Office, and a number of other miscellaneous departments? In the past, officers of the Indian Civil Service were considered to be fit and proper persons to appoint to any office. In recent years the tendency has been more in direction of specialisation, and each department now expects that the principal offices in the department shall be filled by promotion from its own ranks, and not by the importation into that department of officers of the all-providing Service, the I.C.S. If the almost unanimous opinion of educated Indians that the I.C.S. should no longer be the recruiting ground of judges should prevail, for example, then the number of men required for a purely executive service will be much smaller, and it will be open to consideration whether the requirement of the country will or will not be met by recruiting for those posts upon a provincial basis rather than upon an All-India basis. A number of these questions are intimately bound up with the question whether the recruitment of an All-India Civil Service shall be continued upon an All-India basis. As these questions have not been answered by the sub-Committee any answer which can be given to this question can only be contingent to the answers which can be given to the other questions, and must be without prejudice to the opinion which we shall express upon these other questions. That is the difficulty which I feel in voting upon this matter at the present moment.

Chairman: I think that that is quite a reasonable suggestion of Mr. Chintamani's. This is bound up with later questions. If I may take the purely provisional answer "Yes" for the moment, when we have discussed the next questions I will come back and see if we can get some agreement as a whole. Let us pass on, and see if there are any special remarks to be made under (b) Indian Police Service.

Mr. Basu: I agree that the Indian Police Service should be on an All-India basis.

Chairman: May I take it that it is agreed that the Indian Police Service should be on an All-India basis?

Mr. Shiva Rao: I am against any of these Services being on an All-India basis.

Chairman: May I take it purely provisionally that that is agreed? (*Agreed.*)

We now come to (c) Indian Forest Service.

Mr. Basu: I think that that should be provincial, because otherwise the forests of India will be neglected.

Chairman: May I take it that that is provisionally agreed? (*Agreed.*)

We now come to (d) Irrigation Branch of the Indian Service of Engineers.

Lord Zetland: I have not had an opportunity of hearing what was said upon that point. There is only one point which I should like to raise with regard to the Irrigation Branch of the Indian Service of Engineers and that is with regard to the Punjab. The conditions in the Punjab are very special, and the members of the Irrigation Branch of the Service of Engineers in that Province discharge functions which really lie outside the ordinary run of functions discharged by such officers in other Provinces. Of course I have no personal experience of this particular matter, but I understand that in the Punjab the Irrigation Engineer Officers perform very largely the duties of Revenue officers. Very often when it is a case of allotting water to different people, and there are questions of the charges to be made for that water, communal questions step in. It is an advantage, therefore, to have an officer who is regarded by all parties as absolutely neutral from a communal point of view. I believe that it is an advantage to have such an officer in the Punjab. I do not press that point at all because I am not competent to do so. It is an aspect of the case which has been put before me by various people, and, therefore, I merely raise it at this sub-Committee in case there is anything in it.

Sir Chimanlal Setalvad: The point upon this head as put by Lord Zetland comes to this again that because there are communal differences, because there are communal prejudices, and because there are possibilities of conflict in that direction, therefore you must have European officers. It comes back to the same thing. That argument will apply if extended to every branch of administration. Therefore I submit that we cannot accept that argument at all. That would be an argument which would go to the root of everything.

As regards special qualifications for irrigation we have an object lesson before us in the State of Mysore. The State of Mysore has undertaken very large and very complicated irrigation schemes of a huge character. All those schemes have been designed, executed, and worked by Indian engineers. Not a single European engineer was brought out for irrigation purposes in Mysore. All those works of a huge character have been carried through, executed and are being worked, and water has been distributed over hundreds of thousands of miles of canals by Indian officers throughout. Therefore there is no inherent unfitness in Indian officers of the Engineering Department to work the Department of Irrigation. When I say that I do not mean that you shall not have an All-India Irrigation Service. It may be an advantage to have an All-India

Irrigation Service but the recruitment need not be in England or in any other country outside India. Again, when I say that, I do not rule out the employment of Europeans, experts in that line, by the Provincial Governments, or by the Indian Government as a whole. They may require the assistance of such experts. They will, whenever necessary, certainly involve the assistance and the services of English experts. What I say, however, is that there is nothing special in the Irrigation Department which makes it necessary that the recruitment should be European in the sense suggested by Lord Zetland, or that Indians are not capable, are not ready, or are not trained enough in this Department to carry on the work.

Sir P. C. Mitter: I have considered the matter very carefully. Before I deal with other reasons I would just dispose of the reason put forward by Sir Cowasji Jehangir. He said that in Bombay it is of the utmost importance that they should have very good irrigation, and he also pointed out that the position was the same in the Punjab. If that be so, that may be a reason for an extra good scale of pay for Bombay and the Punjab, but that is no reason why we should have the same scale of pay in every Province where it is not necessary to have it. Quite apart from that I think that it is not one of the Security Services in that sense. It is a very important Service, but it is not a Security Service in the sense of the Indian Police Service or the Indian Civil Service. There must be give and take. If in a particular Province anything goes wrong it will be up to that Province to recruit men with an attractive salary. I would like to point out that the man who made a tremendous advance not only in India but also in Egypt, Sir William Wilcox, was born in India, and he was trained in the United Provinces. With regard to the advantages of Indian recruitment, as Sir Chimanlal Setalvad has pointed out, we have the example of Mysore. An Indian who is born in the country sees his rivers. He sees the natural resources from his boyhood. He may have his training in India, or he may have his training anywhere in the world. That advantage a foreigner can never acquire from the beginning. He will have to acquire the knowledge of the country. I am one of those who say that some of the British Irrigation Engineers are very well qualified, but for the first few years he has to acquire his knowledge. Then, after he becomes efficient, and after he has done 15 or 20 years, he retires, and that knowledge is lost to the country. On the other hand, if a particular Province requires a very superior type of irrigation engineers, let them pay well, and let them encourage Indians to become superior irrigation engineers. Therefore I am in favour of getting Indianisation so far as this service is concerned.

Sardar Sampuran Singh: I wish to remove one misapprehension. Lord Zetland remarked that in the Punjab and in other places there is, on account of communal differences, always some friction with regard to canal water and that sort of thing, and that for that reason it would be necessary to keep the Irrigation Service in the

Punjab as an All-India Service. So far as the working of these canals is concerned I have experience both as an agriculturist and as a lawyer. I have had experience with regard to how the things have worked out in the Courts. So far as there are quarrels about the water they all go to the Civil Courts. The irrigation engineer has nothing to do with it. With regard to quarrels about the distribution of water, if they are criminal, if there is a fight, it goes to the ordinary Criminal Courts. If there is any other inequality in the distribution of it it goes to the Civil Courts. The irrigation officer as an engineer has nothing to do with those quarrels. The irrigation engineer in the Punjab has only to think of the new schemes and to maintain the old canals. At the most he has to make a sort of distribution of the water which is always liable to be set aside by a Civil Court. Generally speaking, in the Punjab the villages are combined, and it is impossible to say that an officer will give more water to Muhammadans and less to Hindus because the fields intersect. Sometimes the whole village is either a Sikh or a Muhammadan village. Therefore so far as the communal question is concerned there is no danger of that as regards the Irrigation Department in the Punjab.

Chairman: May I ask a question for my own information? Is there any danger of an inter-provincial question being raised? Take the Indus, may you have rivalry for instance, between the Punjab and Bombay? I ask only for information. If so, it seems to me that that is an argument which we ought to bear in mind in favour of making it an All-India scheme entirely, without prejudice to the question of Europeans to which I will come presently.

Mr. Zafrullah Khan: The only question which could have arisen between two Provinces with regard to irrigation from the Indus was a question as to the allocation of water between the Punjab and Sind. That is a matter which obviously one of those two Provincial Governments could not decide by itself. No doubt for the purpose of the decision of that question the Government of India had to take into consideration the claims and the views of both these Provincial Governments. In putting forward those claims each of these Governments got as much assistance as was possible from their expert Irrigation Officers. In the first place, that matter has been settled for the present at any rate, and for many years to come, by the Government of India allocating a certain quantity of water to Sind. They say that for the present the Punjab shall not draw any further quantities of water from the Indus for the purposes of irrigation. If that arose again it would not be a question with regard to the Irrigation Service at all. It would be a claim by one Provincial Government against another Provincial Government. The decision of the question by the Government of India would not in the slightest degree be affected by the fact as to whether the Irrigation Service in one of those Provinces, or in both of those Provinces, was Provincial or on an All-India basis. I cannot conceive of any other question that is likely to arise between the two Provinces. They are not contiguous so far as the question

of the Indus is concerned. The Indus, after it has flown out of the Punjab, and before it enters the Province of Sind or Bombay, has to pass through a very large stretch of territory. Therefore really no question has arisen out of the boundaries being contiguous between the two Provinces. The larger question of policy is likely to be an inter-provincial matter, and has nothing to do with the question of the Irrigation Service.

Major Stanley: I am completely ignorant about the particular conditions, and my question may show it: is it possible that a question might arise on this particular scheme where the irrigation service of one Province has, through bad provincial recruitment, been allowed to go down through the inefficiency of the Service of that Province and has really acted to the disadvantage of another Province which is connected with the same scheme?

Mr. Zafrullah Khan: Naturally it is the Upper Province in which that question might arise; it would not be the Lower Province into which the water flowed. For instance, if our system ran out of order, I think it would be so much better for them than for us. Apart from that, I do not think the mere fact that the recruitment was on a provincial basis would lead to any such result, because our own prosperity would depend on that question. The irrigation in the Punjab is such a vital question that security to the Province itself would require that the Service should be recruited on an All-India basis. That is an argument which has been disposed of and could easily be disposed of. Surely the Punjab would not allow its recruitment to fall, in its own interests. Our very vital interests depend upon the continuance and maintenance and efficiency of our irrigation and canal system, and if recruitment is on a provincial basis it would require to be very efficient indeed.

Chairman: We had better take a decision on this now. It is for you to decide. The sense of the majority of the meeting undoubtedly is in favour of putting this on a provincial basis. (*Agreed.*)

Now we will pass on and consider the next question. We had better consider them together, I think: "Is it desirable to secure an element of European recruitment, and if so, for which Services? Should any such recruitment be done by fixed ratio, *e.g.*, the Lee ratio for each Service, or on some other system." I point out, though it is not quite plain here, that of course it is clearly open to us to say that the system of European recruitment should be continued as at present for a short time and then reconsidered. Would it be more convenient to take that with No. 4, do you think? No. 4 is "Who should be the recruiting authority," etc.

We will consider them both together.

Sir Chimanlal Setalvad: Mr. Chairman, the question "Is it desirable to secure an element of European recruitment, and if so for which Services" is a question which should be left to be determined by the future Government of India according to the needs and circumstances as they see them. When we wish to endow

India with a Government of her own, representative of her own people, I think it is not the right thing to do, in anticipation of the constitution of that Government, for us to return an affirmative or negative answer to the question that is put here. Assuming that the Government of India desire to secure the services of Europeans in certain departments, it will be open to them to consider—at least it should be open to them to consider—whether they can obtain those European recruits by holding an examination or any similar process in India itself or by applying to their agent in England, the High Commissioner, to obtain the requisite officers for them. That again is a question which it should be competent for the new Government of India themselves to decide.

“Should any such recruitment be done by fixed ratio, *e.g.*, the Lee ratio for each Service, or on some other system.” Here again I say I stand up for the future Government of India and claim that it is for them absolutely to determine, with the sole idea of the interests of India, whether there should be any such proportion, and if so what should be the proportion. I hold, as I have held in respect of the other questions, that it is both premature and improper for us in anticipation to determine these questions for them. The recruiting authority, as I have already stated, should be the Government of India themselves and not the Secretary of State for India, and whoever be the recruiting authority should also, be the controlling authority. I have seen recommendations that the Secretary of State should have a statutory body of advisers in order to safeguard and protect the interests of the Services and officers appointed by him. This implies a want of confidence in the future Government of India, a want of confidence in their and the Legislature's *bonâ fides*, for which no circumstance of the past or present affords any justification whatsoever.

Taking these two questions together, my answer would be that the proper authority to answer these questions is the future Government of India itself, who should be the recruiting as well as the controlling authority.

Sir A. P. Patro. Sir, I have the misfortune to differ from the previous speaker on this matter, as I differ from him on the general discussion of the question. It is a very important matter, and it is therefore, neither premature nor improper for this Committee to make any provision in regard to recruitment. The future Government of India will come into existence in whatever form it may be and whatever may be its responsibilities, the future Government certainly would not come in from the brain of a goddess, perfect, thorough in every matter, capable of doing things for itself. The future Government, either self-government or whatever it may be, needs the services of these two Security Services. If you admit that these Security Services are needed for assisting the Government to work on a stable foundation there is no doubt whatever in my mind that we require a European element in the I.C.S. and I.P.S. I have absolutely no doubt upon the matter that for a time to come we require their assistance. It is too much to think that

the future Government will be able to settle down immediately as the Constitution is brought into existence, that the Ministers will be able to apply their minds to the requirements of the Services immediately they are called to office. Practical wisdom and experience will suggest to anyone who has been in charge of responsible office that it is highly desirable that the present system should continue for a time. How long it should continue it is not possible to postulate at present, but it is certain that the European element of recruitment is necessary for these two Services. As I say, the matter could be revised either in 1939 or at an earlier date. I am not wedded to any particular date, but it seems to me it is a very hazardous step to take that all European recruitment should be stopped immediately and that it should be left to the future Governments to determine it. After all, what is the future Government to determine in the matter of the Services? We have the requirements known to us, the requirements of the Governments are known to us and, knowing that, if we shirk our responsibility we will not be discharging the duty of a self-governing body. After all, we are going to be a self-governing body; it is ourselves, the Indians themselves. If we Indians have not been able to make up our minds as to what our necessities are, what is the good of our asking for self-determination and self-government in India. Therefore I would say that it is neither premature nor improper for us to determine the question at this stage. In reply to this question I would say that it is desirable to secure an element of European recruitment for the two Services, the Indian Police Service and the Indian Civil Service. If the ratio question is the one that is now disturbing the minds of some of my friends here, as I say, it is a detail which may be left to future Governments. The ratio question as to how far, to what extent, and what proportion they would require, may be left to future Governments of the Centre and the Provinces. After they have settled down to their work for a period of 5 or 10 years, as suggested, till 1939, future Governments would be in a position to review the situation then and say what are the ratios that ought to be recruited. It is therefore a detail which must be left to future Governments of the Provinces or to the Central Government in 1939 after 10 years' experience of working of the present system, and a recruitment would be continued on that basis, the Secretary of State recruiting for the Services for that period. After that the Government of India may appoint its agent to recruit if it finds it necessary. If the future Government finds that the recruitment through the agency of the Secretary of State is very detrimental to the discipline and control of the Services and that such discipline and control has been such that it has not been conducive to the welfare of the administration, the future Government may determine to cease to have recruitment through the agency of the Secretary of State and the Government of India may have its own agency, and I am one of those who believe, after experience of some time, that we may be able to recommend that the Government of India may have its own agent here for recruiting

purposes. As was suggested by our Chairman, these are matters of detail which require to be reviewed at the end of the period, but for some time to come the recruitment should be continued on the present basis.

Then as regards the control of the Services, it is quite plain now under the Government of India Act that the Secretary of State has got the power and control, no doubt, but the Secretary of State has been empowered to delegate that power to the Government of India and the Provincial Governments, and as a matter of fact the Secretary of State for India has delegated these powers to the Government of India and the Provincial Governments. The Secretary of State does not now retain any control himself; the power has been delegated to the Provinces, and Devolution Rules have been prepared and are now in use. According to those rules discipline is in the hands of the Governor in regard to the reserved subjects, and in regard to the transferred subjects also the Governor personally disposes of that matter. Power and control and discipline now is vested in the Governor, and in the future when the distinction of the reserved and transferred subjects would be removed would be entirely with the local Governments and with the Central Government. Therefore the power and control is not such a difficult matter even now, and it will be vested in the Provincial Governments and the Central Government to control these Services. An appeal has been allowed to the Secretary of State as a final security, but before that appeal the officers of the All-India Services have got the right to go to the Government of India and the Public Services Commission, according to the instructions given to the Public Services Commission. You will find that one of the functions of the Public Services Commission is to consider cases of discipline and other cases such as cases of stoppage of promotion. These will have to be considered by a body like the Public Services Commission. That is the right of the Government of India, and if the Government does not dispose of the matter it will be referred to the Secretary of State. Therefore the appeal of the Secretary of State has more or less been a matter of formality, but the matter is disposed of by the Central Government with the aid and recommendation of the Public Services Commission. Therefore the matter of control does now exist and vests in the Provincial Governments and in the Central Government. The devolution rules show that, and if you see the latest order of the Government of India issued by order of the Secretary of State you will find the whole matter has been clearly worked out. He divests himself of that ultimate power and gives it to the Government of India, who have made rules and circulated them to the Provincial Governments. Therefore the control does now exist in the Provincial Governments and it is not that the Secretary of State controls from the India Office to-day. This being the position in regard to control, there is no fear whatever that if we continue to have the All-India Services we cease to have any influence over the Provincial Governments or cease to have anything to do with the control of the Services.

Sir Shah Nawaz Bhutto: Sir, I had no mind to take part in this discussion, and I tried my very best to keep quiet, as I thought it better to do so, but unfortunately in this question if I were not willing to speak my mind I feel sincerely that I will be failing in my duty to all the millions and the masses—and most of them are loyal—who do not appreciate and realise the actual difficulties that we are faced with, and have to suffer the consequences of it. I simply want to submit a concrete experience and a very sad experience that we have had already by having a very little element of European officials.

The time may come when we shall not require their services any more, but those who show any anxiety to get rid of Europeans at the earliest possible moment are not really acting in the interests of the masses of India, and particularly of those interested in agriculture, who form about 85 per cent. of the Indian population. I feel, Sir, that it will not only be necessary for us to have a European element for some time to come in the sphere of agriculture, but it is essential that in irrigation engineering we should have for some time to come a European element. In 1929 in my own Province of Sind we had an abnormally heavy rainfall, and the river rose to 80 feet, the gauges recording the highest maximum ever attained on the River Indus. But in this important district we had fortunately European—English—engineers in charge. All the people of Sind were in a state of anxiety, because it was feared that almost the whole of our Province would be drowned, that it would scarcely be possible for us to save our lives, while property we never expected to save. What we found was that these European engineers, with their subordinate staff, maintained a constant watch on events and set up defensive bunds, with the result that, fortunately, the whole Province was saved from a disaster which none of us expected to escape. Unfortunately the system prevails of lending officials to other Provinces—unfortunately from our point of view, because in the following year almost all the best engineers had been taken away. In 1930 we were left with almost all the important charges in the hands of Indian engineers, and though they were very efficient engineers, they lacked a certain sense of responsibility which we Indians have not as yet realised to the same extent as our European colleagues. In 1930, however, we had not the abnormally heavy rains which we experienced in 1929, the river rose only comparatively slightly, and yet all the bunds gave way. Some of the Indian engineers were having a very pleasant time, and apparently could not make up their minds to surrender their comforts and go and watch the bunds day and night as the European engineers had done. On one occasion I found a European engineer maintaining the watch by himself—

Mr. Basu: Is this in order, Mr. Chairman?

Chairman: I understand that Sir Shah Nawaz Bhutto's remarks are directed to showing that it is desirable to secure an

element of European recruitment. He has dealt with two of the Services, and is at present dealing with the third.

Sir Shah Nawaz Bhutto: Yes, Sir, I want to see a European recruitment in the three Services. I have dealt with two of them, and the third is irrigation. I was speaking about this European engineer who was maintaining his watch on the bunds. He was remonstrated with for placing himself in a position of strain and danger, but his reply was that it did not signify that his own life should be saved, but he was out to save the lives of the people. As a result of that calamity, in one district about 300 villages were drowned; in another district, about 250, and in a third about 150, and the people lost almost everything. Their houses and cattle were submerged. What almost every villager said was that if Europeans had been in charge of these defence works the calamity would have been avoided. I submit that we should not be carried away by sentiment, but in the interests of the masses of India we must have a European element for some time to come.

Mr. Basu: I am afraid Sir Shah Nawaz Bhutto is under a misapprehension. He probably thinks that as soon as the new Constitution is established all the Services that are then existing will become wiped out. The fact is that the Services will be there, and we have all agreed that the members of those Services should be duly safeguarded, and that such prospects will be held out to them as will make them continue in the Service until the normal termination under their covenants. It has been pointed out by Sir Chimanlal Setalvad and Mr. Chintamani that the proportion of Europeans at the commencement would be nearly two-thirds, and that would continue until the youngest man who enters the Service before the operation of the new system goes out in the normal course. Therefore, there will always be a preponderating European element, at least for a good many years after the start of the new Constitution. The fear that the European element will completely dwindle out as soon as the new system starts working is not well-founded. As regards what European officers can do under difficult circumstances and emergencies, and what Indian officers do under the same conditions, the last speaker's opinion and that of a great many others will differ. The Governments, both Provincial and Central, in India have repeatedly and emphatically stated that the Indian officers have stood the test of difficulties as well as European officers. A very much larger number of Indian officers in the Police Service have laid down their lives actually in the discharge of their duties than have European officers, and the Government has always come forward handsomely to recognise the way they have performed their duties. With regard to irrigation, there are many important Irrigation Departments which are controlled by Indians in my Province, and there has been no complaint of their inefficiency. It has been probably engendered in the minds of the people that the Indians are less capable simply because a great many of, if not all, the responsible posts have been in the hands of Europeans, and the Indian officers, however able and brilliant, have

been kept in a position in which they have been able to exercise none of the final authority which they were fully qualified to do. If there was a Superintendent Engineer, who was a European, and under him five or six Indian Assistant Engineers, the latter would not be able to make any final orders without referring to their superior. That would probably discourage the sense of responsibility among them. That is an element which my friend has not considered, but it is a point which we must bear in mind, and the Government of India does bear it in mind, because, not only in the Department of Police, but in other Departments, it has recognised that, when pushed into a tight corner, the Indian officer has shown as much resource and capacity as any European in the service of the Government of India.

With regard to the remarks of Sir A. P. Patro, he has suggested that the ratio of Europeans, both in the Provincial and Central Services, should be left to the respective Governments, and that they should decide as to whether, having regard to the efficiency of administration and the needs of the country, what proportion they would require. I am afraid I cannot agree with him on that point. He also appears to be under some misapprehension, as is my friend across the table (Sir Shah Nawaz Bhutto) that the European element will disappear. We cannot dispense with their experience in the every-day work of Government. But these experienced men will not be leaving us all at once. Under the Montagu Reforms, in the Provinces, certain very important Departments of State have been entirely provincialised under the control of an Indian Minister. We have heard of the Irrigation Department, but there is another which is probably more important, that which has to do with State buildings and Roads. A very large number of rest-houses and other big buildings in the district centres have been put up, and these are entirely provincialised under the control of an Indian Minister. Roads, again, are probably much more important to India than irrigation. In my Province of Bengal we are, indeed, over-irrigated. The Roads Department is in the hands of Indian Ministers, who have the control of all the officers in that Department. But it has not happened that all those officers who are Europeans have left during the past ten years, they are still there, and some of them are brilliant men in their respective professions. In irrigation we have one of the best irrigation engineers at the present day, namely, Professor Williams.

With regard to the question of the apprehension to which Mr. Fazl-ul-Huq has given expression that everybody will leave, I say that our experience is that they have not left even in the departments which have been already transferred to the control of the Legislature. They have not left, and it is not likely that they will leave. He may dogmatise by stating that it is likely that they will leave, but what is our experience? A very small proportion undoubtedly have left, but it is a very small proportion. He knows it, and we all know it, and under the new system which will

come the same thing is likely to happen. It is not likely that all of them will leave *en bloc*.

As regards the recruiting authority it has been suggested that it should be the Government itself, so far as the Central and the Provincial Governments are concerned, through an impartial Public Services Commission which should be above all political tendencies and leanings. The Government should recruit through the Public Services Commission, and conditions should be laid down as to the Services so that those who enter the Services will know exactly what they are and will not expect more than what they were given to understand at the time when they entered the Service.

As regards recruitment of British, as has been pointed out, that probably will have to be done from the young men at the Universities in this country. I think that we may be assured that whoever the agent of the Government of India is for the purposes of such recruitment in this country he will no doubt, as he often does now, consult the authorities at the several Universities, and other persons in authority who are concerned with the employment of young men, before the appointment is made. That will have to be done, because after all the Government of India will not come to this country to appoint incapables. They will find how to tap the best source. It is only reasonable that they should do so. As regards whether the recruitment should be by the Secretary of State for India or by some other agent, like the High Commissioner, I do not agree that it is a matter of indifference. It is indeed very important, because if you leave any such function in the hands of the Secretary of State the question of control comes in. Sir P. C. Mitter has said that in practice the control which the Secretary of State already has, has been to a great extent, or practically to its entire extent, delegated to the Central and the Provincial Governments in India, but he admits at the same time that the Secretary of State has reserved to himself the right to consider final appeals. The Secretary of State is not here, but if Sir P. C. Mitter will refer to him he will find the number of such appeals that he receives in the course of his ordinary duties almost every day. That shows that it will upset any decision to which the Government of India may come. The Secretary of State does that on occasions. I know of one or two small instances in the case of very small officers, low down in the grades, where the Secretary of State has upset the final decision of the Government of India. There is the control there. If the control is in the hands of the Secretary of State you come to the question of irresponsibility again. Therefore I respectfully submit that the recruitment should be by some agent of the Government of India as agent, not *qua* Secretary of State with some independent functions, but as agent of the Government of India, whatever that agency may be. With regard to the control over the Services as regards those who have already been recruited, we have agreed to safeguards. We agree to safeguards in every possible way. As regards those who will be employed hereafter, the Gov-

ernment of India should be the sole judge and should be the sole controlling authority.

Mr. Fazl-ul-Huq: There is an English saying which advises us not to wash our dirty linen in public. In obedience to that we all try to leave such linen in our washpots at home, but it appears that some of it has stuck to us in the course of our journey from India to England. It is necessary, therefore, to have in discussions like this a clear view of actual facts, and however unpleasant those facts may be, they ought to be stated in order to arrive at a correct conclusion. I wish to make my position perfectly clear upon one point. I do not agree with Sir Shah Nawaz Bhutto when he seeks to put the brand of inferiority on Indians as Indians. I will not base my arguments on that, but I will, in a very few sentences, place before the Sub-Committee one or two facts which some of our friends seem to have forgotten.

There are three questions that I have to answer. The first one is: "Is it desirable to secure an element of European recruitment, and if so for which Services?" My answer is emphatically, "Yes." The reason is not because European officers are *ipso facto* more efficient than Indians, but because of the fact that there is unfortunately at the present moment in India such an amount of communalism rampant that it is necessary in the interests of all the communities to have some men in responsible authority who have that idea of detachment which is necessary for an impartial decision. I have no doubt, Sir, that if, at some future time, we could conquer England, and we came here to rule instead of you, we would be from various points of view perhaps better administrators than Englishmen of their affairs at home by reason of the detachment in which we should be placed. I am quoting facts. In the course of many of the communal riots that have occurred in India, I know what has been the position from personal knowledge. Telegrams have been sent to Governments both by Hindus and by Muslims to send down European officers, European judges, and European magistrates. We have done that hundreds of times. That was done within my knowledge in the riots in the United Provinces. I know that it was done by both communities during the Eastern Bengal riots. However much we may say about these European officers, I have found that, in spite of what may be said against them, in the vast majority of cases, they come to an impartial decision. In many cases they have decided against my community, and publicly speaking, perhaps I may have said that their decision was not right. With my tongue in my cheek, I may have said many things, but I felt convinced that in most cases they were right, although the decision was against us, because they decided things from an absolutely detached point of view from communalism. That being so, I believe that every step should be taken, not only to maintain the European element that is already in the Service, but so to frame the Constitution as to induce the best people from the British Universities to go to serve India. That being my answer, I come at once to the other point, what are the

Services. As regards the Indian Police Service, we have decided. As regards the Indian Civil Service, it is my firm conviction that if you once decide that it shall be a Provincial Service, there will be hardly any recruitment from the British Universities. I say that it is a fact, and it is no use speculating upon it. I will not be so egotistical as to refer to personal experience upon that point, but I had something to do with this question during the short time I held the portfolio of Education in Bengal. As has been pointed out, I know for a fact that we could not with the best of endeavours induce young men from the British Universities to go over to India for the Educational Service by reason of the fact that we had decided on provincial recruitment. That being my experience, if I answer the first question in the affirmative, I cannot consistently with my conviction answer the other question in the way in which some of my friends have suggested, namely that the Indian Civil Service also should be provincial.

Chairman: Will you assume that it should be All-India? It follows from the answer to the other question.

Mr. Fazl-ul-Huq: Yes. As regards the Judicial Service, I quite realise that it is far more satisfactory to get recruitment from the Bar. I want to point out that according to the cadre of the High Courts, one-third of the judges have got to be members of the Indian Civil Service. Possibly if we decide in some other way, the cadre will have to be re-cast. At the present moment, you cannot get rid of the fact that one-third of the judges of the High Courts have to be members of the Indian Civil Service.

That being my answer as regards the Indian Civil Service, I now come to the question: "Who should be the recruiting authority for the recruitment of All-India Services under the new constitution?" Upon that point I personally feel that the present system should continue, but I will not waste the time of the sub-Committee by giving my reasons, because the matter has been discussed already. I generally agree with the view that if there is a disturbance there, then we really affect our decision as regards the Indian Civil Service being good enough to attract the best graduates from the British Universities, because the graduates from the British Universities will not only look to their prospects in the Service, whether it is Provincial or All-India, but they will look to the method of recruitment. If we want to have a sufficient element of Europeans in the Indian Civil Service, I think that the recruitment should be All-India and not Provincial.

Sir Cowasji Jehangir: We are really discussing now one of the most important questions which the Round Table Conference can discuss.

Therefore, although I am going to answer these questions *seriatim*, as suggested by you, I might have to say a word or two in addition. I will take first the last question, No. 4: "Who should be the recruiting authority for the recruitment of All-India Services under the new Constitution?" I have already stated that I

consider that it should be the Government of India with a Public Services Commission. I cannot visualise a complete transfer of power or a full measure of government with the Secretary of State being the recruiting agency. I think that the statements are inconsistent. If you argue that there should be a full transfer of power and a full measure of government, it follows that a Secretary of State for India will not be required. Therefore, to say that for one Department of his work, namely, Services, his office should be maintained, is in my opinion inconsistent and illogical, but I cannot see the disadvantages of recruiting by a Public Services Commission appointed by an impartial authority and having the Government of India as the agency. That will not preclude them from recruiting in England. I will come to that point a little more in detail later. There I must again state that I do not think that we can continue to have the Secretary of State any longer connected with the question of recruiting.

Then the question is: "Is it desirable to secure an element of European recruitment, and if so, for which Services?" I take it for granted that the Indian Civil Service and the Indian Police Service will be All-India Services. I say: "Yes," in answer to that question; it will be necessary. It will be advisable, if not necessary. I think that the word "necessary" may be too strong a word to use; it is desirable, it is advisable.

Sir Chimanlal Setalvad: In the question the words are "Is it desirable. . . ."

Sir Cowasji Jehangir: I answer that question in the affirmative. I quite realise the argument that has been advanced by my friends here that a large number of Europeans will remain in the Services even if recruiting stops immediately, but there is the argument that has been raised before now, that if recruitment stops altogether, it will be a further temptation for Europeans in the Services at present to resign upon proportionate pension, and that argument nobody has yet answered. Speaking for myself, I think that for a number of years, the want of recruitment will not affect Englishmen in India, but after four or five years with a large number retiring, there may be smaller and smaller numbers of Englishmen in India. Naturally, being isolated in a vast country like India, they will find it more difficult to continue to live in India. I advance that as only one argument for a small percentage of recruitment of Europeans to continue. There are other arguments in favour of continuing a small proportion of Europeans. I do not propose to go at great length into those arguments.

As regards the ratio I quite agree that that ratio should be decided by each Provincial Government as it is being done to-day more or less. The question of the number of those recruited is being decided to-day. The present system is that in the Indian Civil Service, or in the Indian Police Service, or in the Indian Irrigation Service, a review is made of what will be the requirements for a year or two in the future. The Governments inform the

Government of India that they will require so many recruits for the Indian Civil Service, so many for the Police, and so many for Irrigation. The proportions of Europeans to Indians are fixed, but the numbers that they will recruit are varying. If the ratio even varies I cannot see how recruitment will be seriously affected. What will seriously affect recruitment will be if you stop recruiting Englishmen altogether for five or six years, and then start it again. That might be a considerable disadvantage, but if you varied the ratio from year to year, according to the requirements of each Province, that argument would not hold good for the reason that the numbers are being varied from year to year. It comes to the same thing when applied to this. You might recruit two Englishmen in one year and five Englishmen in another year. That happens now. Therefore if the ratio is changed the same result is arrived at. In one year you may recruit, by a variation of the ratio, five, and in the next year, two. I am sorry that my friend, Sir Shah Nawaz Bhutto, did not speak when we came to the question of whether Irrigation shall be an All-India Service or a Provincial Service. Evidently he was in favour of Irrigation being an All-India Service, but unfortunately he did not express his views. When the question had been decided by this Committee, Sir Shah Nawaz Bhutto came out with his tales of woe. I cannot agree with all that he has said. I have no personal knowledge of what took place in 1930, but I consider it my duty to inform this Committee that it is within my personal knowledge that before 1930 on critical occasions in Sind, Indians have played their part most creditably in the Irrigation Department. I am most surprised to hear of the events of 1930, of which I have no knowledge. I am not in a position categorically to contradict what Sir Shah Nawaz Bhutto has said. If I could contradict it, I would do so. I have not the knowledge. In 1928, in 1927 and in 1926, I definitely make the assertion that in critical times Indians have played their part most creditably, and with the greatest distinction to the Services to which they belonged, whether they be members of the Imperial Irrigation Service or of the subordinate Services. It has been my privilege to have had occasion to reward them for that conspicuous service that they had rendered. I quite realise that Irrigation plays a most prominent part in the lives of the inhabitants of Sind, and not entirely for communal reasons, but for other reasons, I desire to see a continuance of the recruitment of a few Europeans in the Irrigation Department of Bombay if Sind continues to remain a part of Bombay. Therefore I again assert, although I do not know if I am quite in order, that I am strongly in favour of the Irrigation Department remaining an All-India Service. Sir Shah Nawaz Bhutto has also made a serious allegation. He said that Irrigation officers are lent to other Governments in India and outside the country when the Provincial Governments require them. He mentioned that English officers had been lent and that the Province had been denuded of them for a particular time. I may state that there is a great demand by foreign govern-

ments and by other Provinces for our best Irrigation officers, and those Irrigation officers were lent, but they were not always all Europeans. On various occasions Indians were lent. I think that as many Indians as Europeans were lent to other Governments inside India and outside India. I maintain that English recruitment should continue. If it is argued that if these Services are recruited on an All-India basis by the Government of India, that recruitment will cease, and the source will dry up, I beg most respectfully to differ. If the position is clearly understood that the rights and privileges of officers under the new recruitment will be safeguarded as the rights and privileges of the present officers are, I can see no difference in the method of recruitment. The right of appeal may be to the Viceroy instead of the Secretary of State. If the right of appeal is to the Viceroy, what is the difference between the Secretary of State and the Viceroy? As a matter of fact, what happens now is, that appeals go from officers to the Secretary of State, and it will be necessary that the Viceroy should have assistance in the matter of deciding these appeals. He cannot do it personally. Cases may have to be worked up for him just as the Secretary of State does not personally go into every case that comes here on appeal. Is the Public Services Commission also to go into all these questions of appeals? Therefore I cannot see the real objection to moving recruitment from the Secretary of State to the Government of India if the questions of appeals are satisfactorily settled, and they can be satisfactorily settled if we desire them to be. I would appeal to you, Sir, and to all my friends, to consider this question impartially. It is a question of vital importance to India. Keeping in view our demands which we always maintain for a full measure of self-government, I for one am prepared to go any lengths, if that full measure of self-government is granted, to see that the demands of the Services are satisfied, and that recruitment in the future does not dry up, but I cannot bring myself to agree to the method of recruitment being any other than the Government of India, because I feel that it cuts across the whole principle of the grant of a full measure of self-government. That is the reason why I strongly object. I repeat that I feel that a method can be evolved whereby that bogey of appeal to the Secretary of State can be got over by an appeal to an authority who will be just as impartial and as just and equitable as the Secretary of State.

Lord Zetland: I have very little to say upon this subject because I said most of what I wanted to say upon an earlier head. Before I turn to the actual question to which we are asked to give an answer I would like to bear my personal testimony to the ability, professional capacity, and devotion to duty, of the many Indian officers in different branches of the Public Service who served under me during my time as Governor of Bengal. If I answer this particular question, which is now before us, as to whether it is desirable to secure an element of European recruitment, in the affirmative, it is not because I consider that in those respects Indians are in any

way inferior to Europeans. My friend Sir Chimanlal Setalvad took me to task very kindly and courteously, for rather frequently bringing up the communal issue in India as an argument when I was dealing with questions of this sort. Well, Sir, if I may say so, I need not speak further on that aspect of the case, because Mr. Fazl-ul-Huq has already from his own personal experience given the answer. He knows I know, we all know, that one of the great assets of the European officer is his neutrality. I do not want to say more on that subject.

Now the next part of the question is "should any such recruitment be done by fixed ratio, for example, the Lee ratio for each Service, or on some other system." My answer is that it should be done on a fixed ratio and my personal preference would be for the ratio provided by the Lee Commission, which aims at securing equality of numbers as between Europeans and Indians in the Indian Civil Service in 1939 and in the Police Service in 1949. Sir Cowasji Jehangir has made an alternative suggestion. He would prefer that each Province each year should inform the Government of India not only of the numbers of Indian Civilians that they are likely to require in the future but also the proportions as between Europeans and Indians that they would like. Now, Sir, to my mind the objection to that is this, that in any one year it will never be known in this country how many vacancies there will be available to European candidates, and consequently the young men in the Universities here who are contemplating going in for a career in India as Indian Civilians will not know what their prospects of success may be. There may be two vacancies for them to compete for in one year and perhaps a dozen vacancies for them to compete for in another year.

Mr. Basu: Is there a fixed number now?

Lord Zetland: It is worked on a fixed ratio.

Chairman: Taken year by year it works out exactly the same, 35 in one case, 12 in the other. Averaging it, it is the same every year.

Lord Zetland: Yes. Generally speaking, therefore, the candidates know what sort of prospects they will have of success, and for that reason I prefer a fixed ratio and preferably that proposed by the Lee Commission, and it seems to me that the year 1939, when under the proposals of the Lee Commission equality will be achieved in the case of the Indian Civil Service, will be a very suitable year for reconsidering the whole question, and I throw out that suggestion.

Now I come to the last point, which to my mind has been a little misunderstood by some of those who have taken part in this discussion, the question who should be the recruiting authority for the recruiting of the All-India Services under the new Constitution. Now, Sir, if the British Parliament had been intending immediately to abrogate all responsibility for the defence and good government of India I should no doubt have accepted the arguments put forward by

Mr. Chintamani, and, I think, Sir Cowasji Jehangir; but that is not the position. The British Parliament does not contemplate, as I understand, abrogating to-day or next year all responsibility for the defence of India or for the safety and security of India. The British Parliament will still retain a very important interests in the good government of India, and that being so the Secretary of State for India will have a great many more functions to discharge than Sir Cowasji Jehangir seems to imagine. Unless I misunderstood him, his argument was this, that if the Secretary of State is to remain the recruiting officer for the Indian Civil Service and Indian Police Service, that will be all that he will have to do, and that a Secretary of State should not be maintained for so trumpery a service. The Secretary of State is going to have a great many more functions to discharge than that. Let me try and explain to the Committee once more why candidates for these two Services in this country attach so much importance to the Secretary of State being the recruiting authority and consequently continuing to exercise, ultimately, control over their destinies. The reason is this, that the Secretary of State is responsible to the British Parliament. The British Parliament and the Secretary of State are things which the young men of this country know and understand, and they know that if in the last resort they have a real grievance, if their whole career is in danger of being jeopardised by some action in India, they have the appeal to the Secretary of State, and not only to him but to the British Parliament. That is what they attach so much importance to; it is the security in their careers, and, as I said earlier this afternoon, I really do feel sure that if you take that security away from them then the recruitment of young Englishmen from the Universities in this country will come to an end.

Now, Sir, there are one or two other points, but I do not think I need touch upon them, as regards communication, and so on. I have expressed my views, and I am quite satisfied that the Indian Irrigation Service, as the majority of the Committee desire, should be a Provincial Service and should secure such English expert engineers as it desires in the best way it can. Whether the Provinces will always be successful in securing the most proficient irrigation engineers from England, of course, I am not competent to say, but on the main question of what are known as the two Security Services, the Indian Civil Service and the Indian Police Service, my answers to these three questions are all in the affirmative.

Mr. Chintamani: Do I understand the noble Marquess to allege that to vote for continued recruitment in England, according to them, is also to vote for control by the Secretary of State and not by the Government of India?

Lord Zetland: Yes, certainly; ultimate control; control as it is exercised now. As has been pointed out, the Secretary of State under the Devolution Rules has transferred control for ordinary purposes to the authorities in India, but the ultimate control still

remains. It is not competent for an authority in India to dismiss from the Service a member of either of these Services recruited by the Secretary of State for India, and that ultimate control I argue should remain as it does at present.

Sir Chimanlal Setalvad: I confess, Sir, that all that Lord Zetland has so eloquently said has left me unconverted on the main points, namely, as to who should be the recruiting authority and where should the control be.

I will not repeat the arguments I have addressed before. I do maintain that if India is to be self-governing in the manner intended; then the recruitment and control of the Services must vest in the Indian Government and not in the Secretary of State. I am quite aware of what Lord Zetland meant, that for some time the control of the Army and Defence is not to be transferred. It is perfectly true that that is so, but that does not conflict with the complete control by the Government of India of the All-India Services, and to my mind it is inconsistent with responsible self-government that control of the Services and the recruitment of the Services should be vested in some authority outside India. But when I say that recruitment and control should vest in the Indian authorities, it does not follow therefrom as some speakers have assumed; that there will be a cessation of the recruitment of European officers in the Services. The recruiting authority, namely, the Government of India, according to my idea, will still recruit European officers from England, as certainly they will deem it desirable to do so. Further, I maintain if the recruitment authority is to be the Government of India, then the ratio in which they will recruit Europeans and Indians should also be left to their entire discretion. You cannot give responsible government to India and, before you give it, bind them down to a particular ratio of one race to another, and it should be left to their good sense, their responsibility for good administration, to determine how many Europeans and how many Indians there should be.

It could be left to the Government of India under the new Constitution to do the right thing to maintain a proper standard on administration, and to preserve the European element in such administration. Further, it must be remembered that the present European element in the administration will be there for many, many years, and therefore, during the first few years of the new Government coming into power, there will be in full strength the European element to work the Constitution. We need have no apprehensions, accordingly, on that score, either that the European element will disappear or that there will be no European recruitment in the future.

I want to make clear this position, that though we have agreed to the I.C.S. being an All-India Service, this does not mean that the I.C.S. is to be maintained as at present in the sense of officering the various Departments it now officers. In that respect I do maintain that the present system under which Indian Civil Servants

are drafted into the Departments is one which is not sound at all. We have an Indian Civil Servant recruited; he becomes an Assistant Collector in the Revenue Department; he knows nothing of the Civil law of the country, of the various systems of Hindu and Muhammadan law, but he passes certain examinations there in Criminal law, and all at once he is transferred to the Judicial Department. There he becomes a District Judge or Assistant District Judge, and he hears appeals in cases from the subordinate Judges, who are themselves trained lawyers in both Civil and Criminal law. The Bar in India has grown in efficiency and numbers, and the contrast between the equipment of the Civil Judge and the Bar is so great as to shake public confidence in the Courts. There are further anomalies. When you go to the High Courts you have Civilians drafted there who are not trained lawyers, and they are met with a trained Bar in the High Courts. That system about appointing Civilians to the Judicial Department and the High Courts has been a matter of great concern and controversy in India for many years, and we maintain that judicial appointments should be filled as in England by trained lawyers taken from the Bar. This is not a matter of Europeans *versus* Indians, but of proper training for the work to be done. I do not mind in the least if we import English lawyers to fill the posts, but whoever fills the posts should be trained lawyers, and not merely members of the Civil Service. In that connection it will be necessary to take steps to amend the relevant Sections of the Government of India Act.

Chairman: Our terms of reference are rather narrow, and I am afraid I must rule that the question as to whether Civil Servants should fill judicial offices is outside our purview.

Lieut.-Col. Gidney: For the reasons given by Mr. Fazl-ul-Huq and others, it is in my opinion desirable to have a European element, in each of the four Services named in Item (3) of the agenda. I agree with Lord Zetland that the ratio should continue to be as fixed by the Lee Commission, and that a revision might be undertaken in 1939 and 1949 for the I.C.S. and the I.P.S. respectively. As to who should be the recruiting authority for these Services, Lord Zetland rightly pointed out, that if we decide, as we apparently have, to continue recruiting Europeans into these Services—and I take it that the examination will be held in England—all candidates who appear for the examination must be given a sense of security. If recruitment and control were to be transferred to the Government of India it would result in a cessation of recruits. I therefore agree that the I.C.S., and in particular those members recruited in England should be placed under the control of the Secretary of State. It might be possible for those who are recruited in India to be placed under the control and recruitment of the Government of India, and those I.C.S. and I.P.S. candidates recruited in England placed under the control of the Secretary of State. This might obviate the difficulty and give adequate security to each class. But, as Lord Zetland has said, the men recruited in England must be given a sense of security. I do not think that

India can, for some time to come, especially in the transitional stage of the new Constitution, do without a fair ratio of Europeans in the Services. We have had our lessons in the past to guide us. When the Reforms were introduced, Sir Cowasji Jehangir said they did not dislocate the strength of the Services. Nevertheless, within a few years after the Reforms began to operate, over 300 officers of the Superior Services resigned largely from the Police and the I.C.S. I do not think it is the desire of the sub-Committee to repeat that experiment, because India is really taking on a heavy responsibility and burden in demanding a full measure of self-government, and she must retain the advice and assistance of its experienced British I.C.S. officers. I think it will be a long time before India can do without the services of the British element. I am not one who believes that you should always have them, but I do believe that India cannot do without their help and advice for many years to come. If the best type of English officers are wanted they must be given adequate security of service, and that security will only be possible for them if the Service is placed in the hands of the Secretary of State, and not in the Government of India in the new Constitution, a power which has yet to be created, and with which they are unfamiliar.

Dr. Shafa'at Ahmad Khan: We have been told by Sir Cowasji Jehangir and by Sir Chimanlal Setalvad that they do want a European element in the Services of the future. This element has been variously stated to be "necessary," "desirable" and "advisable." I think those were the words which were used. If it is necessary, then you cannot possibly have it without the intervention of the Secretary of State for India. As was pointed out by Lord Zetland, these men require security of service. I can say from my experience that in the Universities in India it is difficult, almost impossible, to secure the right type of European for many of the most important Chairs. I am speaking from an experience of more than seven years. If you really think that you are going to get your European recruits for the Indian Civil Service and the Indian Police Service through the agency of the Government of India, I can tell you that you are quite mistaken. Very few really brilliant, clever, and promising young men will come forward. They will demand, and legitimately demand, to know what is going to be their security in order that they may not really be left in the lurch when any important question arises. If Sir Cowasji Jehangir really thinks that the European element is desirable, if not necessary, in that case he should at the same time say that this element has to be secured through the Secretary of State for India. I do not see any consistency in desiring the European element on the one hand, and on the other hand saying that it should come about along a channel which is really impossible.

My second point is this: In 1919 and 1920, when the Reforms Act was introduced, there was a great deal of anxiety among the European members of the I.C.S. There was almost a revolution in the conception of administration at that time, and naturally the

European members were anxious as to their future. They did not know how they would fare, nor how the Ministers installed by the Act would treat them. In spite of all those anxieties they have behaved splendidly. They rose to the occasion and served the Ministers with a fidelity and devotion and zeal which was testified to by Mr. Chintamani in his evidence before the Reforms Enquiry Committee in 1924. Sir Chimanlal Setalvad also expressed his obligation to the European members of the Services. I should like this sub-Committee to go through the evidence of other Ministers from the Punjab and the Central Provinces. The evidence given to the Committee by various Ministers from different Provinces is a storehouse of information as to the way the Europeans behaved. If you are doubtful whether they will serve you well in the future, if you fear that they may try to undermine or countermine the new regime, you should simply go by experience, you should see how they actually behaved, worked, and rose to the occasion in the past. If they have been loyal, faithful, zealous, and enthusiastic for principles which they opposed at the beginning, but to which they became reconciled in the end, what justification have you for entertaining suspicion that they will be hostile or lacking in zeal?

Sir Chimanlal Setalvad: No one has said anything about hostility.

Dr. Shafa'at Ahmad Khan: In any case there is an idea that only the persons who are completely under you can serve you really well. That is the logical outcome of what you desire. At a time when they were practically independent of the Indian Ministers, when the Ministers had no authority or right over the officers of their Departments, at a time when those officers could go direct over the heads of the Ministers to the Governor, they yet served all those Ministers most faithfully and loyally.

Sir P. Pattani: Do you really mean that they would continue to go above the heads of the Ministers?

Dr. Shafa'at Ahmad Khan: I do not mean that at all. They would work the new regime as well as they have done in the past.

My next point is this: It is said by some persons that if the Government of India did not appoint members of the I.C.S. and I.P.S. they would have no control over them. I believe that is the argument brought forward by a number of speakers. Sir, according to the rules framed under Section 96 (b) (2), even now at the present time the local Government has got ample power over the I.C.S. and over the I.P.S. I will just read out Rule 10 under this Section:

“ The Local Government may for good and sufficient reasons (1) censure, (2) reduce to a lower post, (3) withhold promotion from, or (4) suspend from his office an officer of the All-India Service.”

Here is a power which the local Government even now possesses. That power is ample for all practical purposes, and if any officer is

really incompetent or cannot discharge his duties properly there will be absolutely no difficulty in any local Government resorting to one or all of these measures, as the local Governments have done in the past. I know of a number of cases where, on the intervention of the local Government, a number of members of the Imperial Service have been dismissed from the Service. The powers now possessed by the local Government are ample. All I suggest is that we should wait and see how this system has worked. The only test you really can apply in all these cases of a very complicated and intricate character is the historical test. If this test is applied I submit that we have no other alternative but to postpone the consideration of the ratio and keep the present ratio until 1939, when it will be proper for all of us to adopt the practicable system which experience has then shown to be the right one.

Chairman: Gentlemen, this to my mind is a really critical question. As Sir Cowasji Jehangir has said, it is one of the most difficult questions that this Round Table Conference has had to deal with. If I thought that it would become any easier by further discussions I would suggest that the discussions go on. I am afraid that the point is here, that, however much we go on discussing it, we have got to meet it sooner or later. May I tell you as the one around this table who knows least about this topic, what my impressions of the whole matter are? They are these; first of all if your Constitution is going to be a success, you have got to learn to live happily together, and you will only do that by give and take and by giving way to what you may often think to be unreasonable prejudices. It is quite obvious to me after listening to this discussion that there are a considerable number of people around this table who for reasons good or bad attach the greatest importance to the continuance of an element of European recruitment at any rate for a time. There are many of you who attach but little importance to that, and who would regard it as a matter more or less of indifference as to what they may be, so long as they are the best. What I would suggest to you is this: Those of you who take the latter view may regard those who take the other as quite wrong and quite unreasonable, but that they do take the other view you none of you can doubt. As they take the other view would it not be better to answer this first sentence, "Is it desirable to secure an element of European recruitment, and if so, for which Services?"—in the affirmative, at any rate for a time? The word is not "necessary"; it is "desirable." I should think that this is desirable, and that all of you would think it desirable, if only for the simple reason that there are some of you who desire it. If some of you, or a considerable number of you, desire it, then it is desirable to have it in order to satisfy their doubts and hesitations. I shall therefore propose presently that we answer that question in the affirmative, at any rate for the time.

The next question is, "Should any such recruitment be done by fixed ratio, e.g., the Lee ratio for each Service, or on some

other system?" My impressions of the conversation with regard to that matter are as follows: What obviously matters is that you should have as nearly as possible a constant number coming in in order that the authorities in our schools and Universities, also parents and guardians and so on, may look upon this as a definite career for their young men. At the present time you do get a constant number. One can easily verify that as a statement of fact. You can look at the records. No doubt it is the fact that the requirements of one Province differ from year to year, but taking them in all, it does work out that the requirement is the same each year. The requirement of the I.C.S. is 35, half of 70. The requirement for the Police is 12, half of 24. Therefore at the present time you do have a constant number of vacancies. It seems to me that if you answer the first question in the affirmative, at any rate for the time, it is a corollary from that, whether you accept this ratio or that ratio or any ratio, that you must take steps to see that the number of vacancies to be filled year by year is constant. Otherwise you cannot be certain of getting the best class of men.

Sir A. P. Patro: I would venture to suggest that there should be a revision of the Services in 1939.

Chairman: I agree again. We cannot deal with this matter for all time. It is sufficient to look ahead for nine years. We may deal with this matter after 1939.

Now we come to question (4).

Mr. Shiva Rao: Before we leave question (3) I should like to say that I absolutely dissent from both these recommendations.

Chairman: I am not suggesting that I shall be able to get a unanimous conclusion. I am afraid that that passes the wit of man. I am trying only to devise some resolution which at any rate might get a measure of consent, possibly a majority of the sub-Committee.

Sir Chimanlal Setalvad: When you, sir, say that the conclusion is that we should have a fixed ratio, we say that the ratio should be fixed by the new Government of India.

Chairman: I am coming to that in question (4), which reads: "Who should be the recruiting authority for the recruitment of All-India Services under the new Constitution?" I am not quite sure that I agree with Lord Zetland here. My view would be this, subject to one consideration, and one consideration only, that the recruiting authority and the controlling authority must obviously be the same. I should like the recruiting authority and the controlling authority to be the Government of India functioning through a Public Services Commission in whom everybody would have the utmost confidence. But I do feel the force of Lord Zetland's objection to that. I know hardly any Indian Civilians, and I know very little about their point of view. I do not know what the Universities would think, but supposing that it is the fact, as we affirm, that if you abolish this right of appeal or

right of control, or whatever it may be, to the Secretary of State, you will not get the best men. Supposing that we recommend that a Committee be set up, and the Committee when it is set up comes to the conclusion that perhaps it is prejudicial, and they tell us, after hearing the University people and so on, that unless there is some right of appeal to somebody in this country, you will not get the best class of men, then might we not consider some method of getting out of the difficulty?

Let any new entrant into the Service know that he cannot be dismissed without the consent of some functionary in this country so as to allay his doubts and his fears. After all, that in no way detracts from your status. I have often pointed out at Dominion Conferences that a simple element of status is the freedom to contract. If the Government of India find it necessary, in order to get the best men, to agree to allow somebody over here to act as arbitrator, if you like, in the event of a dispute arising between any particular servant and the Government of India, that might be a way out of your difficulty.

Sir Chimanlal Setalvad: The Government of India may do that if they choose.

Chairman: Certainly. The point is that we want to give some security in order to ensure your getting the best class of men. I should like to maintain my position. If I were satisfied, and I do not pretend to know one way or the other, that you would continue to get the best class of men, then I should vote, and if necessary I shall vote, for the recruiting and controlling authority being the Government of India, but as I have doubts in my mind as to whether, in the absence of any appeal or right of redress from this country, which is, after all, the country in which the parents, the guardians, the mothers and so on, of these young men will live, we shall get the right men, I should like to make our recommendation here, subject to whatever the Committee may tell us, if we decide to set up a Committee under No. 6. Those are the conclusions to which I have come. I will endeavour by to-morrow morning to draw some resolution if I think that on broad grounds of that sort I shall get a majority. May I take them step by step? First of all, shall I get a majority to say "Yes" to the first question? I will see who the Noes are. ("Noes" were indicated by a show of hands.) At any rate I get a majority. Then should I get a majority if I put it in this way: that until 1939 we think that nothing should be done to disturb the numbers which would result from the application of the Lee ratio?

Sir Chimanlal Setalvad: The ratio should be left to the Government of India.

Mr. Tambe: No, we do not want that.

Chairman: We can couple with that, in order to make it sweeter, that after 1939 the ratio should be left to the Government of India.

Sir Chimanlal Setalvad: The ratio should be left to the Government of India now.

Chairman: Supposing that I cast the resolution in this way, that until 1939 the numbers which would be arrived at on the Lee ratio should approximately be the numbers to be taken?

Mr. Mody: Would not you rather leave it to this Committee, which is going to be constituted for the purpose of laying down the terms and conditions?

Chairman: I wish that we could do that, but I do not think that we can.

Mr. Mody: I do not see any objection to the Committee doing it.

Chairman: It is hardly their function, is it? We have got to tell them how many people we think ought to be secured. Then they have to tell us what terms and conditions there have to be in order to enable us to secure them. I think that that is really the way of looking at it. What do you say, supposing that I put some resolution upon those lines?

Sardar Sampuran Singh: Cannot we leave it as the Lee ratio? But we can say: "until it is changed by the coming Government of India".

Chairman: The suggestion is that we should fix 1939, or any other date you like. There is no magic in a date. The suggestion is that we should fix some date, and make it plain that thereafter it is a matter for the Government of India to consider. That is the suggestion which I make in order to try to meet everybody.

Dr. Ambedkar: My view is that your recommendations should be applicable only to the Indian Civil Service and the Indian Police Service.

Chairman: I would agree to that, and I will make that plain.

Sir Robert Hamilton: Would you say "not later than 1939?"

Chairman: Sir Robert Hamilton suggests "not later than 1939." After all, we need not make a final absolutely definite Report. All that we want to do is to say that at some stage, not in the far distant future, the Government of India takes this job on, but that for a few years, whilst you are swapping horses and you are more or less in the middle of the stream, you had better have the thing fixed. I think that upon those lines I could get some sort of agreement. I think that Mr. Chintamani is adamant.

Sir Chimanlal Setalvad: There are several people who take the view that the ratio should be fixed by the Government of India. You can ascertain the number of those who take that view.

Chairman: How many would agree to the resolution which I suggest? I am not purporting to word it now. How many would prefer to say that the Government of India should decide the thing straight away here and now. (*There was a show of hands with regard to each question.*) I should think that the previous one is carried, but it is not by very much.

With regard to (4); supposing that I cast a resolution upon these lines, that we desire the Government of India to take over both the recruiting and the control, but that, if it was apparent as the result of a Report of the Committee, that in the absence of some control, or redress, or appeal, or whatever you call it, in this country, you would not get the right type of man, then in that event we should advocate, since it is essential to get the right type of man, that there should be that appeal, or control, or redress, in this country.

Sir Chimantlal Setalvad: Should not that also be left to the Government of India? If they find upon that enquiry that it is necessary to do the other thing, they will do it.

Chairman: Should I get anybody at all to agree with me upon that?

Sir Edgar Wood: Of whom is the Committee going to be formed?

Chairman: It is the recruiting and controlling Committee, but as I visualise it, it would be the Public Services Commission of India, which is set up by and under the Government of India, but which of course has a very large measure of independence which is essential to it.

Sardar Sampuran Singh: Will that right of appeal lie only in the case of dismissal?

Chairman: I could not stand cross-examination upon that at the present time. It is only very vague in my mind.

Raja Narendra Nath: I think that on every point is should be given to them.

Lord Zetland: May I point out that I think that there is one other question involved in this? As long as the recruitment and control is by the Secretary of State, the salaries of these persons are non-votable. If the recruitment and control were transferred to India, then presumably the salaries would come on to the various Provincial budgets, and that again will undermine the sense of security of the young men in England.

Sir Chimantlal Setalvad: When a young man is engaged, he has a contract. You cannot cut down his salary.

Lord Zetland: The amount required to meet the salaries of these Services is non-votable, and it is a first charge.

Mr. Basu: I would point out to Lord Zetland that there would immediately be an action at law against the Government of India if it went behind the agreement. There will be a contract to start with. There is a contract now, and the Government of India has no power under any system of law to act in breach of that contract.

Chairman: You will remember that no Civil Servant here has any contract at all.

Mr. Basu: In India they have.

Chairman: I do not pretend to know about that. I am told that the legal position in India is the same as here.

Mr. Basu: No, because they are all known as covenanted Civil Servants.

Sir A. P. Patro: The salaries of all-India Services are put into every Provincial budget, but they are non-votable.

Chairman: The point is, has a Civil Servant a contract? In this country it is quite clear that he has not a contract. I do not know what the position is in India.

Sir A. P. Patro: It is a covenanted Service.

Chairman: I do not pretend to know about this. I am told that opinions have been given that the power of the Crown is absolute, and can override everything and that such security as you have by a contract is worth nothing, apart from the benevolence and generosity of the Crown.

Sir Cowasji Jehangir: That was the impression some time ago, but opinions have changed, and it has been held that the position is the same as in England. I do not see why if the recruiting authority is in India, some such system should not be evolved as there is at present where it is non-votable under the statute.

Chairman: I will try to cast a resolution upon the lines which I have suggested. Would anybody or would nobody agree to it? I gather that nobody would agree to it.

Sir Robert Hamilton: I should like to see it first.

Chairman: The first consideration being to secure a supply of the best men, we have to take such steps as will get the best men. If we are advised that one of the necessary steps to get the best men is, to use a quite ambiguous word for the moment, some measure of control or arbitration, or seeing that justice is done, by somebody over here, then for that reason, and only in that case, would I agree with it. Subject to that, I think that the ideal thing is that the Government, through the Public Services Commission, should deal with this matter. Would anybody object to that?

Sir Chimanlal Setalvad: With this variation, that if that advice is given to the Government of India, then the Government of India will take every step to institute some arbitration authority.

Chairman: It is for us to give advice. I am only contemplating the advice that we should give.

Sardar Sampuran Singh: One thing is not clear to me. There will be a right of appeal here, but will that be only in cases of dismissal or supersession?

Raja Narendra Nath: Dismissal, supersession, suspension, degradation?

Chairman: I should think so.

Sir Edgar Wood: Will they give any assurances with regard to salaries and pensions?

Chairman: I doubt if they could do that.

Lieut.-Colonel Gidney: Will you put it to the meeting, those in favour of the control of the Secretary of State, and after that, those in favour of the Government of India and appeal to the Secretary of State, and after that, to the Public Services Commission?

Chairman: I will do that. As this is an important matter, I wanted to see if we could not devise some method by which we could get somewhere near unanimity. How many are there who desire the control of the Secretary of State as it exists at present to continue until 1939? (*On a show of hands, 10 voted in favour of this*). How many are there who desire the control to be vested altogether in the Government of India, without any appeal? (*On a show of hands, 10 voted in favour of this*).

Mr. Mody: Might I suggest that we sleep over it?

Chairman: I was going to suggest that. I was going to put: how many are there who feel that we should sleep over it? (*Agreed*).

Mr. Mody: In the meantime, will we have the draft that you have been speaking about?

Chairman: I have a difficult job to do. Would it not be well if you, Sir Cowasji Jehangir, prepared a draft too?

Sir Cowasji Jehangir: Very well.

Chairman: We have all sorts of ingenious minds here. If we could turn this over and see if we can come to some kind of a compromise, I think that it would be very useful. Quite seriously I do feel that it would be a most unfortunate thing if, on a fundamental issue like this, this Committee of the Round Table Conference has to present a Report indicating that it is divided exactly fifty-fifty. That really would be unfortunate. Therefore I ask you all to sleep over it, and see if you cannot evolve some method of getting a large measure of agreement. We must not re-open all this discussion to-morrow. We will sit all day to-morrow.

(The sub-Committee adjourned at 5-40 p.m.)

PROCEEDINGS OF THE THIRD MEETING OF SUB-COMMITTEE NO. VIII
(SERVICES) HELD ON 8TH JANUARY, 1931.

Chairman: I have tried to put something down on paper recording our discussions, and, so far as we made them, our resolutions of yesterday. The staff here have had a try also, but I am bound to say that I should like a little more time before offering them up for your consideration and the treatment which I have no doubt that they deserve. I found in trying to draft the thing, that I was perpetually straying into the topics which are really covered by 6 and 7. I think that you will all agree that the

discussions which we had yesterday did, to a certain extent, trench upon the desirability of having the Expert Committee and also the Public Service Commission. Therefore, subject to your better judgment, and I am quite willing to take whatever course you like, it occurred to me that it might be desirable this morning to leave 5 for the moment, because it strikes rather new ground, that is to say, the Civil Branch of the Indian Medical Service. That is a very important topic. I suggest that we leave it out for the moment, because 6 and 7 seem to me to be closely related to the subject matters which we have been discussing; indeed, the draft resolution which I am trying to prepare contains certain recommendations concerning them. Therefore may I take it that I have the sense of the meeting with me in suggesting that we now proceed to discuss 6 and 7? (*Agreed*).

Six is: "The desirability of recommending that the question as to what conditions may be required to attract and retain future recruits of the right type should be referred to a technical Committee or Committees:—and if so, whether any definite recommendations should be made for the guidance of such Committees." Of course, this is entirely for your judgment. What I had in mind that we might do was to suggest that the Government of India set up this Committee. Let this Committee, therefore, be the creature of the Government of India, appointed by the Government of India, and the personnel, selected by the Government of India, in which case, of course, the Committee would report to the Government of India.

Sir Provash Chunder Mitter: Should the Committee be appointed before or after the new Constitution? That is rather important.

Chairman: That is one of the matters upon which I should like to have the assistance of this present sub-Committee.

Lieut.-Colonel Gidney: Will this future Committee consider the question of the recruits for the Superior Services or for all Services?

Chairman: Certainly with regard to all the Superior Services. I do not know whether it would extend to Provincial Services or not. If it was appointed by the Government of India, it would be rather trespassing upon the preserves of the Provinces if it considered Provincial matters. Certainly I anticipated that it would cover all Superior Indian Services, such as the Indian Civil Service and the Indian Police Service.

Sir Provash Chunder Mitter: The question of the British personnel of the Services is an important one. To-day under the Provincial Governments we have British personnel. It may be quite open to the future Government of India, in consultation with the future Provincial Governments, to include as one of the terms of reference whether the Provincial Governments should have British personnel, and, if so, on what terms and conditions?

Chairman: Certainly. All this is a very proper subject matter for discussion under this head, and I think that we will now discuss No. 6.

Mr. Chintamani: Sir, in my humble opinion, the question of what conditions are required to attract and retain future recruits of the right type should be a matter, in the first instance, for consideration by the future Government of India itself. Either the Government of India will feel that the question is easy enough for them to answer without the guidance of a technical Committee, such as is suggested here, or they will feel that they should fortify themselves by the advice of such a Committee before reaching any conclusions. In the former event, it would place them in a somewhat difficult and delicate position for us to make a formal recommendation that they should set up such a Committee. In the latter event they will have authority to set up such a Committee, even in the absence of a recommendation from us. In other words, I am of the opinion, as I have been on previous points, that it is not necessary, and therefore it is not desirable, for us to attempt to fetter the discretion of the future Government of India by giving advice, or by making a recommendation, which will really place them in a somewhat delicate position. My observations apply also to the latter part of head 6, which was added yesterday, on the suggestion of one of my colleagues, namely, "whether any definite recommendations should be made for the guidance of such Committees." It follows from what I have so far said that to me, this question does not arise at all, as I do not think that we should make any recommendation that the Committee should be set up. Assuming the general sense of this sub-Committee to be in favour of recommending to the Government of India what is mentioned in head 6, even then you may trust the Government of India to the small extent of stating their own views for the guidance of such Committee or Committees, instead of our going further and acting as guardian to them by telling them, not only that they must set up a Committee, but also what they should tell that Committee to do. In the result, my answer to the question contained in head 6 is a negative answer with regard to both the first part and the second part.

Lieut.-Colonel Gidney: I am sorry that I cannot agree with my friend, Mr. Chintamani. I believe that there is a necessity for some Committee being appointed, although I am bound to admit that at present there is a Public Service Commission in the Central Government, which does deal with these matters. My reasons for wanting this, and for agreeing with the latter part, with regard to definite recommendations, are two. First, I consider that whatever Committee may be set up it should have some representatives of the minority communities on it. Secondly, there should be a specific instruction to that Committee that the interests of the minority communities should be safeguarded. It is for those reasons that I support this.

Mr. Chintamani: On a point of order, I think that it was decided yesterday that the question of minorities and allied questions might be discussed under head 7 when we come to the recommendations in relation to the Public Service Commissions. The

specific purpose of this Technical Committee is stated in the clause, and I do not think that this can be explained in the manner suggested.

Chairman: I rather feel that, Colonel Gidney. I rather feel that there is great substance in that point. After all, we cannot possibly advise the Government of India as to what personnel they should select, can we? We can clearly say with regard to the Public Service Commission that the Public Service Commission should take steps to see that the various minorities are given their proper share of any posts that are going, but I do not think that it would be practicable to state to the Government of India that they must have on the personnel of their Committee representatives of this or of that minority. I have not a shadow of a doubt but that they would see that they so selected the personnel of the Committee as to make it fairly representative of opinions as a whole, but I should suggest to you that we could not practically ask for that. If that is pressed as a point of order, I am inclined to think that the point of order is a good one. I think that the point which you raise, Colonel Gidney, really comes under 7 rather than under 6.

Dr. Ambedkar: Sir, I must say that I do not hold a very strong opinion on the question as to whether there should be a Committee appointed or not, in order to give guidance to the future Government of India, but there are two matters upon which I do hold a very strong opinion. The first is that I think the time has arrived when, instead of having one common Indian Civil Service to man all departments, we should have hereafter some provision made for the specialisation of Services in order that efficiency may be more greatly secured than it is now. I am not going to say anything as regards the capacity of the Indian Civil Service, because I think that it is generally admitted that it is a capable Civil Service, but, notwithstanding that, I do maintain that the kind of training that one gets in the Indian Civil Service is not sufficient for the discharge of certain duties in certain technical, or otherwise specialised, departments. Consequently it is necessary that some reorganisation should take place in the Indian Civil Service in order that we may get greater efficiency in the Service. That is one thing upon which I feel very strongly. The second point upon which I feel even more strongly is that, although we are all agreed that there must be Indianisation in the Indian Civil Service, and that there must be more rapid Indianisation in the Indian Civil Service than has been contemplated hitherto, my submission to the Committee is, that, looking at the problem from the standpoint of the Indian taxpayer, it is far more necessary that this Indianisation should not merely be a change in the personnel of the Service, but the Indianisation must be accompanied by some lowering of the burden on the Indian taxpayer. There must be some differentiation in the remuneration, the salary, the pay, and the pensions, and other privileges of the Indian element of the Indian Civil Service as compared with what is granted to the

European element of the Indian Civil Service. In this connection I should like to draw the attention of the Committee to the recommendations made by the Donoughmore Commission for the Constitution of Ceylon. At page 133, they recommend that the Ceylon Government should hereafter appoint a Salaries Commission, and with regard to that Salaries Commission they make a definite recommendation that there shall be a differentiation in the remuneration of the European element in the Ceylon Civil Service and the Ceylonese element in the Ceylon Civil Service. This is how they justify it: "On the merits of the case it is clear that there is no logical justification for remunerating both classes of public servants on the same basis. In one class are a body of men exiled from the temperate climate which is their birth-right and posted in a tropical country thousands of miles from their homes; a country in which it is impossible for them to bring up their children and from which it is essential for the sake of their own health that they should proceed on leave of absence at regular intervals; a country in whose service they are compelled, not only to face all the difficulties involved in the maintenance of dual establishments, the risks to their health and the personal sacrifice of family ties, but also to preserve at considerable cost a standard of living and hospitality in keeping with their own traditions and those of a Service which, for over 125 years, has represented a great Imperial Power. Side by side with them are men living and working in their native country, with their homes at hand, subjected to none of the climatic difficulties and to only a part of the financial burden imposed on their European colleagues. It is obvious that the former class of public servants must be paid a salary sufficient to compensate them, over and above the actual value of the work performed, for the personal risks and sacrifices involved in its performance. There can be no logical justification for extending to the latter the compensation necessarily paid to the former." I think that these observations apply with equal force to conditions in India. If this sub-Committee accepts the two points that I am placing before them, namely, the necessity for diversification in the Indian Civil Service, and also the necessity for differentiation in the remuneration between the two elements in the Indian Civil Service, then I think that it is a necessary corollary that there ought to be some body set up to advise the Government of India to carry into effect these recommendations. It is for those reasons that I support the suggestion that, after the new Constitution is brought into effect, the Government of India should be empowered to set up such a Committee as is recommended in head 6.

Chairman: May I say for the guidance of the sub-Committee that, as our terms of reference are the relations of the Services to the new political structures, obviously we cannot go at great length into the question of salaries? At present there is a differentiation in the pay of officials based upon what is called non-Asiatic domicile. I expect that you all know about this. The difference comes to this, that those who have a non-Asiatic domicile

get what is called over-seas pay, which is an addition of about £300.

Dr. Ambedkar: I think that that really hardly touches the point. You can create differentiation by adding something to the European salary. That is no relief to the Indian taxpayer.

Sir A. P. Patro: I think that the reasons given by Dr. Ambedkar necessitate a reply in the affirmative to the two questions propounded in head 6. I think that he has very strongly put the case of enquiry in the matter of Indianisation. The reference as it goes is, what conditions will be required to attract the right recruits? That is a very important thing. If the Committee thinks that the present conditions should be altered and changed in order to attract the best men, then the Committee will consider that aspect of the matter, and, therefore, it will be necessary to have a Committee. The other feature is, that it is said that the future Government of India should have the right of looking into the matter, and considering what would be necessary according to the circumstances which may arise then. I fear that there is a notion that the future Government of India will be so radically altered that the ministers would do everything that they could to revolutionize the existing system. The sooner that we forget that, the better for us, and then we would be more reasonable in our conception of these conditions of service.

After all, we know there is to be only a limited responsibility in the Centre. The responsibility of Ministers will be restricted. Therefore we should consider from past experience that there should be some guidance to the future Government of India, which must not be allowed to start with a blank cheque. It is purely a business matter, and my reply would be in the affirmative to both parts of Item No. 6.

Lord Zetland: On the whole I agree with Mr. Chintamani in his views on this question. I do not see much advantage in postponing to another Committee the decision as to the two important points before us, namely, whether it is desirable that there should be continued recruitment of European officers, and, if so, whether the recruiting authority should be the Secretary of State or some other body. If the Government of India wish to set up yet one more Public Service Commission they are entitled to do so, but we have had a great many Public Service Commissions in the past, which have gone into great detail regarding the conditions of service, and to suggest to the Government of India that it is desirable to appoint another of these Commissions is really beyond the scope of this sub-Committee. There is a large measure of agreement on the first of these questions, that there should be continued recruitment of European officers. The real difference of opinion is as to whether the recruitment should be by the Secretary of State. Those who take my views, namely, that if you withdraw the security afforded to recruits by recruitment by the Secretary of State you will not get European recruits, naturally agree with me that the present position should continue. There are other

members of the sub-Committee who apparently think that you will still get European recruits even if you deprive them of the security which up to now they have always most strongly demanded. In favour of my view is the practical experience of the past nine years. Sir Provash Mitter gave us some interesting observations, and said that though in Bengal they offered salaries nearly double the ordinary rate for educational officers they had been unable to secure the European recruits they required, and Dr. Shafa'at Khan gave us further examples to that effect. Therefore I suggest that since this is a representative sub-Committee, and since there is a fundamental difference of opinion on this question, we must accept that position, and say that opinion is divided, that a part of the sub-Committee—it may be a majority—consider that if European recruitment is to continue it is essential in order to obtain the right type of recruit that the security provided by recruitment by the Secretary of State should continue, but that other members of the sub-Committee consider that on other grounds it is desirable that the recruitment should in future be effected by the Government of India.

Sir Provash Chunder Mitter: I am inclined to think that it would be advantageous to appoint such a Committee some little time after the new Government of India has been constituted. There is, on the one hand, a natural apprehension on the part of the British recruit, who will be called to serve under unknown conditions. He naturally feels more confident if the recruitment is by the Secretary of State. On the other hand, it is natural for the Indian Minister to feel that he should have control over the Services. There we have the two fundamental difficulties. - It is true that we have had Public Service Commissions; there was one such Commission on which Lord Zetland served, and we have had also the Lee Commission under the present constitution. But if we are going to have a new constitution I would give it two or three years' trial before setting up such a Committee. There is no difference of opinion that if we want European recruits they should have ample safeguards. But the Indian Ministers naturally want control over the Services, be the members of the Services British or Indian. It is not so much a racial question as a question of adjusting the two difficulties I have mentioned. I should like to add a word with regard to the point made by Dr. Ambedkar. The basic pay is supposed to be the same for the British and the Indian, but we give an overseas allowance, which is meant to meet the difference between a man serving away from his country and one serving in his country. With regard to the point as to whether the Indian in the All-India Service is getting adequate pay, or pay which is too high or too low, that does not really come within our province. But if it came about that we wanted to have an All-India Service even of Indians, we should have to take into account All-India conditions. From that point of view it may be desirable to set up a Committee, as also from the point of view of ascertaining what duties should be allocated to All-India Services, but in my opinion we should recommend that

such a Committee should be set up at least two or three years after the new constitution.

Mr. Basu: We have not the materials before us which will enable us to make a recommendation. The new Government may appoint one or more Committees, one, for example, to deal with the scientific Departments, like those of Forests, Agriculture, Scientific Instruction, Research, and so on, and another to advise it as to the appointment of judicial officers of the various Courts. I do not see how we can go on with this recommendation. I agree with Mr. Chintamani that the recommendation of the appointment of a Committee at this stage is premature.

Sir Chimanlal Setalvad: Lord Zetland says that he agrees with Mr. Chintamani, but their agreement is no agreement at all. They are as wide as under as the poles. According to Lord Zetland, Item No. (6) is unnecessary, because we should here and now decide that the present system of recruitment and control by the Secretary of State should continue. Mr. Chintamani, on the other hand, says that the power of recruitment and control vested in the Secretary of State should immediately go. That is quite contrary to Lord Zetland, but Mr. Chintamani also says that Item (6) is not necessary. Therefore the alleged agreement is purely superficial, and the real difference between the two is irreconcilable. In view of the very marked difference of opinion in this sub-Committee on the main question, whether the control and recruitment should remain with the Secretary of State or go over to the Government of India, I do not think it would be proper for this sub-Committee to say what Lord Zetland wishes it to say, that the present system should continue. On the other hand, as I pointed out yesterday, both logical and practical considerations require that the new Government of India should have complete discretion in the recruitment of Services, and they can well be trusted to lay down the conditions in such matters in respect to recruitment as to secure for them the materials they most require. Therefore I am in favour of giving no directions in the matter, but leaving it to the Government of India that will come into existence to exercise complete power in respect to recruitment and control. Having said that, I am not against the recommendation contained in No. (6) that the Government of India when constituted may or should set up a Committee.

Mr. Basu: One Committee?

Sir Chimanlal Setalvad: It does not matter whether it is one or more. Committees should be set up to go into the whole question of the conditions of recruitment. But I would go no further, and I would not have the last part of Item (6), "whether any definite recommendations should be made for the guidance of such Committees." I would not give any definite recommendation. In view of that, and having made it clear that my view is that the recruitment and control should go to the Government of India, I am quite willing that we should recommend that the Government of India should set up a Committee for the purpose of advising

them, as to the conditions whereby recruits of the right type might be attracted and retained.

Sir Robert Hamilton: I think Sir Chimanlal Setalvad has put his finger on the real point of difficulty. Those of us who believe that there should be no change in the present system of recruiting, and have suggested that 1939 would be a suitable year for revision, would consider that to appoint a Committee now to go into the matter would be premature. Those who think that the whole recruitment should go over to the Government of India, on the other hand, would naturally be prepared to put the whole matter before a Committee for consideration. That is the real difference. Those who think there should be no change consider that this advice would be premature, whereas those who think that the change over should be made immediately, would naturally not be averse from seeing a recommendation of this sort being made. I have already expressed the view that I think no change should be made immediately in the present system, and therefore I think it would be premature to set up a Committee.

Mr. B. Shiva Rao: I think it is desirable to appoint a Committee, but only after the new Government of India has been brought into existence. The functions of the Committee should be somewhat on the lines of those of the Commission appointed as soon as the South African Government was created in 1908, namely, "for the reorganisation and re-adjustment of the Departments of the Public Service." Amongst the functions of that Committee may be that to which Dr. Ambedkar has referred. But as this paragraph stands, taken in conjunction with Item (3), it seems to me that it is very much like foreshadowing the appointment of another Lee Commission, and I think it is inconsistent with our demand for self-government that we should suggest any steps to be taken by the new Government of India for the attraction and retention of future recruits of the right type from this country. Sir Robert Hamilton said yesterday that it is not necessary to be logical in all matters, but his colleagues in the House of Commons to-morrow would say, "here are the advocates of a full measure of self-government confessing that they have not confidence to run their own Government, and therefore coming to the Universities of this country." It would be better to be honest and say that in your opinion we are not fit for self-government.

Sir Cowasji Jehangir: If we come to a decision on this part of our agenda (No. (6)), and regard it as desirable that technical Committees should be appointed for this purpose, then, whether by the Secretary of State or by the Government of India, conditions of recruitment will have to be reconsidered, because the whole of those conditions are going to change. I think Lord Zetland would admit that even if the Secretary of State is going to recruit in the future, and if the conditions in India are going to change even as he visualises them in a narrow way, not in a broad way—

Lord Zetland: I do not agree with the narrow way at all.

Sir Cowasji Jehangir: Then if they are going to change in a broad way, the conditions of recruitment will still have to be reconsidered.

Lord Zetland: Surely the Government of India would be quite as competent to do that as anybody else. The Government of India are quite competent to appoint Commissions when they consider it desirable to do so, without a sub-Committee like this telling them what they ought to do.

Sir Cowasji Jehangir: May I point out that we are here in sub-Committee to make suggestions as to recruitment and how it is to be recruited, and Lord Zetland himself yesterday told us that he was definitely of opinion that if recruitment was done under the agency of the Government of India the sources of recruitment would dry up. There is a fundamental difference of opinion. Some of us believe that recruitment will not dry up, if recruitment takes place under the Government of India, and therefore in order to decide that point surely a Committee will be necessary. Lord Zetland appealed to many of the delegates to go and consult the University authorities in the United Kingdom—Scotland, England and Ireland—where we draw our recruits from, but is it possible for us in the short space of time that we have got available to go and visit these Universities for evidence, under the different and altered conditions which will prevail? Lord Zetland's experience, if I may say so with great respect, is entirely in connection with the present constitution, but if we definitely came to the decision that all recruitment was to be through the Government of India and it was not possible in the future to recruit through the Secretary of State, then the Universities and the authorities will look upon it from a different point of view; they will ask us, what do we mean by the Government of India? Who is the authority in the Government of India? We will have to answer those questions to their satisfaction. We cannot do that here; we are not in a position to do it, and therefore a Committee is necessary. Sir, I think the majority are in favour of answering the question "Is it desirable or not to have European recruitment?" in the affirmative. Being fairly sure of that, I say definitely that a Committee is necessary.

I quite agree that on No. 4 there is doubt as to where the majority is.

Now, Sir, the wording of No. 6 is not as wide as Dr. Ambedkar would like it to be. He has raised points which do not really, in my humble opinion, fall under No. 6. No. 6 is the question of appointing a Committee purely for conditions of recruitment, while Dr. Ambedkar has gone a little further than that. Whether it is in order or not I am not quite sure, but I should just like to say two words about that. I quite agree that in technical and special departments of Government special training is required, and whether the training given to an I.C.S. man is suitable or not is a moot question, but the point we are discussing is the Indian Civil Service and the qualifications that are required for that

Service. If the qualifications required for that Service are to be as high as they are to-day, how are they to be recruited? There are many other Englishmen serving in India under special contracts for special branches of specialised work: electricians and a large number of other branches. They are recruited by special contract. Those posts are not filled by the Indian Civil Service. I admit that their contract sometimes lasts 15 or 20 years, renewable at 5 years; I have known men serving in India for 20 years on contracts renewable at 5 years. That is quite a different matter; we are not discussing that matter, but I quite admit that in Telegraphs, Posts, Customs, which are specialised Departments, the Indian Civil Service are now serving in these Branches and playing a most important part, and I would suggest that if we require the same quality of man for these Services: Posts, Telegraphs, Customs, etc., and if the foundation is to be the same, you must draw these men from the Indian Civil Service; but I have always felt that those men must be made to go into those Departments from the very beginning, and must be prepared to stick to those Departments throughout. If a man is to be sent into the Customs and to learn Customs work, which is very specialised, after a certain stage and if his qualifications are to be those of an Indian Civil Servant—the foundation is to be of that quality—then let him go straight into the Customs after passing his examination. If he is to go to Telegraphs and Posts, let him go straight there. But if you want a man of a lower quality and the foundation is not to be so strong, then he comes into the Provincial Services, he does not go to the I.C.S. That is the distinction in all Departments, what quality of man you want. If you want the best quality he must come from that Service. If you want the lower quality then you have your Provincial Services, with lower pay.

Then, Sir, as to two grades of pay in the I.C.S. for Indians and Englishmen, that has been considered and discussed over and over again, and my friend Dr. Ambedkar will remember the strong objections that many Indians have to serving in the same Service with Englishmen at a lower grade of pay. They have strong objections, but I quite admit that the force of argument is much stronger and much more favourable to having two grades of pay. I do not see why an Indian, even with the qualifications of an Englishman, in serving in India should demand the same pay as an Englishman. The answer in short is this, which is put up by the Indian members of the Civil Service, that their standard of life is much higher when they are members of the Indian Civil Service—as high as an Englishman's. Their children are very often educated in this country and it costs them more than it costs an Englishman. We have heard those arguments before and I do not wish to repeat them, but I think it is a matter for consideration; it is not a matter we can decide straight off, and therefore a Committee is necessary. I do say that the members of the Indian Civil Service have got some grounds for complaint. Whether those complaints can be over-ruled, and whether we must insist upon Indians serving in the very highest services with the highest

qualifications at lower pay than Englishmen or not, is a question I should like to be reconsidered.

Sir, we have got really to decide on Question 4: that is the main thing. I think a Committee is necessary whatever way Question 4 goes, whichever way the majority vote, because it is dependent upon the recruitment of Europeans. Therefore I would certainly vote in favour of having a Committee, whatever way No. 4 may be decided.

Major Stanley: I cannot help feeling that the Committee has perhaps taken too much to heart Sir Robert Hamilton's warning against logicity. It does seem to me that in this discussion we are getting into such impracticable conditions, which was perhaps the sole reason for the temporary agreement between Lord Zetland and Mr. Chintamani.

This question can be divided first of all into these two parts: is this suggested Committee to be set up immediately, or is it to be set up after the coming into existence of a new Government of India? All those who have argued so far in favour of the Committee being set up have said that it is not to come into existence until after the new Government of India is set up. If that is so, if the recommendation of this sub-Committee takes the form of recommending a new Committee to be set up, how is it to be given practical effect? It can certainly be given practical effect if the recommendation was that a Committee should be set up by the present Government; but is it suggested that in an Act of Parliament a clause should be inserted that the new Government of India, when it comes into being, is to set up a technical Committee to deal with the exact conditions of the Civil Service?

Sir A. P. Patro: The Committee should come into existence immediately.

Major Stanley: That, of course, disposes of the matter that those who think it should be set up immediately are on logical ground. What is it to decide? It seems to me, from what people round the table have said, the position falls into two parts; one is dealing with the practical question of rates of pay, and conditions in the distribution generally of the Civil Service. Whether it is to be technical, specialised or not, seems to me to be clearly outside the terms of reference of this Committee. The other part is really a suggestion that this technical Committee should be asked to solve the main questions which have been laid before this representative sub-Committee and which I think we are trying to postpone to another body. I agree with Sir Cowasji that really the great function for this sub-Committee is to decide the main principle laid down in No. 4, and if we are unable because of fundamental differences between us, to come to an agreement on that point, to state it and realise that the people responsible for the drawing up of the new constitution will have to decide it, weighing the arguments which have been used for and against

the proposal by the members of this sub-Committee. Therefore I am opposed to answering No. 6 in the affirmative.

Mr. Shiva Rao: May I draw your attention to Section 141 of the Constitution of South Africa: "As soon as possible after the establishment of the Union the Governor-General in Council shall appoint a Public Services Commission to make recommendations for such re-organising and readjustment of the Departments of the Public Services as may be necessary. The Commission shall also make recommendations in regard to the assignment of Officers to the several Provinces." This is quite distinct from a permanent Public Services Commission, for which separate provision is made. So there is a precedent for this.

Major Stanley: If those who are asking for Dominion Status have no objection to the Parliament of this country legislating for the future action of the new Indian constitution, I certainly have no objection.

Mr. Mody: Sir, I feel that whichever way you look at it a Committee such as the one under consideration would be necessary in any case. If you decide that there shall be recruitment of Europeans in the future, even then it will be necessary to have a Committee like this, for the reasons which I gave yesterday. It may be my own personal reasons, but I have a very strong feeling on the matter, and that is, putting it again very briefly, that it would be impossible for India to maintain Public Services on a scale on which they are maintained at the present moment, particularly if you consider that the strength of the Services will have to be enormously increased in the very near future. I quite recognise that it will be impossible for the European in India to have the emoluments of the Service reduced. The basic pay for the same sort of work is the same, but the man who comes out to India, or, conversely, the Indian who comes here, on account of the fact that he would be serving away from his home, should have an adequate overseas allowance, and I think it would be quite practicable to reduce the scale of remuneration all round without affecting the recruitment of Europeans, and that would be done, as I say, by giving the European who came out to India an adequate allowance to enable him to maintain a decent standard of life such as he has a right to expect, and to enable him to maintain two homes, as he very often does. If you do not decide that, and if you come to the conclusion that hereafter there should be no recruitment of Europeans, then the case for the appointment of a Committee like this becomes even stronger, because under all circumstances I feel that the scale of pay of these Services must be brought down more in relation to the hard facts of life as exist in India to-day. The permanent officials in other parts of the world serve on a much more modest remuneration than those who serve in India, and in India herself there are many officials outside the Service, discharging very important functions, functions no less important than those exercised by Assistant and District Superintendents and Magistrates, who get nothing like

what the I.C.S get. In my opinion it is very essential for a Committee like this to be set up. Major Stanley made a point, and there is something in it. He wanted to know why it was that everybody was suggesting that this Committee should be brought into existence after the new Government came into being. I do not hold that opinion at all. My feeling is that just as you are going to set up other important Committees deciding upon equally important questions, such as franchise and everything else, so you can, as a part of your recommendation, say that a Committee should be set up at once by the Government of India. The great advantage of doing that would be that it would do away with our differences on many points if such a Committee—I will put it quite frankly before you—is brought into existence. If it makes certain recommendations it will depend entirely upon the nature of those recommendations what the proportion of Europeans in the Service may be. Therefore I feel very strongly that the appointment of a Committee like this is not only essential but ought not to be delayed at all, and that simultaneously with the appointment of various Committees which we in this Round Table Conference are going to recommend to be brought into existence at a very early date, this Committee ought also to be set up.

Sir Edgar Wood: Sir, I have no objection at all to this proposed Committee; in fact I feel quite sure it will be very necessary; but I, personally, see no reason for this Committee to recommend, in fact I strongly object to the recommendation from the point of view which was expressed yesterday, that it is essential to maintain the stability of the Services, especially during the transition period. I would go further than that and say that until 1939, so far as the I.C.S. is concerned, the best way to maintain that stability, I think, is to make it perfectly clear to the Civil Service that the 1939 conditions and proportions as provided by the Lee Commission will be retained. A Committee of this sort set up without it being clearly defined that it is not set up to revise the conditions of the I.C.S. previous to 1939, will, I consider, create a great deal of instability in the Service. I think that will have more effect than anything else in preventing good men from going out to the Service just at the time when they may be the most required. If it is made quite clear first of all that the 1939 basis is to be maintained, I see no objection whatever to this Committee. My own experience—a very small experience I will admit—in the commercial world is that at present it is extremely difficult to get good men to go out to India. For two years I have been trying to get men for certain billets in India—very well-paid billets—professional men, and I have found it impossible to get the right type of man because they are so uncertain about what is going to happen in India, and I do feel that that is bound to apply equally, if not more so, to the Indian Civil Service, and that it is necessary to assure them at this time that so far as the Civil Service is concerned the Lee Commission will hold. Provided that is done I am entirely in favour of this Committee being set up.

Raja Narendra Nath: I am inclined to agree with what has been suggested by Lord Zetland. I think that the real question before us is that mentioned in paragraph 4. As we have not been able to secure uniformity upon it, I think that the best course for us to adopt is to report to the Conference the state of division which exists. I do not think that it was at all necessary to have mentioned the point dealt with in paragraph 6. I do not think that it was necessary for that to have been brought before us. I am inclined to think that it is not necessary for us to suggest the appointment of any Committee. The future Government of India has always a discretion to appoint such a Committee or not as circumstances require. I think that the very fact of this matter having been mentioned in paragraph 6 has raised an unnecessary controversy with regard to the scales of pay and the rates of salary between Indians and Europeans. Upon that point, although it is not directly before us, I should like to make a few observations. I have some personal experience of the matter. There was a time when the scale of salaries for Indian and European recruits for the Indian Civil Service was different, that is to say, different not as between those who were Indians recruited by competitive examination in England, but different between those who were appointed in India and those who were appointed in England. That racial discrimination gave rise to a considerable amount of discontent. It also gave rise to a difficulty to which none of the previous speakers have referred. The difficulty was that when a European officer was placed in a position of subordination to an Indian officer who was getting a salary of a lower scale, the position became positively anomalous. Sometimes an Indian Commissioner was drawing perhaps half the salary of his European subordinate, and it became rather difficult for him to exercise the control that he would have exercised if he had been drawing the same rate of pay.

Dr. Ambedkar: No.

Raja Narendra Nath: I say "Yes." I have experienced that difficulty. I experienced that difficulty, and the pay was increased.

Dr. Ambedkar: It all depends upon whether the matter is counted in terms of money.

Raja Narendra Nath: The world does count it in that way.

Chairman: I think that this question is getting very wide of our terms of reference. I hope that you will pass it over.

Raja Narendra Nath: Very well. My answer to the question is that it is not necessary for us to suggest the appointment of a Committee; that we should give our decision on paragraph 4, and report to the Conference the difference of opinion that exists, and the Conference will deal with it. If the majority of the Conference is of one view it will express it. If it is of the other view, it will express it, and will postpone the matter until the time when the Committee is appointed by the Government of India. I do not think that upon this controversial matter there will be unanimity in the Committee which the Government of India will appoint.

Chairman: I am not going to make any observations now, except to say that I have listened very carefully to what you have all said. I suggest that now we might go on and discuss No. 7: "Recommendations in relation to Public Service Commissions." Public Service Commissions, as I understand this matter, and please remember that I really understand very little about these matters, are as follows. As I understand it, there is at the present time a Central Public Service Commission and also one in Madras. It may be desirable, as I see it, to make some recommendations with regard to the existing Public Service Commission. That would clearly be in order. It may also be desirable to make recommendations as to the existing Provincial Public Service Commission in Madras, and as to the desirability of setting up Public Service Commissions on somewhat similar lines in any of the other Provinces. Mr. Chintamani, you generally lead off for us.

Mr. Chintamani: I take it, Sir, that there is no serious difference of opinion amongst us, if there be any difference at all, as to the desirability of there being a Public Service Commission to regulate the recruitment to the various Public Services in the country. I think that we are all agreed that thereby a more efficient Public Service can be obtained than if matters are left to the unfettered discretion of the Executive Government, either in the Centre or in the Provinces. As the Constitution of the country becomes increasingly democratic, the danger also proportionately increases of disinterested considerations of the public well-being, being subordinated to subsidiary considerations of what makes for the convenience and the stability of the personnel of the Government for the time being. There can be no difference of opinion with regard to this. That is a danger against which we have to guard ourselves. If in the Parliamentary Statute defining the constitution of the future Government of India, provisions are inserted to safeguard the Government and the country against that danger, which is only too frequent, it cannot be urged by anyone that that constitutes an infringement of the rights of the future Government. It no more constitutes an infringement than the provisions relating to an independent audit, and the appointment of a Controller and Auditor-General, absolutely independent of the Executive Government, which is a feature of every sensible constitution. This is the reason why, jealous as I am that the liberty of the future Government of India should not unnecessarily be encroached upon by Parliamentary Statute or otherwise, I have not the slightest hesitation in urging the necessity of the constitution of the Public Service Commission, not such as exists in India at present, but such as we desire, namely, a Commission independent of that Government, a Commission which will owe its existence and its authority to an Act of Parliament which that Government may not touch in any manner. At present we have a Public Service Commission, but one which is unsatisfactory for several reasons. It is a creature of that very Executive Government of whom we want the Commission to be independent.

If the sub-Committee agrees to make a recommendation that it should be a provision in the Constitution that there should be a Public Service Commission, the next question is whether the requirements of good government will be adequately met by one Commission for all India, or whether there should be a Commission for every Province. At the present moment only one local Government has gone in for a Public Service Commission. I remember that in another local Government a suggestion by the Government of India in this behalf was considered. It was negatived on the ground that they would secure more efficient recruits if they set up Selection Committees *ad hoc*, having reference to the nature of the candidates required, instead of setting up one Commission to recruit for all the Services. The experience of the last nine years in the Province to which I refer, where Selection Committees *ad hoc* have been set up when new appointments had to be made, suggests that the Government of the day rather exaggerated the value of the Selection Committees *ad hoc*, and also underestimated the advantages that would accrue from a Public Service Commission. I held the opinion in 1921 that Provincial Public Service Commissions would be inferior as regards results to Selection Committees *ad hoc*. As a result of nine years' observation of how the system has worked, I am a convert to the view that there should be a Statutory Public Service Commission, and the Provincial Governments should not be left the discretion of merely setting up Selection Committees of their own. In India there is a very special reason, which may not apply to countries more fortunately-circumstanced, why there should be such statutory bodies. We in this Conference are aware, only too painfully, of the existence of a number of communities in our country who have not been able to look upon public questions eye to eye, because of different points of view. There is the fear in the minds of several communities, most of them minority communities, that they will not get adequate justice and equitable treatment from the Government for the time being if the personnel of that Government are not members of their particular community. There is nothing more important in endowing a country with a new constitution than to create an atmosphere of mutual trustfulness amongst the various component parts of the nation, instead of starting that constitution in an atmosphere of distrust and contention. From this point of view it seems to me to be eminently desirable to have statutory provisions in the Act of Parliament which should create confidence in the minds of every such community, that they will receive equitable and just treatment in the apportionment of offices in the Public Services. For this purpose I think that it is desirable, not merely that we should recommend that there should be statutory Public Service Commissions in the Centre and in the Provinces, but that we should go a step further, and indicate the lines on which the Act may provide, in order to bring confidence to the minds of every section of the population in India. I have here some suggestions before me in writing. I am indebted to one of the greatest public men, and perhaps the most accurate thinker among public

men amongst my countrymen, for the suggestions which I have before me. If the Committee does not think that I shall be taking up too much time, I will read a few clauses on the lines of which I, personally, should like our Committee to recommend to the Conference that provisions should be inserted in the Statute. As the clauses that I shall read will be found to be self-evident, and as they will include the arguments in support of the proposals, it will not be necessary for me to detain the sub-Committee with any explanatory comment of my own. This is a rough draft of certain provisions to safeguard the legitimate rights of minorities, and the interests of efficient administration in India. For "of minorities" you may substitute, if you like, "of communities". The provisions which are suggested are:—

" 1. No British Indian subject shall be denied admission to any educational institution maintained, supported or aided by the State or to any course of studies therein, save on the ground of want of qualifications; and membership of any particular community, caste, creed, or race shall not be a qualification or disqualification for such admission. Any discrimination between one individual and another on the ground of such membership or of communal representation by legislation or administrative order or otherwise shall be deemed invalid and an infringement of the fundamental right of a British Indian subject in respect of which an action may lie at the instance of any aggrieved person against the authorities in charge of the institution and the authorities sanctioning such legislation or order.

" 2. (a) All British Indian subjects are equally eligible for admission to the public services in British India, provided they are duly qualified for the same.

" Membership of any community, caste, creed or race shall not be a ground for preference, supersession or exclusion, provided, however, that as regards recruitment to the lowest grade of any class of appointments, the Governor-General in Council may for the purpose of avoiding the undue predominance of any particular community, caste, or creed reserve by rules not more than 25 per cent. of the posts in that grade and direct that they may be filled up by members of other communities, castes or creeds with due regard to such qualifications as may be prescribed in the interests of the public service.

" (b) Membership of any community, caste, creed or race shall not be a ground for promotion or supersession in any public service.

" (c) Any law, rule or administrative order providing for recruitment, preference, promotion or supersession in contravention of clauses (a) and (b) of this section shall be invalid and deemed to be an infringement of the fundamental right of any British Indian subject affected thereby, in respect of which he may maintain an action against the authorities by

whom any such law, rule or order might have been sanctioned or made.

“ 3. The members of any provincial Public Services Commission shall be appointed by the Governor-General and shall, after retirement from the Commission, be ineligible for any office of profit under the Crown. The qualifications for recruitment to the Public Services, whether All-India or Provincial, shall be laid down by the Central Public Services Commission.

“ 4. The Government of India has the power and jurisdiction to provide for the constitution of the Civil and Criminal courts and to regulate the recruitment to and the tenure of judicial offices.”

As I said at the beginning, not the whole of this is relevant to our purposes here. I should like to make a second point, namely, that I have not put this forward as containing propositions to every part and detail of which I myself stand committed. I have put it forward only as indicating the lines upon which we may find it advisable to proceed in order to create that confidence in the minds of all sections of the population, which I hold to be a condition precedent to the successful working of the future Government of India. If the sub-Committee should think that there are points in this draft, from which I have read, which are worthy of their consideration, and of recommendation to the Conference, they are welcome to do so. I myself am at liberty to drop any part of this, or to modify any part of this, according as the sense of the sub-Committee may suggest. I think, Sir, that a recommendation from this sub-Committee, that by statute Central and Provincial Public Service Commissions shall be constituted, entrusted with the responsibility of recruiting for the various branches of the Public Services, and endowed with the requisite power in order that they may be able to discharge that responsibility, and further charged with the duty of seeing that no discrimination is made against members of any community, and no undue preference is shown to members of any community, will meet the requirements, satisfy the wishes, and remove the fears of every section of the community in India.

Lord Zetland: I do not rise to speak upon this point at the moment, except to say, if I may, that I think that Mr. Chintamani has made one of the wisest of the very many wise speeches which he has made upon this subject. I rise merely to ask a question. As I understand it, his view is that the Public Service Commissions should be in all respects wholly independent of the Governments, whether Central or Provincial, in India. What I am not quite clear about is, by whom are the members of these Commissions to be appointed?

Mr. Chintamani: By the Governor-General in the case of the Central Commission, and by the Governor in the case of Provinces and not by the Government.

Lord Zetland: That is an answer to the first question which I asked. There is only one other question, and I ask this because I am ignorant upon the point. In what respect would the Public Service Commission of the Centre, which Mr. Chintamani recommends, differ from the existing Public Service Commission? I am not quite clear about that.

Mr. Chintamani: It will be a body which owes its existence, and its authority, to the British Parliament here, and not to the Government of India. The members of the Commission, once appointed by the Governor-General, and not by the Government of India, shall not be removable from office by the Government of India at all. Their position as authorities, independent of the Executive Government, will, as far as may be, be analogous to the position of the Controller and Auditor-General.

Lord Zetland: I am very much obliged to Mr. Chintamani for his replies. At this stage I will not do more than express my gratification at finding that Mr. Chintamani has such unlimited confidence in the Governor-General and in the Governors of the Provinces.

Sir A. P. Patro: I am gratified also to find that Mr. Chintamani has greater confidence in the Parliamentary Act than in the Act of the Indian Legislature or of the Provincial Legislatures who are expected to enjoy full responsible government.

I am quite familiar with the rules he read out from his draft; they have been repeatedly published in the Press, and we in South India can say that they are not new to us. But at a time when we are conferring full autonomy in the Provinces, and leaving everything to a responsible Government, that Parliament should establish a Commission for the purpose of the Public Services seems to me quite anomalous. The Public Service Commission is already established by the Government of India Act, and in the South we have a Public Service Commission established by the enactment of the Provincial Legislature. The powers that are conferred on the Public Service Commission are powers analogous to those now exercised by the Provincial Government. Therefore, while we are agreed that there should be a Public Service Commission to regulate the Services, I am not personally agreeable to the view that there should be an Act of Parliament setting it up. What is this Act of Parliament to do with the domestic affairs of the Provinces and of the Centre? It is incongruous that we should ask Parliament to pass such an Act. Let me say that while I agree that there should be a Public Service Commission, I do not think such a Commission is the proper authority for appointment and recruitment. The appointment will always rest with the Government. The Commission should be the agency for the purpose of selecting suitable and competent candidates to recommend to the Government. But the power of final appointment should remain with the Government, because the Government has to choose the instruments with which to carry on its business. The duties and functions

of the Commission must be clearly defined, and a distinction has to be drawn between the power of selection of suitable candidates for particular work and the power of appointment. Further, there should be no monopoly by any class of the community, and every class and every community should have an equal right to enter the Service, and special privileges should be given to those communities not adequately represented. In order to create contentment, harmony, and justice all round, it is necessary to see, in view of the many castes and communities in India, that these have a proper share of representation in the Public Services, and it ought not to be that because a community is educationally more advanced than other communities it has no monopoly. It is not that the standards of efficiency should be reduced, but, keeping the standards equal all round, candidates less represented in the Services should be given preference in the final selection. But I do not at all subscribe to the theory that Parliament should set up a Public Service Commission.

Sir Robert Hamilton: Has Sir A. P. Patro any recommendations for any alteration in the application to other Provinces of a similar system to that of Madras?

Sir A. P. Patro: We have worked our system for three years, and with a little modification to suit our circumstances, we have borrowed our rules from the Central Service.

Chairman: Who makes the appointments?

Sir A. P. Patro: The Governor in Council with the sanction of the Secretary of State.

Sir Chimanlal Setalvad: I am unable to follow Sir A. P. Patro in his remarks against the inclusion in a Statute of the setting up of these Public Service Commissions. The appointment of these Commissions rests with the Government of India and the Provincial Governments, and I fail to see any objection to the newly-constituted Government of India laying down by Statute that there shall be a Public Service Commission for the Central Government and also Public Service Commissions for the various Provinces. There is nothing incongruous in the fact that India, while becoming self-governing, should have a Statute setting up such Commissions. It would really be a part of the constitution. It is necessary also that the members of the Commissions should be perfectly independent of the Government; they should not be in a position to be influenced by any members of the Government at all. I agree also that provision should be made for securing their proper share of representation in the Public Services to the various communities in India. The draft which Mr. Chintamani has read to us is, I am afraid, rather too elaborate, and goes into too many details. To my mind the position can be met by the very simple provisions which some of us have considered during our sittings here, and which I will, with your permission, read:

(1) In every Province, and in connection with the Central Government, a Statutory Public Service Commission shall be appointed.

(2) The recruitment of the Public Services shall be made by such Commissions in such a way as to secure a fair representation to the various communities consistently with considerations of efficiency and of possession of the necessary qualifications.

(3) No person shall be under any disability for admission into any branch of the Public Services of the country merely by reason of his religion or caste.

(4) Membership of any community, caste, creed, or race shall not be a ground for promotion or supersession in any Public Service.

I do not approve of the inclusion in the Statute of provisions regarding the fair representation of the various communities. That could be provided for in the Instruments of Instructions to the Governors.

Raja Narendra Nath: So far as the advisability or desirability of appointing a Public Service Commission for the Provinces is concerned, I think there is no disagreement. I have no experience of the working of the Commission in Madras, nor have I before me the Act by which the local Legislature sanctioned the appointment of the Commission. But I certainly think that the provisions which have been recited by Mr. Chintamani are a little too elaborate to be embodied in a constitution, whilst those just given us by Sir Chimanlal Setalvad are perhaps too brief or too vague. To say that fair representation of all communities should be secured would be no proper guide to the Public Service Commission or to the Government. Such an instruction might be differently construed. In the first place, I do not want the principles on which appointments have to be made to be left to the Provinces. The broad principles should be laid down by Parliament as fundamental rights. My difficulty is that in certain Provinces where the majorities are opposed to any communal considerations, no communal considerations would be allowed to weigh with the Public Service Commission appointed. On the other hand, in Provinces in which the majority is in favour of these communal considerations, such considerations will be given undue weight. Therefore it is necessary for us to recommend what general principles should be laid down in the Provinces. We have a well-defined principle on which All-India Services are regarded by the Government of India. Of the appointments, one-third are reserved for redressing communal inequalities, and two-thirds of the appointments in the All-India Services are made strictly on merit. I only want that principle to be embodied in the Acts as a part of the fundamental rights. I would suggest that this necessity will be met if there is a slight alteration made in what

is now Section 96 of the Government of India Act. The Section runs as follows:—

“ No native of British India, nor any subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any office under the Crown in India.”

That is already there, but the word “ disabled ” is not enough. No one is disabled from holding office, but he is prejudiced by reason of his creed or his race. For example, a man belonging to the depressed classes is not disabled from being recruited for the Police Service, but he is prejudiced from being recruited for that Service, because he is not acceptable to the other members. Therefore I should add the word “ prejudiced ”, and I will, with your permission, suggest the slight amplification of phrasing which will be necessary at our meeting this afternoon. I would not mind if that reservation were embodied in the Statute for a certain number of years. If that reservation, which is observed in All-India Services, is embodied in the Provincial Services, I would not restrict it to minority communities, because in certain Provinces the majorities might benefit by the reservation, nor would I restrict it to communities; I would say, “ race, caste, or creed ”. The word “ race ” would satisfy Colonel Gidney, and caste or creed would satisfy the representatives of many people who are at present in a backward state of education. What I wish to present is this, that the interests of the Public Service should be the main consideration, and communal considerations should be subordinated to the public requirement of the efficiency of the Service. The recruitment should not be made on communal considerations; it should merely be made to satisfy requirements of efficiency, and the adjustment of communal differences would be a secondary question. Perhaps I may be allowed to lay before the sub-Committee a new draft of Section 96.

Chairman: I do not think we can usefully spend our time in discussing actual drafts of Statutes. We can only lay down broad principles, and I should like to know for my guidance how far the propositions which Sir Chimanlal Setalvad read out to us are acceptable to the sub-Committee.

Sir Cowasji Jehangir: Would these rules enable the Government to make regulations as to the percentages of appointments necessary to give a fair share to the various communities consistently with efficiency?

Sir A. P. Patro: I agree with the first two, but I think the last two cannot be accepted—the so-called fundamental rights.

Sir Chimanlal Setalvad: You have fundamental rights defined in any constitution.

Sir A. P. Patro: We have suffered from that very much. In the South we strongly oppose any such thing.

Sir Chimanlal Setalvad: I will read it again: "In every Province and in connection with the Central Government a Statutory Public Services Commission shall be appointed. Recruitment to the Public Services shall be made from such Commission in such a way as to secure a fair representation to the various communities consistently with considerations of efficiency and the possession of necessary qualifications."

Chairman: Is that all right down to that point?

Raja Narendra Nath: "A fair representation" is just the term which it may be difficult to interpret. That is why I say that the rule adopted and followed by the Government of India should be recommended.

Sir Chimanlal Setalvad: I submit that the general form in which I have ventured to put it is more workable than the other.

Then the fundamental rights I would define in this manner: "No person shall be under any disability for admission into any branch of the Public Services of the country merely by reason of his religion, caste, or creed." Do you object to this?

Raja Narendra Nath: It is not clear. Nobody is actually under a disability. He is prejudiced.

Sir A. P. Patro: Is there any difficulty now? Why should a new thing be created for which there is no necessity? Why introduce complications?

Dr. Ambedkar: I would point out a difficulty that will arise in the question of fundamental rights in the words which you are trying to introduce. The point is this. You are giving the Public Services a direction so to recruit the Services as to give due and adequate representation—whatever the words are. That means this: the Commission will have the right to choose between the different communities in order to make up the quota of the community which does not otherwise get into the Services. That means that they would have to exclude members of other communities in order to make good the claim of fair and adequate representation of other communities which have not hitherto been recruited in the Public Services, and if you have this fundamental right given to every individual of every community, that certainly would embarrass the Public Services Commission, because a person who had a fundamental right of this sort may say: You are prejudicing me by preferring some other member of some other community. There seems to me to be the difficulty.

Sir Chimanlal Setalvad: May I point out that this enunciation of fundamental rights, about there being no disability by reason of religion, caste, or creed, is merely repeating the proclamation of Queen Victoria when the Crown took over the Government of India. It was incorporated in the proclamation then made.

Raja Narendra Nath: It does not solve the practical difficulty.

Chairman: May I suggest that as it seems to be that the fundamental right is already there, is it necessary to repeat the

fundamental rights? Would the sub-Committee be satisfied if we accepted as our report the first two propositions which Sir Chimanlal has read, and not put in the declaration as to fundamental rights?

Dr. Ambedkar: I would point out that we have not only to guard against the Public Services Commission being influenced by the local Government in the matter of making appointments. It seems to me that we have also to guard against the Public Services Commission abusing its own powers. I feel somewhat strongly on this point. The Public Services Commission is bound to be very limited in its personnel; we therefore cannot provide that the Public Services Commission in its personnel shall represent the different communities in the country. The Public Services Commission will have to be drawn from some communities, and human nature being as it is I fear the Public Services Commission might abuse its own powers.

Mr. Mody: What will be the remedy?

Dr. Ambedkar: The remedy would be that the Legislative Council should have the power to pass a resolution of want of confidence in the Public Services Commission, just as, for instance—

Sir Chimanlal Setalvad: That would defeat the whole object.

Dr. Ambedkar: If this means is not desirable, I shall welcome some other means and some other method on this point, but I do feel very strongly that it is no use having a Public Services Commission which may be interested in their own community and not in others.

Sir Cowasji Jehangir: What is the interpretation that Sir Chimanlal places on the words he read out? Will it be open for a Provincial Government to make rules, as they have already made, to the knowledge of Sir Chimanlal, in the case of several Governments, stating that in such and such a Service, provincial or otherwise, the proportion of Muhammadans, Depressed Classes, etc., shall be so many per cent.? That is what is being done to-day. Governments have passed executive orders that the heads of Departments when recruiting clerks or other grades shall as far as possible consistent with efficiency have—say—25, 30 per cent. of Muhammadans, and 10, 15 or 20 per cent. of Depressed Classes. Those are executive orders which have been passed. What was originally intended was that the Commission should make the appointments, but the ratio in which the community should be represented in the recruitment should be laid down by rules by the Provincial Governments which they would be in a position to change according to the ratio in the Service. Is that the interpretation?

Sir Chimanlal Setalvad: I do not think Sir Cowasji has understood me quite. Here we have put out of the hands of the Government, as it will be constituted under the new constitution, the matter of selecting members for the Public Service. We are placing it into the hands of an independent Public Services Commission,

and we are telling them that they must make the selection in such a way as to secure a fair representation to various communities, castes and creeds. In doing that it will be perfectly open to the Public Services Commission to lay down to itself any discretion it may think necessary for securing that fair representation.

Sir Cowasji Jehangir: It is a question of minorities, and I think it is only fair we should consider it with open minds to satisfy everybody. The position is that you entrust this work to a Commission of only a few men—three or four—one if you like. After all, it will be a very limited number, and you are giving them considerable powers. It is entirely in their discretion to say what percentage of any community should be represented in the Service. I am not speaking for the minorities, but I think the minorities then may have some cause for complaint that they may not be able to influence that Commission as they may be able to influence the Government through the agency of the Legislative Council. That is the point. They are completely independent, irresponsible to anybody, and therefore there must be somebody responsible to the Legislature who has a voice in saying that the ratio shall be so-and-so and so-and-so—not the persons—they may then appoint anybody they choose, take their applications and find out the best men in the communities. They appoint; but I think some agency such as the Government influenced by the Legislative Council should also have a voice in the ratios—not in the appointments, only in the ratios.

Sir Chimanlal Setalvad: I am afraid that Sir Cowasji is missing the whole point of this proposal. It is because we want to take out of the influence of the Legislative Council and the Government the distribution of offices that we are creating the Public Services Commission. These words have been chosen after consultation. The whole object of the proposal is to take the patronage out of the hands of the political influence of the Legislative Assembly or Council where one community may be in a majority or minority in the Government, and to create an independent body which would not—

Dr. Ambedkar: Surely that Commission will belong to some community.

Sir Chimanlal Setalvad: Those who will make the appointment will have due regard to the position. What is the alternative? Are you prepared to place it in the hands of the Government or the Legislative Council?

Mr. Zafrullah Khan: Whatever may have been the object of those who framed this clause, it reads that the members of the Public Services shall be recruited through a Public Services Commission in such a manner as to secure fair representation. If it is through them and not by them, obviously somebody has in mind somebody else who is recruiting through the Public Services Commission and he is recruiting in a manner so as to secure fair representation to the various communities. That is how it is framed.

Sir Chimanlal Setalvad: The appointment can only be notified by the Governor in Council or the Governor-General in Council, as the case may be, but that recruitment shall be made through the Public Services Commission, and they shall not appoint anybody they choose, but appoint those recommended by the Public Services Commission with due regard to the principles mentioned.

Sir Edgar Wood: I think there is still a little ambiguity about this question of whether this Commission is to select or to appoint. Sir Chimanlal clearly said "select", and there is a very great difference between actual selection and appointment, because it is quite possible for a Commission to select two or three suitable people and for one to be chosen from those selections. I think I am correct in saying that when this question of the Public Services Commission came up in Madras we provided that that Commission would have powers of selection, and there was considerable discussion as to whether the selection should be binding upon the appointing body, and we decided that it should not be binding, but that the safeguard should be that with regard to any selections which were refused the names of the nominees should be placed on the Table of the House with the reasons showing why the Government Department concerned turned down the recommendations of the Commission.

Sir A. P. Patro: The proportion was fixed.

Sir Edgar Wood: I am not sure about the proportion being fixed. That was certainly one of the ideas underlying the appointments, that the proportions should be fixed. It was one of the reasons for the genesis of the Commission, and I think it is a very good safeguard that if the Commission selects, and their selection is not accepted, the reasons for throwing on one side the selection and going back to the Commission for a further selection should be clearly stated to all members of the Legislature, so that they make take it up in the Council if they object to the selections which have been made.

Raja Narendra Nath: That would not sufficiently protect the interests of the minority.

Chairman: It seems to me that one broad question of difference which is emerging is this: who is to be the body who is to lay down the percentages? Everybody seems to agree that the selection of a particular individual shall be left to the Commission. Ought you to have the Commission laying down for itself as a domestic rule what the percentages would be, or ought you to have the legislative body telling the Commission what those percentages ought to be? That seems to be the main topic of dispute. I am not certain whether there is another topic of dispute on that ground: supposing you have, as Dr. Ambedkar says, an unsatisfactory Commission. After all, there can only be one or two or three. Do you provide—I do not think you do—what check there should be on that, whether they should be removable, and, if so,

by what agency they should be removable, and ought we to make some recommendation with regard to those matters?

We might meet again at half-past two, and it would be convenient for you if I tried to get circulated the resolution proposed. Then we shall discuss something having the advantage of seeing it in typewriting.

(The sub-Committee adjourned for lunch.)

Chairman: You have had put before you two documents, one marked "A" and the other "B". We had better not bother about "B" at the present moment; that will be the subject of a good deal of discussion hereafter. Let us look at "A" and confine ourselves to this question of the Public Services Commission. "A" records, I hope accurately, the propositions which Sir Chimanlal Setalvad was good enough to read out, and I thought it would be convenient for the sub-Committee to have them before them. We will now resume our discussion on "A", the question being whether these propositions would be satisfactory, either Nos. 1 and 2 only or No. 3 as well.

Mr. Zafrullah Khan: With regard to the first two proposals—or to the second, as a matter of fact, because I do not think there will be any controversy with regard to the first—so far as the wording is concerned I have no objection to it, but, as I pointed out at an earlier stage, to my mind it does admit of the construction that I want to place upon it. The only point is that if there is any doubt as to its being susceptible of that construction, I for one should wish to have that doubt removed, and the second clause expressed in such language as to be susceptible of the construction which I want to place on it.

I conceive the functions of a Public Services Commission to be to select candidates from the point of view of efficiency and also to exclude any considerations of a personal or a private nature in the selection of candidates. That is to say, our main point is that with regard to the selection of individual candidates Ministers should be relieved of the responsibility of making the selection, inasmuch as influences have been brought to bear on them in the past, and are likely to be brought to bear on them in the future, which would not be conducive to the best selection being made; and in that way the Ministers themselves are placed in a position which they do not like.

With regard to the further question as to whether the determination of the proportions in which candidates are to be recruited into the Services is or is not to be left to the Public Services Commission, I am very strongly of the view that it should not be so left; it must be left to the Government—or I have no objection to leaving it to the Governor of a Province if the majority of the sub-Committee prefer it—from time to time to determine what proportion with regard to each Service, or vacancies existing in the cadre of each Service, is to be recruited from the different com-

munities, interests or races. The proportions cannot be unalterably fixed in advance; you cannot fix the proportions now and then work on them for ever. That would obviously be unfair owing to retirements which take place and other considerations which may subsequently arise. On the other hand, it would be very unfair to leave the determination of these proportions to a body which is to be almost entirely independent of the Government, the members of which are to hold their appointments permanently, as it were, and who are ordinarily in the normal course of affairs irremovable, and therefore who owe no kind of responsibility whatever to anybody.

Such people are required to say that A, B, C and D, whom they have selected for appointment to certain posts, have the qualifications which will enable them to discharge the functions of those posts. It is absolutely necessary that people who are entirely independent and who owe no allegiance to the Provincial Governments, or in the case of the Centre to the Central Government, should determine that; but it is not necessary that it should be left to them to adjust different communal demands which involve considerations of a different kind altogether. Therefore my submission is that this matter should be left to the Provincial Government. As I have said, in my opinion there is no harm in leaving it to the Provincial Government; but if there is any objection to that, leave it to the Governors, to be determined from time to time as various considerations may arise.

I am also opposed to its being left to the Legislative Council as such. We all know there are very grave and serious objections to doing that. If we leave it to the Government or to the Governor, the Legislative Council no doubt will be able to influence the decision of the Government or the Governor from time to time, and their efforts in that direction will be considered by the Government or the Governor, as the case may be, before they fix any proportion, and they will also consider any other considerations which may arise.

My submission therefore is that the Public Services Commission should be confined to their legitimate purpose of selecting candidates with regard to efficiency, to guarantee that the candidates selected by them will be able to discharge the duties with which they are to be trusted, without regard to any communal question or anything; they will put those candidates up to the Government and let the Government make selection from those candidates.

Chairman: May I ask you this before you sit down? I quite see that what you would really do would be that you would put in a new clause saying that the fixing of the ratios ought to be left either to the Government or to the Governor.

Mr. Zafrullah Khan: Yes.

Chairman: But you also suggest that there ought to be some amendment to clause 2. Could you conveniently indicate to me the form of words which the amendment would take?

Mr. Zafrullah Khan : Clause 2 at present reads : " Recruitment to the Public Services shall be made through such Commission in such a way as to secure a fair representation of the various communities consistently with considerations of efficiency and the possession of the necessary qualifications." I would add these words : " And the proportion in which recruitment is to be made among the members of various communities or interests shall be in accordance with directions which may from time to time be issued by "— as I have said, either by the local Government in the case of the Provincial Services, or alternatively the Governor; and in the case of the Central Services by the Central Government, or alternatively by the Governor-General.

Raja Narendra Nath : I think, Sir, the proposal made by my friend Mr. Zafrullah Khan considerably narrows the scope of the Public Services Commission and in a manner which stultifies the very object of appointing the Commission. If their scope is confined to the selection of fit candidates, then that is not a very difficult matter. Any *ad hoc* Committee appointed by Government can do that. In the first place, the qualifications of various candidates are obvious on the face of the application which they make, in which they state what their qualifications are. In the course of interviews granted to such candidates by the Committee, general considerations such as appearance and other matters which ought to receive due weight in making appointments are considered. It seems to me that to confine the functions of the Public Services Commission simply to making a selection of the fit candidates would be burdening the taxpayer far too much by appointing a Services Commission consisting of 3 or 4 members who receive large salaries and who have simply to select fit candidates. So far as the fitness is concerned, it is a matter which does not require very elaborate enquiry. The very object of appointing a Commission is defeated if the scope of the Commission is limited in the manner in which my friend proposes.

Khan Bahadur Hidayat Husain : Sir, I very strongly support the arguments that have been put forward by my friend on the left, with this modification, that I would like the proportion to be fixed not by the Government but by the Governor. I do so because lately, and I think almost always, there have been such great complaints and so much heartburning with regard to the entries in the Public Services, that I am afraid that on this one single point conflicts will arise which might threaten to break the safe working of the future constitution of India. Therefore, Sir, on this point of the entry into the Civil Services or into the Services, whatever steps you may take should be such as to work for the stability of the future Government. We are going to arm the Governor with certain powers which will conduce to that stability; we are going to give him such powers as will, if the time comes, assist him in maintaining that stability. I think therefore that the same complaints which may be raised against the Legislative

Council may as well be raised against the Public Services Commission.

Raja Narendra Nath: And against the Governor, too.

Khan Bahādur Hidayat Husain: And therefore I say that with a view of avoiding those complaints, it is better to entrust the task of fixing the percentage to the head of the Province who will be above all those weaknesses to which your Legislative Council and your Government will be subject. Therefore, Sir, though I support my friend here, I would say that the matter should not be left in the hands of either the Legislative Council or the Governor, but the fixation of the percentage should be left entirely and exclusively in the hands of the Governor of the Province.

Lieut.-Colonel Gidney: Sir, I rise to give my approval to the draft Resolution which has been placed before us and to make one or two suggestions. In view of the fact that the Federal Structure sub-Committee, I believe, has decided that the protection of minorities is to be a special charge of the Governor-General and Governors, and, as the Public Services Commission is mainly designed to protect and safeguard the interests of minorities, might I suggest that it should be stated here that the Public Services Commissions should be appointed by the Governor-General or the Governors, and that they alone shall have control of these Commissions? This is the one addition I would like to add, for reasons already given by the last two speakers.

Sir, I take this opportunity of placing another aspect of this matter before the sub-Committee for their sympathetic consideration. It is possible that my friend Mr. Chintamani, the mover of the proposals which have been placed before us, may think I am trying to go beyond them. I hope to prove I am not. There appears in the last line but one of (3) (b) the words: "not be a ground for promotion or supersession in any Public Services". Now, Sir, in pleading on behalf of the community I represent I do not ask for a violation of these terms. I accept them.

Sir, fate has willed it for good or for evil that for the past two centuries the Anglo-Indian community has occupied a social and economic position in the Public Services of India side by side with the European community. Every Indian community has looked upon these two communities as one for employment purposes. We have been brought up entirely on European ideals and traditions, and, as such, we have, as was truly said by Raja Narendra Nath, been with them in social isolation. I go further and say that we have been with them in complete economic isolation. Many Indians have said that the community has enjoyed preferential treatment in the Services. If this refers to Railways and the Telegraphs, I admit that they were employed in numbers in these Services in certain appointments carrying responsibility and trust. But, Sir, the operation of the Reforms for the past decade has changed that so-called specialistic preferential treatment, if I may call it such, to one to-day of differential treatment, and I make

this assertion with all reason and seriousness, supported with facts and official figures.

Let me explain: Within the last decade of the operation of the Reforms the community which has rendered great and abiding service to India finds itself in a most perilous economic condition as the result of Indianisation of Services. It finds that one-third of the appointments it held in 1921 have been lost to it within 10 years resulting in one-third of the employable population being unemployed. I shall not ascribe any blame to any one nor shall I give any reasons as to why this economic disaster has overtaken us. Suffice it to say that it is the direct result of the anomalous status that has been enforced on us in the Services. I shall not enter into details for I have already dealt with that aspect of the position, but, Sir, what position do we actually occupy in the All-India and Provincial Services to-day? We occupy but a bare 20,000 or less of the appointments in a total of 2,000,000 Government appointments. This works out to one in 1,000 appointments. Now, if the operation of the Reforms has lost us nearly 14,000 appointments within ten years, I ask you to picture what will be the position of my community in another 20 years. It is in the transitional stage of the new constitution, unprepared as we are, that I ask this sub-Committee sympathetically to consider the needs of a community that has served India well, and afford it economic protection to enable it to prepare itself educationally.

Perhaps, Sir, you would like me to show you why I entertain this fear. May I tell you, in Bengal alone, whereas a few decades ago the percentage of Anglo-Indians in the Bengal offices was 90, to-day it is about 10 per cent. only. In the Provincial Executive Service, whereas we formerly had 31 per cent. of appointments, to-day we have only about 1.5 per cent. In the Provincial Judicial Services we had 29 per cent., to-day we have none. I go further, and take another service, the Postal Department in which we were formerly largely represented. There is scarcely any further room for Indianisation of that Department, for in Bengal alone out of nearly 4,000 postal appointments Anglo-Indians to-day hold about one hundred, and about 50 per cent. of these employees will be superannuated within the next few years. Let me take another great Service in which we have rendered very valuable service to the Government of India, the Customs. Up till 1920 Anglo-Indians had entire subordinate charge of the preventive branch of the Customs Service. You cannot assess in terms of rupees, annas and pies the intrinsic value of the services this small body of loyal and trusted workers have rendered to the Government of India. Suffice it to say that the Customs Department to-day brings to the Government of India an annual revenue of nearly 30 crores. Within ten years of the operation of the Reforms, Anglo-Indians have lost in this Service almost 50 per cent. of the appointments created. The same condition obtains in the Appraiser's Branch of the Customs. We are also being rapidly replaced in the Telegraph Department and Railways which the

community have built up. I do not grumble, because I know that the time has come when every community must be given a chance. I am not complaining about that, but taking the past as a criterion for the future, I am apprehensive—gravely apprehensive—of what will be the future economic position of the Anglo-Indian community in the public services of the future India. You may safeguard it with Instruments of Instructions, you may safeguard it by appointing Provincial Public Services Commissions but I am in an extreme minority and safeguards have failed us in the past. The Anglo-Indian community is moreover a poor community, and why? Because it has slavishly, faithfully and loyally followed and served the Government of the past, a Government that is now transferring its powers and the pledges it has repeatedly given the community and handing us over as a bankrupt legacy to have new constitution. For the last ten years Government has told us, "Do not be afraid of Indianisation; you are natives of India by statute, and therefore as such you will receive every consideration for employment as does every other Indian community." The figures I have just given you, Sir, tell their own tale and show how those promises have been carried out. I go further and say that the Government of India have now realised the impossibility of economically protecting the Anglo-Indian community any longer under the term of "Statutory natives of India", for it has now definitely admitted its inability to do so, and has placed us as a special obligation on the British Parliament. Sir, while I appreciate the value of this obligation I do not appeal to Parliament alone, but to all my Indian brethren sitting here to-day. You are determined, I know, to give a sense of security to every minority community in the new constitution, but I am one of the smallest communities in India; in fact, I am the smallest community among my brothers here to-day, singularly positioned as regards its origin, living and traditions, and it is on behalf of that community, which has rendered great and invaluable service, that I fervently appeal to my British and Indian colleagues to-day. I am not complaining of unfair treatment nor do I mistrust my Indian brothers, but, Sir, I have certainly been prejudicially affected by the recent changes. I have been deprived of many of the appointments on the score of Indianisation. Being natives of India, Indianisation should have protected our economic interests as it has other communities; but what has actually happened in the past? I can only tell you from my own experience as a Member of the Legislative Assembly from its inception. Whenever I have publicly pronounced our acceptance of the status of natives of India, and taken my stand on that platform, I have been repeatedly told by Indian legislators in the Legislative Assembly that Indianisation does not refer to or mean Anglo-Indians, it means Indian-Indians.

Now, Sir, this is my grave fear, and it is not an imaginary fear: it is a justifiable fear proved by the figures I have quoted. Our economic position as shown by these figures stands out in

marked contrast with our position in the past, and it is to try and protect the community, it is to try and ensure that its future generations will hold these few thousands of appointments amidst the teeming millions of other Indians that I am asking this sub-Committee sympathetically to consider the Resolution I propose to place before it to-day, and I therefore ask you, Sir, kindly to incorporate the following in the recommendations of this sub-Committee:—

“ The sub-Committee realises that it is of vital importance to the continued economic existence of the Anglo-Indian Community that they should receive special consideration in the recruitment of those Services with which they are and have long been specially associated, and in which they are rendering and have rendered valuable services.

“ The sub-Committee therefore recommends that the Public Services Commission should be instructed to maintain for that community a due proportion of appointments in the Public Services.”

Sir, in offering this for your sympathetic consideration I should like to tell Mr. Chintamani that I am not violating any of the terms he has included in his draft resolution. One of the terms states: “ A ”, paragraph 3 (b), “ Membership of any community, caste, creed or race shall not be a ground for promotion or supersession in any Public Services ”.

My additional resolution does not violate this term, for I am not asking you to promote an Anglo-Indian over another Indian nor am I asking you to supersede any Indian by an Anglo-Indian. All I am asking this Committee to do is to incorporate my resolution in its recommendations to the Round Table Conference and in doing so I request both my Hindu and Mussalman friends as also the members of the British Delegation, on whose shoulders the Government of India has placed the future of my community after 150 years of loyal service, to retain in the Services of India a body of workers who are prepared to serve the future India as loyally, as honestly, as courageously and as patriotically as they have served the India of the past. I feel sure my appeal will not fall on deaf ears.

Sir Chimanlal Setalvad: I should like, if I may, to deal with the doubts raised by my friend Mr. Zafrullah Khan and another speaker. Their apprehension is that if, as is proposed here, it is left to the Public Services Commission to secure a fair representation of the various communities, it may be, as Dr. Ambedkar also suggested, they may abuse their powers and a fair representation may possibly not be secured. I think that can be met, however, by a provision in the Instrument of Instructions to the Governor or Governor-General that he shall see that such fair representation is secured.

Having laid it down that the Public Services Commission shall secure a fair representation to the various communities, we would

give power to the Governor, in his Instrument of Instructions, to see that such fair representation was secured.

Dr. Ambedkar: You might provide in clause 2 that this should be subject to such directions, as may be given them by the Governor.

Sir Chimanlal Setalvad: That is giving too much power to the Governor. All you want to secure is a fair representation for the various communities; you want to see that the fair representation which we have provided that the Public Services Commission shall allot is in fact secured.

Mr. Zafrullah Khan: How will the Governor see to that?

Chairman: Major Stanley has been good enough to make this suggestion, which may be a *via media*. He suggests some words to this effect; that at the end of clause 2 we might insert: "This part of the duty of the Public Services Commissions shall be subject in the case of the Provincial Public Services Commissions to the periodic review of the Governor, and, in the case of the Central Public Services Commission, of the Governor-General, who shall be empowered to issue any necessary instructions to secure the desired result."

Dr. Ambedkar: Yes.

Sir Chimanlal Setalvad: That is all right; I am prepared to accept that.

A Member: Why "periodic"?

Mr. Basu: It will depend on retirements and so on.

Chairman: I do not suppose we mind much about "periodic"; we can say "to the review of the Governor".

Mr. Chintamani: This is entirely in harmony with the recommendation of the Provincial Constitution sub-Committee, which provided that there should be a provision in the Instrument of Instructions that the Governor was to see that minorities received fair and equitable treatment.

Raja Narendra Nath: I should like to add these words to the amendment which has been proposed: "Provided the majority of the appointments are made strictly on merit", without communal considerations. A certain number should be made strictly on merit, and the rest filled up to give representation to communities. I will not fix a proportion; I simply suggest it should be laid down that the majority of the appointments shall be made strictly on merit, apart from communal considerations.

Mr. Chintamani: The insertion of any such provision as Raja Narendra Nath has now put forward would be open to the same objection to which the lengthy draft I read out this morning lent itself, namely of going too much into detail. Secondly, when you have shown your confidence in the race impartiality of the Governor by endowing him with this special power and entrusting him with special duties, you may take it for granted that he will act honestly

in the discharge of his duties and will not need these detailed instructions.

Chairman: May I put this to you with regard to clause 1? I understand Colonel Gidney's suggestion is to add to this clause, after "appointed", "by the Governor or the Governor-General as the case may be". Is that right? (*Agreed.*)

Then it is suggested that clause 2 shall stand as it is at present, and then it is suggested that we should either add to clause 2, or put in as a new clause, these words: "This part of the duties of the Public Services Commissions shall be subject in the case of the Provincial Public Services Commissions to the periodic review of the Governor, and, in the case of the Central Public Services Commission, of the Governor-General, who shall be empowered to issue any necessary instructions to ensure the desired result." (*Agreed.*) May I take it that at any rate down to that point clauses 1 and 2, with the addition I have read, meet with the approval of the sub-Committee?

Sir Edgar Wood: May I ask exactly what the intention is here? I raised the point this morning. Is it the intention that the Public Services Commission should have the final word in appointments, or are people simply to be recruited through the Public Services Commission? Are the Commission to say that certain men are suitable, it being left to the departments to make a selection from those men, or are the Commission to say, "There is one vacancy and you must take this man"? It seems to me that if a department is going to be tied down to one definite man for a vacancy, it may be that from their particular point of view he may not be quite suitable, and it will put them in a most extraordinary position, I think, to have imposed on them a man who for some reason or other is not suitable from their point of view. That would apply in particular to the Police, I think. For the Police Service a man might have the necessary qualifications and might by merit, as Raja Narendra Nath says, be qualified for the post, but he might from the departmental point of view be quite the wrong man, I think.

Raja Narendra Nath: This suggestion which I made did not receive the serious consideration which I think it deserves. Let me point out to the sub-Committee that I am simply referring to the rule which is already in operation with regard to the Government of India and the All-India Services.

Chairman: We will put it as an amendment and see what support it gets.

Sir A. P. Patro: At present whenever there is a vacancy several candidates are nominated. The Government say to the Public Services Commission, "There are two or three vacancies", and what happens is this. The Public Services Commission holds a competitive examination for the subordinate Service and prepares a list of competent, qualified and efficient candidates. With regard to what is known as the Provincial Service, the Public Services

Commission has instituted an examination—a competitive examination—for each department. If there are one or two vacancies then four names are called for and the four, who are equally qualified, are sent up to the Government and the appointments are made from among those who have been selected by the Provincial Public Services Commission. It is not, therefore, a case of one candidate who may be found wanting or unfit, but of choosing from several selected as a result of a competitive examination.

Sir Edgar Wood : If that is accepted I am in entire agreement with it.

Chairman : Is not that a matter of detail which has to be worked out? I think it is consistent with the wording here; I think Sir A. P. Patro is right, and that the present position is quite consistent with this wording. That is the suggestion so far, and to that suggestion an amendment is moved, and the amendment is that we should insert at the end of that these words: " Provided that the majority of the appointments are made strictly on merit regardless of communal or caste considerations."

Raja Narendra Nath : By way of explanation, may I say there is not only the rule of the Government of India, but my friend Mr. Zafrullah Khan knows very well orders have been issued by the Punjab Government that certain appointments must go in the proportion of 80 per cent. to certain classes.

Sir Chimanlal Setalvad : Let us leave that for the Governor.

Raja Narendra Nath : The Governor has already issued orders to that effect.

Chairman : It seems to me that that suggestion is really hardly necessary, but we had better get the sense of the meeting first of all on the insertion of the proviso. Who supports the insertion of the proviso? (*Not agreed.*) Who supports Nos. 1 and 2 and Major Stanley's clause at the end of No. 2? (*Agreed.*)

Mr. Shiva Rao : I want to suggest that we say that every member of the Public Services Commissions shall hold office during his good behaviour, and that the Chairman and other members of the Public Services Commissions shall not be removed from office except by the Governor-General on an address by the Central Legislature, and in the case of the Provincial Public Services Commissions by the Governor of the Province concerned on an address by the Provincial Legislature.

Chairman : Mr. Shiva Rao has suggested a new clause, and he puts the point quite clearly. We do not tie ourselves to language, but the substance of it is that we should state as a new clause that office is to be held during good behaviour, and that a member of the Public Services Commissions, whether Chairman or an ordinary member, is to be removable on an address of the Legislature to the Governor or Governor-General as the case may be. Let us put that.

Dr. Ambedkar : I support that.

Mr. Zafrullah Khan : I think it should be added.

Sir Chimanlal Setalvad : We have no objection.

Major Stanley : Let us suppose that the objection you took to a particular member of a Public Services Commission was that he was acting too much in the interests of the majority, and was ignoring the claims of the minority. What you are saying is that he could be dismissed only if a resolution to that effect was passed by a Legislature which *primâ facie* would contain a majority of the very community that he was supposed to be favouring.

Mr. Shiva Rao : I want to make the position of members of the Public Services Commissions analogous to the position of Judges of the High Court in India at present.

Sir Provash Chunder Mitter : To insert a clause like that would be going a long way to defeating its object. There are provinces where a particular community would be in a majority, and if communal questions are raised the Commission might lose confidence in themselves.

Dr. Ambedkar : The position taken by Mr. Shiva Rao is that discretion in the matter of removal of members of the Public Services Commissions is to be vested entirely in the Governor or Governor-General. The fact the Legislature has passed a resolution by a majority will not *ipso facto* lead to removal, but the Governor or Governor-General will consider whether action should be taken or not.

Raja Narendra Nath : I would not allow the Legislature to interfere at all in respect of appointments.

Dr. Ambedkar : A man may be corrupt, just as judges may be corrupt. Should there be no remedy at all? Should there be no way of removing such persons? We are removing patronage from the Ministers because we feel they may be corrupt, but the Public Services Commissions may be corrupt, and if we have no chance of removing any of their members what will the position be?

Dr. Shafa'at Ahmad Khan : Dr. Ambedkar has admitted that a member of a Public Services Commission can be removed by the Governor, and if that is so what is the use of the address by the House? It is very dangerous to have a Legislative body interfering in executive matters. We must keep the deliberative function of the Legislatures completely apart from the function of the Executive, and if we mix the two functions in a matter of this kind, where thousands of appointments may be at stake, I think we shall be inviting trouble and making the whole of the regulations regarding the Public Services Commissions completely useless and utterly futile.

Chairman : Would it be in accordance with the desire of the sub-Committee—I think the criticism made is rather cogent—that we should insert a clause to the effect that any member of a Public Services Commission holds office during good behaviour and is

removable by the Governor or Governor-General as the case may be? (*Agreed.*)

Sir Provash Chunder Mitter: So long as the Legislature is not specifically brought in, I am satisfied.

Chairman: Would that further amendment be in accordance with the wishes of the sub-Committee? (*Agreed.*) We shall consider it at the report stage; we are considering it provisionally now.

Now we get to Colonel Gidney's point.

Dr. Ambedkar: Before you proceed to Colonel Gidney's proposal, when the draft was first read out there was a clause stating that a member of a Public Services Commission after he had ceased to hold office as a member of such a Commission should not be eligible for service under the Crown.

Mr. Zafrullah Khan: We have that already with regard to the members of the All-India Public Services Commission, but I think it is only fair that with regard to the Provincial Public Services Commissions there should be a chance for any member to be appointed to the Central Commission. I think in Madras that is permissible, and with that exception the proposal is all right.

Chairman: What Colonel Gidney suggests is this. He states, as I follow it, that he is a member of a small community and of a community which, if I understand the circumstances, is particularly identified with work under Government in one capacity or another; and therefore he says, following what I think the Statutory Commission and the Government of India have said, that it would be very desirable from his point of view, and generous on the part of the larger communities, if they would authorise me to put into the report something in the nature of a pious expression of opinion to the effect that we trust that the peculiar claims of the Anglo-Indian community will not be overlooked. (*Agreed.*)

That might lead, as Colonel Gidney will realise, to every other community making a like claim, and if that was done nothing would be gained; but on the other hand he is relying on the generosity of the larger communities and his position is, as I follow it, somewhat peculiar. I therefore put it to the sub-Committee whether they will authorise me in formulating the draft, which of course is merely for the report stage, to make some recommendation on the lines of what Colonel Gidney has suggested, which I will read out again. It is as follows: "The sub-Committee realised that it is of vital importance to the continued economic existence of the Anglo-Indian community that they should receive special consideration in the recruitment of those Services with which they are, and have long been, specially associated, and in which they are rendering and have rendered such valuable service. The sub-Committee therefore recommends that the Public Services Commissions should be instructed to maintain for that community a due proportion of appointments in the Public Services."

May I take it the sub-Committee will authorise me to say something like that? I think it is quite true logically to say that the point is already covered, because all this does is to say they shall have a due proportion of the appointments; but on the other hand it does indicate the fact that we have had this point particularly in mind, and that we realise their peculiar needs.

Mr. Basu: You have stated certain reasons which I do not think it is necessary to cite—their economic situation and so on. There are various other communities which may raise a point on those grounds. There are millions in India who have suffered from injustice for a much longer time than the ten years of which Colonel Gidney has spoken, and their claims are probably more urgent than the claims of Colonel Gidney's community. We should not, in the report of a sub-Committee like this, give any special importance to the economic needs of any particular community.

Chairman: That is one view. I cannot press it further, but on the other hand I should like if possible to make some statement about the Anglo-Indian community. What is the view of the sub-Committee on that?

Dr. Shafa'at Ahmad Khan: I think that should be accepted.

Sir A. P. Patro: Yes certainly.

Sir Edgar Wood: They are in a very invidious position, as Colonel Gidney has explained. I think they are in an almost helpless position, and on that account I do not think it is inconsistent to mention them specially. I think most members here would be in agreement that their position is distinctly different from the position of any other communities whom this Commission will affect.

Lord Zetland: I should be very glad to support what Sir Edgar Wood says. I agree they are in a very special position, and I think we might well make some reference to the particular position which they occupy.

Dr. Shafa'at Ahmad Khan: This matter was discussed by us in the United Provinces in the Simon Commission two years ago. The member representing the Anglo-Indian community on that Committee brought forward his proposals and the members of the Committee unanimously approved of them. I feel, Sir, that if the request of Colonel Gidney is not granted, literally the community will disappear from the public and economic life of India. It is a matter, therefore, not of strict logic, but of justice, generosity and fairness. I do hope that members will really keep this consideration in mind.

Chairman: I am much obliged. I shall draft some resolution for your approval.

Mr. Basu: I wish to make it plain that I have no objection to the claims of this community being mentioned; I merely felt that it was not necessary to mention the reasons.

Chairman: I quite follow that. Now I think you had all better look at the other resolution, which I have numbered B.

Lord Zetland: There is the question of the declaration of rights.

Chairman: Yes, is it desirable or not desirable to have the declaration of rights? (*There was a show of hands.*) Those in favour of inserting a declaration of rights just win the day.

Mr. Shiva Rao: I want to suggest a slight addition in the last line of document A (3) (a), "by reason of his religion, caste or sex". I think "his" must disappear if we add "sex".

Chairman: Yes, there is no difficulty about that. Shall the declaration of rights be in the Instrument of Instructions or not? Well, I will draft something. Now may we consider B. I have had some suggestions made to me about B already, all of which seem to me to be improvements. I will ask you to read it through with me.

"We recommend that the Indian Forest Service and the Irrigation Branch of the Indian Service of Engineers should"—I suggest that we add: "no longer be recruited on an All-India basis" (*Agreed*) and strike out the words "be placed under Provincial management."

Sir Cowasji Jehangir: There are some Forest Departments already Provincialised.

Chairman: At present I want to put before you what the suggestion is. Will you therefore please strike out the words "be placed under Provincial management", and insert instead the words "no longer be recruited on an All-India basis".

"and we do not think it necessary to make any special recommendation with regard to these two services.

"we recommend that recruitment on an All-India basis should continue for the Indian Civil Service and the Indian Police Service (*Mr. Shiva Rao* dissents—"I do not know whether he is alone or whether there is anyone with him).

Dr. Ambedkar: My resolution is that except for the European element in these two Services, the rest should be Provincialised.

Chairman: I think that will have to be separately put in.

"(*Mr. Shiva Rao* dissent from this conclusion, and would desire that all Services be Provincialised forthwith)." I suggest that we add here this: "some members are of opinion that recruitment for judicial offices should no longer be made from the Indian Civil Service."

Sir Cowasji Jehangir: I think it should be "all members."

Mr. Chintamani: A large majority think so.

Raja Narendra Nath: I am not of that opinion, Sir.

Chairman: Let us for the moment have "some" and we shall see where we get to. "Some members are of opinion that recruit-

ment for judicial offices should no longer be made from the Indian Civil Service."

"On the question as to whether we should record any recommendation as to the desirability of securing a continuance of the recruitment of a European element in the Indian Civil Service and the Indian Police Service there was some divergence of opinion.

Some members of the Committee thought that any such recommendations would be out of place. They would leave it to the future Government of India to decide this question on its merits without attempting to influence that decision one way or the other." I suggest we add there, to make their view plain, these words: "They would leave to that authority"—that is the future Government of India—"the decision of all questions, conditions of recruitment, service, emoluments and control."

"Others, feeling that it was desirable to secure the continuance of the European element in the Indian Civil Service and the Indian Police Service, resolved to make a recommendation accordingly.

"It is, of course, a truism that it is not worth while to secure any European element unless the terms and conditions of service are such as to obtain for the Services the best class of men available." Now strike out the word "we," if you will, and put this in instead: "But those who are for continued recruitment in England are not in a position to come to any final conclusion as to what terms and conditions would have to be offered in the light of the new constitutional developments to bring about this result."

"If it had been necessary for us to come to any such conclusion many of us would have desired to have the guidance of an expert authoritative committee containing representatives of the likely sources of recruitment both in India and Great Britain.

We do not, however, conceive that we are called upon to perform any such task—for it will clearly be for the newly constituted Government of India to determine what number of European entrants should be brought into the Civil Service."

Mr. Shiva Rao: Could you add the words "if any" after the word "entrants"?

Chairman: Certainly. "—and to determine what terms and conditions must be offered to secure the required number of the best available class of candidates."

"No doubt such Government if it requires further guidance on the point would consider the advisability of appointing some such Committee—" The word "for" should come out. "And we do not doubt that that Government in considering the whole question of the reorganisation and readjustment of the departments of the Public Services will avail itself of the services of expert Committees." Add "when it may deem such guidance to be necessary."

“ In the meantime and until the newly constituted Government of India decides to the contrary the existing ratio of European to Indian recruitment as laid down by the Lee Commission would continue; and in view of the fact that it would obviously be undesirable to alter this ratio without due notice, some of us consider that this ratio should be definitely continued for a limited number of years.”

There remains the question as to what should be the new recruiting authority for Indian and European entrants into the Service; and it is clear that the recruiting authority and controlling authority must be the same.

Some of us take the view that in order to secure the best class of European entrants, control must for the time being remain with the Secretary of State; so that any European entrants into the Civil Service or Police Service will have the security of a non-votable salary, and the right of appeal to a minister responsible to the British House of Commons.

Others feel that there would be no insurmountable difficulty in securing the best class of European entrants if recruitment and control were exercised by a Central Public Service Commission in India removed from the influence of party politics, with a right of appeal for any Civil Servant against disciplinary actions to the Governor-General himself.

We recognise that it would be the logical position that when the new constitution is established, the recruiting and controlling authority for the Services should be the Government of India. It might be that they would consider that for the purpose of recruiting such European officers of the best class as—“ they ” instead of “ the Government of India ”—“ might desire it would be necessary that in the case of those recruits the Governor-General or some authority in England should be given ultimate powers in such matters as supersession, suspension, removal or dismissal.”

Gentlemen, that is the best I have been able to do in the early hours of this morning. I think we might now consider this.

Raja Narendra Nath: There is one thing, Sir, to which I will go back if you will allow me to do so. With regard to the Public Services Commission in the Provinces, I would give them the same powers of appeal against action taken on disciplinary grounds by the Minister or Government.

Sir A. P. Patro: They are fixed by rules.

Raja Narendra Nath: No, not in the case of Provincial Services.

Sir A. P. Patro: Yes, also.

Chairman: We will bear that in mind.

Mr. Mody: This morning we were considering the feasibility of setting up a Committee almost immediately, just as other Com-

mittees would be set up. We left the question without any decision. That does not seem to have been provided for anywhere.

Chairman: I do not mind telling you that I altered this thing in the light of this morning's discussion. I came to the conclusion that the suggestion of the Committee was more likely to bring a sword than bring peace. Accordingly I thought I would merely indicate in a non-committal way what I have no doubt would be the fact, that the Government of India acting on the dictates of ordinary common sense would themselves appoint a Committee, at the same time not taking it upon ourselves to recommend that it should be done.

Mr. Mody: I entirely agree, Sir, but the point is this, that the Government of India which would appoint a Committee would not be the Government of India as it exists to-day, but the Government of India of to-morrow. The object of setting up a Committee, on the point which was raised by Major Stanley this morning, would not be served by any of these recommendations. These are recommendations which would come into effect when the constitution came into effect. But supposing it was agreed to-day—I am not suggesting we are all agreed, but supposing that opinion was pronounced here, that it would be desirable to have a Committee set up, just as other Committees will be set up, almost immediately, then there is no provision in these arrangements for the appointment of such a Committee.

Mr. Chintamani: Sir, as I understand the statement which you have been kind enough to read to us, it purports to be no more than a fair statement of the opinions reached, or the opinions not reached, and the tendency of discussion which has been carried on here. It does not purport to pronounce an opinion on the merits of a single question, but it is a faithful reflection of the opinion of the sub-Committee on the various questions to which the note relates. We might divide our discussion now into two parts, and, if it is agreed, as I have stated, that it is a very faithful statement of the opinions so far expressed, it might be adopted as it is, and then on whatever question it is desired to have a further discussion, that discussion may take place, and, in the light of that discussion, any alteration in the present statement may be made after the discussion is over.

Sir Provash Chunder Mitter: Sir, as one of those people who suggested a Committee, I am perfectly satisfied with this statement.

Mr. Zafrullah Khan: Sir, may I suggest with regard to the Indian Civil Service that I do not think there was such unanimity that it should continue to be recruited on an All-India basis. I know that the moment you mentioned the Indian Police Service, everybody said: Yes, they must be continued to be recruited on an All-India basis. But there has been a great deal of discussion and some difference of opinion existed as to whether the Civil Service should continue to be recruited on an All-India basis. If the mem-

bers think this is properly drafted I have no objection. I did not take part in the discussion, but that is my recollection of it. Two dissented, but it was at your suggestion that the matter was left over.

Dr. Ambedkar : I am in favour of both the Services being on a Provincial basis, but I am prepared to make an exception in favour of the European element in those two services.

Mr. Zafrullah Khan : I agree with Dr. Ambedkar.

Sardar Sampuran Singh : I endorse the same view.

Chairman : I am much obliged. That will certainly go in.

Dr. Ambedkar : On page 2, in the paragraph beginning " No doubt such government if it requires," and so on, you have mentioned the question of the reorganisation and readjustment of the departments of Public Services, etc. May I know whether you will add also the question of the basis of salary, in view of the discussions that took place this morning.

Chairman : That comes within those words, I think.

Mr. Basu : Sir, I desire in my remarks to point out that we have stated here the Indian Civil Service and the Indian Police Service. One can understand our stating the Indian Police Service in this Report, because the Police is a department that one knows must be continued; but the Indian Civil Service as it has existed is a Service of a peculiar kind which may not be required in the way in which it now stands by the future Government of India. They may have specialised judicial departments recruited from practising lawyers; they may have a special customs department with men who are recruited because of their special qualifications for the customs, and so on. The Indian Civil Service as it existed, I believe, from the early days of the 19th century, from the days of Lord William Bentinck, is more or less an anachronism at the present day, and therefore what I wanted to say was if we state " The Indian Civil Service " we probably may be taken to have indicated that we desire that the Service as it has stood for one century should be continued; but that is probably not the intention of many of us.

Chairman : That is why I put in those words " reorganisation and readjustment." I contemplated it, of course, as certain that when the new Government of India starts functioning, its first task will be to look into the Services and see what should be done about that. It must do that, I should think.

Lord Zetland : On that point may I say this. Members who have spoken about the Indian Civil Service have, as often as not, suggested that members of the Indian Civil Service are mainly employed as specialist officers; but that is, of course, not so. Nearly all the Indian Civil Service Officers are employed as district officers, as district magistrates, revenue officers and so on; and if you are going to do away with your Civil Service, how is it proposed that the duties of district officers, revenue officers and so on are going to be discharged?

Mr. Basu: As I pointed out yesterday, the function of a district officer has changed. The district officer, say, about 60 years ago, was the man who looked after the municipalities of the towns within his jurisdiction, who looked after the roads, the dispensaries, and various other things concerning the district, who looked after criminal work, who looked after the police, and so on, but gradually he has been divested of a great many of his functions and new authorities have been set up who in many cases have nothing whatever to do with him. So in that way we have changed even under the hard and fast system under which we have been living. We have not succeeded in avoiding the stress of modern life, and we have done that, and every day we feel that stress, and it may be that there will be special revenue officers, for instance, so far as revenue work is concerned, where we are tapping new sources of revenue, and where we are having readjustments of the old sources; so that the kind of revenue work that our revenue officers have been used to, probably may not be the kind of revenue work that they will have to do in the future. As regards district administration, looking after the police, as I pointed out in my remarks yesterday, we have one superintendent of Police, an efficient officer, supported on many occasions by a Deputy Superintendent and an Assistant Superintendent, with a Deputy Inspector-General at the Divisional Headquarters and an Inspector-General at the Provincial Headquarters; and having regard to the facilities of communication we do not need, at the present day, we have not the same requirement for, a district officer who has all functions vested in him as probably it was necessary in the days when Lord William Bentinck established the system in the 'twenties.

Chairman: But we are not considering the reorganisation of the Civil Service. Our terms of reference are such that we can hardly consider that matter. I am getting as near the line as I can in this Report, and I have probably exceeded our terms of reference in many respects. We cannot have a general discussion as to what development of the Services will be necessary in future. That is a matter which will have to be considered by the future Government.

Sir Cowasji Jehangir: What we want to make clear is that we are recruiting for a Civil Service of the standard as it exists to-day. What work it shall do in the future is a matter with which we are not concerned to-day. If that is made perfectly clear in this Report—and I think it is very clear indeed—I have nothing further to say. I want your opinion, Sir. We are not committed by the Report as it is worded to a policy of continuing the Indian Civil Service with all the work it has got to do. We are not committed to that.

Chairman: I entirely agree with every word you have said. We are not committed to continuing it as it is. We are not com-

mitted to altering it. Either occasion is really outside our terms of reference.

Sir Cowasji Jehangir: We can recruit whatever number we want of the quality and standing of the I.C.S. in this method.

Sir Shah Nawaz Bhutto: We want to maintain it as it is at present.

Chairman: What shall we do now? Are there any amendments proposed to this. Let us have definite amendments if there are any; or some people may want to dissent altogether.

Sir Cowasji Jehangir: I should like my dissent noted. I should rather have the Irrigation Branch added amongst the All-India Services.

Mr. Basu: Limiting it to Bombay, or extending it to all the others?

Sir Cowasji Jehangir: It must be in all other Provinces. Irrigation is of such importance that I think that the Irrigation Department should be an All-India service.

Raja Narendra Nath: I agree with that.

Chairman: Four members of the Committee agree with that. Shall I simply say "some"? Or shall I name them?

Sir Cowasji Jehangir: Simply say four members.

Chairman: Very well. Nobody, of course, must regard himself as committed to a thing which I have just read out for the first time. All I am trying to do is to get a sort of draft Report to form the subject of discussion on the Report Stage.

Now, shall we discuss Number 5, "Recommendations concerning the Civil Branch of the Indian Medical Service"?

Lieut.-Colonel Gidney: Sir, being the only medical man in this sub-Committee, I find myself in the favoured position of having some personal and intimate knowledge of the subject we are now discussing. I, however, desire to preface any criticisms I may make with a high tribute of appreciation of the great and valuable services the Indian Medical Service has rendered to India. Till the introduction of the Reforms the civil medical service of the country was practically controlled by the Government of India, by the Director-General, Indian Medical Service, and in the Provinces by the Surgeons-General or Inspectors-General of Civil Hospitals. Since then Medicine has been an entirely transferred subject, in the hands of Ministers. The point to note here is that even after the introduction of the Reforms the appointments of Surgeons-General and Inspectors-General were retained, which work could easily have been performed by the Secretaries. This retention is, in my opinion, the reason of the present conflict that often exists between Ministers in charge of Medicine and the I.M.S. Heads of the Departments in the Provinces. Perhaps you may not know, Sir, that in each Province there are water-tight compartmental divisions in the Medical Service such as the I.M.S. civil assistant

surgeons, military assistant surgeons and sub-assistant surgeons, and though the Medical Service is the most highly scientific of all, it is the only Service in India in which a subordinate, however able he be, can never rise to the highest appointments; *i.e.*, once a subordinate always a subordinate. This condition does not obtain in England or in any other country. This is one of the reasons which accounts for the present state of discontent in the Provincial Medical Service. Moreover, Civil Surgeoncies in the Civil Medical Services are arbitrarily divided into different grades and classes—good, bad and indifferent. In addition there are certain professorial appointments in our capital towns, and there is no denying the fact that at present the plums of all these appointments go to the I.M.S. Indeed, until very recently most of the professorial Chairs were filled by I.M.S. officers. Bombay stands out in marked contrast with other Provinces in that most of these Chairs are held by private Indian medical practitioners. There also exists a marked difference in allotting posts to members of the Provincial Medical Service, with the result that the I.M.S. men usually get the best Civil Surgeoncies. Indeed, I would say that most of the selected and lucrative appointments in the Provincial capital towns are almost an I.M.S. family concern divided between four and five favoured officers. In this discussion I feel I must give you a true picture of what takes place in the Provinces, irrespective of the fact that I am a retired I.M.S. officer.

Now, Sir, there is no use claiming that because a man has an English degree he is therefore *ipso facto* fit for any special appointment. The degree does not make the doctor; the doctor makes the degree, but I feel I must admit that of all Government Departments in India the Medical profession is the ideal for Indianisation. India possesses a number of medical men, both surgeons and physicians, who are second to none in the world, and as a surgeon of over 30 years' experience, one who has held professorial appointments both in England and India, I am in a position to say that there are many Indian medical men who are as good as, and in some cases better than, members of the I.M.S., despite the many scurrilous and wholly untrue criticisms that have been made on Indian medical men—for instance, a recent book written by a judge of the Allahabad High Court, Sir Cecil Walshe. Judging from previous speakers, there seems to be a desire to separate, if we can, the I.M.S., from the Civil Medical Department and to constitute it into a purely Military Service. We have no concern with the Military Medical Department. We are here dealing with the civil branch only. The I.M.S., as it exists to-day is recruited by nomination—which I consider is a very faulty system. Sir, whatever decision we arrive at in this Committee there is one point which you have to keep prominently in mind, and that is that the system of recruitment for the I.M.S. is wholly wrong. Notwithstanding this, the fact remains that the I.M.S. is essentially and primarily a Military Service to-day; its surplus officers being utilised as a war reserve in the Civil Medical Services. These surplus officers

being utilised as such are appointed to the various Provinces as Civil surgeons, professors, etc.

Recently orders have been issued by the Secretary of State in relation to such civil I.M.S. officers, which have placed Ministers in charge of these Departments, as also civil and military assistant surgeons, in a very anomalous position, often resulting in conflict between the Minister and the Surgeons-General and Inspectors-General.

Sir, an I.M.S. officer is really an All-India Service officer, and he is really under the control of the Army authorities, which Department has a prior claim on his services. The Secretary of State, as the result of various petitions, has recently issued orders in which certain Civil Surgeoncies and Professorships have been exclusively allocated to British I.M.S. officers, others to both European or Indian I.M.S. officers, and others to Provincial Medical Service officers. These appointments have further been divided into those to which only European I.M.S. officers are eligible, and those to which only Indians are to be appointed. Objections were raised to this racial distinction but the recent orders of the Secretary of State state that the vested interest of I.M.S. officers must be maintained—which means that if an I.M.S. officer held an appointment as an officiating charge he has a lien or a vested interest in the appointment, and therefore he cannot be denied such a claim when the appointment falls vacant. This and other orders from the Secretary of State have certainly caused a tremendous amount of discontent among the Civil medical profession and the Provincial Medical Services; and, Sir, I frankly admit I am one with them in this feeling of discontent. I consider it is quite possible to evolve a scheme which will give the Indian Army a class of military medical officers, and at the same time provide a war reserve. Let the I.M.S. examination be by open competition, not by nomination, let this examination be held simultaneously in England and India, let those who are recruited from England be under the orders of either the Secretary of State or the Government of India, as the new constitution will sanction, while those who are recruited in India should be under the Government of India. This should be an All-India Service for the Indian Army only.

The Provincial Medical Service as it exists to-day should be scrapped, and reorganised on a better and more attractive basis. It should be open to all communities by open competitive examination conducted by the Public Services Commission and be exclusively used to supply all the medical needs of the Provinces. Appointments in the Provincial Medical Services should contain a clause that every medical officer should undergo an adequate annual military medical training so as to constitute a war reserve for the needs of the Indian Army; this Service to be under the control of Local Governments.

It is no use saying you cannot get suitable candidates. You can get them; but I feel I must admit that the class of candidates

we are recruiting to-day for the I.M.S. from England is not the best. They are not as good as are being obtained to-day in India and I speak from personal knowledge. I submit, Sir, that we should in this sub-Committee resolve that the Civil Medical Service should be recruited in the Provinces, that the recruitment should be by open competition, and that it should be entirely under the control of Ministers recruited by the Public Services Commission.

There is no doubt that the recent orders issued by the Secretary of State have created great discontent, and the only way in which we can remove that discontent is by having a Committee of Enquiry into the I.M.S. as it stands to-day. We have had many Committees of Enquiry but not one of their recommendations has been accepted. The Lee Commission accepted a recommendation by a R.A.M.C. officer of high standing, but even that was never given effect to. I submit that this question is so complicated and so intimately related with the needs of the Indian Army that a Committee of Enquiry should be set up at once. Now, Sir, I come to the question of Indianisation of the I.M.S. which this Committee must consider. In my opinion Indianisation of the I.M.S. must be considered in relation to the recommendations of the Defence sub-Committee so far as Indianisation of the Army is concerned, *i.e.*, *pari passu* with increased Indianisation of the Indian Army officers there should be a corresponding increase in Indianisation of the I.M.S., so that in time the I.M.S. will be an entirely Indianised Service.

The time has come when we must face things squarely and without prejudice, and I for one would give my hearty support to any recommendations based on what I have tried to outline. I, therefore, submit we should make some specific recommendation in this sub-Committee that the Civil Medical Services should be provincialised and placed under the complete control of the Minister, and that a Committee of Enquiry should be set up to examine the position of the I.M.S. in all its bearings, keeping in mind the recommendations of the Defence sub-Committee so far as Indianisation of the Indian Army is concerned.

Sir Provash Chunder Mitter: In the first place I desire to place some materials before this sub-Committee which will go to show how difficult and anomalous the present position is. The safeguarding of the existing members of the Services has already been accepted, so that those at present in the Indian Medical Service are safeguarded.

By the orders of the Secretary of State, passed after the recommendations of the Lee Commission were considered, certain districts were to be under the control of British I.M.S. officers. By a circular issued, I believe, speaking from memory, in May, 1920, not only were certain districts placed under British I.M.S. officers, but some of the most lucrative appointments in colleges were reserved for British I.M.S. officers. So far as I am aware, this is the first occasion on which the racial issue has been frankly raised,

between British and Indian members of the Indian Medical Service. There is no such racial issue in the Indian Civil Service or in any of the other All-India Services, and this has adversely affected the British I.M.S. more seriously than they seem to realise at the present moment.

There is a further difficulty. The Lee Commission, in the interests of British officials living in the mofussil, decided that certain British I.M.S. officers should be in those districts, but the British I.M.S. officers do not like to go to the districts; they prefer the more lucrative appointments in Calcutta (to speak of my own Province) and the appointments in the colleges, which are found to be lucrative; so that the local government—I do not speak of the Minister alone, but of the Minister, the Secretary, and the Governor—are placed in this very difficult position, that they want to carry out the orders of the Secretary of State about posting British I.M.S. officers, but they do not get loyal assistance from the members of the Indian Medical Service. That is quite apart from the question of whether the differentiation between British and Indian members of the same Service is right or wrong. The Secretary wants to help the Minister in carrying out the orders of the Secretary of State, and the Governor wants to help the Minister in carrying out the orders of the Secretary of State; but if the members of the Service are not very anxious to go to the mofussil it places the administration in a very awkward position. That is one difficulty.

Another difficulty is that it is not a question of dual control but of triple control, for Army Headquarters from Simla can pass their orders. That being the position, the fact is that to-day there is a tremendous feeling, even amongst the most moderate Indians, against the attitude taken by a limited section of the British officers of the I.M.S. A fair number of British officers of the I.M.S. see the difficulty and take a more reasonable view of the position.

If in the profession in towns like Bombay, Calcutta, or Madras there are not only Indian professional men who do not belong to the I.M.S. but also British practitioners with a large practice, the British commanding a large practice amongst the British and Indians, and the Indians commanding a large practice amongst the Indians and also amongst a fair number of the British, is there any reason why, in the large towns at any rate, it should be necessary to retain British officers of the I.M.S. for looking after the families of British officers? British officers in towns like Bombay, Calcutta and Madras can easily obtain the services of British medical men if they desire to do so. I can readily realise their natural desire to do so, but I also know that when it is a question of life and death neither the British nor the Indians would hesitate to place themselves under the treatment of doctors of another race. That being the position, is it right, is it fair, is it consonant with common sense, to force decisions in that way, quite apart from the responsibility which rests on the Government?

We have to approach this question mainly in connection with our terms of reference, the relations of the Services with the future constitution. From that point of view all the arguments which have been advanced with regard to the All-India Services apply, but, apart from the arguments advanced with regard to the All-India Services, the arguments in favour of a separate Indian Medical Service lose much of their force. It is not a Security Service. I am one of those who believe in give and take, and I am one of those who believe in safety. Therefore as regards the Indian Civil Service and the Indian Police Service I am in favour of giving powers of recruitment for some time to come. I know many of my friends do not agree with me. But that is a different matter. The arguments with regard to security and safety cannot possibly apply to the Indian Medical Service, and therefore I am not in favour of recruiting the Indian Medical Service as an All-India Service.

At the same time, from the point of view of giving medical relief I welcome any good medical man, whether he be British or whether he be Indian, in India, and the really good British medical man has nothing to fear. I know there are many good British medical men who command a large practice in the important towns, and I also know that because some British medical men have been placed in positions which, according to the judgment of the public and the judgment of the profession, they do not deserve to hold, they do not get that amount of practice which they would have got, but for this prejudice against them.

I am therefore in favour of not retaining the Civil Branch of the Indian Medical Service as an All-India Service, but there is one point on which I think it is only right that I should touch. There is the defence point of view, that there ought to be an Army reserve for purposes of defence. You may have that Army reserve; first of all, in the Army itself; a fairly large number of British medical men serve with the Army. If their present pay is not attractive, that is a question which you may consider on its own merits; but to compel the Provinces to pay, with the money of the tax-payers, for a function for which the Provinces are not responsible is not the right way to deal with the situation.

The Army also requires Indian medical officers, and with regard to them I would say that you can give them a course of training so that they may serve as a reserve for the Indian Army. With regard to the British Army reserve, you have a fair number of British medical men in India to-day, and you may also train them, if you like, as a reserve for the Army. But those are questions which, if you do not consider them from the constitutional point of view, will lead to such confusion that the results will be disastrous, and therefore I will answer the question by saying that the I.M.S. should no longer be an All-India Service, subject to the requirements of the Army.

Lord Zetland: This question is admittedly one of very great difficulty. It has been considered by many bodies for many years past, and it may at first sight seem anomalous that you should have have serving in a civil capacity under the Provincial Governments a number of military doctors. Let us just understand, however, what the exact position is. By far the greater part of the medical work done under Government—and when I use the word Government I mean, of course, all the Provincial Governments and the Central Government—in India is not done by the I.M.S. officers at all; it is done by the Provincial Medical Services. These are recruited by the Provinces and over them the Provinces have complete control, just as they have over other Services like the Agricultural Service and so on. That being so, anyone who does not know what the situation is might very well ask why you should insist on the employment, under these same Governments, of a limited number of military medical officers.

The answer to that question is quite simple, and it is twofold. It is in the first place what has been pointed out by Sir P. C. Mitter, that from the point of view of the general economy of India it is economical to employ your surplus military doctors, whom you may require to call up in time of war, in a civil capacity during time of peace. That is the first answer to the question.

The second answer to the question is that rightly or wrongly—but you cannot get over the fact—the European members of the Services do demand that there should be within reasonable reach of them and their families, their wives and their children, a European medical officer. It may be thought that that is an unreasonable prejudice, but you cannot get over the fact that that prejudice exists. The Le Commission, which made its report only some six years ago, and on which there were certainly four Indian members, said that the almost universally expressed anxiety of British members of the Services in India to have access to British medical advice for themselves and their families was intelligible, “and in our opinion”, they said “this provision is vital to their contentment”. That, therefore, is the second part of the answer to the question why a number of military medical officers are employed in civil employment under the Provincial Governments in India.

May I just point out, Mr. Chairman, that as a matter of fact the number of officers so employed is comparatively small. In the whole of India there are only 200 odd posts reserved for members of the I.M.S. and those are not exclusively reserved for European members of the I.M.S.; a portion of them are available for Indian members of the I.M.S.

A number of these posts are posts under the Central Government—special posts in the Agency Tracts and in places like Baluchistan and so on. The actual number of posts reserved for members of the Indian Medical Service in the Provinces in India—that

is to say, officers serving under Provincial Governments—is at the present time only 178.

Of those 178 posts, while I have not in my mind the exact number I think only 112 have been reserved for European members of the I.M.S. Those are the answers to the question why for a long time past military medical officers have been employed under the Provincial Governments in a civil capacity.

I should like to refer for a moment to the point raised by Sir P. C. Mitter, when he said there was difficulty in persuading these members of the Indian Medical Service to take up posts in the mofussil. He said they preferred to serve in the big towns such as Calcutta, where the amenities of life were greater and the remuneration which they were able to obtain for their services greater still. May I point out to Sir Provash that it is quite definitely laid down where these persons are to serve, and, taking the case of Bengal, I find that 13 out of the 22 posts reserved for I.M.S. officers in Bengal are in the mofussil. That is laid down.

Sir Provash Chunder Mitter: If I may comment on that, very many members—British members—of the Indian Medical Service object very strongly to going; they put forward some excuse or other, and it has been very difficult for the local Government to deal with the situation. They could force them to go with the help of the Director-General, but that is a different matter. They went most unwillingly.

Lord Zetland: If that is so, may I say the local Government failed in the proper discharge of their duty, because, as I have already pointed out, the whole object of reserving a certain number of posts for European members of the I.M.S. is to secure that the other European members of the other Services shall have, within access of themselves and of their families, a European medical officer. It is for that reason that the districts in which the European members of the Indian Medical Service have to serve in Bengal are specifically laid down.

Sir Provash Chunder Mitter: The local Government did not fail in its duty, but in view of the discontent in the Service it was very difficult to discharge that duty.

Lord Zetland: I am at least glad to hear that the Government of Bengal did not fail in their duty, and if they did not fail in their duty then they did send these European members of the I.M.S. to the mofussil districts which are reserved for them under the orders of the Secretary of State.

I have nothing more to say on this subject. To the best of my ability I have put before the sub-Committee the reasons for the present position, and since it has been held by so many bodies, including the Lee Commission, that it is vital to the contentment of the European members of the other Services that they should have this form of medical service available to them, I do not myself see how,

for the present at any rate, we can get away from the existing system.

Lieut.-Colonel Gidney: Will the noble Marquess tell me, with reference to the need of European doctors in the Provinces for the medical needs of the European officers and their families, could not that be just as easily obtained by the reorganisation of the Provincial Medical Service into which Europeans should be allowed to enter at a certain ratio? You would then not only supply your needs for the European officers and their families, but you would also give a European introduction to that service. Might it not be done in that way, and so retain your war reserve, retain your prejudices against Indian Medical men, and also supply employment for Europeans?

Lord Zetland: If the Provincial services could guarantee that they could recruit the number of European medical officers required, that part of the problem could be dealt with in that way; but I still fail to see how that would provide for the medical reserve for the Army.

Lieut.-Colonel Gidney: I mean let every member of that Service be subject to a military training such as you have in England. For the R.A.M.C., the Territorial Force Medical Service is the reserve in time of war, the same in India, we have an Indian Territorial Medical Service, and we have a Medical Service attached to the Auxiliary Force. Can it not be done in that way, so that the members of the Provincial Service may receive a military training every year as a term of employment?

Lord Zetland: Then as far as I can see the position would differ very little from the position now. You would still have your number of medical officers. Those medical officers would have to be military men if they are to be qualified to serve with the Army in time of war, and I really cannot see any difference between that proposal and the existing system.

Mr. Basu: The question we are considering is whether this medical service shall be Provincial or Central. The Marquess of Zetland has referred to two very important considerations. One is our defence requirements, that is to say the creation of a body of medical men to be drawn upon in case of war. The other is the need of British officers in the other Services. As regards the military requirements, Colonel Gidney has pointed out that there is no dearth of qualified medical men in India. In fact during the war India did supply a very large number of medical men who distinguished themselves not only in the Eastern theatres of war but also in the Western theatres of war, and they did not fail in their duty.

As regards the second point raised by the Marquess of Zetland, he is aware that during the war practically the whole of India was almost denuded of all European medical officers, and various important charges, like the charges of districts, and professorships at the various medical colleges, had to be entrusted to Indians.

The British officers in the other Services that were there at the time did not make any objection, probably in view of the exigencies of the war. There has been no complaint that their medical requirements were not properly looked after by the Indian medical men who were then drafted into the service of the State during those four or five years. Those men were either independent practitioners not in the service of the State, or were Assistant Surgeons, or men with medical qualifications obtained at the various Medical institutions and hospitals in India itself. Where you make certain reservations of posts for European medical officers, you do it to satisfy the so-called needs of a very few persons. In some districts there are three or four or five European officers, and you force upon the local Government a very highly paid officer for the purpose of satisfying the so-called requirements of those few men. That is a very great injustice to the general tax-payer, when it has been found in practice that Indian medical men can do the work just the same. I am told, sir, that there are about 200 Indian medical men settled down in this country, in England, practising here to the satisfaction of their patients, and their patients are not Indians. Of course, there is that prejudice to which Lord Zetland has referred, but we all know, sir, that prejudices have to die down at some time or other, and the sooner they do the better.

There is one thing further: In the principal towns like Calcutta and Bombay, there are quite a number of European medical men who are not in the service of the State. Calcutta has a very large European population, and there are a good many English medical men there who are practitioners without being in the service of the State. Having regard, as I said on a previous occasion, to the facilities of communication, it is not difficult for them to visit the districts and to reach any patients who may require to be treated:

Further, sir, so far as Bengal is concerned, it is almost the general rule, and there is a very well equipped hospital, specially set apart for Europeans, known as the Presidency General Hospital in Calcutta, which is one of the best equipped hospitals in India. In all cases of serious illness amongst Europeans, whether they are in the service of the State or whether they are non-official, they always go to this Presidency General Hospital where they have the benefit of the best treatment. So that the treatment in the districts is practically nil for all practical purposes. Medical men are there; very little occasion arises for their services to be requisitioned, and their services are requisitioned by a very small number of people. You have to consider all those things.

On the other hand, sir, as Sir Provash has pointed out there has been a great deal of heart burning in India owing to the way in which the medical service has been recruited centrally by the Government of India. You do not consider the needs of every Province. In my Province, as the Marquess of Zetland very well knows, there are certain peculiar health problems, and we want a

particular class of medical man. The Government of India, on the other hand, drafts on us a number of their I.M.S. men of a type which we do not require. On the other hand, if we could have utilised that money in providing the class of medical men who could successfully deal with the particular kind of deficiencies in public health with which we are faced, we could have got on better; there would have been better treatment from the point of view of health. So I submit, sir, that from practical considerations and from considerations of sentiment, it is necessary that the Civil Medical Service should no longer be Central but should be Provincialised.

Sir Edgar Wood: Sir, as Lord Zetland has remarked, this is a very difficult question indeed. I think it is very closely bound up with this question of recruitment of Europeans for the Services in India. I do not think that, unless some provision is made for medical attention by European doctors, the response to a demand for recruits for India will be such as it ought to be. That is why the Lee Commission has provided a certain ratio of recruitment to the Indian Medical Service. I certainly do visualise a time when the European private practitioner will come out to India in larger numbers, and the European needs will be met in that way. We cannot merely judge this matter on sentiment; it is a question of hard facts, that Europeans have a preference for being medically treated by their own people at present. I have often gone to an Indian medical man, and I have never regretted it; but we have to remember that if Europeans are to be recruited, European medical men will have to be provided I think. It is, as the Lee Report says, vital to the contentment of the services.

I would very much like Sir Provash to let us know his ideas on this question of military service. How is he going to get over that? The I.M.S. are required for military service, and we cannot in saying that we will do away with those, forget that they are for a specific purpose as a reserve, besides for the purposes of attending on Europeans. As I say, there will probably be a time when private European medical practitioners are there, and that would meet Sir Provash's objection to making a definite service of it. But he would have to add to that, I think, that he would be prepared to give an allowance to Europeans to pay for the services of these private practitioners, because at present a free medical service is provided. If he would agree that it would be quite reasonable to pay allowances for medical fees, I think perhaps it would be largely met in that way. But I cannot see yet how he can get over this question of liability for military service.

Sir Provash Chunder Mitter: There is a question of providing for military service, but with that there is the natural desire of the British members of the Services to be treated by their own countrymen. As regards the natural desire of the British members of the Services to be treated by their own countrymen, I am willing to concede that those British members of the Services who

are in the mofussil, in the country districts, would be treated by their own countrymen; but I hope Sir Edgar will also concede that those British members of the Services who are in Calcutta or near chief towns where British medical men are available, would not insist on British members of the Service being posted there. Then as regards those who are in the country districts, the Provincial Medical Service may consist partly of Indians, partly of British and, if need be, partly of Anglo-Indians, if the British members have no objection. Then they can ordinarily be posted in those districts and that will meet that desire.

As regards the Army Medical Service, I have two points to make. The first is that after 1921 the Central Government is responsible for Army administration, and this is really a legacy of the past, before the separation of parts. Now after separation of parts of the Central Government and of the Provincial Government, it is unfair to fasten upon a Provincial Government the duty of meeting Army expenditure. But it may be said that a Provincial Government is dealing with a part of India, and from that point of view I am quite willing that the Provincial Government should be ready to take a certain percentage on their own terms. The Provincial Government would take a certain percentage of the Indian Army Reserve, British or Indian, for temporary employment, say for five years at a time. After one set goes, another set will come. That is a general principle. We are here dealing with general principles; we are not here dealing with details. I am quite ready, if necessary, to say it can be done. I will explain it. Lord Zetland has given us some figures, and I believe those figures are accurate, though I do not carry them in my head. We want a comparatively small percentage of our total requirements to be employed in the Provinces. At the present moment all that percentage is taken from the top. There are military surgeons; there are military assistant surgeons; we take both. We may take a certain percentage of military surgeons and a certain percentage of military assistant surgeons; but that ought to be a matter of negotiation between the Provincial Government and the Government of India, provided those officers can discharge the needs of the Provincial Government. Speaking for myself, although Mr. Chintamani says he does not agree, I am quite willing to go into that matter; I think it is quite feasible. But what I do particularly object to is this anomalous constitutional position. It is not really possible for the Constitution to function if you have two or three authorities butting in, and if, on top of that, the British officers, who ought to look after the interests of their own countrymen, object to going to mofussil stations because it is not attractive enough.

Lieut.-Col. Gidney: Sir, may I add something to an important point in view of the remarks made by Sir Edgar Wood. I sympathise with the demand of European families requiring their own doctors. Might I tell this Committee that at present there is a Secretary of State's order which gives to every official of non-Asiatic

domicile the right to consult any surgeon or physician. The fees are paid by Government, the travelling allowance is paid by Government, the medicines are paid for by Government, the nursing charges are paid by Government, the only expenditure that the official incurs is for diet and the hospital charges for accommodation. So that, Sir Edgar, you really have that privilege already in abundance. May I add that this order perpetuates racial discrimination between persons of Asiatic domicile and persons of non-Asiatic domicile. Any officer of the I. C. S. or any other Service including Railways, cannot get such free specialistic treatment if he is of Asiatic domicile. It will thus be seen that European medical attendance, free of all charges, is given to all British officials.

Sir Edgar Wood: Not from a private practitioner, I think.

Lieut.-Col. Gidney: Yes, anybody, the medical officer of the station, or the railway, or the department concerned has the power under the Secretary of State's order to recommend specialistic treatment for his non-Asiatic domiciled staff.

Sir Edgar Wood: That is not ordinary treatment; that is specialist treatment.

Chairman: Your resolution, Colonel Gidney, was I think to this effect: That the I. M. S. should in future be recruited entirely on a Provincial basis, organised, if you like, as before, entirely on a Provincial basis; that the Provinces should endeavour so to organise their services as to have available a number of doctors for a war reserve, and to have European doctors within reasonable reach of those stations to which European members of the Civil Services are appointed. I think that was the effect of your resolution?

Lieut.-Col. Gidney: I did not ask that the I. M. S. should be a Provincial service. I asked that there should be a separate Provincial Medical Service.

Chairman: Would you mind, Colonel Gidney, sitting down and writing down what you do mean? Let us adjourn to give Colonel Gidney time to write that down.

(The sub-Committee adjourned for a short time.)

Chairman: Colonel Gidney's resolution is not yet available, but as soon as I get it I will have it read to you.

Sir Cowasji Jehangir: I am not going into the details about the re-organisation of the Service. Colonel Gidney has gone into the subject of the re-organisation of the Service, though we have not yet seen what his intentions really are, but I am going into what I would call the crux of the question so far as we are concerned and so far as it has been criticised in India and dealt with by the reports which we have had placed at our disposal.

I touched on the main question on the last occasion when I spoke, and I am not going to repeat myself. The position is that there are 237 posts reserved for the I. M. S. in the Civil Department, out of which 178 are in the Provinces. Out of those 178 posts, 112 are reserved for Europeans. The Europeans must hold

112, and the remaining 66 are open to either Europeans or Indians. That is the position in the Provinces. In the Government of India there are 59 posts reserved, out of which 31 must be for Europeans, the remaining 28 posts being open to both Indians and Europeans.

I have not yet been able to fathom why in the Government of India a certain number of posts should be reserved for Europeans, but we know why in the Provinces these posts have been reserved for Europeans. They are, as explained by Lord Zetland, for certain districts which have a small European population who demand that they shall be treated by their own countrymen, and therefore, if you look through the main list, you will find that all the important districts in each Province are reserved for Europeans.

Most important districts are reserved for Europeans, that is to say, the places in which there is a big private practice, which brings in a very handsome income indeed, are reserved for Europeans on the ground that a very small—an infinitesimal—population in that district happens to be European. In some districts there are only 25, 30, 40, or 50. In the United Provinces, I find Benares is included. In Bombay, anyone knowing Bombay will realise that these are the most important districts—Ahmedabad, Poona, Belgaum, Mahableswhar and others. All these are reserved for Europeans. All the private practice goes into the hands of those men and that is the complaint of the private medical practitioner and of the Indians in the Indian Medical Service—this racial discrimination.

We have received the explanation. Whether that is a sound explanation or not is for the delegates to consider. I can understand, Sir, any national, whether he be German, French, English, or Japanese, stating that if he goes to serve in a foreign country he can demand from his Government the services of members of the medical profession with qualifications equal to those held by his own countrymen in his own country. I can understand that demand. It is a legitimate demand and a fair demand, both for himself and for his wife and children. But I cannot understand a demand that that man, who has those qualifications, should also have a white colour and not a brown colour. There are large numbers of Europeans—English, French and German—in Japan. The Japanese have got the highest qualifications, and although there are European practitioners in Japan I know that the Europeans go to the Japanese practitioners, because they are better, and better qualified.

With regard to what happens in the big cities of India, I can speak with experience of Bombay, where the biggest practices are held by Indians with qualifications equal to any that be can obtained in the world, and Europeans go freely to them by choice, although there are numbers of European practitioners in the city; because after all, when it is a question of life or death, as has been said, it is not a question of colour but of skill. You trust your life to the best man, whether he be brown, black, white or any other colour. Therefore the demand is legitimate, fair and just that

wherever there is a small population of Englishmen the Government should make available a practitioner with qualifications to their satisfaction—not to the satisfaction of Government, but to their satisfaction.

Mr. Shiva Rao: Suppose they want a London M.D.

Sir Cowasji Jehangir: No, they cannot have a man with a London M.D., but a man with English qualifications.

Mr. Shiva Rao: Does Sir Cowasji suggest that Indian Medical Degrees are inferior to English, or what is his suggestion?

Sir Cowasji Jehangir: No. I have already stated what I suggest. I say an Englishman in India, if he is serving in India, can demand from his Government a man to treat him with qualifications equal to those he can get in his own country.

Mr. Chintamani: His Government?

Sir Cowasji Jehangir: The Indian Government is his Government; he serves in India under the Government, and the Indian Government is his Government. I think he can legitimately demand a man with the qualifications he could get in his own home, but beyond that he has no further right to demand anything, and the main point is that it is not difficult for Government to recruit such men in India to-day. They are to be found by the dozen.

They are prepared to go into the Provinces if you pay them. If you can pay an English civil surgeon Rs. 2,000 a month to go to Ahmedabad, why not pay an Indian with better qualifications the same amount to do the same thing? Why does the question of money come in? A brown doctor with a London M.D. is worth the same money as a white one, and if Government pay Rs. 2,000 to send an English qualified man to Surat they should be prepared to pay a brown man the same amount. I therefore contend that would be a just claim and a claim to which we can agree with some equity and justice, but I think this great injustice to the Indian Medical profession should now come to an end, and we should un-animously agree that there should be no distinction on grounds of colour in this Service.

I am not going into the question of re-organisation; that is a very big question which will have to be decided later on by a Committee—as to how many I. M. S. men should be in the Provinces, and whether they should be recruited by the Provinces as a reserve for the Army. That is a question to be discussed later on, a question for the Government of India of the future to decide. We are mainly concerned with this problem which is facing us in India, and about which there has been all this criticism and heart-burning, and we have come to feel that the criticism is justified and that the heart-burning has a foundation which, if not attended to, will create more bitterness and will make things impossible for Government in the future.

We have protested against this order, but naturally we have had no chance of being so effectively. Just as some of our friends have

put their case frankly, from our point of view we have attempted to do the same. If we succeed, well and good; if we fail, we shall be told by our countrymen that we may have succeeded in bringing back a full measure of self government, or perhaps not the full measure of self government that we hoped to get, but that we have not removed a distinction in the public service prejudicial to Indians, which is not only a question of a few posts, but which is an insult to a great Medical Service in India, a Service which has produced men with qualifications equal to any in the world, a medical profession which is second to none, as Colonel Gidney has said, and surgeons and physicians of a class of which we are now proud, both in the city of Bombay and in the Presidency, and I trust in the other big cities and Provinces of India. I trust, therefore, that whatever you are doing about reorganisation you will pay attention to this point. I am not really interested in re-organisation, but I am interested in the removal of this distinction. Put a limitation as to qualifications by all means; we are prepared to produce the men; but no further are we prepared to go.

My proposal is that in certain districts where there is a European population there should be a standard of qualification for the civil surgeon, but no colour bar; he must be an English qualified man, French or German.

Mr. Shiva Rao: But not Indian?

Sir Cowasji Jehangir: He should have the qualifications which Government considers are satisfactory for the people whom he is to treat there.

I think that is as far as we can go, and we can go no further. Remove the racial bar, and I am quite prepared not only to suggest it here but to justify it in India. I think that is as far as we can go.

Sir Robert Hamilton: May I ask Sir Cowasji Jehangir if he envisages it as an All-India Service?

Sir Cowasji Jehangir: Which Service?

Sir Robert Hamilton: The Indian Medical Service.

Sir Cowasji Jehangir: It is not a question of the Indian Medical Service. I am dealing only with the question which has arisen out of the problem of the I. C. S., which has necessitated through the demand of a certain section of the public the posting of only Europeans to certain important districts. The easiest way in which they could do it was to recruit the men from the I. M. S. and that was how they did it. Posts have to be found for a certain number of men of the I. M. S. The number is 302. They have assigned a certain number of posts all over India to those I. M. S. men. They found that was administratively convenient. Every Government will have to have a reserve for war time. Then they found this other problem which had arisen where certain districts had to be furnished with an English medical officer. Naturally they drew upon the reserve of the I. M. S. Why should they go out and find Englishmen to employ when they had a certain number of English-

men whom they had to employ? Therefore they posted them to those positions, and they made it absolutely incumbent upon any Provincial Government to post those Englishmen to those positions.

Chairman: I have now got the draft of Lieut.-Colonel Gidney's resolution which I now see for the first time. I think that it would be convenient that I should read it:—

“ The sub-Committee recommends that, subject to the rights of existing members of the Service, the Indian Medical Service in the future should have no prescribed share in provincial medical appointments. The Provincial Medical Services should be re-organised and made available to attract the best medical men, whether European or Indian. Recruitment should be made from all classes, with a certain number of Europeans. These Provincial Services should be placed under the control of the local Governments, but certain special appointments, such as those under the control of the Government of India, and for such Institutions as the Presidency General Hospital of Calcutta, the St. George's Hospital of Bombay, and a few others, should be held by British medical officers. To provide a war reserve of medical officers for the Army it should be a condition of employment in these Provincial Medical Services that members should undergo a military medical training. Arrangements should be made as far as possible for the European members of these Services to be available for European officers and their families. Where such arrangements cannot be made, European officers and their families should be allowed to have the services of private European practitioners free of cost.”

I am not sure that it would not be a convenient plan if Sir Cowasji Jehangir between now and to-morrow morning were to look at this and see if he could cast his observations into the form of a resolution.

Sir Cowasji Jehangir: I can do it straight away.

Mr. Shiva Rao: May I ask if it is necessary for us to go into such details with regard to this Service? Surely it is quite enough for us to lay down certain principles.

Chairman: I agree that we need not go into these details. If we indicate that reorganisation should take place, as Colonel Gidney indicates, I think that he will probably agree that the rest is hardly for us. Obviously we cannot go into details.

Mr. Chintamani: Colonel Gidney's resolution is good in parts, is not very intelligible in other parts, and in any case it is both unnecessary and, in my humble judgment, beyond the scope of the reference made to the sub-Committee. We are called upon here under Head 5 to make recommendations concerning the Civil Branch of the Indian Medical Service. What should be done with the medical services other than the I. M. S., by whom and when it should be done, are not questions that are left to us for consideration. —Limiting myself to the reference here; “ Recommendations concerning the Civil Branch of the Indian Medical Service ” my

answer is simple and brief. There should not in future be a Civil Branch of the Indian Medical Service. The Indian Medical Service owing to its nomenclature is very greatly misunderstood by the man in the street as regards its purpose. He is apt to think that it is a Service with which Civil administration is concerned, like the Indian Civil Service, or the Indian Police Service, or other Services so designated. The Indian Medical Service is a purely Military Service. In my opinion it should be limited in its activities to the Army, and it should not be allowed to spread its tentacles to any Branch of Civil Administration. The evil of the present system has been repeatedly stated, and has been felt not only by politicians interested in the advancement of their countrymen, but by Provincial Governments. For example, as long ago as 1907, one of the strongest bureaucrats, Sir John Hewett, came out with a long and a loud complaint before the Decentralisation Commission on the ground that Provincial Governments had been reduced almost to impotence by the intervention of the Government of India in matters medical owing to the fact that the Indian Medical Service is a Military Service whose officers are employed in Civil Administration. If there is no Civil Branch of the Indian Medical Service it will be for the Army to consider what should be the numerical strength of that Service for the Army itself. It is not for us to indicate, even if we were competent to do so. Once this preliminary difficulty is got over, it will be for the Central Government and for the various local Governments to consider in what manner they will constitute their respective Civil Medical Services. There are already Provincial Civil Medical Services, and so far as they go, no problem is presented for solution. With regard to officers of a standing over and above the Provincial Medical Service, officers with higher qualifications or with greater responsibilities, that is a matter which has to be examined in detail by competent persons responsible to the Government of India, and thereupon it will be for the Government of India and the local Governments to take the decisions. I am now called upon to answer only one question that has been put, and that may be said to have been the most formidable argument against the constitution of a separate and distinct Civil Medical Service in India. That argument relates to the requirements of the Army in time of war. The Army draws upon the I. M. S. officers in civil employ to make good the medical requirements in time of war. It is said that if this is not done an Army reserve of medical officers would have to be maintained and paid for at all times which was on duty only when there was a war. The remedy for that is the same as is indicated in one of the paragraphs of Colonel Gidney's resolution, namely, that every medical officer engaged by the Central Government and by every Provincial Government should be required to undergo military training which was such that the Army authorities and the Government might prescribe, and to satisfy the same requirements of fitness, for such services they may be called upon to render, as the officers in the I. M. S. now fulfil. The suggestion that has been made to-day by Colonel Gidney is at least 11 years

old, because it was put forward by competent medical opinion before the Committee on the Reorganisation of Medical Services appointed in 1919. The question was again examined by the Esher Committee. It has been examined many times by various Committees. If now on the question of separation of the Civil from the Military we should be content with a recommendation that the matter should again go before another Committee, I should strenuously oppose any such recommendation on the ground that we have had enough of Committees on Medical Services, not one of which has led to a conclusive result, and the recommendations of not one of which have commended themselves to the military, or to the civil authorities or to the unofficial population. All material that can possibly be required by anybody who wants to reach a judgment on the subject is there embodied in Blue Books. The decision has to be taken. The military will care for themselves. The Civil Government can provide for its own requirements, and, in the interests of the taxpayer, who should not be asked to spend more than is necessary, the Civil Government should agree to insert a clause in the contract of service of civil medical practitioners that they shall agree to undergo such training as may be prescribed for them, and to render such service as they may be required to perform, being given additional remuneration for the additional obligation such as may be considered to be reasonable. I think, Sir, that this will be the simplest, as it is the most obvious, and I venture to think the most reasonable, answer that can be returned to this reference as to what shall be done with the Civil Branch of the Indian Medical Service.

Major Stanley: Although we do not quite know the exact form in which the resolution to be put forward is going to be put I think that the general principle which we have to decide is fairly clear. Lord Zetland stated very plainly the two objections that we feel to the proposal, but having stated those objections it is of course open to consider whether there are alternative methods to those at present in force for meeting them. First of all, with regard to the question of the Army reserve, I quite appreciate that it might be possible to meet that case by insisting on reservists among those employed by the Provincial Medical Services, but I would call the attention of the Committee to the document which Sir Cowasji Jehangir quoted, the reorganisation of the Medical Services in India on the question of war reserves. It is pointed out there by the Government of India, that from the military point of view alone the reserve will have to consist of 134 British medical officers, the reason given being that in case of emergency British officers will not be able to be recruited in India, and that, therefore, a larger number of reservists actually on the spot will be required than will be the case as regards Indian Medical Officers. Therefore one of the things which the recruitment of reservists by the Provincial Governments would have to deal with would be the provision of 134 British members of the Provincial Medical Service.

Mr. Chintamani: Not merely Provincial—including Central.

Major Stanley: I thought that the point there was that whatever adjustments may be made between the Provincial Governments and the Central Government nobody would think of a scheme which made the Central Government keep 134 British medical officers unemployed in case they might at some time or other be required for war.

Lieut.-Colonel Gidney: Why British only?

Major Stanley: The other branch of the question was the one with which Sir Cowasji Jehangir dealt: the desire of the British Civil Service for medical treatment by British officers. He said rightly that that was prejudice. There is a desire on their part, and it is a desire which some of us would not share and perhaps cannot understand, but still the fact remains that it is there. Those who are already recruited have been recruited on the understanding that that medical treatment would be provided for them. Those who remain to be recruited may be deterred by the knowledge that the right which has been granted to previous entrants into the Service is to be denied to them.

Mr. Shiva Rao: Is Major Stanley quite sure that that has been guaranteed to every member of the Service?

Major Stanley: I do not say "guaranteed," but it was the practice under which they were recruited. I think that most people would agree that, whatever may be the legal effect, the new recruits did enter under that obligation of the Government which they serve. I should rather like to know what is the practical effect. Sir Cowasji Jehangir will see that this reorganisation envisages what is clear to everybody, namely, that the proportion of European medical officers will gradually decrease. As the proportion of European members of the Services decrease, so also will be necessity from this point of view decrease. I may point out that the effect of this circular, as stated in it, was to release 90 posts which had hitherto been held by the I. M. S. for the Provincial Services. Nobody would suggest, I imagine, that the existing European members of the I. M. S. should be thrown out of the Service. Everybody will agree that their position has got to be safeguarded, and they have got to be retained so long as their service lasts. Therefore it really comes down to the amount of European recruitment which is going to be made in the future. I do not know if any member of the Committee can tell me, first of all, what that amounts to in a year, and, secondly, if anybody can have any idea how that recruitment is going to be affected by the decrease in the numbers which is envisaged by the circular.

Because it seems to me quite possible that, whatever the theoretical aspect of this may be, in practice, if you join the two things together, the recruitment of Europeans for the Indian Medical Service, not from the military point of view but from the point of view of safeguarding the desires of the Civil Service, is practically going to cease.

Mr. Chintamani: I am not in a position to answer the last question of Major Stanley as regards the number of officers that

may be required. I will attempt an answer to his earlier questions. The first related to Army Reserve, and the principal point that he made, if I understood him aright, was that the Secretary of State stated that 134 British officers would be required as an Army Reserve. It should be remembered in this connection that the I. M. S. is for the Indian Army and not for the British Army in India, not for the British garrison in India but only for the Indian troops. The British garrison in India is served by the officers of the R. A. M. C.; the Royal Army Medical Corps, the work of which is limited to the British Army in India. So that when we think of military requirements in connection with the I. M. S. we have only to think of the Indian Army, the Indian troops. That being so, I confess it passes my understanding why the Secretary of State should have insisted upon a minimum of 134 British officers. I decline to base my argument upon the proved necessity of 134 British officers. Those assumptions I do not take for granted. Many such assumptions have been made which have been absolutely detrimental to Indian interests in nearly every department, and I am here to see that these assumptions are knocked on the head.

Now, Sir, a certain number of British Medical Officers you may say will still be necessary, though it may not be 134, because the Indian troops are commanded by British officers. Those British Officers do not have R. A. M. C. officers to serve them, and therefore they will require these British people. First of all, let me say I do not accept the argument that an Englishman, be he a military or a civil officer, can only be attended to by an English medical man. That is an assumption that is disproved by actual facts which we see before our eyes in every big town in India where, notwithstanding the presence of British Medical Officers, there are a great many English people who prefer the services of Indian Medical Officers, where they think they will be better served by them. When we say that a Civil Medical Service should be constituted distinct and separate altogether from the present I. M. S., we do not mean that recruitment to that Service shall be limited to Indians. On our side we have not put forward a single proposal that will impose a fresh disability upon a single section of His Majesty's subjects. The Civil Medical Service, the constitution of which we propose, will be open equally to Europeans and Indians, and it is up to the Government of India and the Provincial Government concerned to instruct the Public Services Commission that will be set up under the terms of our own recommendation with regard to the representation of various communities and the public needs, to provide arrangements so that a proportion of the persons recruited to the Civil Medical Service, will be Englishmen, and not all of them Indians. Whether they can do this by means of a competitive examination or by means of selection are questions which it will be for them to decide. Even at the present moment the Secretary of State is sending officers to the I. M. S. by means of nomination. He has gone on increasing the rates of remuneration from time to time, because Englishmen were not available to

join the I. M. S., owing to the great opportunities which they have in their own land, and the Indian taxpayer has from time to time been asked to increase the rates of remuneration, and to put up with the material selected by nomination and not appointed as the result of a competitive examination, owing to the obsession that there are so many Europeans, and they cannot afford to replace them by Indians. These arguments must go.

As to the Europeans scattered in the various districts, where there is a European Medical practitioner, official or non-official within reach of them, let them by all means give effect to their preference and go to these European Medical practitioners. And the European officers of the Civil Medical Service will also be posted judiciously in such areas where there may be the greatest demand for them, without at the same time setting up an official racial bar to the appointment of Indians to those stations, such as there is at present. It is entirely a matter for action with common sense on the part of the various Governments concerned, and, as I submitted in a previous speech, the whole of the argument proceeds upon the assumption that there is an element of common sense in the Government.

What is to happen to the members of the I. M. S. who are now in Civil Medical employ. We have already passed a resolution unanimously that any recommendation that we make will be without prejudice to the position of any of the existing members of the Services, and I repeat once more that you will not find the most radical Indian politician who is desirous that a fraction of injustice should be done to or hardship inflicted upon a solitary English officer in any Department in India.

Chairman: Now I have got Colonel Gidney's resolution. I have got Sir Cowasji's resolution now, which I will read: "No civil appointments, either under the Government of India or the Provincial Governments, should in the future be reserved for Indians as such. The Committee can see no objection to the qualifications for certain posts, such as Civil Surgeons, to be of a standard to be decided by Government."

If I may say so, I do not think the last sentence has any very cogent meaning: "The Committee can see no objection to the qualification for certain posts, such as Civil Surgeons, to be of a standard to be decided by Government." I think I see what Sir Cowasji means, but I think it rather wants reshaping. The next suggestion I have to make is that Mr. Chintamani might draft his resolution.

Mr. Chintamani.—With pleasure.

Chairman: We ought to try to get some resolution which deals with the point of the Army Reserve. We have obviously got to deal with that point. It may be quite untrue to say that you have got to have 134 British officers to deal with it, but you have obviously got to have a considerable number of reservists whether European or Indian. We must prepare some resolution with regard

to that. Then I think we have got to make some statement such as Mr. Chintamani made in his last speech to the effect that as far as possible arrangements should be made to enable Europeans to have the advantage of European doctors if they so desire. I think we ought to put in something of that sort. Indeed, we can really take that from Mr. Chintamani's speech. I can get some resolution on those lines.

Mr. Shiva Rao : I am not so sure that he said that. I think, as far as I could gather, it was not his intention, or the intention of any Indian politician, to take away anything from the existing rights of European members of the Services.

Chairman : I will check it on the notes of his speech : but I paid some little attention to it at the time and I think he said so ; but if he did not mean it, we certainly will not hold him to it, of course. I will look that through, and on those lines I think I can get some resolution which I can put to the sub-Committee and indicate how the difference of opinion lies.

Lieut.-Colonel Gidney : Is not that provided in the last two paragraphs of my resolution ?

Chairman : Yes, I think it is, Colonel Gidney. The last paragraphs are : To provide a war reserve of Medical Officers for the Army, it should be a condition of employment in these Provincial Medical Services that members should undergo a military medical training. Arrangements should be made as far as possible for the European members in these Services to be available for the European officers and their families ; but where such arrangements cannot be made, European officers and their families should be allowed to have the services of private European practitioners free of cost.

Now I will tell you what I will do. If I am going to have the benefit of Mr. Chintamani's resolution, with the three resolutions, I will see if before to-morrow morning I can propound some composite resolution which will contain suggestions derived from all three of them, and, if that fails, we can put one or other, or indeed all three of the resolutions.

Sir Provash Chunder Mitter : There is one suggestion I should like to make in preparing the draft : That as regards the Army Reserve an adequate portion of the remuneration should be paid by the Army Department, as defence.

Mr. Basu : There is another point to which I desire to call your attention. Mr. Chintamani pointed out that all civil military officers when entering the service of the State have to enter into a contract in writing. If there is a provision in that contract that when required they will have to serve in war, then there will not be that objection, if it is subject to his being paid such additional remuneration for serving out of the country or serving when the country is in a state of war. After all it is not so much the special training required for a military doctor as the willingness of a man to serve in war that is important ; because more or less in the Medi-

cal Colleges in India the military doctors, the assistant surgeons and the Civil Assistant Surgeons, are trained under the same conditions, under the same professors and in the same way. The civil training is probably much higher because the man who wants to practise as a doctor, as a medical practitioner, physician or surgeon, has to undergo six years of training, while the military doctor, who is immediately drafted into the Army after his training as an Army Assistant Surgeon, has to undergo only a four years course in the hospitals and colleges. So that it is not so much the special training that is very requisite; it is the power of government to require these officers to serve in war that is required. If there is a covenant in every agreement under which a civil medical officer is appointed under the Provincial Governments, that he will have to serve in war if required to do so, then there should be no difficulty in their being taken from civil employ, because for every medical man who is in the service of the State there are at least ten independent practitioners in his locality; so that immediately he goes to war there will be quite a large number of men to fill the vacancy that he leaves.

Sir Shah Nawaz Bhutto : Sir, I want to point out one thing, that so far as I know all European officers and their families are not provided with a European Civil Surgeon or with the services of a European doctor. It is only so in big centres, as Colonel Gidney suggests. Does he mean that almost every European official will be provided with the services of a European doctor? That is not the case at all. As far as my Province is concerned it is only so in big important centres. In the whole of the Province only in two districts are there European Civil Surgeons. Of course all the officials are provided with free medical service, but they are not provided with the services of a European Civil Surgeon.

Chairman : I am going to put some resolution on the paper dealing with this matter. This will take some little time more, and then we have got to consider the internal administration of the police. We have also got to consider the head of Central Services. Subject to those three points, we have then done what I call the Committee stage. Then we have got to take our Report stage.

(The sub-Committee adjourned at 5-52 p.m.)

PROCEEDINGS OF THE FOURTH MEETING OF SUB-COMMITTEE No. VIII
(SERVICES) HELD ON 9TH JANUARY, 1931.

Chairman : We have still two things to do. I have drafted out some kind of composite resolution, but I have not quite got it ready yet. That is with regard to the Medical Service. We might I think first of all deal with one of these other topics. I hope in the course of the morning to be able to put before you the provisional resolution regarding the Medical Services. We have two topics to discuss; one is the Police; the other is a recommendation, if any is required, as to Services under the Central Government.

I do not know whether to-day we shall be able to finish both the recommendations as to special Services and the topic as to the

Police. If so, I shall be able to circularise you with resolutions so far as we have gone on all the matters, in order that you may have them before the meeting on Monday. Let us take the last subject matter of the agenda, No. 9. It reads as follows: "In every Province and in connection with the Central Government a Statutory Public Service Commission shall be appointed by the Governor or Governor-General as the case may be. 2. Recruitment to the Public Services shall be made through such Commission in such a way as to secure a fair representation to the various communities consistently with considerations of efficiency and the possession of the necessary qualifications. This part of the duties of the Public Service Commission shall be subject in the case of Provincial Commissions to periodical review by the Governor, and in the case of the Central Commission by the Governor-General, who shall be empowered to issue any necessary instructions to secure the desired result. 3. Members of the Public Services Commissions should hold Office during the pleasure of the Crown, and would be removable by the Governor in the case of a Provincial Commission and by the Governor-General in the case of the Central Commission. They shall after ceasing to be members of a Commission be ineligible for further employment under the Crown in India, except that persons who have been members of a Provincial Public Service Commission shall be eligible to become a member of the Central Commission and *vice versa*. 4. The sub-Committee recognise the special position of the Anglo-Indian community in respect of public employment, and recommend that sympathetic consideration should be given to their claims for employment in the Services with which they have for long been specially associated."

"(5) There should be a Statutory declaration that (a) No person shall be under any disability for admission into any branch of the Public Services of the country merely by reason of religion, caste or sex; (b) Membership of any community, caste, creed, or race shall not be a ground for promotion or supersession in any Public Services."

Without asking you to give your final approval of that as a policy, which of course is a matter for the report stage after you have had an opportunity of considering this, I may take it that that fairly represents the result of the discussion on the Public Services matter.

At any rate for this rough Committee stage that represents what we decide.

Mr. Zafrullah Khan: With regard to one little matter the meaning may be perfectly clear to us, but I think it might be more clearly expressed, as some doubts may arise subsequently. In the second paragraph the second sentence reads: "This part of the duties of the Public Service Commissions shall be subject in the case of Provincial Commissions to periodical review by the Governor, and in the case of the Central Commission by the Governor-General, who shall be empowered—," Of course what is meant is the Governor in the case of the Provincial Service and the Governor-General in the case of the Central.

Chairman: "Both of whom" would meet it. We will alter that.

Raja Narendra Nath: There is that point about the Provincial Public Service Commission and the Central Public Service Commission being empowered to hear appeals against actions taken by the ministers as a disciplinary matter, that is to say, supersession, dismissal, etc., are mentioned. I want that also to be brought out; that ought to be made clear. An appeal to the Public Service Commission.

Sir Chimanlal Setalvad: You cannot have an appeal from Government to the Public Service Commission.

Raja Narendra Nath: There is in the case of the Central Public Service Commission. There was a case of an Indian civilian appealing to the Public Service Commission against orders of the Governor.

Chairman: We will consider that, and you will perhaps put down an amendment on the report stage.

Now Mr. Shiva Rao is here. I have suggested that we should depart from our usual order and occupy ourselves for a few minutes in discussing No. 9: "Recommendations," if any are required, as to Services under the Central Government. You rather suggested this should go in, I think.

Mr. Shiva Rao: Yes, I thought it was an omission; but I do not know that that is open to any discussion, because I think the position is quite simple, that the Central Services should be recruited by the All-India Public Service Commission.

Sir Cowasji Jehangir: The point, as referred to by all Commissions and the Government of India Report, is as to how the Central Government is going to recruit, whether it is going to carry on the present system of recruitment from the Provinces, or whether it is going to have direct recruitment for its own purposes. That is the main issue. You will find it both in the Simon Commission's Report and in the Government of India's Despatch; both of them recommend that the present system shall continue as far as I remember.

Sir Chimanlal Setalvad: It must be left to the new Government of India to determine.

Sir Cowasji Jehangir: That is the issue that I raised on the first occasion; that is the only point.

Lord Zetland: That is not the only point. There are certain Services which are recruited by the Secretary of State, such as the Indian Political Service and certain other rather special Services. What the Government of India recommend is that with regard to those Services the present practice shall be continued except in one case: The case that they would make an exception to the present practice is that of the superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department. Those specialists are at present recruited by the Secretary of State.

Sir Cowasji Jehangir : From England.

Lord Zetland : Yes. The Government of India consider that it is not necessary that in that case the Secretary of State should continue to recruit. They point out that the British recruits are not likely to exceed, on the average, one in two years, and the number may even be less. They consider that the Government of India, without the assistance of the Secretary of State, will be able to secure the recruits if required. But then there are the other specialised departments : The Indian Political and the Indian Ecclesiastical Establishment, which are at present recruited by the Secretary of State, and which, in the opinion of the Government of India, should continue to be recruited by the Secretary of State. So that there are these specialised departments coming under the head of Central Services, as distinct from the point which was referred to by Sir Cowasji Jehangir, namely, supply of Indian Civil Service Officers for Government of India purposes; those would be drawn from the Provincial cadre.

Sir Chimanlal Setalvad : Sir, with regard to recruitment to these Services, political and the other which Lord Zetland mentioned, the position of some of us is very clear; we want all recruitment henceforward to be in the hands of the Government of India; we do not want the Secretary of State to come in in the recruitment at all.

Sir Chimanlal Setalvad : He may employ any agency he likes for that purpose.

Mr. Basu : As regards the Central Services, the Marquess of Zetland has referred to the Despatch of the Government of India, page 186, in which it is pointed out that the Secretary of State is responsible for the recruitment and control of the Indian Political Department, Indian Ecclesiastical Establishment, and the Superior Telegraph Engineering and Wireless Services. I desire to point out, Sir, that the Indian Political Department consists of officers—

Sir Cowasji Jehangir : Whether there is to be a Political Department or not in the future will depend upon the Report of the Federal sub-Committee. They will go into the question of the recruitment of that Department and will give some indication.

Mr. Basu : If there is to be a Political Department, consisting of Residents and Assistant Residents and Agents, as we have now, it is for this sub-Committee to say how it shall be recruited, and who shall control it.

Chairman : I rather agree with what Sir Cowasji Jehangir has said. It seems to me as far as the Political Department is concerned, it concerns foreign policy and the relations of the States to the Crown. It seems to me that it is really very doubtful whether this is properly within our terms of reference. It is so mixed up with the question as to whether you shall have a continuance of those Departments, that I do not see how you can really discuss this.

Mr. Shiva Rao : The Federal sub-Committee will consider the policy in regard to this Department as distinct from the manning

of the Department. Surely the Services part of it can come under the consideration of this sub-Committee.

Sir Cowasji Jehangir : But there may be no such Service.

Mr. Basu : There is another consideration also : If the States are coming into the Federation, then the Services, which will consist of the liaison officers between the Central Federal Government and the States, are a matter which should go to the Federal Government and not be under the control of the Secretary of State. It would be an absurd position of affairs if the recruitment and control of the Political Department, which consists of officers who are stationed in the several Indian States, should be under the Secretary of State. If you, Sir, are of opinion that this is a matter which should be considered by the Federal sub-Committee, namely, the manning of the Political Department and the sources of recruitment and control, then I need not say anything about it; but my submission to you is that having regard to the fact that the States will be within the Federation, it is almost as much as to say that district officers and agents will practically be in the same position, connecting the Federal Government with the Governments of the different States. Why should they be officers who will not be under the control of and will not be recruited by the Federal Government?

As regards the Ecclesiastical Establishment, I do not know when that establishment will be disestablished; but, if and so long as it continues, the Secretary of State need not come in at all. The Governor-General is there and he can do it. As regards the Telegraph Engineering and Wireless Services, the recommendation of the Government of India is that they should no longer be recruited by the Secretary of State. I agree with Sir Chimanlal Setalvad that recruitment to any of the Services under the Central Government should not be by the Secretary of State but by the Government of India.

Then, as regards the method of appointment, we have already recommended the setting up of a Central Public Service Commission, and, as the Marquess of Zetland has pointed out, the Government of India not only makes direct appointment, but also draws upon the Provincial Services for a large part of its staff; and in future it may have to do so. For instance, there is the Scientific Research Department. It may be that a particular Province may have such a man as the Government of India may think it necessary to appoint, and the Government of India may request the Provincial Government just to transfer that man to the Central Service. Room should be left open for the Government of India to appoint men under the Provincial Governments to the Central Government, and the appointments in the Central Services should not be confined entirely to recruits appointed through the Central Public Service Commission.

Lord Zetland : I do not think Mr. Basu has quite correctly stated the position with regard to the Indian Political Department. As the Chairman has pointed out, this really does involve a ques-

tion of high policy. As I understand it, the relations between the Crown and the Indian States in the future are not going to be a matter of the Federal Government; it is a matter for the Viceroy to deal with as the representative of the Crown. If that is so, it will be essential I think that the Viceroy, as representing the Crown, should have the necessary officers under him to carry out the functions which he will assign to them in connection with the relations between the Crown and the Indian States. I should doubt, therefore, whether a particular question is within the scope of reference to this sub-Committee. That is a matter for the Chairman to decide, but, if it is, I certainly think that our recommendation will have to be that in the case of the Indian Political Department the existing practice must be maintained. There are, however, just one or two other specialised Services which are involved. The Secretary of State also recruits the officers appointed outside India to the Superior Railway Services and he controls comparatively few officers holding the King's Commission on the active list of the Regular Army and the Royal Indian Marine who are employed in certain Central Services. Then the Government go on to say that they consider that that position should continue as it is at present. Personally, with the exception of the superior posts in the Telegraph and Wireless Department, and possibly, perhaps, the Railway Department, although I do not hold any very strong views one way or the other upon that, I think that the position should be maintained as it is.

Mr. Chintamani: Mr. Chairman, the noble Marquess has just stated that in the Political Department it is the Viceroy who acts, and not the Government of India, the Viceroy acting for the Crown in relation to the Indian States. I do not know whether it has been decided, and when and by whom it has been decided, that the relation of the Indian States is direct with the Crown, and that the Government of India have nothing to do with them except in so far as they are the Agents of the Crown. This is not a subject for us to consider at all. I wanted only to say that it came as a surprise to me, as I infer from the noble Marquess's statement, that a decision might have been taken of which nobody is yet aware.

With regard to the other points what strikes me is this: you saw the other day, on the question of recruitment and control by the Secretary of State, or by the Government of India, that opinion was equally divided in the Sub-Committee, ten voting on one side and ten on the other. Those of us who voted that the Secretary of State should no longer function in these matters, and that the Government of India should be the sole authority, would naturally take the view on the present occasion that all this should be in the hands of the Government of India, whatever might be the present practice in respect of such Departments, railways included. There is, however, one class of subjects which we gather from the reported discussions of the Federal Structure sub-Committee, will be reserved in the hands of the Governor-General acting in responsibility to the British Parliament and to the Secretary of State, and will not be

transferred to the control of the Central Legislature of India. What those subjects will be we do not yet know. The question of recruitment and control of those Services, which will be reserved under the control of the Secretary of State, will stand on a footing different from all those other subjects in respect of which the control will vest in the Indian Legislature. I think, therefore, that our recommendation under this head may well take this form, in respect of all Services, the control of which will be vested in the Central Legislature, the Government of India shall be the sole authority to determine how those Services shall be recruited for. In respect of such Services as may still be controlled by the Secretary of State through the Viceroy we make no recommendation whatever. The Political Department also will come into the latter category, and, therefore, we make no recommendation whatsoever upon this point. I think that this will meet the necessities of the case.

Chairman: I agree. I think that we can do something upon the lines suggested by Mr. Chintamani. I feel exactly as Mr. Chintamani says. Although you may logically say that manning is one subject and functions is another, yet as a matter of good business sense it is quite impossible to consider the one without at the same time considering the other. As some other Committee is going to consider the other, I should suggest, on the lines that Mr. Chintamani has suggested, that I might be able to draft some Report. Subject to your approval, I suggest that we leave this topic now, and that I bring up some Report on the lines that Mr. Chintamani has suggested, and put it before you on the Report stage.

Sir Cowasji Jehangir: There is one important point. I quite agree with all that Mr. Chintamani has said with regard to certain matters, upon which we really cannot decide, not knowing where the control is going to be. The main issue, however, as raised in the Reports is whether the Government of India, for their own purposes, such as for the Secretariat and for other purposes, is going to continue themselves to recruit, or is going to draw from the Provinces. That is the main issue which this Committee will have to consider. I think that it is very clear that the present practice should prevail, that is, that they should continue to draw from the Provinces, if necessary. They must have a certain staff in the Secretariat. They must have their Secretaries. From where are they going to draw those Secretaries?

Dr. Ambedkar: Direct recruitment.

Sir Cowasji Jehangir: There is a difference of opinion immediately. That is exactly the point. The point is whether they should continue to draw from the Provinces such men as they require in their Secretariat, which is a large number. The few appointments made by direct recruitment are specialised appointments, but the large bulk of the men that they require is at present drawn from the Provinces as they choose.

Sir Chimanlal Setalvad: It should be left to the Government of India to do what they like.

Sir Cowasji Jehangir : That is an issue which has been raised for consideration, and it has been raised in all the Reports. The point is whether the present system should continue, or whether they should recruit direct. It is nothing to do with the question of whether the recruitment should take place by the Secretary of State or by the Government of India. That question is not involved. The question is whether they should recruit for themselves, or whether they should carry on the present system of recruiting from the Provinces. I think, Sir, that the argument is in favour of their continuing to recruit from the Provinces.

Sir Chimanlal Setalvad : Why should not that be left to the Government of India to decide?

Sir Cowasji Jehangir : Then what is it that we are going to decide ourselves?

Sir Provash Chunder Mitter : The Constitutional issue only.

Sir Chimanlal Setalvad : It should be left to the Government of India to decide from where they should draw the Services.

Sir Cowasji Jehangir : In that case I think that we might well leave everything to the Government of India to decide. We are here appointed to consider this main issue. It is an issue raised in the Reports. We can very well say: "Leave it to the Government of India." Of course, we can leave everything to the Government of India to decide.

Mr. Shiva Rao : Sir Cowasji Jehangir is mixing up two points, I think. The bulk of the staff of the Imperial Secretariat is even now recruited directly by the Government of India.

Sir Cowasji Jehangir : No, never.

Mr. Shiva Rao : Only a handful civilian officers who occupy the top places in each Department is selected from the various Provinces. That is the fact.

Sir Cowasji Jehangir : All specialised appointments are recruited direct. There is a number of them. For instance, there are some Collectors of Customs who are drawn from the Indian Civil Service and some are recruited direct.

Mr. Shiva Rao : But that is a Civil Service.

Sir Cowasji Jehangir : Those that are recruited direct are recruited under the present system. Those who are drawn from the I. C. S. are drawn from the Provinces. That is one matter. The higher posts in the Telegraph Service are filled from the I. C. S., and they are drawn from the Provinces. All the Secretariat is drawn from the Provinces. You have a Secretary to Government appointed from Bihar or from the United Provinces, or from Bombay. When he has finished his work, he either goes back to Bombay or he finds another job in the Government of India. That is the position. Therefore the issue is, should they draw those Secretaries and Under-Secretaries, and there is a large number of them, directly? Should they recruit directly and have a cadre of their own, and promote from that cadre, or should they draw upon the expe-

rience of the Provinces? You very often get a Secretary to a Department in a local Government, and his services are borrowed by the Government of India. He is made the Secretary of the Government in a Department. It is a controversial question, because I know of one Province which has always been most reluctant to give of its best men, while others are most anxious to do so in order that they may gain experience, and they expect to benefit by that experience when those men return to the Provinces. It is an issue, and I think that we must tackle that issue. It is no use saying: "Leave it to the Government of India." That is my humble opinion. It is an issue which is raised, and it is an issue that we have to decide. If we consider that it is beyond us (and I do not think that it is), very well then, leave it to somebody else, but, if it is an issue that we can decide, I think that we should decide it. I have my own opinions upon this issue, and I am sure that there are advantages in borrowing from the Provinces. It helps the Provinces, it helps the Government of India, and personally I do not think that it will be possible for the Government to recruit direct. They will have to have a cadre of their own. They will have to recruit men separately from the Indian Civil Service, of the same calibre, of the same quality, and of the same standard, and they will have to say: "These men are for the Government of India; those men are for the provinces." It will not work.

Mr. Basu: I do not understand what Sir Cowasji Jehangir is driving at. Does he mean that a certain percentage of the superior cadre of the Central Services should be recruited by drafts from the Provinces? I believe that the idea of the Commission was that, say, about 20 per cent. of the superior cadre of the Central Departments should be drawn from the Provinces. I do not know if Sir Cowasji Jehangir has any definite recommendation to make. He has not told us what his recommendation is. I should like to ask what is the recommendation?

Sir Cowasji Jehangir: I have tried to explain the present system. There are specialised appointments which cannot be obtained from the Provinces, such as the one or two mentioned in the Report. There is actually the Telegraph Service. Up to now they have been recruited by the Secretary of State, and the Government of India want to recruit them themselves. That is actually mentioned in the Report. A suggestion has been made that half of the Customs should be recruited direct by the Government of India, and that half should be drawn from the I. C. S. higher posts. I have also drawn attention to the fact that the whole of the Secretariat of the Government of India comes from the Provinces. It comes from one Province or from another as they may choose. Is that to continue, or is it not to continue? If it is not to continue, how are those posts to be filled? Are they to be filled by direct recruitment by the Government of India, and how is the Government of India going directly to recruit? It is an issue which has been raised, and it is an issue which is known to everybody. I am not raising any new issue. I am only asking for a decision on an issue which has

been raised, discussed and considered. I am surprised at these questions. It is an issue which has been raised and discussed on more than one occasion, and it is up to us to decide that issue. I would suggest remaining as we are, and that they must draw from the Provinces. If they do not draw from the Provinces, then again the issue will be raised as to whether it will be under the Government of India or under the Secretary of State. If you leave things as they are, they will be recruited under the Government of India for all the Provinces. When they have got their training in the Provinces, they will pick out such men as they choose, and they will ask for their services for the Secretariat, and for such other purposes as they may require.

Mr. Mody: And the Provinces might decline.

Sir Cowasji Jehangir: They cannot decline to lend the Government of India a Secretary. What happens is, that the Government of India writes and says: "We want Mr. So-and-So to come up to the Government of India." Sometimes the Provincial Government says that it cannot spare him for a few months, but generally they have got to spare him. He goes to the Government of India and he serves there. If you do not have that system the alternative is direct recruitment, and those men will be cut away from the Provinces altogether. They will have no experience of the Provinces. They will know nothing about the Provinces, and if any Provincial subject is discussed in the Federal Government they will be absolutely at sea. The idea is to draw men from all Provinces so that there is a man available in the Secretariat who knows something about his Province and who will be able to have personal experience on the spot. That is the position.

Lord Zetland: Mr. Chairman, I am entirely in agreement with what Sir Cowasji Jehangir has said. The Government of India draw from the Indian Civil Service, which, after all, is known as an All-India Service, the administrative officers that they require. It is a great advantage, as Sir Cowasji Jehangir pointed out, that they should be able to draw men who have had actual personal experience of administration in the Provinces. When you are appointing a man to the Secretariat, you do want him to know something of the practical administration of the country. By far the best way of securing a man of that kind is to take a man from one or other of the Provinces, who has been doing the actual work of administration. I should like to point out that the mere fact that the Indian Civil Service is known as an All-India Service surely involves this position, that not only the Provinces, but the Government of India, should draw upon it for their secretarial and administrative staff. I should like to make a further point. Supposing that in future the Government of India were to have no call upon the Indian Civil Service, in spite of the fact that it is an All-India Service, they would have to form a new cadre of their own, consisting of men recruited in the same way, of the same type, and with the same qualifications, as the existing members of the Indian Civil Service. To do that would be extremely uneconomical. They would have to provide for

a comparatively small cadre of officers, a special reserve, in order to arrange for the ordinary leave allowed to officers of all Services. If you allow them to continue to draw upon the Indian Civil Service, the leave reserve for that Service is already in existence. Of course, the larger the Service, the more economical is the leave reserve and other similar questions. Therefore, I think that it would be quite desirable on the part of this Committee to say that, apart from the specialised appointments under the Government of India, the Government of India will continue to draw their secretarial and administrative officers from the ranks of the Indian Civil Service.

Sir Provash Chunder Mitter: The 9th point must be taken independently of our terms of reference, namely, we are to advise only on such matters as arise in the constitutional issue. At the present moment, it is perfectly true, and personally I think that it is a good system, that the Government of India is entitled to draw upon the Provinces for a certain class of officers, but when the future Government of India will be constituted, as regards the actual details of the decision, we must leave it to that Government, but the constitutional issue does arise only to this extent, that, if the future Government of India wants to draw from the Provinces, the Provinces to-day cannot say "No," because they are under the Government of India. The Provinces in future may say "No," and all that we are called upon to say is that if the Government of India desire to draw from the Provinces, they will be entitled to do so. Beyond that we are not going to run the Government from this Conference. We should say that only, but, as the merits have been discussed, I agree that the Government of India should have that liberty as regards the I.C.S. in the general administration. As regards specialised services it may or may not be better that the Government of India should have its own cadre, but that is a matter for the future Government.

Chairman: I think, gentlemen, that I can draft a resolution now that I see how this matter stands. I think that I can probably draft a resolution. I shall found the first part on Mr. Chintamani. I shall put in some reference to this. This seems to me to be only an administrative matter. At the present time, there are both systems. There is the system of drawing on the men who serve the Provinces, and there is also direct recruitment. Of course, it is a matter for the Government of India to consider, but I take it that both systems will be available to them in the future as in the past.

Mr. Mody: While I agree with Mr. Chintamani that in Departments which are not under the control of the Legislature, the method of recruitment must be left in the hands of the authorities to control those Departments, I think that a recommendation, if you will permit it, might be made that, for instance, with regard to the Political Department, some sort of Indianisation should take place. I am not suggesting it in any racial spirit, but entirely because it is a good thing that some opportunities for training in those Departments which will some day come to India must be afforded to the people of

the country. The Political Department has been more or less a close preserve all these years; there may have been reasons for it, but during the transition period during which this Department will remain under the control of the Viceroy, I think it will be an excellent thing if a recommendation were made from this Conference that Indianisation should be applied to that Department.

Chairman: I think we shall be in great difficulty if we attempt that with regard to the Political Department until we know the relation of the Services to the new political structure. The Viceroy is under the new political structure, and unless and until we know the exact functions of the Political Officers, how far they represent the States and what the relationship between the States and the Crown will be, we shall be skating on the thinnest of ice if we attempt to make any recommendation about it at all. If we say it is so bound up with the whole Federal question that we have not thought it possible to make a recommendation I think that would be better. But I will bear in mind what you say and see whether I can draft a resolution which will satisfy you all.

Mr. Zafrullah Khan: I would suggest that we take into consideration that which is put forward in paragraph 315 of Vol. I of the Statutory Commission where the points have been extremely well put with regard to this matter.

Major Stanley: Would not the appropriate place be where to deal with the recruitment of the All-India Services—in the Services recruited on an all-India basis the Central Government should retain this?

Chairman: I think I can do something on those lines. I have my resolution with regard to the Medical Services. Perhaps I might read it through to you now in order to get a kind of provisional, but in no way binding, approval. As I told you it would be, it is a composite resolution. I must express my indebtedness to, amongst others, Mr. Chintamani, Colonel Gidney, and Major Stanley who have helped to produce this composite resolution. It is as follows:—

“The sub-Committee are of opinion that in future there should be no Civil branch of the Indian Medical Service, and that no civil appointments, either under the Government of India or the Provincial Governments, should in future be listed as being reserved for Europeans as such. The Government of India and Provincial Governments should organise civil Medical Services recruited through the Central and Provincial Public Service Commissions. In doing so they should, in order to provide a war reserve, insert a clause in the contracts of service of a sufficient number of officers that they shall undergo such military training and render such military service as they may be called upon to do. The extra cost involved should be borne as an Army charge. Further, the Governments and Public Service Commissions in India should bear in mind the requirements of the Army and of the British

population of India and take steps to recruit a fair and adequate number of European doctors to their respective Civil Medical Services and should be prepared to pay such salaries as should bring about this result."

Down to that I have incorporated one passage suggested by a member of the sub-Committee.

"Where arrangements cannot be made for European members of the Medical Service to be available for European Officers and their families these should be allowed to have the services of private medical practitioners free of cost."

Then I want to add this:

"It is suggested that agreement might be reached between the Central Government and the Provincial Governments whereby the Provincial Governments would reserve a certain proportion of posts in the Provincial Medical Services for members of the I.M.S. who have performed a period of military service. This would of course involve the retirement of such officers from the I.M.S., subject to a claim on their services in times of emergency."

That would be of course a matter of agreement between the Central Government and the Provincial Governments.

Mr. Mody: Would you explain this last point?

Chairman: The difficulty is to get men to go into the I.M.S. if they have no prospects beyond leading the life of medical officers. You want to see that they have some prospects thereafter, if you want the best men. We want to see how far we can meet that desire. This is a suggestion that it might be worked by agreement between the Central Government and the Provincial Governments. I will read the words again: "It is suggested that agreement might be reached between the Central Government and the Provincial Governments whereby the Provincial Governments would reserve a certain proportion of posts in the Provincial Medical Services for members of the I.M.S. who have performed a period of military service. This would of course involve the retirement of such officers from the I.M.S., subject to a claim on their services in times of emergency."

Mr. Shiva Rao: What is the idea of incorporating the retirement of these Officers from the I.M.S.? I do not think that would be very attractive, because once they lose their position of employment with the Government of India they cannot regain it, and I cannot see how the military can have a claim on them when they retire from the I.M.S. if they become Indian Medical Officers. The other remark I desire to make is that if you desire to have an efficient Provincial Medical Service the first thing that is necessary before all else is a reorganisation of that Service. At present it will not attract good men; and I say, speaking with personal experience, that if you desire to provide a certain quantity of British Officers you will not get them in the Provincial Medical Service as at present organised.

Chairman: I have no doubt that that last point is right, but we are not a sub-Committee charged with reorganisation; and who am I that I should express an opinion on a reorganisation of the Medical Services about which I know absolutely nothing either in this country or in India? Obviously reorganisation must be a matter which the new Government of India will take in hand as one of its very first tasks. But surely there is a fallacy with regard to your first point. After a man has served in the I.M.S. which is going to be in future a purely Military Service, he will after serving his time there be, as it were, for so many years on the reserve; that is to say, he will take on his civil practice, but he will be under an obligation to come up and rejoin the Colours if an emergency arises, although at the same time he has retired from the ordinary work of the I.M.S.

Lieut.-Colonel Gidney: The present method is that both for the R.A.M.C. and the I.M.S. they are recruited now with the option of retiring at the end of five years or twelve years with a bonus and they are placed on the Reserve List. The same Officers in the I.M.S. temporary service are placed on a reserve list and they are liable to service; but there is no such rule that if an I.M.S. Officer retired from the I.M.S. after five years he is bound to be put on that Reserve list. I do not see how the Military can have a claim upon him once he retires from the I.M.S. except it be that it is a temporary service only.

Major Stanley: Of course, if he retires entirely from the I.M.S. and goes back to England, say, or goes into purely civil practice on his own, the Military have no claim. But the claim is part of the consideration for this particular post under the Provincial Medical Service being offered to him. If he does not want it he can retire from the I.M.S. altogether. If instead of retiring altogether he accepts service under the Provincial Government, he accepts it under this liability to serve. It does not matter what happens now, but it is quite capable of being done in the future.

Lieut.-Colonel Gidney: Will you consider this point?—do not include that he should retire from the I.M.S.

Major Stanley: I only included that with regard to making it quite clear that he came under the entire control of the Provincial Medical Service.

Mr. Mody: Is there much point about the word, "retirement"? It may be that he may be drafted into the Provincial Medical Service for two or three years, and then want to go back to the Army. What is done in those cases is that his services are lent, and he ultimately gets back into the Army.

Therefore I think the use of the word "retirement" is unfortunate.

Chairman: Would you like to use the word "seconded"?

Lieut.-Colonel Gidney: That is better.

Mr. Basu : If he does not retire he is under the control of the Army Administration, and it is only retirement which will relieve him of that position.

Chairman : Major Stanley does not want the man to be trying at one and the same time to be serving two masters. So long as he is in the Provincial Medical Service he must be in the Provincial Medical Service. If he is called up in an emergency then his master ceases to be the Provincial Government. It is largely a matter of words; but I will see whether I can put it right.

Sir Cowasji Jehangir : I want to follow the last provision which appears to me to be somewhat inconsistent with the beginning. We are taking the whole principle now as suggested by Mr. Chintamani, and this last paragraph appears to be inconsistent. I am merely asking for information. This is where my confusion is, that at present the I.M.S. is recruited and the reserve officers are lent to the different Provinces; now a new system is being introduced, and a very big, radical change is being made by the many suggestions that all those Services should be provincial including these army reservists—the basis of recruitment shall be Provincial; the training will be in the Provinces, the military training such as is required and therefore this reserve will be furnished in this way, consequently we get away from the idea of recruiting the number that is at present being recruited for the I.M.S. and the recruitment for the I.M.S. will be considerably reduced.

I want to know firstly where these men are coming from that I understand Major Stanley suggested. Secondly, why is it necessary? This is a new system. There will not be the men to spare. You are dividing the military and the civil completely now. You are providing for the reserve by a new machinery. I am not quite clear in my own mind as to whether the second part is not quite inconsistent with the principle enunciated, and I would like a little time to think over this. I quite understand that if recruitment is to take place on the military side, or to a larger extent than their actual requirements call for, you will have to find a place for them; but that was not intended by the original suggestion of Mr. Chintamani. If it is only meant that this should be a temptation, an attraction, for a better class of man to come into the I.M.S. so that they can get civil appointments, then that goes to the root of the principle enunciated by Mr. Chintamani. I should like that matter considered again; because after all, we must have the one principle or the other. In the first place we enunciate a new principle, but in the end we go back to the old principle.

Chairman : There are two principles. First of all the old draft before amendment, which contained these two things; (1) that no civil appointments in future be listed as being reserved for Europeans. At the same time Mr. Chintamani's draft contained this, that steps be taken to recruit a fair and adequate number of European doctors.

Sir Cowasji Jehangir: In the Provinces.

Chairman: Yes. Now, as I understand it, Major Stanley's suggestion is this: What you are to do is to recruit a fair and adequate number of European doctors, and you are to remember, so far as you can, that in doing that you should pay special regard to the claims of those European doctors who have done their service in the I.M.S.

Sir Cowasji Jehangir: That is not what is written there, so far as I have understood it. There will be two classes of recruitment, one for the military, and the other provincial, and in the provincial there shall be a reserve for the Army. So far as I have understood what you have read out, it is that from the Army block a certain number should be provided for in the Provinces—that is to say, that the Army block will recruit more than its actual requirements and have a reserve, and that reserve will have to be provided for in the Provinces. That is what appears to be intended, but it is inconsistent.

Major Stanley: I do not see the inconsistency. You have to remember that the Provinces cannot dissociate themselves from the Central Government; they have just as much interest—the Central Government—as have the Provincial Governments in an efficient military service, and there is nothing inconsistent that the Provinces and the Central Government should agree together to take steps to increase that efficiency. Nor is there anything inconsistent in the practice, which obtains in this country, of saying you will reserve a certain number of posts in your own particular Service for people who have completed a period of service elsewhere.

Sir Cowasji Jehangir: But that is the old principle again.

Mr. Chintamani: I myself see no great inconsistency, for this reason. We have said that the Provincial Governments shall recruit a certain number of Europeans to meet the requirements of the Army and the civil population. A doubt has been expressed in view of the suggestions of the Secretary of State about recruiting Europeans in view of the increasing difficulty that has been experienced in getting them, and it has been thought doubtful whether the Provincial Governments will be really able to fulfil this requirement and secure the number of Europeans necessary. From that point of view it will be an undoubted advantage to get those Europeans from the Army if the Army can spare them, provided the terms on which their services are to be got are agreed upon between the two authorities concerned. To that extent you do not infringe on the liberty of the Provincial Governments, you only give them liberty to draft from an area which otherwise might be considered closed to them. Incidentally, it has been said that Army medical officers who do not have a full day's work when there is no war going on do not like to let their knowledge rust and would like to be in practice and to keep abreast of their subject. It will be to their advantage to be employed as is suggested here. There, too, I see no difficulty,

but I rather dislike these words "reserve a certain proportion of posts". Further than that, I say that the Provincial Governments should be free to appoint temporarily or substantively the ordinary medical officers to that number of posts in their respective areas; they would only do so when they experience a difficulty in obtaining from the open market the number of men and the quality of men whom they and the Army both require. When their services are taken temporarily it should be provided that during the period of service the control over those services passes from the Army to the Provincial Government which obtains a loan of their services. I think at present whenever there is a loan of an officer from one authority to another, the borrowing authority inherits from the lending authority all rights of control over the officer on deputation. Where, however, an officer is taken over substantively, without any liability to undertake military service, except to help in the event of an emergency, the Army exercises its right of calling upon him. In that case there might be retirement from service so as to make the position quite clear. If Major Stanley agrees to change his phrase "reserve a certain proportion" to "the freedom to the Provincial Government to appoint by agreement with the Central authority", I think I should have no objection to it.

Major Stanley: Of course the difficulty I have about that is that unless the Provinces can enter into a fairly long term of agreement with the Central Government, it defeats one half of the object of the scheme. I agree that that satisfies the recruitment of the European element, but unless they can plan a programme for a considerable time ahead—by agreement, of course—it does not offer the inducement for recruitment of the Indian Medical Service, which is the other branch.

Sir Edgar Wood: It does not meet the Reserve either.

Mr. Chintamani: There are two points. In the first place, I must not be taken to mean by recruiting for the Indian Medical Service that that recruitment should be made in the certainty that a certain number of officers will be required by Provincial Governments. That would defeat the purposes of the remainder of the resolution with regard to the provision of a Civil Medical Service.

In the second place, it would be a matter entirely for arrangement between the two authorities as to what the duration of the deputation is to be. It would be open to the Military to say to a Local Government which applies for the services of one or more officers that unless that loan is required for a certain number of years the officer or officers will not be lent. That will be a matter of arrangement between them, and this draft resolution starts with the suggestion that an agreement should be made. It will be part of the agreement, and surely the lending authority would refuse to lend the services of an officer for a short time if that would dislocate their arrangements. That I think may be assumed, that the duration of deputation, where the loan is tem-

porary, will be such that both authorities can agree to it and not merely one authority.

Chairman: I think it must be observed that all that is being sought to be done here is to suggest that agreements might be reached. It is not sought to fetter in any way the control either of the Central authority, the Army authority, or of the Provincial authority, or of the doctor. You have got to have all parties consenting to this agreement. Then we merely record what is of course perfectly obvious, that they may make these agreements; we point out that it might be a convenient course for them to follow; that is all.

Mr. Chintamani: What I am considering is the word: reserve a certain proportion. That will lead to difficulties from which we have suffered so long.

Lord Zetland: I can see Mr. Chintamani's point; but surely there would be another difficulty. Unless you give the Army authorities a pretty accurate idea of the number of their retired officers who would be absorbed by the Provinces, unless you do that, the Army authorities will not know how many men to recruit to the Indian Medical Service. If they are told: Next year the Provinces will be prepared to take half a dozen men; and say a year after that they are told: The Provinces will be prepared to take 20 men; and in a third year they are told: No, the Provinces will take no men—they will never know how many men to recruit to the Indian Medical Service. That is the practical difficulty that occurs to me. There was one other point on which I would like to ask a question for information. In your resolution, Mr. Chairman, it is laid down, I think, that the Provinces should recruit a fair and adequate number of Europeans. I am not quite sure who will be the authority who will decide what is a fair and adequate number.

Mr. Chintamani: The Provincial Government. With regard to the noble Marquess's statement as to the difficulty the Army will experience in knowing how many additional officers it has to get in order to meet the requisitions of Provincial Governments, that surely will be settled between the Provincial Government concerned and the Army in good time to enable the Army to recruit those officers. The Army can notify the Provincial Governments: You have the power to get from us a certain number of officers; please let us know, not later than such and such a time, how many officers you will require, and on what terms. And they will only get them according to the arrangements so made at the time.

Sir Cowasji Jehangir: I think there is a little difference of opinion there which must be decided. What Major Stanley is trying to do is to provide an attraction for recruitment to the Civil side of the Medical Department, the attraction of Civil appointment. What Mr. Chintamani has very legitimately tried to do is to make his own proposal a practical one; that is to say,

if recruitment in the Provinces of Europeans is not made possible, he wants the Provincial Governments to have the privilege of asking the Military Department to let them have a certain number of officers. That I think is a very reasonable thing; it makes his proposal much more logical and answers any objections that may be raised that Provincial Governments may not be able to recruit European officers. If they are not, then he wants the privilege to be given to the Provincial Government to apply in good time to the Military Department to lend so many officers. What Major Stanley is really aiming at, which is also perfectly legitimate, is to give an added attraction to the recruitment for the military branch. Civil appointments are a great attraction.

Major Stanley: I have had both objects in view. As a matter of fact, I first drafted it to meet the point in Mr. Chintamani's resolution. It did strike me that at the same time it would meet another objection which has been raised against the abolition of the Civil Branch, that is, that it would discourage recruitment to the I.M.S. I cannot see that the two things are inconsistent. It seems to me that the same proposal could cover both. As Lord Zetland points out, unless the I.M.S., the Central Government, know how many men are likely year by year to be taken off from the top, they do not know how many new men to bring in at the bottom. I was only suggesting that if the agreement is to be effective it must be a long term agreement.

Sir Cowasji Jehangir: It will be of a long term character, and ample notice will be given, say a notice of a year and a half or two years.

Mr. Zafrullah Khan: So far as I recollect these two points, which are really one, have been separately expressed: that the Provincial Governments shall recruit a fair number of Europeans to the Provincial Services, and also, at the end, that they shall reserve a certain number of posts for members of the I.M.S., who, after having served a number of years, might be willing to take up civil appointments. I think it would bring the discussion and the points of view nearer together if both these proposals were expressed together in consecutive order, so to make it appear that there are not two separate obligations upon the Provincial Governments; that is to say, that apart from recruiting a fair or adequate number of European gentlemen into the Provincial Medical Services, they are in addition required to reserve a certain number of posts for members of the I.M.S. I think we might express it in this way: that they shall recruit a fair and adequate number of Europeans, and one method by which this may be secured is by means of agreement with the Army to take over members of the I.M.S. under those conditions. I think that might meet the difficulty.

Lieut.-Colonel Gidney: Sir, there are two points here. One is to provide an adequate number of European Medical Officers for the needs of the British families. The second point to settle is to make the I.M.S. attractive. Can these two points be achieved

by the addition of these words to the resolution: "To provide for the Medical needs of European Officers and their families in the Provinces, Provincial Governments can obtain such medical officers from the I.M.S. on terms agreed upon between the Governments"? These are the two points. You want to supply British Officers and families with European medical men. That is a claim you cannot deny.

Chairman: I have tried to put this in the form of a resolution. May I read to you what I have tried to put down? I do not want to bind anybody to it, including myself. Would this sort of thing do? This is a mere matter of agreement; we are merely suggesting agreement; that is all. This is what I have put down: "It is suggested that agreement might be reached between the Central Government and the Provincial Governments whereby the Provincial Governments in selecting their European doctors might grant a preference to those members of the I.M.S. who have performed their term of service with the I.M.S. This could be arranged on terms which would enable the services of these doctors to be utilised for Army purposes in time of war and facilitate the task of the Provincial Government in obtaining suitable entrants."

Mr. Shiva Rao: Sir, need we take into account here the requirements of the Army?

Chairman: My resolution says nothing about it.

Sir Cowasji Jehangir: That is the entire principle.

Mr. Chintamani: Yes, I think it is best that we should do so, because the stumbling block in the way of the reform of the Medical Services for which we have been asking for two generations has been that the requirements of the Army are such that our proposal cannot be carried into effect; and, as we shall be interested as much as anyone else in the Army having proper medical assistance, and, at the same time that there should be a proper organisation of the Civil Medical Services, it will facilitate our task if we show we are not blind to the requirements of the Army and that we are making proposals which are compatible both with the requirements of the Army and the requirements of the civil population. I think it will be to our advantage to show that recognition. That is why I have taken note of it. In this draft which the Chairman has read to us two points have to be noted. The first is the granting of preference to those members of the I.M.S. who have performed their term of service with the I.M.S. At first sight it would appear to be rather objectionable, but it should be read along with the other part of the resolution; that it is only in selecting their European doctors that this preference is suggested. In the earlier part of the resolution we have suggested that Provincial Governments should bear in mind the requirements of the Army and of the European population, and therefore should take care to appoint a sufficient number of qualified European doctors also. That being so, the suggestion that in appointing a

small number of European doctors preference should be given to men who have finished their service in the I.M.S., does not really adversely affect Indian interests. Therefore the objection which at first sight would appear to arise out of the word "preference" really disappears. From that point of view I think I have no objection at all to the Chairman's draft.

There is one more point. In the earlier resolution the paragraph relating to European doctors ends with this sentence: "Where arrangements cannot be made for European members of the medical services to be available for European officers and their families, these should be allowed to have the service of private European practitioners free of cost", "free of cost" means at the cost of the taxpayer. I cannot possibly assent to this. This is a novel proposition which came up for the first time as a result of one or other of recent Public Services Commissions. It is comparatively recently that we in India have begun to hear of the invincible reluctance of Europeans to be treated by any but European doctors. If Europeans go to India as the servants of the Government of India, in receipt of salaries from the taxpayer of India, then they should put up with such conditions as are available in that country. They cannot expect the people of that country to undertake the responsibility of finding for them doctors of their own nationality and race at their expense. This is an obligation which as an Indian taxpayer I have never accepted and which I repudiate. It is one thing to say that we should consult the convenience and the requirements of those people as far as you can do consistently with general public interests. That recognition we have shown in the first part of this resolution in asking the Provincial Governments also to appoint a number of European doctors; but to go further and invite us to accept the proposition that we shall pay for any European doctors whom they may get, is to go altogether beyond any legitimate demand that can be made of any taxpayer. To this sentence, therefore, I object.

Lieut.-Colonel Gidney: I have only one remark to make here, Sir. In the addition you have just made, there is one word which I will ask you to omit. Where it speaks of "retired I.M.S. officers", I would omit the word "retired". Why should we specify that we should allow a retired I.M.S. officer to come in to supply the European needs of the Provinces? Exclude the word "retired" and let the I.M.S. officer be selected so as to fulfil your needs for European families. The word "retired" indicates an old man, and possibly a senior Colonel who will be drawing Rs. 2,500.

Chairman: I have not used the word "retired" here. What about this point of Mr. Chintamani? I put in this last sentence from your draft.

Sir Robert Hamilton: May I suggest that is rather outside what we are asked to do, to make a suggestion of that sort. We are only considering the Services.

Chairman: Yes, I think Sir Robert Hamilton is right there. We are considering the Services. This is really an administrative matter, and I do not think it is within our terms of reference. I think Mr. Chintamani's point had better be conceded by striking out the last sentence, on the ground that it is not strictly within our terms of reference.

Mr. Shiva Rao: Does not Mr. Chintamani's objection also apply to the latter part of the previous sentence?

Chairman: I do not think so, because that is Mr. Chintamani's own draft.

Mr. Shiva Rao: "Further, the Governments and Public Service Commissions in India should bear in mind the requirements of the Army and the British population of India and take steps to recruit a fair and adequate number of European doctors to their respective civil medical services." I am against the introduction of any racial discrimination in this matter; I think it is entirely inconsistent with the spirit of the times.

Mr. Basu: Sir, in any event the expression, "The British population of India," should be omitted, because so far as the British non-official population in India is concerned, they look after their own medical needs. In the interior, for instance, in the tea districts in Assam they have their own medical men, and so also in other planting districts. The taxpayer will not be concerned with people who go out trading, exploiting or mining. What is meant is the official British population.

Chairman: I quite agree. I think it should not be "population," but "officials." It should be "official British population," or "British officials." Now I have enough to consider this on the report stage. We have one other topic to consider; that is the internal administration of the Police. In the course of our general discussions a good many questions were asked of Lord Zetland as to what exactly the point was. I do not know whether it would be convenient to him to open our discussions and enlighten us on the points. So far as I at any rate, am concerned I have a completely open mind; and I am afraid a completely uninformed mind; so that I would like the point put to me in order that I may follow them.

Lord Zetland: I think I can put the point that I raised on the Provincial sub-Committee quite shortly. In the first place, I think it very desirable that the control which is now vested in the Inspectors-General of Police by the Police Act, of 1861, should be retained, and I think it is desirable that this sub-Committee should make a definite recommendation to that effect. I think that it might also be desirable to go a little further than that; and to put the Inspectors-General of Police as far as possible on the same footing as the Executive Officers in control of the police in this country, that is to say, the Commissioner of the Metropolitan Police in London, and the Chief Constables in the Counties. In the Counties the Chief Constables have practically

complete control over the internal economy of the Police force. They appoint, they promote, they dismiss. It is laid down that those powers are within their competence. In the Counties the Chief Constables are responsible to bodies known as Standing Joint Committees. The Standing Joint Committee is a body which is formed partly of members of the County Councils and partly of Justices of the Peace. That is the authority to which the Chief Constables are responsible for the proper discharge of their functions. As I have said, so far as the internal economy of the Police Force is concerned the Chief Constable has practically independent control.

Mr. Chintamani: What are the functions of the Standing Joint Committees?

Lord Zetland: General supervision.

Sir Provash Chunder Mitter: Are they statutory?

Lord Zetland: Yes.

Mr. Chintamani: Would you have the same control by District and Municipals Board in India?

Lord Zetland: No, I do not think so. I would agree, of course, that the Inspector-General of Police must be responsible to the Provincial Government.—The position of the Commissioner of the Metropolitan Police here is very similar to that of a Chief Constable, so far as his control over his Force is concerned. He has the same powers of appointment, promotion, and dismissal, and he is responsible generally for the discipline of the Force. The Secretary of State has the power to make Rules for the general discharge of these different functions, but the Secretary of State consults a body which is known as the Police Council, and the Police Council is a body which consists of representatives of the Police administration, and particularly of a body known as the Police Federation, which consists almost exclusively of Police Officers. When the Secretary of State proposes to make a Rule for the proper discharge of the functions of the different Police authorities he lays that Rule before the Police Council before he gives effect to it, and the Police Council then have the opportunity of making any observations with regard to it that they may desire. In other words, the Secretary of State takes them into his confidence, and consults them on the matter. The general result of that is to keep the actual administration of the Police Force apart from all political considerations. Of course the Home Secretary is responsible for answering questions in parliament with regard to the Police Force and Police administration, but in effect he really devolves his ultimate powers in the matter of the actual control of the Police Force to these various Police Officers under him. I think that it is a matter for consideration whether some such system as that might not be possible in India. I think that everybody agrees that it is very desirable that you should keep the Police Force, so far as possible, outside political influences. It is a semi-military force. It has to discharge a number of im-

portant duties, and in the actual discharge of those duties it is responsible to the head of the Force, namely, the Inspector-General.

There is just one other suggestion which has been made to me with regard to cases in which members of the Police Force may be attacked on the ground that they have behaved without impartiality in the case of communal disputes. As we all of us know who have had experience of administration in India, there is always a considerable prospect when a communal feeling runs high, and communal troubles occur, in which the Police Force have to intervene, that a Police Officer belonging to one community will be believed to have acted partially by the general public of the other community. Attacks are frequently made, both in the press and in the Legislative Councils, upon individual Police Officers in cases of that kind. It has been suggested to me (and I do not offer any very definite opinion myself upon this point because I really do not quite know how it would work) that Courts-martial, or Disciplinary Boards, formed of senior Police Officers, might be set up in order to prevent the victimisation of officers and men on communal political issues. That is a suggestion which certainly, I think, might be adopted.

Mr. Tambe: By the members of the public, or by the officers?

Lord Zetland: Of course the Board would be set up by the Inspector-General himself. That is a suggestion which I put forward.

Mr. Tambe: In respect of accusation by members of the public?

Lord Zetland: Yes.

Mr. Tambe: The members of the public would be the accusers, and the Police would be tried by Courts-martial?

Lord Zetland: No; I am not suggesting that the members of the public who made accusations against the police should be brought before a Court-martial. That is not my suggestion. The suggestion is only that, when public indignation is expressed through the press, or through the Legislative Councils, at the action of a particular police officer, say, in suppressing a communal riot, or anything of that kind, then the Inspector-General should have the right to set up a Court-martial, consisting of senior police officers to investigate the case. That is the only point.

Sir Chimanlal Setalvad: That is to say, that the local Government or the Minister should not appear in this investigation but it should be done by this body?

Lord Zetland: Yes.

Sir Chimanlal Setalvad: You want to exclude the power of the Minister and of the local Government to investigate those charges; that is the effect of it?

Lord Zetland: Yes, in those particular cases.

Sir Chimanlal Setalvad: You would withdraw the jurisdiction of the Minister and of the local Government to investigate that matter?

Lord Zetland: No. You cannot withdraw the jurisdiction of the local Government, because the local Government admittedly must be supreme over its officers, but it could be laid down that that should be the practice which it is desirable to pursue. That, Sir, I think covers what I want to put before the sub-Committee. The main point is to secure that the powers now vested in the Inspectors-General by the Police Act of 1861 should be retained, and I put forward various other suggestions, such as the formation of a Police Council in a Province for the consideration of the sub-Committee.

Dr. Ambedkar: I want to ask one question for information, if you will permit me to do so. Does the noble Marquess desire that the position of the Inspectors-General should be recognised by statute, or does he want the position as it now is under the Police Act to be maintained? Does he want them to be recognised by statute as officers having certain statutory rights and obligations?

Lord Zetland: Yes.

Sir Provash Chunder Mitter: By Parliamentary statute?

Lord Zetland: That is right. The Inspector-General now has these powers by statute, namely the Police Act.

Dr. Ambedkar: That is a different thing to the Police Act, which of course would be subject to amendment by the local Legislature. The question is whether you want the position of the Inspector-General to be recognised as that of an officer performing certain duties, and as an officer not liable to interference by the Minister or by the local Government?

Lord Zetland: That is the effect of it. That is my proposal. I think that the powers which are now vested in the Inspectors-General should be retained.

Sir Cowasji Jehangir: By what authority—by the Police Act, or by the Government of India Act?

Sir Chimanlal Setalvad: It should be beyond the vote of the local Legislature or of any Legislature to alter the provisions of the Police Act.

Lord Zetland: Yes. I think that it should be the Act of the Federal Government.

Mr. Zafrullah Khan: That can be done by placing the Police Act in the list as one of the Acts which cannot be repealed, altered, or modified, by a Provincial Government without the consent of the Governor-General.

Dr. Ambedkar: That would be the position to-day, because the Act cannot be amended with the previous sanction of the Central Government.

Mr. Zafrullah Khan: If it is not included, let it be included.

Lord Zetland: Should the sub-Committee recommend that it should be included in that Schedule?

Sir Cowasji Jehangir: It will be included.

H.H. The Maharaja of Alwar: Mr. Chairman, I do not exactly know what business I have to be on this sub-Committee, because I am not of the Services or in the Services. I found my name incidentally in the list, which was a compliment to me, but, I feel myself not directly connected with the Services because they relate essentially to British India, but, if my colleagues desire to have my opinion, whatever it may be worth, on the various items of the Agenda, I will finish in less than five minutes.

First of all, regarding the question of safeguarding the position of existing members of the Services, my answer is: "Certainly." With regard to the question of re-assuring existing members of the Services with a view to securing that they will serve for their normal term, my answer, in Parliamentary language, is in the affirmative.

The next question is: "Should Recruitment on an all-India basis continue for any of the following Services: (a) Indian Civil Service; (b) Indian Police Service; (c) Indian Forest Service; (d) Irrigation Branch of the Indian Service of Engineers." That is a question upon which again British Indians are best able to decide, but my own answer is again in the affirmative. It is only with regard to the Political Department that I and my Order are principally concerned. Upon that subject I shall be speaking in the Conference, or in the Committee of the Conference, when it assembles, in conjunction with my other colleagues who will be there.

With regard to the question whether it is desirable to secure an element of European recruitment, my answer again is in the affirmative.

With regard to the question whether any such recruitment should be done by fixed ratio, *e.g.*, the Lee ratio for each Service, my answer in Parliamentary language, is in the negative, because the Lee ratio, I understand, implies recruitment calculated to secure an equal number of Indians and Europeans in the Indian Civil Service by 1939, and in the Police by 1949. I hope that another system will be devised which will expedite the Indianisation of these Services.

With regard to (4): "Who should be the recruiting authority for the recruitment of all-India Services under the new constitution," my answer is, "The Government of India."

With regard to (5): "Recommendations concerning the Civil Branch of the Indian Medical Service," I believe that that is a very essential Service which is required to be created in India. It should be a special Service, suitable to Indian needs, with British and Indians, but mainly Indians, in the Service, but that will

have to depend on the number of recruits that you can find ready to join that Service.

With regard to (6): "The desirability of recommending that the question as to what conditions may be required to attract and retain future recruits of the right type should be referred to a technical Committee or Committees," my answer is, "Yes."

With regard to (7): "Recommendations in relation to a Public Service Commission," that is a question essentially for British India to decide, and it is not for me to express any opinion upon that subject.

With regard to (8): "The internal administration of the Police," my answer is that that subject is closely linked with law and order, and where that goes in the Centre or in the Provinces, there should the Police also be concerned.

Chairman: I am very much obliged to His Highness for giving us, in such a short space of time, the review of the whole of the problem that we have to consider. We have rather missed him here, but he has told us now what his views would be.

H.H. The Maharaja of Alwar: I should like to apologise for my absence from this Committee on many occasions, but the Committee work has been overlapping. Therefore I have been in another Committee, and I have had to keep one leg in one place and the other leg in the other.

Chairman: I have often had to try to do the same thing in the Courts.

Sir Edgar Wood: I have spoken on this subject already so I propose to be very brief indeed. I think Dr. Ambedkar has solved the problem of how to continue for a certainty the existing Police Act, which is all I have been really endeavouring to do in what I have suggested before. I quite appreciate that it is wrong to try and tie the Legislature so that it cannot repeal an Act. It is an impossible situation. All I have been trying to do is to secure that for the present the conditions under which the Police are working shall be the same. They want them, and if they get that I do not think there need be any anxiety about what the Police are going to do in the near future. That near future is going to be a very anxious time, and I do feel that it is up to us to reassure them. My proposal is, Sir, that the Act as it as present exists should be scheduled as one of the statutes which is not alterable except with the consent of the Governor-General. I think that meets the situation.

Mr. Zafrullah Khan: Section 80, sub-section (3), paragraph (h) of the Act.

Sir Edgar Wood: All we need is to give confidence to the Police for the time being.

Now with reference to what Lord Zetland has said about Courts-Martial. Those Courts-Martial would necessarily, I think, if I understand him correctly, not be the final word in an Inquiry. The

idea I think is to let the Police realise that their actions will be first of all judged by their superior officers, and that it will go on the records that their superior officers—naturally drawn from all communities so far as possible—have considered the question, whatever it may be—discipline or action—in the first instance whilst it is fresh to memory and have recorded their opinion for the benefit of any other body which may be required to make any further enquiry.

There is another point in connection with the Police. I think we agreed in the Provincial Committee—I am not perfectly certain about this—Sir P. C. Mitter is not here, but he stressed the point that the Inspector-General should have direct access to the Governor. I think that it is very necessary that the Police should have direct access to the Governor with the knowledge of the Minister. I think we agreed upon that, and I merely mention it in case a debate is required on that. I think it is very important, but I believe it is a matter upon which we have already agreed.

Sir Cowasji Jehangir: For all heads of Departments.

Mr. Zafrullah Khan: That the Governor may be supplied with such information as he may require, with the knowledge of the Minister.

Sir Edgar Wood: I am quite satisfied with that with regard to the Police.

There is one other matter. I wish Sir P. C. Mitter were here because I would like to be guided by his view on this—that where there are Second Chambers in the Provinces a vote of no confidence in the Executive in matters of law and order should not be effective unless confirmed by the Upper Chamber. That is a protection to the Ministers; it strengthens their hands to feel that they have the Upper Chamber behind them.

Then Lord Zetland has mentioned the question of a Police Federation. If I remember rightly, the Police Federation in England was the result of the strike of the Police in 1919, and I think it was rather forced upon the authorities. I am very doubtful whether a Union of that sort amongst the Police, which should consider orders passed upon them by higher authorities, is quite the correct thing in India. I have no doubt that Mr. Shiva Rao, who is so keen a Trade Unionist and such an earnest worker for trade unionism, would be in favour of that; but I am a little doubtful whether the Police in India are yet in a position to have a Federation which will enable them to criticise rules and regulations which may be proposed in connection with their Service.

All that I have been speaking for so far has been with a view of giving confidence to the Police at present. If we give them confidence during the next five or ten years then I think the Government of India can do the rest.

Sir Chimanlal Setalvad: I spoke about this matter at the time of the general discussion and I am still of the same view. I am

against providing anything which would show distrust in the new Constitution in the new Ministers that will come into existence under that Constitution. If you are going to transfer law and order, as you say you want to do, then let the transfer not be weighed down by distrust and by provisions of the character now suggested.

The Police Act is there and it has worked well. Why should you then suppose that the new Government which will come into existence would live under the old state of things—go back on that, and alter that? It is to their interests to carry on law and order and administration in the proper way. They will be on their trial in that sense. Why do you suspect that they will go and do exactly the wrong thing? If you have this proposal you show complete distrust in the new Administration, and that is not at all the way to begin a new reform. Therefore I would leave the matter where it is at present and trust to the new Administration to do the right thing. If at present the Police Act is an Act which cannot be altered without the sanction of the Central Government, that will be so; but if it is not so, I am not prepared to make it so. Let things be as they are. If the position is, as I now understand, that the present Police Act is not subject to the previous sanction of the Government of India, then I would not alter that position, because it must imply, without changing the present state of things, that we are not prepared to trust the new local Governments which would come into existence.

With regard to the proposal about the Courts-Martial. That is still more open to objection. It means, as Lord Zetland practically admitted when I put the question to him when he was putting forward that proposal, the withdrawal of the jurisdiction from the local Governments and Administrations on questions of discipline—that is, it must be investigated by the Courts-Martial and their recommendations acted upon. Why not leave it as it is at present? Leave it to the local Governments to adopt such measures for investigating such charges whenever they arise. There is nothing to prevent the local Governments doing it now; they appoint committees, when occasion arises, to investigate the matter. You must leave the personnel of such committees to be determined by the local Governments as at present, without cutting down their discretion in the matter by any provisions of the character suggested.

Mr. Zafrullah Khan: My view is exactly the same, but I personally would be satisfied if the local Governments were entrusted with the administration of this very important Department of Law and Order they would carry out their responsibilities in the matter quite satisfactorily; but I do not conceive the position to be exactly as the last speaker described it. He says if the Act is not at present in the schedule we do not want to put it in that schedule and therefore impose a check which does not at present exist. With all respect, that is not the correct position. At present the subject of law and order is a reserved subject, and our proposal is that it

should be transferred. The proposal that this Act should be placed in that schedule amounts to this, that you should transfer up to the extent of 99½ per cent. and reserve half per cent., not that you should add some check which does not already exist. You want to impose this restriction in the course of transfer—

Sir Chimanlal Setalvad: It is not to be a complete transfer.

Mr. Zafrullah Khan: It is to be a transfer subject to this, that if ever that entry is taken out of that schedule there must be this check upon the power of the Provincial Governments that they cannot alter this Act without the consent of the Governor-General in Council. I say this check is not required. Although I recognise that you must trust the Provincial Governments, it seems to me a question also arises of creating confidence in certain quarters, where at present there is some doubt or hesitation with regard to the matter. Those of us who conceive that the subject of law and order could be transferred without any amount of hesitation or qualms should be prepared to recognise that in certain quarters there is that hesitation, and if that hesitation can be removed by giving security that until this entry is taken out this Act may be scheduled as one of those Acts which shall not be lightly interfered with by any whim or passing indignation (as it were) of the local Legislative Council, I think no harm will be done and no subtraction made from the doctrine of Provincial autonomy; and when really a reform becomes necessary we do not conceive the Central Government of India should not give reasons for the repeal of the Act, and if there is a lack of confidence—which certainly does exist, although not justified—and it would secure the confidence of those who feel distrust in this matter, I should be prepared to agree to that although I am convinced there is no necessity for it.

Mr. Shiva Rao: On a point of order. I want to know how this suggestion comes within the terms of reference of this sub-Committee.

Chairman: The Report of sub-Committee No. II is this:

“*The Abolition of Dyarchy*.—The sub-Committee is agreed that in the Governors’ provinces the existing system of dyarchy should be abolished and that all provincial subjects, including the portfolio of law and order, should be administered in responsibility to the provincial legislatures. (See note at end.)”

Then the note at the end is this:

“(1) The question of the administration of the Police was raised by Lord Zetland under paragraph 4, and it was decided that this should be left for the report of the Services sub-Committee when set up.”

That question has been specifically referred to us, and therefore although I quite agree it is outside our broad terms of reference, yet by reason of this specific note it has been referred to us.

Mr. Zafrullah Khan: If I may add just this. Perhaps the members of this Committee are not all aware that both the Federal

Structure sub-Committee and the Joint sub-Committee set up by sub-Committees Nos. I and II have suggested quite a large number of enactments on comparatively unimportant subjects to be placed in that list under Section 80 (3) (h), and if we put the Police Act under that it will not contravene any principles whatever.

Dr. Ambedkar : I am in general agreement with Mr. Zafrullah Khan. The reason why the Police Act is not placed in the schedule to-day is that the subject is a reserved subject, therefore as a matter of fact the Government of India has a complete control over the Department of Law and Order; and when the Department of Law and Order comes to be transferred the position will be altogether different. I think it will be necessary to consider whether we should not at least for the transitional period, consider the necessity of certain safeguards at least for keeping such as they exist at the present time. I personally am in favour of the suggestion that this Police Act should be included in the Schedule which requires to-day the previous sanction of the Governor-General or the Government of India.

There is another point to which I should like to draw your attention with respect to the question of the Police and the Department of Law and Order, a point which I raised also in the Provincial Constitution sub-Committee. This question has been considered, of course, from the standpoint of the responsibility of the future Provincial Governments. It seems to me that this question has also to be considered from the standpoint of the different minorities in the Provinces and the emergency occasions which may arise on occasions of communal trouble and such other emergencies. It seems to me that it is indeed a great safeguard for the minorities in the different Provinces to know which officer belonging to what community is going to administer law and order in that particular locality when a communal riot has taken place. We are all aware that all Police Officers are accused of partiality and of showing favour to one community or the other. There may not be sufficient justification for that accusation; but there may be cases when there may be abundant justification for the partiality of the officers operating law and order in those particular localities. It seems to me that it is very necessary in the interests of the protection of the minorities that the transfer and posting of Police Officers should not be, at least in times of emergency, in the hands of Ministers. It may be that a Minister who may have a communal majority in the Province may on any particular occasion shift a Police Officer who may not favour the particular community to which he belongs.

Mr. Zafrullah Khan : Ordinarily the Inspector-General does it.

Dr. Ambedkar : I know that in the Bombay Presidency a great row was created on account of the transfer of Police Officers. I do not know whether it was done under the Inspector of Police or by the Officer in charge; but I think that is a great safeguard which it is necessary to provide for in the future Constitution of India.

My specific proposal is this, that in cases of emergency, as a riot or communal trouble takes place, the Governor should have over-riding powers over the Minister in different localities with regard to the Police.

Raja Narendra Nath: I do not know whether the suggestion that has been made meets with Lord Zetland's approval and whether he thinks that all he wants will be sufficiently met by adopting that suggestion. If that is so, I wish to point out that I believe that in the future Government of India Act the word "Governor-General" will be substituted by "Government of India" and as there is a great deal of transfer of responsibility in the Central Government the action of the Government of India will be guided to a great extent by the opinion of the Central Legislature. That is one thing. But even if that change is not made and if the word "Governor-General" is retained the influence of public opinion on the Governor-General will play such an important part that it may be presumed he will not disregard that public opinion. So I think, Sir, that the suggestion may be adopted, and if the wishes of the noble Marquess are met, the whole controversy ends.

Lord Zetland: First of all may I say a word in reply to what Dr. Ambedkar said. If the Police remain an All-India Service recruited by the Secretary of State, the posting of superior police-officers will continue to be subject to the concurrence of the Governor, as it is now. He will find that in the Devolution Rule.

Raja Narendra Nath: Not necessarily.

Lord Zetland: Yes, because the Secretary of State will have the right to require that, if he retains control of the Police. Devolution Rule 10B says that no order for the posting of an officer of an All-India Service shall be made without the personal concurrence of the Governor.

Sir Cowasji Jehangir: "Concurrence"?

Lord Zetland: That of course would meet Dr. Ambedkar's point. Now with regard to what Mr. Zafrullah Khan says, his suggestion of course meets me entirely so far as the Police Act is concerned, because that would ensure that the existing powers vested in the Inspector-General of Police by the Police Act would not be withdrawn from him, as Mr. Zafrullah Khan says, owing to a passing-gust of indignation blowing through a Provincial Legislative Council. It would secure that those powers were retained, subject always to the concurrence either of the Governor-General or the Governor-General in Council—I am really not quite sure which it is going to be.

Now with regard to the other suggestions which I placed before the Committee I think there has been a little misunderstanding. In reply to the question by Sir Chimanlal Setalvad, when I was speaking on the subject of the establishment of disciplinary boards or courts-martial, I said that of course the whole thing was subject to the control of the minister. It must be subject to the control

of the Local Government. All that I would like to do is this, that this sub-Committee might suggest as a desirable or at any rate as a convenient form of procedure for the Local Governments to follow in these particular cases—

Sir Chimanlal Setalvad: Surely we are not here to give directions of that character to the local Government. They will use their discretion.

Lord Zetland: Not directions—suggestions. That in a case of this kind where there is a hue and cry against a particular officer of having acted partially in a communal issue, it would be a desirable form of procedure for a Court-Martial or disciplinary board to be set up to investigate the matter. Of course they would report to the minister.

Sir Chimanlal Setalvad: Consisting purely of police officers?

Lord Zetland: Yes; and of course they would report to the minister naturally, and the minister will take what action he thinks desirable on that.

Sir Chimanlal Setalvad: The minister may think it desirable to have a Committee not of police officers, but, say, of judicial officers or non-officials.

Sir Cowasji Jehangir: May I draw Lord Zetland's attention to this, that what he really requires is already in the Police Act. It is Section 12. It has been so interpreted and has been carried out in practice; so there is really no dispute about it. The Act says this, "that the Inspector-General of Police may from time to time, subject to the approval of the local Government, claim such orders and rules as he shall deem expedient relative to"—so and so, which is irrelevant; then there is this; "all such orders and rules relative to the Police Force as the Inspector-General shall from time to time deem expedient for preventing the abuse or neglect of duty and for rendering such force efficient in the discharge of its duties." Under the rules that he frames he has the right of appointing Committees to investigate and take disciplinary action. It is in the Police Act and it has been done in Bombay on more than one occasion to my knowledge. But it will depend upon the standing of the officer; there are certain officers with regard to whom he has not that power of disciplinary action. They are the officers at the very top, such as the Inspector-General himself, the Deputy Inspectors-General down to Superintendents. As to anybody below a Superintendent of a district he has this power of disciplinary action. I do not think the point need be stressed further.

Lord Zetland: Very well; I am very much obliged to Sir Cowasji for calling my attention to Clause 12 of the Police Act. I have not got the Act before me, and I do not bear in mind exactly what its provisions are, but if that Clause covers this particular point, I do not press the matter further.

Sir Cowasji Jehangir: When you make that statement, Sir, it covers the point that the Inspector-General can order an investigation into the conduct of a Police Officer on any individual occasion—on any specific charge or charges—is that what you mean?

Lord Zetland: Yes.

Sir Cowasji Jehangir: Then it does cover that.

Lord Zetland: Then the other suggestion I put forward, merely for consideration, is whether it might not be possible and desirable to establish in India a Police Council on the lines of that which exists in this country. And may I say that when I am accused by Sir Chimanlal Setalvad and others of showing intense distrust of the future Governments in India, I am doing nothing of the sort. I am only asking you to consider whether arrangements which have been found to be eminently desirable in this country might not be equally desirable in India.

Sir Chimanlal Setalvad: Yes, but the new Government will consider that in their administration. Why need we say that that should be done?

Lord Zetland: But is there any objection to our putting forward a particular suggestion for their consideration?

Sir Chimanlal Setalvad: Then you must consider the whole administration and make suggestions with regard to it. That is not what we are here for.

Lord Zetland: Well, that was the suggestion that I put forward, whether it might not be possible and desirable to establish in India a body on the lines of the Police Council in this country.

Raja Narendra Nath: What will be the functions of that Police Council?

Mr. Chintamani: Mr. Chairman, I do not want to detain the sub-Committee at this stage at any length. I have only a word or two to say. I fear the few words I have to say will not come within the category of one of the wisest speeches I have made here, to which the noble Marquess was pleased to refer yesterday. I disagree with his suggestions *in toto*, I accept his assurance that his motive is not to betray a mistrust of the future Governments in India; but his proposals have no meaning at all if they do not refer to such a state of mind, namely distrust. The noble Marquess has no complaint to make of existing law or of existing administrative practice; he is motivated wholly and entirely by the fear that the new Governments in India may not conform to the present practice and may be impatient to change the present law.

What is the foundation for this fear? What has happened anywhere to justify this apprehension in respect only of this one department? Every head of Department, in common with the Inspector-General of Police, has certain powers vested in him. Why has not the noble Marquess shown similar distrust that in the future Government other heads of Departments may require also to be

deprived of some of their existing power, and therefore it is prudent for us to make a suggestion? The mere fact that he has singled out the Police administration because that is going in future to be placed in charge of a minister as requiring a suggestion to be made from us that certain things should be done or should not be done, has a meaning only, on the footing that he is not easy in his mind as to what the future Government may do in the administration of the Police. As I have said before, if your structure of reform is founded upon that fear and distrust, it will be far wiser and far more prudent to say we do not trust to the sense of responsibility or the common sense of Indians who may form legislatures and governments, and therefore we will put an end to these labours of ours.

The only answer we can return to the reference made to us with regard to the internal administration of Police is that we have no recommendation to make, because the administration has been considered by us and we should not make an exception of it.

The noble Marquess has told us a good deal which is interesting about the organisation in England. I may make this offer to him: Let him agree to change the Police administration in India on the lines that prevail in England, vesting power in Statutory local bodies, like district and municipal boards, corresponding to your district and borough councils, and then I shall be free to consider all the other suggestions that he makes; but often it has happened that if there is anything which will work to our detriment in India it is put forward on the plea of analogies in England; but when there is something good in England for which we aspire, then we are told that our conditions are totally different and these things will not suit us.

I formally move that this sub-Committee's answer to this reference be that we have no recommendation to make.

Sir Robert Hamilton: May I say one word in answer to Mr. Chintamani? I should like to ask him whether it is not statesman-like to recognise that there is apprehension in the Force. That apprehension has been voiced. There is apprehension in the Force, and we who are desirous of seeing the new Constitution succeed are anxious that this Force, which is such an important weapon in the hands of the new Ministers, should be useful to its fullest extent. If the apprehensions that do exist in the Force can be met on the lines of the suggestion made by Mr. Zafrullah Khan, is not it desirable that we should meet them in that way?

Mr. Chintamani: My answer is that I think that such apprehensions do exist in the minds of European officers, not only of the Police Department but of every single Department of every Government in India. These apprehensions did exist in 1919 when the transfer of certain Departments was proposed. These apprehensions have been uttered by the officers of every reserved Department. Then why do not you take notice of these apprehensions in every Department and make similar recommendations? Why make an exception in this case?

Chairman: It looks to me as if in drawing up something for the report stage, I had better follow the procedure which I followed at an earlier stage of our report and make it perfectly plain that there is a divergence of opinion; then we can record the two views, and, if you like, record these on one side and those on the other. I will do that. We will now adjourn and I will try to let you have all the stages we have gone through, and I hope we shall not be very long in getting to our report stage.

(The sub-Committee adjourned at 1-13 p.m.)

PROCEEDINGS OF THE FIFTH MEETING OF SUB-COMMITTEE NO. VIII
(SERVICES), HELD ON 12TH JANUARY, 1931.

Chairman: We will begin the Report stage. I think the best thing would be if I read this thing through sentence by sentence, so that you may tell me at the end of any sentence if there is any amendment which is desirable. You have all got the document before you, I hope.

Paragraph 1: "Inasmuch as the Government of India Act and the rules made thereunder by the Secretary of State in Council guarantee certain rights and safeguards to members of the Services, due provision should be made in the new constitution for the maintenance of those rights and safeguards for all persons who have been appointed before the new constitution comes into force.

"When the new constitution is drawn up suitable safeguards for the payment of pensions (including family pensions) and provident funds, should be provided."

Sir Chimanlal Setalvad: That, I suppose, is with regard to the existing members of the Services?

Chairman: The existing Services. It is all headed: "Existing members of the Services."

"As it is important that those responsible for the working of the new constitution should not at its initiation be embarrassed by the economic waste and administrative difficulties which a change of staff on a large scale would entail, it is desirable to take such steps as are necessary to reassure existing members of the Services with the view that they may serve for their normal term.

"In particular the sub-Committee agreed that the right to retire on proportionate pension should be extended.

"The opinion of the sub-Committee was divided as to whether the extension should be for an unlimited term or for a definite period of years, say, 5 years.

"The sub-Committee recommend that whatever course is necessary to avoid the risk of these results should be adopted, provided that the same is conducive to loyal and efficient service."

Mr. Shiva Rao: Instead of "say, 5 years," would not you say "not to exceed 5 years"?

Sir Edgar Wood: I think the opinion was that it should be over the transition period, which is more than 5 years, I take it.

Mr. Chintamani: In the paragraph beginning "In particular" and the two following paragraphs, I move that the Report might read as follows: After "that they may serve for their normal term" then: "To this end the sub-Committee agreed that the right to retire on proportionate pension might be extended, but opinion was divided as to whether the extension should be for an unlimited term or for a definite period of years, not exceeding 5"—and omit the subsequent paragraph.

Chairman: I do not think there is any objection to the first two. You say "not exceeding 5" instead of "say 5." I think the grammar of yours is rather better than the grammar of mine.

Sir Cowasji Jehangir: What is the material change?

Mr. Chintamani: There is nothing material in the last paragraph: "The sub-Committee recommend that whatever course is necessary to avoid the risk of these results should be adopted, provided that the same is conducive to loyal and efficient service." This paragraph might be interpreted by implication to mean that even those who did not want the extension of this concession for more than 5 years would be willing that it should be extended for a longer term if that was found necessary to avoid such results. Those who are for limiting this to five years have, I believe, gone the farthest length and would not be prepared to see an extension of that right under any plea whatever, and therefore I ask that that paragraph should be omitted. As regards the others, it is agreed that there should be a definite extension. The meaning is clearly brought out in the foregoing sentences. This has a meaning only so far as the 5 year people are concerned; otherwise, it has no meaning, and the limitation to 5 years.—

Chairman: Will you read the last two paragraphs again?

Mr. Chintamani:... "it is desirable to take such steps as are necessary to reassure existing members of the services with the view that they may serve for their normal term." Then I say "to this end the sub-Committee agreed that the right to retire on proportionate pension might be extended, but opinion was divided as to whether the extension should be for an unlimited term or for a definite period of years, not exceeding 5." This brings out the opinions of both sides quite clearly—there is no ambiguity whatever—the extent of agreement and the extent of disagreement.

Lt.-Col. Gidney: Might I ask for an explanation regarding the suggestion to put the word "should" instead of "might" because "should" is definite?

Mr. Chintamani: The only difference I can see is this. Assuming the Government of India found that whatever might be the changes or concessions necessary in order to bring about the intended

results, the extension of this particular right was not one of the things necessary, then there would not be before them a definite recommendation that a certain thing should be done; it would be only before them for consideration as a thing that might be done.

Lt.-Col. Gidney: I think the consensus of opinion was that we should respect this proviso, and that existing members should be given this opportunity of retirement within a certain period. The word "might" certainly renders its value very nugatory.

Chairman: It is entirely a matter for the sub-Committee to decide which is best. I point out this if I may. Do not forget that we have that sentence before explaining the object of the whole thing, in which we say: "It is important that those responsible for the working of the new constitution should not at its initiation be embarrassed by the economic waste"—I think that was Sir P. C. Mitter's suggestion—"and administrative difficulties which a change of staff on a large scale would entail, it is desirable to take such steps as are necessary to reassure existing members of the Services with the view that they may serve for their normal term." I suggest that Mr. Chintamani's suggestion is an improvement; when he puts in "To this end" instead of "In particular," it links up the new sentence with the old sentence, and I would rather suggest that you have "should" instead of "might." It is a small matter.

I would suggest, as far as that sentence goes, that we should accept Mr. Chintamani's phrase "to this end" instead of "in particular." Then I suggest you could accept Mr. Chintamani's idea of joining the two sentences, because I think it is neater: "But opinion was divided as to whether the extension should be for an unlimited term or for a definite period." Now comes the point of substance I think, as to whether we should say "say, five years," or whether we should tie ourselves down to "not exceeding five years." Let us discuss that now.

Mr. Chintamani: As far as the discussion went, it ended with a compromise; but no one who was in favour of a definite extension was in favour of more than 5 years; so that it would be a faithful reproduction of the discussion to say "not more than 5."

Sir Edgar Wood: I think I am correct in saying that one member suggested extending it every 5 year period.

Mr. Chintamani: That is quite a different matter; that does not come into this category at all. He wanted the right to revise it every 5 years.

Sir A. P. Patro: As far as the discussion was on this point, I think it would be a faithful reflection of that discussion to say that it was for 5 years, because those gentlemen who wanted to have a definite period adhered to the period of 5 years.

And therefore, it would be correct to say "for a period of 5 years" or "not exceeding 5 years"; that is correct as far as the discussion went. Then comes the disputed question: "The sub-

Committee recommend that whatever course is necessary to avoid the risk—.” I entirely object to the deletion of that, because it is absolutely necessary to state faithfully what took place here in this Committee. In this Committee we recommended that it was absolutely necessary to avoid risks if these results should be adopted, “ provided that the same is conducive to loyal and efficient service.” That was the general trend of opinion in this Committee; this paragraph therefore states what was the discussion. Hence I see no reason whatever to delete that paragraph. But if it is said that even now a few members do not wish to make this recommendation, it will have to be modified and we shall have to say that a portion or a section of the Committee is of such and such an opinion. It is quite wrong to say that the whole of this paragraph should be deleted because there is no discussion and no opinion expressed on that matter.

Chairman: What do you say about “ say, 5 years.”

Sir A. P. Patro: On that portion I think it is correct to say there was an opinion that it should not exceed 5 years; but as regards the last paragraph I stated quite definitely that to enlist the loyalty and co-operation of the Services it was necessary to facilitate the taking of any steps in that direction.

Mr. Chintamani: Mr. Chairman, the point brought out in this disputed paragraph is already brought out in the preceding paragraphs as to the motive and purpose. Apart from that, you will remember that I gave you notice immediately you read this that I would move to delete this when we got to the report stage; so that I am only doing what I said I would do.

Chairman: Mr. Chintamani is quite right; he said at the time he was going to move to delete the last paragraph; he is certainly not in a position of having let the thing go by default or anything of that sort.

Sir A. P. Patro: It is not as though we were drafting a statute here, in which case it might be said that we should not express the same idea more than once. Therefore, as it is, it is correct.

Chairman: I do not mind at all; but I will tell you what I had in mind in putting it in, if that is the smallest use to you in guiding your judgment. It was simply this: There was a difference of opinion as to whether we should extend it for a period, let us say, not exceeding 5 years, or whether we should leave it open. But though there was a difference as to the means, I wanted to emphasise, what I thought was the fact, that the Committee were all agreed that the object was to prevent what I think I termed a landslide of officers, and I think everybody agreed that that would have to be done. Some thought 5 years was ample time to do it; others thought unlimited time was necessary; but I thought there was a general opinion that, whatever was necessary to be done had to be done.

Mr. Basu: That hope is I think to some extent expressed by that paragraph: "As it is important that those responsible for the working of the new constitution should not at its initiation be embarrassed by the economic waste and administrative difficulties which a change of staff on a large scale would entail, it is desirable to take such steps—". You do state that. It is a mere repetition or a paraphrase of what has gone before.

Mr. Shiva Rao: I think this paragraph as it stands is liable to be misunderstood in this way, that even those who are for limiting the period of 5 years are willing to concede this point that if the Services think it should be an unlimited period in the interests of loyal and efficient service, you are willing to waive that point. I think there is a good deal of force in Mr. Chintamani's point that the last paragraph should go out in view of the fact that you have already made the point of view very clear in the introductory paragraph under that head.

Mr. Mody: It is a small point, but how would it do if at the end of the third paragraph you add the words: "With a view that they may serve for their normal term, and render loyal and efficient service."

Major Stanley: How would it be if you simply transposed the order of these paragraphs and made No. 3 No. 1. I am talking of the block of the last 3 paragraphs.

Mr. Chintamani: The words "The sub-Committee recommend that whatever course is necessary," if put at the beginning might mean anything—not merely with regard to extension of term of office and so on, extension of the right to retire on proportionate pension.

Mr. Basu: We have to keep in mind the interests of the administration as well as the interests of the taxpayer. If an officer, after the new constitution has been working for 5 years, cannot make up his mind that he should retire, then, if he is allowed liberty to retire after the first 5 years at any moment he chooses, the State loses an experienced officer, and the officer too will always be thinking of finding some job that he would probably get elsewhere, and it would impair the efficiency of administration. May I suggest the compromise in the following words: "Some of the members of the sub-Committee think that whatever course is necessary—".

Sir Chimanlal Setalvad: That is inconsistent with the first paragraph in which we have said that we all think it is necessary to take steps. Having given the reason why we recommend it, we say: "it is desirable to take such steps as are necessary to reassure existing members of the Services with the view that they may serve for their normal term."

Lord Zetland: If I may say so, Mr. Chairman, I am a good deal impressed with what Mr. Chintamani says. I do not myself see that this last paragraph is really of very much substance; it

does to some extent conflict, I think, with what is said in the earlier paragraph, as Mr. Chintamani points out. So far as I understand it, I do not attach any great importance to retaining the last paragraph.

Mr. Chintamani: My contention is that it is not merely a repetition in other language of what has gone before, but an extension.

Lord Zetland: Yes; I see your point, and I think your point is a good one, if I may say so; I am in agreement with you.

Sir Cowasji Jehangir: Sir, if you drop that paragraph, you leave out these words "loyal and efficient service." If you drop it out, then, as Mr. Mody says, it should go in at the top. It means he must not seek employment elsewhere.

Lord Zetland: I think if Mr. Mody's words are put in where he suggested they should be put in, the Committee might come to an agreement on that. (*Agreed.*)

Chairman: Then it will read like this, "it is desirable to take such steps as are necessary to reassure existing members of the Services with a view that they may serve for their normal term and render loyal and efficient service."

Mr. Tambe: Or "with loyalty and efficiency."

Chairman: Yes, what about that: "With loyalty and efficiency."

Sir A. P. Patro: I do not agree to that; I adhere to the objection which I raised. I want the retention of that clause.

Chairman: Then we had better put this to the vote. As I see it, there are two courses open. I suggest, first of all, that we accept Mr. Chintamani's suggestion of the words "to this end" instead of "in particular." We accept "should" which he is willing to do. We accept his suggestion of the word "but" joining the two together; and we say "not exceeding" instead of "5 years." Then the two rival suggestions are these. There is not much in it one way or the other. One is that after the words "they may serve for their normal term" the words should be added "with loyalty and efficiency." The other suggestion is this, that you do not put those words there but leave the last sentence, in order to emphasise that the difference of opinion is merely a difference as to means and not a difference as to the ultimate result. It is said, on the contrary, that that is already made plain by the longer paragraph above. I think we had better just take a vote on this and settle it one way or the other. Those in favour of the suggestion of striking out the last sentence and putting in the words "with loyalty and efficiency?" (*There was a show of hands*). 13. Those in favour of keeping in the last paragraph?—8. Then we will do that: we will strike out the last paragraph, and put in the words "With loyalty and efficiency."

Now No. 2: "Future recruitment for the All-India Services. We recommend that for the Indian Civil and Indian Police Services recruitment should continue to be carried out on an All-India basis. The Indian Forest Service and the Irrigation Branch of the Indian Service of Engineers should be provincialised. Four members"—they are clearly entitled to have their names mentioned if they desire—"would prefer that the Irrigation Branch should remain an All-India Service. Mr. Shiva Rao desires to record his view that all Services should be provincialised forthwith."

Mr. Tambe: My name may be added to that.

Chairman: Yes. Then we must make it "desire to record their view".

Mr. Tambe: Yes.

Chairman: "Doctor Ambedkar, Mr. Zafrullah Khan, and Sardar Sampuran Singh are averse to further recruitment on an All-India basis for the Indian Civil Service, save in respect of the European element in that Service. Some members are of opinion that recruitment for Judicial Offices should no longer be made from the Indian Civil Service."

Dr. Ambedkar: Also the Indian Police Service, Sir.

Chairman: You want put in, do you, "for the Indian Civil Service and the Indian Police Service"?

Dr. Ambedkar: Yes.

Chairman: Does that apply to Mr. Zafrullah Khan?

Mr. Zafrullah Khan: Yes.

Chairman: And to Sardar Sampuran Singh?

Sardar Sampuran Singh: That is right.

Chairman: I am only purporting to record your views there, so I will put in the words "and for the Indian Police Service".

Mr. Mody: Then you will have to say: they are of opinion, instead of "some members".

Mr. Zafrullah Khan: And we shall have to say: "in those Services".

Mr. Chintamani: I wish to draw attention to something in the very first sentence and in the very last sentence. The very first sentence is "We recommend that for the Indian Civil and Indian Police Services recruitment should continue to be carried out on an All-India basis". The last sentence is: "Some members are of opinion that recruitment for Judicial Offices should no longer be made from the Indian Civil Service." My proposal is that this last sentence should be linked up with the first sentence. It will then read like this: "We recommend that for the Indian Civil and Indian Police Services recruitment should continue to be carried out on an All-India basis but—" either "some members are of opinion" or without that, "recruitment for Judicial Offices should no longer be made from the Indian Civil Service". The idea

which I have in mind is that when the number of places in the Indian Civil Service year by year that has to be recruited is determined, account is taken of the number of Judicial Officers as well as Executive Officers for which new men are required, and that number is recruited for. What we desire is that in recruitment the Judicial Officers should be left out altogether; the recruitment for Judicial Offices should not be in the Civil Service; it should be a separate recruitment. Howsoever the language may be expressed, this was the opinion of all those who objected to Indian Civil Service officers continuing to be Judicial Officers for the future. Therefore I should like to put it in that way.

Chairman: I think that is a good idea, to link the two up; but what about "some members" as opposed to "all members". I do not think all members will agree to that. I see some heads being shaken already.

Sir Robert Hamilton: What do you mean by "Judicial Offices"; how far down would you go?

Mr. Chintamani: District and Session Judges, High Court Judges and Subordinate Judges. Those are true Judicial Officers.

Sir Provash Chunder Mitter: I agree with Mr. Chintamani on that point.

Mr. Zafrullah Khan: May I suggest, if a majority is in favour of this, that it should be part of the Report, and with regard to those who differ, it should be said somewhere that some of us were of opinion that this should not be done.

Chairman: Mr. Chintamani put this language in. I have had a little doubt as to whether this is really within our terms of reference.

Mr. Chintamani: Yes, it is in connection with the Civil Service.

Chairman: I am not too sure of it; I think there is argument for it and argument against it. I do not want to press it too much, because, after all, we are concerned with the loyalty of the Services to the new political structures. We are not so much concerned with what the Services have to do, which is a matter for the reorganisation of the Services.

Sir Cowasji Jehangir: Give Mr. Chintamani the benefit of the doubt, Sir. May I point out that it is relevant, because what Mr. Chintamani and most of us wanted was that recruitment for the Judicial Services should not be on an All-India basis but on a provincial basis—it does not matter where they were recruited from which would enable each government then to recruit people for the Judicial Services from the Bar or from the Provincial Services, or however they chose. Therefore Judicial Services must be excluded from the All-India Service, and that is relevant.

Then that will carry out the wishes of most of us. I must point out, for the information of some members, that there are only four judicial posts now which are held by the Indian Civil Service.

There are only two District Judges who are members of the Indian Civil Service; all the rest have been provincialised. I am only talking of my Presidency. In the High Court there are one or two members of the Indian Civil Service.

Mr. Chintamani: You must have at least one there.

Sir Cowasji Jehangir: We have three now; and we have only five in the whole of the Bombay Presidency to my knowledge holding Judicial posts.

Chairman: Should not we represent the sense of the meeting if we said this: "We recommend that for the Indian Civil and Indian Police Services recruitment should continue to be carried out on an All-India basis; but the majority of the Committee are of opinion that recruitment for Judicial Offices should no longer be made from the Indian Civil Service."

Lieut.-Colonel Gidney: Sir, there is one point which seems to create a divergence of opinion between Mr. Chintamani and Sir Cowasji. Mr. Chintamani's resolution means that if you are a member of the Indian Civil Service, you are debarred from sitting in the High Court. Sir Cowasji said that these appointments should be recruited from the Bar and from the Provincial Civil Services. Does he mean by that that while Provincial Civil Servants may become judges of the High Court, members of the Indian Civil Service are to be debarred. That seems to be rather contradictory.

Sir Cowasji Jehangir: Judicial Service is the work of a trained lawyer.

Lieut.-Colonel Gidney: Of course the Provincial Civil Servant is a different officer from the Indian Civil Servant, but they are both government officers; and if the objection is to a Civil Servant becoming a Judge of the High Court, that objection should apply to both.

Mr. Zafrullah Khan: May I say a word with a view to explaining what the position is at present. So far as the High Courts are concerned, the Government of India Act provides as to what classes High Court Judges are to be drawn from. The present provision is that not less than one-third of the Judges shall be members of the Indian Civil Service, not less than one-third shall be Barristers of England, Ireland or Scotland; and the remainder, which is always less than one-third, may be members of the Civil Service, may be Barristers or may be Advocates, or are taken from the Subordinate Judiciary. That is as far as the High Court is concerned. So far as the Subordinate Judiciary is concerned, no doubt they become members of the Provincial Judicial Civil Service, but they are drawn from the Bar. The appointments are now in all the Provinces confined to members of the Bar. So that the original recruitment to that branch of the Service is from the Bar. What we desire is that recruitment to the High Courts, which is partially from the Bar, and to District and Session Judges, which is also

partially from the Bar, should be entirely from the Bar as is the case in the Subordinate Judiciary Service:

Lieut.-Col. Gidney: When they are drawn from the Judicial Offices of the Provinces, they become *ipso facto* Provincial Civil Servants.

Sir Provash Chunder Mitter: With regard to the immediate point, I am afraid that it will be confusing the issue if we refer to the High Court. The point is recruitment for the future. As regards recruitment for the future, as soon as an officer is recruited he does not go at once to the High Court. The time for going to the High Court is perhaps ten years later or twenty years later. Therefore we should say that in future, so far as the Indian Civil Service is concerned, we recruit a certain number, with the object that we recruit some to fill up judicial posts, and some to fill up executive posts. In future we desire, for the sake of security, that we shall continue to recruit for the executive posts. Therefore the argument of the High Court does not come in at all.

Mr. Fazl-ul-Huq: The suggestion which has been made would meet the point. No discussion is necessary if you say: "The majority are of opinion".

Chairman: The only question is whether we shall say "some" or "the majority". I should like to see how many are in favour of putting in the words. The amendment reads: "We recommend that for the Indian Civil and Indian Police Services recruitment should continue to be carried out on an All-India basis, but the majority of the Committee are of opinion that recruitment for Judicial Offices should no longer be made from the Indian Civil Service". I am told that it would be better to put: "should no longer be made in the Indian Civil Service". Do you accept that, Mr. Chintamani?

Mr. Chintamani: Yes.

Chairman: Will those in favour of those words being inserted kindly signify? (*On a show of hands there voted in favour of this 116*). Will those against the words being inserted kindly signify? (*There was another show of hands*). The words "the majority" are carried. We will insert, after the words "on an All-India basis", the words, "but the majority of the Committee are of opinion that recruitment for Judicial Offices should no longer be made in the Indian Civil Service".

We now come to page 3 of the draft. The heading is "The recruiting and controlling authority for the future All-India Services". I should like to tell you, first of all, that I am by no means proud of this drafting. I am only too conscious of the fact, on reading it through in cold blood, that it is not a very good piece of English composition. Sometimes I say "Some members of the Committee are in favour of" this, and then: "Some members of the Committee are in favour of" that, and then I introduce a sentence where it is doubtful whether I am talking

about some members of the Committee or all members of the Committee. I have no doubt that you have noticed that. Please do not think that I am in any way wedded to this draft. I see that Lord Zetland has suggested that this might be very much reduced in length without in any way getting away from the sense of what the Committee did. Where does yours come in, Lord Zetland?

Lord Zetland: I suggest that it comes in at the end of the second paragraph.

Chairman: The first two paragraphs read: "Since we are recommending that the Indian Forest Service and the Irrigation Branch of the Indian Service of Engineers should no longer be recruited on an All-India basis, we do not think it necessary to offer any special observations with regard to these two Services. On the question whether we should record any recommendation as to the desirability of securing a continuance of the recruitment of a European element in the Indian Civil Service and the Indian Police Service there was some divergence of opinion". Down to there, may I take it that it is all right? (*Agreed.*) The amendment suggested by Lord Zetland will now be circulated. I have only at this moment seen it myself. I am not complaining, but I would have let the Committee have it if I had seen it earlier.

Sir Cowasji Jehangir: For what is this a substitute?

Chairman: It is for the whole of the rest of it. I take it.

Lord Zetland: Yes. I would insert here a new paragraph which would take the place of the rest of page 3, and of pages 3, 4 and 5, down to the end of the last paragraph but one on page 5.

Chairman: That is to say, down to the word "dismissal".

Lord Zetland: That is right. I think that it really says very much the same thing, but it says it in a shorter way. This is the paragraph as I have it. "The majority of us are of opinion that in the case of these two services it is desirable that some recruitment of Europeans should continue". As far as I remember, there was a majority in favour of that actual proposition. "On the question of the ratio there is a difference of opinion, some of us holding that for the present recruitment should continue on the lines laid down by the Lee Commission, while others would prefer that the matter should be left for decision by the future Government of India. With regard to the recruiting authority, the majority of us hold that it should be left to the future Government of India to determine who this should be and also what conditions of service may be necessary to enable them to secure the number and type of recruits that they require. Those of us who take this view"—this is still the majority—"attach importance to complete control over the Services being vested in the Indian and Provincial Governments". That is the point of Mr. Chintamani and of other members of the Committee. "A minority of us"—and this is where I come in myself. I must not be understood to have included myself in the majority; I was being as generous as I could to my

friends here—" think that the recruiting authority should be the Secretary of State, since we hold that without an ultimate right of appeal to him and through him to the British Parliament, it will not be possible to secure recruits of the required type for the British element in the Services. Those of us who take this view consider that adequate control over the members of the Services can be secured to the Indian and Provincial Governments under the Devolution Rules".

Mr. Foot: May I ask a question with regard to the word "British"? The word "British" has been used, and frequently the word "European" is used. Is it necessary that the word "European" should be used at all?

Lord Zetland: Yes. I think that it should be "European". The word "European" is always used in this connection in India.

Sir Provash Chunder Mitter: Upon that point I should like specifically to limit it to "British" and not "European". We may be willing to have the British element, but there is no reason why we should have French or Italians.

Chairman: The amendment proposed is on page 3, after the first two paragraphs which I have read, to cut out the whole of the rest down to the words "supersession, suspension, removal, or dismissal," which are to be found 7 lines from the bottom of page 5, and to substitute this paragraph in place thereof.

Mr. Chintamani: To begin with, I am not clear in my mind whether it is the majority of us, or some of us, who are in favour of this.

Chairman: We will settle that. Perhaps it is as well to take an opinion upon it now. It is useful, I think, in order to guide us in our deliberations, to see whether that first statement of Lord Zetland's is right. It reads: "The majority of us are of opinion that in the case of these two Services it is desirable that some recruitment of Europeans should continue". Will those in favour of that please signify? (*A show of hands was then taken*). I am told that that is a majority. Who is going to speak upon this amendment?

Sir Cowasji Jehangir: I take it that all these points are covered in Lord Zetland's amendment, because I have not had time to verify it. Lord Zetland has done it very carefully, and no doubt all the points in the three pages are covered in the amendment. The amendment reads: "With regard to the recruiting authority, the majority of us hold that it should be left to the future Government of India to determine who this should be", and so on. I think that the majority held that it should be the Government of India, and not that it should be left to the Government of India. The discussion was whether the recruiting authority should be the Government of India or the Secretary of State. According to this draft, it says that the majority did not desire to come to a decision upon this point, but desired to leave it to somebody else, namely,

the Government of India. That was not the point as far as I remember. So far as I recollect—I am not certain, whether it was the majority, and we can leave that to be ascertained—those who expressed the opinion were clear on the point that it should be the Government of India who should be the recruiting authority, and we had no desire to leave it to anybody else to decide that point.

Lord Zetland: Upon that point Sir Cowasji Jehangir may be right, but that was not what I understood the sub-Committee to wish. I understood that the majority of the sub-Committee wished to leave the decision to the future Government of India. And it was for that reason that it was suggested that we might advise the Government of India to set up a Committee. I thought it was felt that that was quite unnecessary, and after that, I thought that it was decided that it was desirable, in the opinion of the majority, that the decision should be left to the future Government of India to take.

Sir Cowasji Jehangir: My impression was that it was the Government of India or the Secretary of State; some were for the Government of India and others were for the Secretary of State. Upon this particular matter, as far as my recollection goes, neither Sir Chimanlal Setalvad or Mr. Chintamani, who were arguing the case in favour of the Government of India being the recruiting authority, ever stated on this point that they desired to leave it to the Government of India.

Sir Chimanlal Setalvad: I think that Sir Cowasji Jehangir is right in indicating the view which we expressed. The view was that in our opinion the recruiting authority should be the Government of India, and that the control also should vest there.

Lord Zetland: If the majority of the Committee consider that it should be definitely laid down that it should be the Government of India I have no objection, because I am not in that majority. It does not matter to me one way or the other. The question is, what does the majority wish?

Chairman: We had better ascertain that. I am not quite sure that I follow this. Is not this rather the same question as we had before, the question as to whether a recruitment of Europeans should continue? If you leave it simply to the Government of India, then those who are in favour of that course are not giving any guide, but they are leaving themselves completely in the hands of the Government of India as to the recruitment of Europeans or not. Is it not rather the same question as we had before?

Sir Chimanlal Setalvad: No. This does not concern Europeans or Indians. Whatever the recruitment should be, both of Europeans and of Indians, the recruiting authority and the controlling authority should be the Government of India.

Sir A. P. Patro: It should be left to the Government of India whether it is going to recruit any further or not.

Sir Chimanlal Setalvad: Whether Europeans or Indians are recruited, the recruiting authority and the controlling authority should be the Government of India.

Mr. Mody: We go on to a new idea in the second sentence. With regard to the recruiting authority, our definite opinion was that it should be the Government of India.

Chairman: I will leave this to the vote, but I suggest to you for your consideration that this is very ambiguous. The sentence is: "With regard to the recruiting authority, the majority of us hold that it should be left to the future Government of India to determine who this should be and also what conditions of service may be necessary to enable them to secure the number and type of recruits that they require". I am sure that that will be read as meaning that it is for the Government of India to decide whether they want Europeans or not.

Lord Zetland: Surely that sentence leaves it to the Government of India to determine whether, in the case of these two Services, the recruitment is to be effected by one authority or by another authority.

Sir Chimanlal Setalvad: The Government of India may also recruit Europeans.

Lord Zetland: Yes; that is my point.

Sir Cowasji Jehangir: In my opinion the racial question ought to come after the authority question. If you first decide who is the recruiting authority, then you can go on to the racial question. That is how we discussed it, and I think that it should be put in that order.

Lord Zetland: I thought that that was a bad order, and that was why I reversed it. Two things go together. The question of the continued recruitment of Europeans, and the ratio in which they should be recruited, is surely one subject. Another subject is: by whom should they be recruited?

Sir Chimanlal Setalvad: I would like to make a definite suggestion. Instead of this sentence beginning with the words: "With regard to the recruiting authority" and ending with the words: "to secure the number and type of recruits that they require" I suggest that we substitute the words: "The majority of the Committee hold that the recruiting and controlling authority in the future should be the Government of India".

Sir Edgar Wood: I feel quite sure that it was the view that the Government of India should have the door left open so that they could adopt whatever they thought would be the more efficient method. I thought that this Committee agreed to leave the discretion in the hands of the Government of India, and not to close the door.

Mr. Shiva Rao: With regard to the recruiting authority for Indian and European entrants into the service, the majority of us

held that it should be the future Government of India. That is practically what Sir Chimanlal Setalvad suggested.

Chairman: If I might guide the meeting, with the very greatest respect to Lord Zetland, I think that this sentence is ambiguous. I understand it in a different sense from the way in which Lord Zetland obviously means it to read. I think that the part which makes me understand it differently is the phrase: "to enable them to secure the number and type of recruits that they require". I think that that would be met by Sir Chimanlal Setalvad's amendment. Perhaps he would not mind reading it again.

Sir Chimanlal Setalvad: "The majority of the Committee hold that the recruiting and controlling authority in the future should be the Government of India".

Chairman: And you strike out the other words.

Sir Chimanlal Setalvad: Yes. The whole sentence goes, beginning with the words "With regard to" and ending with the word "require".

Mr. Mody: I think that that statement by itself is a little bald, and I would like to amplify it. I would say: "with regard to the recruiting authority, the majority hold that it should be the Government of India". Then I take a sentence from your draft, and that is: "They would leave to that authority the decision of all questions, conditions of recruitment, service, emoluments, and control". I think that it should be amplified.

Chairman: Yes, but that is a sentence borrowed from my Report dealing with ratio, and it is applied to the recruiting authority.

Mr. Mody: That is the real meaning. With regard to the recruiting authority, Sir Chimanlal Setalvad refers to recruitment and control. I want to make clear what it means. Therefore I would say: "With regard to the recruiting authority, the majority hold that it should be the Government of India. They would leave to that authority the decision of all questions, conditions of recruitment, service, emoluments, and control," because all these questions were considered by the majority.

Chairman: Very well. If there is no objection to that, I will put Sir Chimanlal Setalvad's amendment as amended. I think that it would be a good idea if I made a further amendment. "Whatever decision should be reached as to ratio"—that differentiates this from ratio. "Whatever decision should be reached as to ratio, the majority of the Committee hold that the recruiting and controlling authority in the future should be the Government of India. They would leave to that authority the decision of all questions, conditions of recruitment, service, emoluments, and control". I want to ascertain whether there is a majority of the Committee in favour of that.

(On the show of hands there voted in favour, 14; and against, 12.)

Chairman: I think it is right to say that there is a majority in favour.

Sir Cowasji Jehangir: I want added to this, exactly as you have read it out: "It might be that they would consider that for the purpose of recruiting such European officers of the best class as they might desire it would be necessary that in the case of those recruits the Governor-General or some authority in England should be given ultimate powers in such matters as supersession, suspension, removal or dismissal".

Sir Chimanlal Setalvad: Here you have left complete discretion for them to consider everything.

Sir Cowasji Jehangir: We amplify it to show that even if it is left to the Government of India, the recruiting officer is the Government of India; the Governor-General may be the authority who would decide appeals. That is a very strong point in favour of having it in the Government of India, because the objection raised is that the Services would feel more confident if an individual such as the Governor-General, were the deciding authority and that paragraph of yours brings in that idea very clearly. We do not lay down anything, we only amplify it. It is at the bottom of page 5.

Chairman: There is the suggestion. Sir Cowasji proposes this. Shall I read those original words over again; perhaps I had better do so. So far what I have got is as follows; the proposed amendment is: "Whatever decision may be reached as to ratio, the majority of the Committee hold that the recruiting and controlling authority in the future should be the Government of India. They would leave to that authority the decision of all questions, conditions of recruitment, service, emoluments and control—" we had better put in there "it might even be that the Government of India would consider that for the purpose of recruiting such European officers of the best class as they might desire it would be necessary that in the case of those recruits the Governor-General or some authority in England should be given ultimate powers in such matters as supersession, suspension, removal or dismissal". Sir Cowasji wants to add those words there. (*On a show of hands, four voted in favour.*)

Then I will take a vote on the main amendment, which is to be as I read—I need not read it again—"whatever decision may be reached as to ratio" and so on. If we are not in favour of this we shall have to go back to my draft. We are working on Lord Zetland's draft, and the suggestion is that the following words be inserted after the words: "future Government of India"—"Whatever decision may be reached as to ratio, the majority of the Committee hold that the recruiting and controlling authority in the future should be the Government of India. They would leave to that authority the decision of all questions, conditions of

recruitment, service, emoluments and control". The amendment before us is that those words be there inserted.

(On the show of hands there voted in favour 16.)

Chairman: That is a majority. And now we will read on in Lord Zetland's draft: "Those of us who take this view attach importance to complete control over the Services being vested in the Indian and Provincial Governments. A minority of us think that the recruiting authority should be the Secretary of State, since we hold that without an ultimate right of appeal to him and through him to the British Parliament, it will not be possible to secure recruits of the required type for the British element in the Services. Those of us who take this view consider that adequate control over the members of the Services can be secured to the Indian and Provincial Governments under the Devolution Rules". Lord Zetland's suggestion is that that takes the place of all this stuff right down to the end of paragraph 5, leaving only the last paragraph of 5 to be added.

May I take it that that represents the wishes of the Committee? *(Agreed).*

Then we turn to the last paragraph of my draft: "There is one further observation we have to make under this head. In existing circumstances the Government of India can and does obtain officers from the Provinces to fill certain Central appointments. Under the new regime it will be a matter of arrangement between the Government of India and the Provincial Governments to continue this practice which has obvious advantages".

Sir Cowasji Jehangir: There is one point here to which I should like to draw your attention. In the last sentence again here you leave it to future discussion between the Government of India and the Provincial Governments. The issue is whether the officers for the Central Government should be drawn from the Provincial cadre or the Government of India should recruit themselves; that is the issue. You have decided that issue by saying it should be left over to the future for discussion between the Government of India and the Provinces.

Chairman: Not quite that. Will you look at page 12. It rather comes under two heads. It may be that that meets your view. Just read on for a moment: "7. The Central Services."

Sir Cowasji Jehangir: "We recommend that the Government of India should be the sole authority for recruitment in the case of all those Departments which are to be under the control of ministers responsible to the Legislature." My point is this, that this is rather a controversial point on which I think it would be advisable to give a definite opinion. I am afraid some Provinces may agree to supplying officers for the Government of India, while others may not, and it will raise a controversy in the future which will be interminable. Therefore I would much rather express a definite opinion.

Sir Chimanlal Setalvad: We cannot bind the Governments of India; they must arrange between themselves.

Sir Cowasji Jehangir: It is not that. It is an issue that has been raised and has been considered. I raised this point on the last occasion. It has been left indefinite again.

Sir Provash Chunder Mitter: What is the definite suggestion?

Sir Cowasji Jehangir: The definite suggestion is that the present system continues, and the Government of India should get such officers as they can from the Provinces.

Sir Chimanlal Setalvad: If the Government of India come to a different conclusion, why should we debar them from doing that?

Chairman: Can you give us your amendment in the form of words?

Sir Cowasji Jehangir: Yes, quite easily. "In existing circumstances the Government of India can and does obtain officers from the Provinces to fill certain Central appointments." Then I would add the following words: "Under the new regime the present system should continue."

Sir Chimanlal Setalvad: I am against Sir Cowasji's suggestion. Why should we tie down the Government of India and say they should continue the present system? We say the present system is of obvious advantage, and then leave it to them to make such arrangements as they can with the Provincial Governments.

Sir Cowasji Jehangir: I do not like the words "and the Provincial Government".

Sir Chimanlal Setalvad: Why not? The new Government of India will come into existence. We indicate to them that the present system should continue, and then we leave it to them to make what arrangements they wish to get these men. I do not see why we should lay anything down.

Major Stanley: I did not think that was quite Sir Cowasji's point; he did not want to tie the Government of India down to doing this.

What he was frightened was that the Government of India should say: "We want to go on with the scheme", and the Provincial Governments, or some of them might say: "We refuse to fall in."

He does not want this amendment to make it obligatory on the Government of India to go on, but he wants to give them the power to go on, *vis-à-vis* the Provincial Government, if they want to.

Sir Cowasji Jehangir: It is an obligation on the Provincial Governments to continue.

Mr. Chintamani: Even at the present moment the Provincial Governments have a large measure of liberty in regard to parting with certain officers, whereas Sir Cowasji wants to deprive the

Provincial Governments of the right of saying that such an officer is not available.

Lord Zetland: That is quite true; sometimes the Government of India asks for an officer from a local Government; the local Government is not prepared to lend that officer, and the local Government is not coerced.

Chairman: Will this meet you, Sir Cowasji? I am not at all sure that it would; it may be a sort of half-way house between the two. "Under the new regime we hope that it may be found possible to conclude arrangements between the Government of India and the Provincial Governments so as to secure the continuance of this practice which has obvious advantages."

Sir Cowasji Jehangir: I accept your wording, Sir.

Chairman: Very well. Does any one object to my wording: May I take it my wording is accepted?

Now we start: "4. The Indian Medical Service." It is suggested to me that we ought to make it plain that this is all subject to our general recommendation with regard to existing officers, and it is suggested to me that we may put in the words: "subject to paragraph 1". I do not think there would be any objection to that. (*Agreed.*)

"The sub-Committee are of opinion that in future there should be no civil branch of the Indian Medical Service; and that no civil appointments either under the Government of India or the Provincial Governments should in future be listed as being reserved for Europeans as such. The Government of India and Provincial Governments should organise Civil Medical Services recruited through the Central and Provincial Public Service Commissions. In doing so, they should, in order to provide a war reserve, insert a clause in the contracts of Service of a sufficient number of officers that they shall undergo such military training and render such military service as they may be called upon to do. The extra cost involved should be borne as an Army charge. Further, the Governments and Public Service Commissions in India should—" I suggest that we strike out the words "bear in mind" and put "in view of", so as to make it read: "Further, the Governments and Public Service Commissions in India should in view of the requirements of the Army and the British officials in India—" Strike out the word "and". "—take steps to recruit a fair and adequate number of European doctors to their respective Civil Medical Services, and should be prepared to pay such salaries as would bring about this result. It is suggested that agreement might be reached between the Central Government and the Provincial Governments whereby the latter in selecting their European doctors might grant a preference to those members of the Indian Medical Service who have performed a period of service with the Army. We contemplate that such members should sever their connection with the Indian Medical Service during the term of their

employment in the Provincial Medical Service—subject only to the acknowledgment of a claim by the Army authorities in time of emergency. The practical details of any such arrangement would have to be a matter of agreement between the Army authorities and each Provincial Government.”

Now let us see what amendment there are to that.

Mr. Chintamani: In paragraph 3 I prefer the original draft.

Lieut.-Col. Gidney: With all respect to the drafter of this resolution, there seems to be an under-current of misunderstanding. When this Committee decided that there should be no Indian Medical Service officers in the Civil Medical Service we referred particularly to appointments of Civil Surgeons, Professors, etc. In this resolution you have confused the issue between the Provincial Governments and the Government of India. May I take the paragraphs one by one, Sir? “The sub-Committee are of opinion that in future there should be no Civil Branch of the Indian Medical Service; and that no Civil appointment either under the Government of India or the Provincial Governments should in future,” etc. My suggestion is this: “And that no civil appointments under the Provincial Governments should in future be listed as being reserved for Europeans as such.” If we do not do that, it means to imply that the Government of India will have an independent Civil Medical Service, and the Provincial Governments will have an independent Indian Medical Service. I think this Committee decided that so far as the servants of the Government of India are concerned they should recruit from the Provinces for the Civil Service. But the confusion here is that you are confusing the Government of India with the Provincial Governments. I will tell you why. There are certain appointments, such as the Foreign and Political, Research, Railways, which are Government of India subjects, and which I believe the Federal or Provincial sub-Committee have decided to be Government of India subjects. They are outside the Civil Surgeoncies with which this Committee is principally interested. So that I would suggest the elimination of the words, “Government of India” in the first paragraph and say: “No Civil appointments under the Provincial Government should in future be listed as being reserved for Europeans as such.” You see these are all Provincial Government. You do not anticipate a separate Government of India Medical Service; because then you would have a small cadre, and, as Lord Zetland pointed out, the expenses, the leave reserve, etc., will entail an expenditure that we do not wish to include in this resolution. That is the confusion I think.

Mr. Chintamani: On a point of order, Mr. Chairman, the Medical appointments on our Railway and such other Central subjects are part of those Central Services. The medical and other appointments in any Central subjects are part of those Central subjects, and paragraph 7 on page 12 of your draft is specially devoted to Central Services.

Chairman: And, indeed, our second paragraph on page 6 expressly says that the Government of India as well as the Provincial Governments should organise Civil Medical Services.

Mr. Chintamani: Then we might omit the references. For instance in this first paragraph, Colonel Gidney says his objection is to the words "Government of India"—"that no Civil appointments either under the Government of India or the Provincial Governments should in future be listed." We can omit the reference to both governments, and say: "No Civil appointments should in future be listed."

Lieut.-Col. Gidney: Then you get the difficulty in the second paragraph.

Chairman: Suppose we leave out in the first sentence all the words from "either" down to "Governments", so as to make it read: "Subject to paragraph 1, the sub-Committee are of opinion that in future there should be no Civil Branch of the Indian Medical Service; and that no Civil appointments should in future be listed as being reserved for Europeans as such."

Lieut.-Col. Gidney: I want to make this clear, because there will be trouble afterwards, because Foreign and Political and Research are entirely Government of India appointments.

Mr. Tambe: But those would be Civil appointments.

Lieut.-Col. Gidney: Not Foreign and Political.

Chairman: We are only dealing with Medical Services here.

Lieut.-Col. Gidney: May I point out that there are certain Medical appointments attached to the Foreign and Political Departments; there are Residency Surgeons and so on.

Mr. Tambe: But they are not military appointments; they are Civil appointments.

Lieut.-Col. Gidney: They belong to a Department which I believe is going to be excluded from the new constitution, and, if that is so, then we are infringing on that decision.

Chairman: I had better put Colonel Gidney's amendment. It will now read, "Subject to paragraph 1, the sub-Committee are of opinion that in future there should be no Civil Branch of the Indian Medical Service; and that no Civil appointments under the Provincial Governments should in future be listed as being reserved for Europeans as such."

Sir Chimanlal Setalvad: The result of that amendment will be that civil medical appointments under the Government of India may continue to be reserved for Europeans. Therefore, I prefer the original words which are: "The sub-Committee are of opinion that there should be no Civil Branch of the Indian Medical Service; and that no Civil appointments"—we are not touching the military appointments at all—"either under the Government of India or the Provincial Governments should in future be listed as being reserved for Europeans as such."

Major Stanley: I wonder if the appointment to Political offices is under the constitution left to the Viceroy, and would that carry with it the appointment by him of the medical officers for the Political Services?

Mr. Chintamani: Yes. The medical officers in the Political Service are also in the Political Service.

Sir Chimanlal Setalvad: The whole difference would then be, that instead of the Government of India making the appointment, the Viceroy would be making the appointment, but still we can recommend that those appointments need not in the future be reserved for Europeans as such.

Mr. Chintamani: The Viceroy will certainly know that this is the view of the sub-Committee. We may take it that no Viceroy will go out of his way to reserve a certain appointment for members of a particular race. So far as appointments to which reference has been made, namely, the Central Services, the only part of our Report which applies to that is the last sentence of the last paragraph, namely: "As regards the Departments under the control of Ministers responsible to the Governor-General, we do not feel called upon to make any recommendation."

Chairman: I think that I can now put the question. Will those in favour of Colonel Gidney's amendment to strike out the word "either", and the words, "the Government of India or" signify the same in the usual manner? (*Only one member voted in favour of this.*) I am afraid that you are all alone, Colonel Gidney. If there are no other objections to the first sentence, we can conclude the discussion on that sentence. (*Agreed.*)

We come now to the second sentence:

Lieut.-Col. Gidney: With regard to the second sentence, there is another amendment. It now reads: "Government of India and Provincial Governments should organise civil medical services recruited through the Central and Provincial Public Service Commissions." I suggest that the words: "The Government of India and" be omitted, because you are not asking the two Governments to organise separate medical services.

Chairman: Colonel Gidney's proposal is in the second sentence to leave out the words: "Government of India and", so as to make it read, "The Provincial Governments should organise civil medical services recruited through" and then leave out the words "Central and" so as to make it read: "the Provincial Public Service Commissions." Is that the point?

Sir Chimanlal Setalvad: It is the same point.

Major Stanley: Is it quite the same point? Here we are definitely recommending that the Government of India should set up for itself a separate Medical Service with a full cadre. As far as I could see from the list of posts which were reserved, if you exclude the Indian Political Service, they will have practically

nothing to fill except appointments in Delhi and in Simla and medical research. Do you really want to lay down that they must have a separate Service to fill that small number of posts, because that is what this Report does?

Mr. Chintamani: We are referring to the War Reserve and so on, but I have no objection at all to the present amendment of Colonel Gidney's.

Lord Zetland: This is a very difficult point. Perhaps it would help if I gave the sub-Committee the sort of posts which are at present filled by the Government of India out of the Indian Medical Service. There are about 30 of them altogether. There is the Director-General of the Indian Medical Service, and a Deputy Director-General. Then there are the Superintendent of the X-Ray Institute, the chief Serologist, the chief Medical Officer at Delhi, two civil surgeons at Simla, a civil surgeon at Coorg, a Health Officer at Simla, an Assistant Director of Public Health at Delhi, and 15 Medical Research Department appointments; also the Senior Medical Officer at Port Blair.

Mr. Basu: How are they going to be recruited?

Lord Zetland: That is the point with regard to which I am not quite clear.

Chairman: It is said that the requirements are so small, some 30 or 40 in all, that to talk about organising a Civil Medical Service is to use altogether too grandiloquent a phrase; that is the point.

Lord Zetland: Many of them are specialists, such as the Superintendent of the X-Ray Institute.

Sir Cowasji Jehangir: They will never get them from the Provincial Governments.

Sir Chimanlal Setalvad: Could not you omit all reference to the Government of India and to Provincial Governments, and say only "The Civil Medical Services should be recruited through the Public Service Commission"?

Chairman: Is that the sense of the meeting? (*Agreed.*) Is there any other objection to that paragraph?

Lieut.-Col. Gidney: There is another matter. Continuing on with the paragraph, it says: "in doing so they should, in order to provide a war reserve," and so on. It should be: "In order to provide an Indian Army War Reserve," and not "A War Reserve".

Chairman: We will agree to that if nobody objects. (*Agreed.*)

Lieut.-Col. Gidney: Then it goes on: "In doing so, they should, in order to provide an Indian Army War Reserve, insert a clause in the Contracts of Service of a sufficient number of officers that they shall undergo such military training and render such military service as they may be called upon to do."

Chairman: I am told that it is a point of some importance. Before you get the R.A.M.C. reserve out from England, in the event of a war, it is always contemplated that you shall use these gentlemen temporarily for the R.A.M.C., until reserves come out from this country, and then the R.A.M.C. would have its own reserve. It is to fill up a temporary gap in the R.A.M.C.

Mr. Chintamani: This complication has arisen only because of the addition of the words "Indian Army".

Chairman: I suggest that we should leave them out.

Lieut.-Col. Gidney: I do not press that. It is not an important point.

Following that sentence, it says: "In doing so, they should, in order to provide a war reserve, insert a clause in the contracts of service of a sufficient number of officers that they shall undergo such military training and render such military service as they may be called upon to do." I would advise you to alter it in this way: "In doing so, they should, in order to provide a war reserve, insert a clause in the contracts of service that all such officers shall undergo such military medical training", and so on.

Chairman: I suggested that that was unnecessary because you might not want all of them, but I do not mind at all.

Lieut.-Col. Gidney: The point is that you cannot have certain officers under certain terms of service and others under different terms. Therefore you must have a Service equipped so that the Army can take advantage of it, and they can then be distributed to the stations.

Sir Cowasji Jehangir: In practice it will be very difficult.

Lieut.-Col. Gidney: They can be distributed for civil work. It is done to-day. To-day they are divided into classes.

My amendment is that all such officers shall undergo a military medical training, and not a military training.

Chairman: Where does the amendment come?

Lieut.-Col. Gidney: You start from the line "insert a clause in the contracts of service", and then you go on "that all such officers shall undergo such military medical training", and so on.

And instead of the words "military training" you use the words "military medical training".

Mr. Basu: I desire to point out that if you have that, it will be exceedingly difficult to have specialists. They may refuse to enter the Provincial service, and the Provincial service may be in great need of them, if we insert that clause about their all undergoing military training.

Chairman: It seems to be a cogent argument. The question before us is that the words "all officers" be inserted, instead of the words "a sufficient number of officers".

Sir Cowasji Jehangir: Colonel Gidney wants the whole of the medical service to be ready for the Army.

Lieut.-Col. Gidney: That is the only thing to do.

Chairman: Will those in favour of that amendment please signify? (*A show of hands was then taken.*) That is not carried.

Lieut.-Col. Gidney: The other amendment that I propose is that instead of the words "military training," it should be "military medical training".

Sir P. C. Mitter: "Such military training" covers medical training.

Chairman: Will those in favour of that amendment please signify? (*A show of hands was then taken.*) The amendment is not carried.

We now come to the third paragraph. "Further, the Governments and Public Service Commissions in India should bear in mind the requirements of the Army and the British officials in India and take steps to recruit a fair and adequate number of European doctors to their respective civil medical services, and should be prepared to pay such salaries as would bring about this result".

Mr. Basu: In line 3 of paragraph 3, I should like, after the words "and take steps to recruit" the words "if necessary". It would then read: "and take steps to recruit, if necessary, a fair and adequate number of European doctors". You do not want to make it compulsory to recruit. It should depend upon whether the Government of India consider it necessary.

Chairman: I rather hope that that will not be pressed, because this was accepted as the result of a compromise. I gather that the sub-Committee prefers the words as drafted. (*Agreed.*)

If there are no other questions on paragraph 3, we will pass on to paragraph 4. Paragraph 4 says: "It is suggested that agreement might be reached between the Central Government and the Provincial Governments, whereby the latter in selecting their European doctors, might grant a preference to those members of the Indian Medical Service who have performed a period of service with the Army."

Lieut.-Col. Gidney: With regard to the next three lines, I should suggest that they should read: "whose services shall be seconded during such employment", and so on.

Chairman: Will those in favour of that alteration please signify? (*A show of hands was then taken.*) That is not carried. Will those in favour of paragraph 4 as it originally stood please signify? (*On a show of hands this was carried.*)

Are there any other questions?

Lord Zetland: Mr. Chairman, I think that I shall have to put in some words as a reservation unless I can get support in the

sub-Committee for a suggestion which I am going to make, namely: that we might add, at the end of paragraph 4, another paragraph. Let me explain quite briefly my reason for this. The Government have certain very distinct obligations in connection with the maintenance of a medical reserve for the Army, and in connection with providing European medical assistants for existing members of the Service. Personally I am very much afraid that, under the scheme which is set out in the Report of this sub-Committee, the Government will fail to recruit European medical officers of the type required. I should, therefore, like to add, at the end of our recommendations, the following words: "Some of us feel that the recommendations contained in the second and third paragraphs will need to be considered by His Majesty's Government in the light of the obligations that they are under, with regard to the provision of: (a) adequate European medical assistance for the existing officials and their families; (b) an adequate medical reserve for the Army in time of emergency". I feel very strongly myself, Mr. Chairman, on that point and I should like to know whether any other members of the sub-Committee would be prepared to support me in that contention.

Sir Chimantlal Setalvad: I want to understand what Lord Zetland means concerning the obligations to provide medical attendance to existing members of the Service, and also in the future to provide European officers for that purpose. We have made recommendations for that. I do not know what Lord Zetland means by saying that His Majesty's Government may have to consider it. His Majesty's Government will have to consider the whole thing.

Lord Zetland: His Majesty's Government will have to consider it in the light of their obligations.

Sir Chimantlal Setalvad: Those obligations we have ourselves acknowledged, and we have made recommendations for providing local officers for that purpose. We have done it.

Lord Zetland: My point is, I do not think you will get the European officers under that scheme.

Sir Chimantlal Setalvad: I understand that Lord Zetland's view is that the recommendations we have made are not sufficient. Then he can express that opinion of his, but I do not understand what he means by saying that His Majesty's Government must consider this. In view of their obligations, His Majesty's Government will consider all the Reports of all the Committees and everything before they come to a conclusion as to what is to be done. I can understand Lord Zetland saying that according to his view—or asking his view to be recorded—he does not consider these recommendations sufficient. That I can understand, but not this.

Mr. Shiva Rao: Is it the suggestion that the present Government of His Majesty should consider this, or a future Government after the new constitution has been brought into existence?

Mr. Chintamani: Paragraphs 2 and 3 of this draft were put before the Committee as an essential compromise. The whole view of the situation was taken, the various opinions and points of view, the desires of the people, and the obligations of the Government, and proposals have been put forward which do not completely meet the essentially Indian point of view. The underlying purpose of these two clauses is that firstly the present position in the military service, as in the civil administration, should be secure; secondly, that there should be adequate scope for Indian medical officers in all branches of the medical service; but thirdly, that the requirements of the Army should also be borne in mind, and all necessary and adequate steps should be taken to meet those requirements. As Sir Chimanlal has said, it is open to any subject of the King to say that the actual recommendations we have made are inadequate to the purpose in view. If so, it is open to him to move amendments to those paragraphs, to substitute some other proposals for the proposals embodied therein, and those proposals would naturally be considered with due respect to the eminent position of Lord Zetland, and the majority would reach the conclusion which seemed to be equitable. As Sir Chimanlal has said, what Lord Zetland has now read is not this. He brings in His Majesty's Government in England, which indicates a want of confidence either in the willingness or in the capacity of future Governments in India to meet the obligations specified therein, and special attention is drawn to His Majesty's Government in England. Well, there are some of us who have objections not only to the clause which he wants but to its contents, and may also desire to indicate our objections to that clause. I do not think, if Lord Zetland will forgive me for saying so, that it is quite fair to the sub-Committee which has proceeded to consider the problem from both British and Indian points of view, from the Services point of view, and which has borne in mind the requirements of the Army; the requirements of the British officials in India and the obligations which in fairness and generosity should be discharged. I do not think it is quite fair to come out with this clause, bringing in the Government in England into the whole affair in definite language. If Lord Zetland insists on that clause it will be my duty to request you, Mr. Chairman, to put down the names of some of us and also to permit us to state our objections to that clause by name in the Report.

Sir Cowasji Jehangir: I have not quite followed, and I would like to ask Lord Zetland, does he consider it is an obligation on His Majesty's Government or anybody else to provide British officers for British officials? Is that one part of the contract? If it is, let us know. Nobody wants to get out of a contract. Is it a contract?

Lord Zetland: It has been a promise, surely, to existing members—I am not talking about future members—to existing members of the Services, that adequate provision will be made in that respect.

Sir Cowasji Jehangir: Adequate provision for their medical treatment. Does that adequate provision entail the supply of British medical officers, or European medical officers, for the European officials? I know it is considered advisable, I also know that some British officials expressed a desire to have European officers; but when you talk about an obligation we go much further. An obligation means a part of the contract; it is a part of the contract that they shall be given free medical assistance—only the officials, not their wives and children. You must remember that only officials are included; their wives and children are not included in the contract. They have got to pay.

Therefore, is it part of the contract? Is it an obligation? I would like to know; I ask for information.

Sir Edgar Wood: I share Lord Zetland's view that there may be very great difficulty in obtaining these medical officers, but I incline on the other hand to the opinion that what we have suggested including in the Report already is sufficient to show that the wish does exist that the Europeans in India should be met in this way so far as is humanly possible by the provision of European medical attendants, and, with all due deference to Lord Zetland—I quite understand his point—I do not really think we need go further than what we have done in the Report.

Lieut.-Colonel Gidney: I may inform this Committee that there is a definite agreement that European medical officers should be supplied to the military officers in India. As to the British Army coming out to India, I believe there is a term in the contract between the War Office and the Government with regard to the British soldier and the British military officer, that it is an obligation of the Government to provide them with the same medical treatment as they are used to in their own country. I elicited that from the Director of Medical Services about four years ago.

Chairman: Colonel Gidney, may I suggest: Could not we meet that point of Sir Cowasji's, which is a small point, in this way: Instead of using the phrase: "in the light of the obligations they are under", which assumes they are under some obligations, use the phrase: "in the light of any obligations they may be under", leaving it quite open as to whether there are obligations or not?

Sir Cowasji Jehangir: There is a great controversy in India on this point, and it has reached a stage when it is causing a considerable amount of trouble and irritation. Personally I accept this draft as a compromise, as Mr. Chintamani has said. Many of us feel, and I frankly admit it, that even as worded it will be strongly criticised. But we are prepared to accept that. I have thought over it and I do not raise any objection to the draft as it stands, although I warn Delegates that it will be strongly criticised as it stands. See the wording as it stands, Sir: "Further the

Governments and Public Service Commission in India should bear in mind the requirements of the Army." That is all right. "—and the British officials in India and take steps to recruit a fair and adequate number of European doctors." What does that mean? It means that we admit that for British officials a certain number of European doctors are necessary. I think it is an admission, if the Committee is agreed upon it, which is going much further than many of us intended; but many of us thought it would be advisable, and I would suggest that if the draft is left as it is, a great deal has been gained already.

Mr. Chintamani: Read the last sentence also: "and should be prepared to pay such salaries as would bring about this result".

Sir Cowasji Jehangir: Yes. I would suggest that as it stands we are going very near the margin; we are going as far as we possibly can go, and we stand open to a considerable amount of criticism, even as it is drafted; but I am prepared to accept it. I have already stated what I think is a fair proposition, that the British officials can demand first-class medical assistance. Here we have already gone a good step further; I think we had better not go any further than that.

Mr. Chintamani: Lord Zetland and Major Stanley assisted in giving this shape to these two paragraphs.

Major Stanley: I may say I did move the amendment which is contained in paragraph 4 and I should like it to be made plain that my acceptance of the clause as a whole is contingent upon such an agreement being arrived at.

Lord Zetland: I do not want to press anything on the sub-Committee which obviously is distasteful to it. My real difficulty over the whole of this question is that I feel convinced in my own mind that neither the Army nor the Provincial Governments will get first-class European medical officers under the scheme put forward by this sub-Committee. That being so, I think the simplest thing for me merely to say in so many words: "Lord Zetland fears that under the scheme proposed neither the Provincial Governments nor the Indian Medical Service will secure the European medical officers of the type required, and considers therefore that the scheme is premature", or something like that. I mean I feel that if I do not make a reservation of some kind, it will be assumed that I think that this is a good and workable scheme. I wish I did think so, but obviously I do not; and, that being so, it would be dishonest of me at least not to make that clear. So that perhaps I may just put in a personal reservation to this particular part of the Report, Mr. Chairman; I will write something quite short such as this: "Lord Zetland fears that under the scheme neither the Provincial Governments nor the Indian Medical Service will secure European Medical officers of the type required", or something like that.

Sir E. Wood: I would like to associate myself with that expression of opinion.

Chairman: Major Stanley, do you want a reservation too?

Major Stanley: I will think it over, and, if so, it will be on the lines that my assent to it is on the possibility of the agreements being arrived at.

Chairman: Very well then. You desire to associate yourself with Lord Zetland; you will get into touch with him I daresay.

Mr. Chintamani: May I definitely presume that the particular clause put forward by Lord Zetland is not to be pressed?

Lord Zetland: Yes.

Chairman: Now we come to page 8, "5. Public Service Commission. (1) In every Province and in connection with the Central Government a Statutory Public Service Commission shall be appointed by the Governor or Governor-General as the case may be." (*Agreed.*)

"(2) Recruitment to the Public Services shall be made through such Commission in such a way as to secure a fair and adequate representation to the various communities consistently with considerations of efficiency and the possession of the necessary qualifications. This part of the duties of the Public Services Commissions shall be subject in the case of Provincial Commissions to periodical review by the Governor, and in the case of the Central Commission by the Governor-General, both of whom shall be empowered to issue any necessary instructions to secure the desired result." We have got an amendment coming, but down to that point it is all right? May I take it down to there? Now Raja Narendra Nath has got an amendment that comes in here.

Raja Narendra Nath: I propose the following additions to be made: "Provided that in no case the proportion of appointments to be filled to redress communal, caste and class inequalities shall exceed one-third of the total appointments to be filled, the remaining two-thirds of the appointments being filled solely on considerations of merit."

Sir A. P. Patro: All appointments will be filled on considerations of merit.

Raja Narendra Nath: In connection with this I should like to read out to the sub-Committee an extract from a very important and authentic old document which is paragraph 105 of the Despatch No. 44 of the Court of Directors, dated 10th December, 1834. "But the meaning of the enactment"—that was the Despatch which accompanied the Act of 1833—"we take to be that there shall be no governing caste in India, and that whatever tests or qualifications may be adopted, distinction of race and religion shall not be of the number." All that I want, Sir, is that the essence

of this paragraph may be embodied in the constitution somewhere so as to have sufficient binding force.

Now in providing that there shall be "adequate representation to the various communities consistently with considerations of efficiency and the possession of the necessary qualifications", a disregard of comparative merit is involved. What I want is this, that the disregard of comparative efficiency and comparative qualifications may be confined to a certain number of the appointments, and that that proportion of appointments should not be determined by the Governor or the Governor-General, but should be determined by us now and laid down in the directions that we give. There is nothing novel or extraordinary in the suggestion which I make. This rule of reserving one-third of the appointments to redress communal and caste equalities is already observed by the Government of India with regard to All-India services.

I want that very rule to be observed with regard to Provincial Governments, and I do not want it to be left to the discretion of the Governor. To leave it to the discretion of the Governor will raise many difficulties. In the first place it will drag him into unnecessary communal squabbles. In the second place, he will be placed in a very awkward position when he has to meet the demands or to reject the demands of a minister or a Cabinet representing the majority community, and he will have to solve that very difficult question which we have not up to this time been able to solve in the Minorities Committee, as to the claims of the population basis versus weightage. It will lead to differential treatment of minorities. That is why I wish to take it altogether out of the hands of the Governor or the Governor-General.

The efficiency of Public Service is the first consideration in recruitment. If from the very outset the posts have to be divided between different classes and communities, that consideration of efficiency is subordinated between castes and communities, which I do not want, and which I think will be detrimental to the Public Services, apart from other considerations of inconvenience and administrative difficulties which will arise. My friend on the opposite side referred to the convention which exists in the United Provinces with regard to the proportion of appointments to be set apart for Mussalmans. Well, I appeal to him to consider that conventions are not sacrosanct; conventions would be broken; and what will be the effect of following that convention when the observance of the convention is resisted by a Cabinet the majority of which is made up of the majority community? So I think we shall solve all difficulties if we give a direction now that the communal and caste and class inequalities should be considered only with respect to one-third of the appointments to be filled, the remaining two-thirds to be filled on considerations of merit only. That is all I have to say on this amendment.

(The sub-Committee adjourned at 6-44 p.m.)

PROCEEDINGS OF THE SIXTH MEETING OF SUB-COMMITTEE No. VIII
(SERVICES) HELD ON 13TH JANUARY, 1931.

Chairman: We were dealing with your amendment, Raja Narendra Nath. I do not know whether you have finished your remarks on the first part.

Raja Narendra Nath: The extract from the paragraph in the Despatch which I quoted is not the old document that it appears to be. It was not as the result of my research work that I traced it; I found it in the speech of Sir Malcolm Hailey who delivered a speech as Home Member in the Legislative Assembly. I forget the exact date of his speech. As far as my memory goes the Finance Member of the Punjab, Sir Geoffrey de Montmorency, referred to this in a speech dated the 19th July, 1927. The policy laid down in that paragraph forms the bedrock of the present system of recruitment. All I fear is that when the Provinces become autonomous, when the Federal system of Government is introduced and when the Central Government is given very little power of interference with the Provincial Governments, that principle may be forgotten, and the Governor of a Province may find it very difficult to resist the wishes of the majority. That is why I want that principle to be embodied somewhere so that it may have some effective and binding force.

I will speak on the other amendment afterwards.

Chairman: The amendment as proposed is, "At the end of clause (2) add, 'provided that the proportion of appointments to be filled to redress communal, class, and caste inequalities shall not in any case exceed one-third of the total appointments to be filled, the remaining two-thirds of the appointments being filled solely on considerations of merit'".

Mr. Fazl-ul-Huq: My objections to it are as follows. In the first place, it seems to me that we are going somewhat into details which we ought not to do in making our recommendations to the Conference. We are here to lay down, if possible, something like principles and not go into details.

Secondly, Sir, it seems to me that we might have complete confidence in the members of the Public Service Commission, and also the Governor's controlling authority, in order to take such steps as they like, and that it would be improper to bring about the desired end which my friend has in view. He proposes that one-third of the total appointments should be reserved to redress inequalities and the other two-thirds should be filled up on merit. I should have thought that all appointments should be filled up on merit alone. It is no use saying that two-thirds of the appointments should be filled up on merit and that the others should be filled up in some other way. Therefore I appeal to my friend not to press this, but to leave it as a matter of detail to be determined by the members of the Public Service Commission. That is all I have to say.

Sir Chimanlal Setalvad: I agree with Mr. Fazl-ul-Huq that we should be well advised to leave the clause as it stands. All the clause does is to indicate that in filling these appointments consistently with considerations of efficiency and necessary qualifications there should be a fair and adequate representation. That is the general principle of guidance to be laid down. I think we shall be well advised to leave the clause as it stands.

Mr. Tambe: In the present system of Government of India appointments, including the I. C. S. the practice is that two-thirds of the appointments should be filled on merit and one-third to adjust communal inequalities. That is the present system which is in force and it also obtains in some Provincial Services. There is no doubt that there was a tendency at one time for many of the Government of India Services to be manned by a community, and it was to obviate that that the Government of India asked that one-third should be reserved to adjust communal inequalities. That gives an opportunity for minor communities to get representation.

Chairman: I will put the amendment in two parts. This is first. The proposal is to insert at the end of clause 2 the words which are before you, beginning with the words, "provided that the proportion" down to "solely on considerations of merit".

Those in favour of those words being there inserted, please indicate the same. The contrary? that is not carried.

Raja Narendra Nath: I wish my reservation to be mentioned in the Report, and also the fact that it was lost.

Chairman: We will certainly put that in. Do you wish to associate yourself with that or not, Lieut.-Colonel Gidney.

Lieut.-Colonel Gidney: I am told this will be left to the Public Services Commission.

Sardar Sampuran Singh: I associate myself with Raja Narendra Nath.

Raja Narendra Nath: The second amendment is in the following terms; "The Provincial Public Services Commission shall also hear appeals against disciplinary action taken by Ministers involving supersession, suspension, or dismissal of the Members of the Provincial Service." The power of hearing appeals is given to the Governor. I think the Governor would be put in a very awkward position if he has to hear appeals and decide against his own Minister who represents the majority party, and who has the whole administration of the Province in his own hand. I would give that power of appeal to the Public Service Commission and not to the Governor.

Sir Edgar Wood: I have no objection to that provided there is added, "and shall advise the appropriate authority thereon," or words to that effect. In my opinion the Public Services Commission should be the medium through which these appeals should

go to the final authority, such as the Governor. If it is necessary to put anything in at all, I think that should be made quite clear.

Lieut.-Colonel Gidney: If it would help Raja Narendra Nath at all, I might say that this is a duty which has already been proposed.

Mr. Chintamani: I oppose the amendment which involves a certain degradation of the status and authority of the Ministers. It is not an appeal to him and to his own chief, but to the Public Service Commission which is an outside body. It is to him that we have entrusted the function of issuing general directions to the Public Service Commission with a view to securing all the ends in view. An appeal from the decision of a Minister to the Governor would be a natural thing which no one would resent, but an appeal to the Public Service Commission stands on a different footing, and I think it ought to be opposed.

Dr. Shafa'at Ahmad Khan: I thought there was no need for this amendment because every Public Service Commission is constituted on a proper basis. These powers have been conferred on every Public Service Commission so that I am rather surprised to find that Mr. Chintamani opposes it. As a matter of fact if the Hon'ble Members will look through the Lee Commission's Report they will find there is a reference to the granting of such powers. In Australia and other countries various Acts actually confer all these powers on the Public Service Commission so I am rather surprised that an innocent and, I think, really beneficial proposal like this should be opposed. I do not know what conception of the power of Ministers Mr. Chintamani holds. So far as I am concerned, I certainly would not like any Minister to interfere in any matter concerning the supersession, suspension, or dismissal of members of the Service. Unless the Members, whether of the Provincial or Imperial Services, are secure in their appointments and are guaranteed against any attack—either a Party attack or any form of attack which we know is quite frequent—they will not really be able to discharge their duties properly. For these reasons I support the amendment which has been proposed.

Sir Cowasji Jehangir: I think the present principle so far as the Central Government is concerned, that the appeal is made to the Governor-General—

Sir Edgar Wood: On a point of order. I would point out to the speaker that the rules are that the Governor-General shall obtain the advice of the Commission before forwarding to the Secretary of State an appeal made to him. The words are, "the Governor-General shall consult the Commission".

Sir Cowasji Jehangir: It is generally done, but in principle it is not binding on the Governor-General. The advice is generally taken, and it would be under very exceptional circumstances that a Governor-General would turn down the advice on such a question given by the Public Service Commission. At present the appeal

is to the Secretary of State, and it goes with two opinions, that of the Commission and the Governor-General. I do not know whether it is necessary to make it a statutory provision that an appeal should go through that channel. That is all it amounts to. I do not know whether it is necessary or not. I do not think it is any use discussing a detail of this sort, which is whether it is absolutely necessary that statutory provision should be made that this channel should be used. I think personally that it might be left as it is and the usual practice is bound to be followed; that is that the Commission will be made a channel through which all appeals of this sort will reach either the Governor or the Governor-General. I do not think it is a question on which we need waste any more time.

Lord Zetland: I assumed—I daresay I was wrong—that under the existing act these bodies had to be consulted in these cases.

Sir Edgar Wood: That is correct.

Lord Zetland: Of course in some Provinces we have not yet got Public Service Commissions, and I therefore see no harm in our saying, as Raja Narendra Nath proposes to say in this paragraph, that this should be the practice.

Chairman: The existing rule which I have before me is this, “the Governor-General in Council shall before considering any appeal presented to him”—he is the appellate authority—“consult the Commission in regard to the order to be passed thereon.” It is one thing to consult a Commission with regard to the order which you pass on an appeal; it is a wholly different thing to provide that the appeal is heard by the Public Service Commission. I think the Committee ought to have that distinction clearly in its mind, and realise that this amendment if passed in this form, as I follow it, is not the existing law or the existing practice.

Mr. Chintamani: The Public Service Commission, according to our resolution here, is concerned with the improvement of the Service. It is not concerned once an officer is recruited with any question relating to him after he has become an officer of the Government. An officer actually in the Service can go to the outside authority with regard to any departmental action taken by his own chief.

Mr. Mody: It becomes a channel. What are the words which it is proposed should be added?

Chairman: “And shall advise the Governor thereon.”

Mr. Mody: That is all it means now, a channel.

Sir Provash Chunder Mitter: I think we can meet Mr. Chintamani's objection. My suggestion is that in every case the appeal should lie with the Governor, but that it should be obligatory on the Governor to consult the Public Services Commission. I think that is better because the Governor must have advice. He has the advice of the Minister. He has no right to assume that the Minister

is wrong, and if he also gets the advice of an independent body then I think both points are met.

Chairman: May I give you the words? It is proposed that you should add words like these, "The Governor shall before considering any appeal presented to him in respect of disciplinary action taken by Ministers involving supersession, suspension or dismissal, of the Members of the Provincial Service consult the Commission in regard to the order to be passed thereon".

Major Stanley: Might we know what the practice is in Australia and New Zealand where they have these Public Service Commissions functioning?

Lord Zetland: It is obligatory.

Raja Narendra Nath: The difference is as you yourself, Sir, pointed out, and that difference is a very marked difference. I still insist on the amendment as it stands, and that the words which have been suggested at the end should be taken into consideration and made the subject of a vote.

Lord Zetland: Do you realise that if this is passed in this form you will deprive the Governor apparently of any say in the matter?

Raja Narendra Nath: Yes, I mean that.

Lord Zetland: It means you will have to eliminate the Governor altogether.

Raja Narendra Nath: Yes.

Lord Zetland: I cannot agree to that.

Chairman: Will you propose the amendment which you have suggested, Raja Narendra Nath.

Raja Narendra Nath: I will put it in draft form.

Chairman: I will read the rule. The rule provides that, "the Governor-General in Council shall before considering any appeal presented to him in accordance with the Statutory appeal rules against any order of censure or withholding of increment or promotion or reduction to a lower post, suspension, removal, or dismissal, or before passing any original order withholding an increment or promotion" and so on "consult the Commission with regard to the order to be passed thereon".

Raja Narendra Nath: Could we not substitute the word "Governor"?

Chairman: What about "in accordance with the statutory appeal rules"?

Raja Narendra Nath: That is not any different from what I propose.

Chairman: There is a proviso added, "provided that it shall not be necessary for the Governor-General in Council to consult the Commission in any case in which the Commission has at any previous stage given advice as to the orders to be passed and no fresh

question has thereafter arisen", and so on. We need not bother about that. Your amendment is this, substitute the word "Governor" for the word "the Governor-General in Council". Delete the words "in accordance with the statutory appeal rules", and delete the proviso. You propose the amendment in that form?"

Sir Provash Chunder Mitter: Yes.

Sir Edgar Wood: I think that will do.

Raja Narendra Nath: Will you allow my amendment to be mentioned and say it is lost? I should like my amendment to be put first.

Chairman: Very well, I will put Raja Narendra Nath's amendment first. He proposes the words, "the Provincial Public Services Commission shall also hear appeals against disciplinary action taken by Ministers involving supersession, suspension, or dismissal, of the members of the Provincial Service and shall advise the Governor thereon.".....

I will next put Sir P. C. Mitter's amendment.

Those in favour of Raja Narendra Nath's amendment please indicate.

Now I will put the words of Sir P. C. Mitter; "the Governor shall before considering any appeal presented to him against any order consult the Commission in regard to the order to be passed thereon". It has been proposed by Sir P. C. Mitter that those words be there inserted. Those in favour? . against? it is carried.

Raja Narendra Nath: I should like a note made that I proposed this amendment.

Chairman: Very well.

Now will you turn to page 8. Are there any questions on No. (3)?

Mr. Mody: We have here the provision that any Member of the Public Service Commission shall after ceasing to be a Member of the Commission be ineligible for further office under the Crown in India. That is a perfectly sound principle, I admit, but are you not making it very hard for any man to serve on the Public Service Commission? The Governor can dismiss a man if he does not behave like a good boy, and on top of that you make him ineligible for any further office under the Crown. That means, in other words, you will be getting the type of man who will be or should be thinking more of the other world than this; that is to say, a man who is probably in his dotage and who has nothing to look forward to. While I admit altogether the soundness of the principle, I suggest that you should have a time limit within which he should be ineligible for further office under the Crown. I think if there was a limit of 5 or 10 years after he ceased to be a Member that would meet all objections; otherwise what will happen will be that you will not get any men of eminence on this Commission; it also means that you will not get a young man.

I suggest that it would be advisable to put a time limit within which he should be ineligible, otherwise you will get third rate men or men who are too old to be useful.

Chairman: Mr. Mody would like some words such as these "They shall, after ceasing to be members of a Commission, be ineligible for a period of five years". Or would you say: "for some period of time to be fixed"?

Mr. Mody: I am quite agreeable.

Chairman: Then the phrase will read: "ineligible for some time to be fixed."

Mr. Mody: I should like to suggest a period of five years.

Sir Provash Chunder Mitter: I cannot agree to that, it will nullify the effect of it. Five years may be too long a period.

Lord Zetland: I should like to ask whether in Madras they have any experience of this matter. I understand that there the present rule is the same as that proposed in the main draft. Have they had any difficulty in Madras in securing suitable people for the Public Service Commission?

Sir Edgar Wood: The Commission there has only been in operation for about two years.

Lord Zetland: But you have had to appoint members of the Commission?

Sir Edgar Wood: We get very suitable members.

Chairman: The proposal is that after the word "ineligible" in paragraph 5 (3) some words be inserted suggesting that the ineligibility shall only remain for a limited period of years. Let us decide that principle first. I will call for a show of hands.

(A show of hands was taken and there voted in favour of the principle 11, and against 4).

Chairman: The question is now what words shall be inserted.

Mr. Chintamani: I would suggest that the words be "for a period to be fixed by the Governor."

Dr. Ambedkar: I think we should say "not less than five years".

Chairman: I think I will put it to the meeting as suggested by Mr. Chintamani, namely, that the words be "for a period to be fixed by the Governor".

(This was put to the meeting and agreed to).

Chairman: Perhaps we ought to say "Governor or Governor-General, as the case may be".

Does anything else arise on this paragraph?

Mr. Chintamani: I think there is some revision needed in the last two or three lines. I would suggest that after the words "as members of the Central Commission" we should insert "or of another Provincial Commission".

Chairman: I think the Committee will agree to those words being inserted. (*Agreed.*)

We pass now to paragraph (4). Are there any amendments?

Mr. Shiva Rao: I think that sub-paragraph (4) is liable to misunderstanding. It suggests that, so far as the Anglo-Indian community is concerned, we are recommending some deviation from the principles laid down in paragraph 2. I think also that it is wrong in principle to earmark any special Departments for any special communities. I would therefore suggest, after the words "and recommend that", the addition of the words "subject to the principles enunciated in paragraph 2". I would also suggest the deletion of all the words after "employment" in the last line but two, and I would add the words "for a temporary period". I think that was what Colonel Gidney claimed.

Mr. Basu: I think that the principle should not hold good for all time, but only for a temporary period. If it is stated dogmatically like this, it implies a permanent principle.

Mr. Mody: I would leave it to another Round Table Conference in ten years' time.

Chairman: Do you really press your amendment, Mr. Shiva Rao?

Mr. Shiva Rao: I feel rather uncomfortable in that the paragraph might be considered to lay it down that Customs, Telegraphs and Posts should be reserved for Anglo-Indians. What I have suggested would, I believe, improve the phrasing.

Mr. Basu: The members of the Anglo-Indian community are coming into line with the other communities, in the profession of law, for example, and in several other ways.

Mr. Chintamani: The only point in Mr. Shiva Rao's amendment which is of importance, to my mind, is the last part, "subject to the provisions enunciated in paragraph 2." The objection is that certain Services may become the monopoly of certain communities. That is rightly a matter for objection: If the last words are deleted, what is offered to the Anglo-Indian community is something rather more than if the words are retained. The appeal will now relate to all the Services of the Government, and so long as the Government responds to that appeal to treat the community with generous consideration, it is immaterial to that community whether the Services concerned are of one category or another. I think the sub-Committee would do well to delete these last words.

Chairman: There is a suggestion that we should keep the paragraph as it is, except that we should end it with the word "employment" in the last line but two. May I take it that that represents the wishes of the Committee? The words we are proposing to cut out do have a certain limiting effect.

Lieut.-Colonel Gidney: If that is the implication I am prepared to accept it. But may I ask that the paragraph end, not at

“ employment,” but at “ Services ” (“ employment in the Services ”).

Chairman : I think there will be no objection to that. Does that meet your point, Mr. Shiva Rao?

Mr. Shiva Rao : Very well, Sir.

Dr. Ambedkar : I should like to have a new paragraph inserted after sub-paragraph (4) to this effect: “ The sub-Committee desires that a generous policy be adopted in the matter of the employment of the depressed classes in the public service, and it particularly recommends that the recruitment of the Police and Military, from which they are now excluded, should be thrown open to them.”

Mr. Chintamani : Are they excluded by rule, or merely as a matter of practice?

Dr. Ambedkar : By rule. The Police Service Commission expressly lays it down that the depressed classes are ineligible.

Mr. Chintamani : If there are rules excluding the depressed classes from employment in particular Departments, such as the Police or Military, they are not rules which hold good over the whole country. There may be such rules in some Provinces, but not in all.

Dr. Ambedkar : If it is desired I would have my proposal end as follows: “ and in particular recommends that they (the depressed classes) should not be excluded from any Department of the Public Service hereafter by reason of their untouchability ”.

Raja Narendra Nath : Surely clause (5) (a) covers that?

Sir Cowasji Jehangir : The position is that this community has been excluded on account of the impracticability of employing them. It is no good going into details here and now. If we had a separate section of the Police for the depressed classes, there would still remain the difficulty of members of such classes doing the work of policemen amongst a population which resented it. How this great disadvantage is to be removed is not clear. I cannot express any opinion. What has been done has been done with the greatest reluctance, as I think Dr. Ambedkar will admit. But I see no objection in expressing what Dr. Ambedkar wishes us to do—even though it be merely pious. I am afraid that we have expressed the same opinion on hundreds of occasions, and nothing has come out of it. Dr. Ambedkar knows very well what orders have been passed, and how they have proved to be impracticable. Nevertheless, I support the inclusion of such a paragraph as he proposes. We take the risk and know it may not be a practical proposition, but as you have said on a previous occasion, we cannot always be logical when we are aiming at an ideal.

Dr. Ambedkar : I am particularly anxious that the Police and the Military should be mentioned, because those are the Departments for which the members of the depressed classes would be most fit.

Chairman: The point is covered by paragraph (5) (a) and (b).

Dr. Ambedkar: In that way the question of the Anglo-Indian community is also included. I propose a new clause to follow clause (4): "The sub-Committee desires that a generous policy be adopted in the matter of the employment of the depressed classes in the public services, and in particular recommends that the recruitment to the Police and Military Departments, from which they are now excluded, should be thrown open to them."

Raja Narendra Nath: I have a suggestion to make, namely, that we should add: "No person shall be under disability or shall be prejudiced in any way for admission to any Service of the country, merely by religion, caste, or sex." I would have that as a special recommendation.

Dr. Ambedkar: That will come later.

Mr. Basu: I sympathise with Dr. Ambedkar's desire to see the disabilities under which his community suffers removed, and if there is in any Province any disability laid down by administrative rules, those rules should be done away with. But the way in which he has put this statement makes it much too general. For instance, in my Province, a great many posts are filled by members of the depressed classes. This is not a matter which greatly concerns my Province.

Dr. Ambedkar: I am prepared to insert some limiting words such as, "where they are at present excluded".

Raja Narendra Nath: There is no rule debarring their employment in the Police, but in practice they are not employed. Once a question was raised by a Member of the Council asking the Government why these people were not recruited for the police and whether the practice was not in contravention of Section 96 of the present Government of India Act; the reply was not satisfactory. I think the addition of the words which I have suggested will help, and that also the expression of a general desire and general recommendation will also help. But let me tell you that the expression of a general sentiment would not be so effective as the insertion of the words which I have suggested.

Major Stanley: A specific reference to the Military Service is surely outside the scope of this Committee.

Mr. Mody: We have recommended that the requirements of the Army should be borne in mind.

Chairman: I suggest you would make it slightly less controversial if you said this, "And in particular recommend that the recruitment to all Services should be thrown open to them."

Mr. Mody: Yes, from which they are now excluded.

Chairman: I should not say that because that will raise a point of controversy. All you want to say is that recruitment to all Services should be thrown open to them.

Lieut.-Colonel Gidney: That there shall be no disqualification for such employment.

Chairman: May I point this out? If we are to make this Report read intelligibly it is a little awkward if we have two consecutive paragraphs which seem to me to cover exactly the same ground, and therefore I would suggest to Dr. Ambedkar that if we have these words it is better that they should come after clause 5. We should make our general recommendations in clause 5, and then I suggest we should attach a paragraph at the end of clause 5 saying something of this sort: "In making this recommendation,"—that is to say the recommendation in clause 5—"the sub-Committee have particularly in mind the case of the depressed classes. They desire", and so on.

Dr. Ambedkar: Very well.

Chairman: We will discuss clause 5 first if you do not mind and see whether we ought to add some clause to that effect. Has any one any observations to make on clause 5 as it is drafted?

Raja Narendra Nath: That is what I said: I suggested after "disability" you should add "or shall be prejudiced in any way".

Chairman: I will put that later. We will take it subject to that point; we will come to that later.

Dr. Ambedkar suggests, having passed clause 5, that we should add these words, "in making this recommendation the sub-Committee have particularly in mind the case of the depressed classes; they desire that a generous policy be adopted in the matter of the employment of the depressed classes in Public Services, and in particular recommend that the recruitment to all Services, including the Police, should be thrown open to them". That is the amendment proposed by Dr. Ambedkar to be added on to the end of clause 5.

Those in favour of that please signify; those of the contrary opinion; it is carried.

Major Stanley: I am a little worried about the word "sex" in clause 5 (a). It seems to me that might be liable to some misconstruction. What will happen if a woman comes and demands admission into the Police Service?

Raja Narendra Nath: There are women Police already.

Major Stanley: They are in a Women's Police Force; but is it not going rather far to say that sex is no disqualification for admission into any branch of the Public Service?

Chairman: I notice in this draft in (a) that there is a different collocation of words. In (a) it is merely by reason of religion, caste, or sex; but in (b) it is community, caste, creed, or race. I do not know whether there is any significance attached to that.

Sir Chimanlal Setalvad: I suggest it should be the same set of words in both.

Sir Edgar Wood: I think it would be a good thing if the gentleman who made this addition would explain what he has in his mind.

Chairman: The challenge is up to you, Mr. Shiva Rao.

Mr. Shiva Rao: I introduced the word because a particular request was made to me to do so. Neither of the two lady delegates was present, and therefore it was suggested that one of us should take it up and have this word introduced. I do not see any objection to the retention of the word. Sir Edgar Wood has sat as a member of the Legislative Council which has had a lady as Deputy President, and I do not think he has had any reason to complain whatever about that.

Chairman: The word "person" in English by the Interpretation Act includes both sexes. The proposal is this, that in (a) instead of the words "religion, caste, or sex", strike out "religion, caste or sex" and insert "community, caste, creed, or race". Will that do?

Those in favour of the amendment; those against; that is carried.

It is suggested that we pass on now to clause 7 on page 12. That clause is in these terms, "The Central Services. We recommend that the Government of India should be the sole authority for recruitment in the case of all those Departments which are to be under the control of Ministers responsible to the Legislature. As regards the Departments under the control of Ministers responsible to the Governor-General, we do not feel called upon to make any recommendation".

It is suggested that we ought to omit the word "sole" so as to make it read, "we recommend that the Government of India should be the authority," and it is suggested to me that we should substitute for the words "to be under the control" the words "the sole concern". So that it will read in this way, "We recommend that the Government of India should be the authority for recruitment in the case of all those Departments which are the sole concern of Ministers responsible to the Legislature".

The object of this amendment is to secure that in Services where military officers are employed and defence considerations exist, see page 169 of the Government of India Despatch, the authority responsible for defence will be able if necessary to intervene.

Sir Provash Chunder Mitter: We are not dealing with any of the Departments; we are dealing with Departments outside defence.

Sir Chimanlal Setalvad: Here we are dealing with Departments for which Ministers are responsible. The case referred to is the case of officers drafted into Departments from the military, but the Department is still in the hands of the Ministers.

Chairman: You might have the Royal Engineers employed for the time being in the Railway Service. Is that what you mean? I am told that does happen now and would presumably continue.

In a case like that, the Department, *i.e.*, the railway service, is under the control I suppose of a Minister; but the Royal Engineers who are for the time being employed in that Department, a Department under Ministerial control obviously—at least I gather so—for the time being come under the control of the Governor-General.

Sir Chimanlal Setalvad: This is not met by the proposed amendment.

Sir Cowasji Jehangir: Is the object that they should be under the control of the military while they are serving?

Chairman: The object of this amendment is to secure that in Services where military officers are employed and defence considerations exist, the authority responsible for defence will be able if necessary to intervene.

Mr. Chintamani: This cannot be accepted by us. That means that the military authority cannot merely give advice but can intervene with regard to the railways, the post office, and so on. That means that in ordinary times the military would have a voice in the administration.

Mr. Mody: I have a little difficulty about this. I do not quite follow the drafting. Once the officer is recruited no such question arises.

I think it would be intelligible if you not only talked of recruitment but also of control and other things. This merely talks of recruitment. Once they are recruited it does not matter at all what happens afterwards.

Mr. Tambe: I suggest that instead of these words we should say, "we recommend the Government of India should be the authority for the recruitment of those Services which are under the control of the Ministers responsible to the Legislature".

Chairman: I have no objection. It is suggested it should read in this way, "We recommend the Government of India should be the authority for recruitment to the Services which are under the control of Ministers responsible to the Legislature". Is that accepted?

Then, "as regards the Services under the control of Ministers responsible to the Governor-General we do not feel called upon to make any recommendation".

Mr. Chintamani: I move in the last line but one the deletion of the three words "Ministers responsible to". I do not know whether the two are to be Ministers responsible to the Governor-General or what arrangement is going to be made.

Mr. Shiva Rao: Could not we say, "as regards the other Services we do not feel called upon to make any recommendations"?

Mr. Mody: No, that is too vague.

Chairman: Could we not put it in this way, "as regards the Services under the control of the Governor-General, we do not feel

called upon to make any recommendation". Those in favour of that? Those against? That is carried.

Are there any more observations on clause 7?

Now clause 6 follows: The internal administration of the Police. I have an amendment proposed by Lord Zetland; and I have an amendment by Sir Robert Hamilton, which cover more or less the same ground.

First of all I will read the passage, "subject to the recommendation which has already been made by the Provincial Constitution sub-Committee, that under the new Constitution responsibility for law and order should be vested in the Provincial Governments, the question whether in consequence any special recommendation should be made as to the internal administration of the Police was left to this sub-Committee". Has anyone any objection down to there?

Then Lord Zetland proposes that we leave out the words beginning, "we do not doubt that" and going down to the words, about seven lines from the bottom "well founded, would accordingly recommend". Lord Zetland propose you should put a bracket after the word "recommend"; that all the words from "we do not doubt that" down to "well founded, would accordingly recommend" be omitted, and that instead there be inserted the amendment which is on the paper before you. I will ask Lord Zetland to explain that amendment. We will discuss it on those lines.

Lord Zetland: May I say that the end of my amendment comes out also? I will read the words which I propose to insert and then I will stop when I come to the point where I wish them to finish. May I also add that I propose this amendment with a view to shortening our discussion? All that I propose to ask you to do now is to agree that the existing Police Acts should be put in the category of Acts which cannot be amended or repealed by the Legislature without the previous consent of the Governor-General. That, in brief, is my point. That being so, I would leave out the whole of page 11 altogether. I will give up all those points. I leave out the last line on page 10 and the whole of page 11. I quite realise that the Chairman can put this point into his daaft to meet the point which I raised; but I also realise that the majority of the sub-Committee did not see eye to eye with me on these points, and therefore, I do not propose to press them.

Now let me read the words which I propose to insert on page 10 after the words "this sub-Committee" in line 8. They are as follows: "We have given consideration to various suggestions made under this head and while some of the sub-Committee"—I put in the words "sub-Committee" there instead of "us" because objection was rather taken to the word "us" in previous amendments—"while some of the sub-Committee think it undesirable to make any recommendation which might be held to impinge upon the discretion of the future Provincial Governments, others"

—leave out “ of us ”—“ who consider that the control over the Police Forces at present secured to the Inspectors-General by statute should be preserved, advise,” and then we go down to line 23 of the main draft, “ advise that the Indian Police Act of 1861 should not be subject to repeal or alteration by the Legislature without the prior consent of the Governor-General, and that the Police Act of the Governments of Bombay, Bengal, and Madras should be included in the category of Acts which should not be repealed or altered by the Provincial Legislature without the previous sanction of the Governor-General”, and leave out everything else. That confines my proposal to that one point, that these Acts should not be repealable or alterable except with the previous sanction of the Governor-General.

Chairman: Let us make it plain. You will see in the draft as originally before you the words in line 8 “ we do not doubt”. Will you put a bracket before the word “ we ”. You will then see reading line 23 the words “ would accordingly recommend”. Will you put a bracket after the word “ recommend”? Lord Zetland proposes that all the words between those brackets be left out; and he proposes, further, that on that same page, on the last line of the page “ others of us feel ” be left out to the very end of the clause, and he proposes in the first place which you have indicated by brackets that these words be inserted which you see in his draft, “ we have given consideration to various suggestions made under this head and while some of the sub-Committee think it undesirable to make any recommendation which might be held to impinge upon the discretion of the future Provincial Governments, others who consider that the control over the Police Forces at present secured to the Inspectors-General by statute should be preserved, advise”

The question is that those words be inserted in place of the words between the brackets.

Mr. Chintamani: Whether the words proposed to be deleted are deleted or retained, or modified, is comparatively less important than whether the proposed amendment should be inserted. In a word, the amendment amounts to this, that the Provincial Legislatures should not have the power of amending existing Police Acts except with the sanction of the Governor-General. What is involved in this proposal? It is that no confidence can be reposed in the sense of responsibility of Provincial Governments and Provincial Legislatures, and accordingly this safeguard should be inserted. For the very reason that has prompted this amendment I oppose it. The reasons of my opposition were set forth at considerable length at previous sittings of the sub-Committee, and I need not repeat them. The motive which prompts the amendment is precisely the opposite of the motive which prompts the opposition to the amendment. We feel that confidence should be reposed in the sense of responsibility of future Governments and Legislatures as much in Police administration as in others, and

because we feel that we ask for the reform, and because we feel that we oppose the amendment.

Lord Zetland: Might I remind Mr. Chintamani that there is a very long list of Acts which is included in the Schedule to clause 80 (a) (3) (h) of the Government of India Act? May I further remind him that a special Joint sub-Committee of the Federal Structure sub-Committee and the Provincial Constitution sub-Committee has sat and has made a recommendation as to how a large number of these matters should be dealt with under the new constitution? They have recommended that this Schedule should be retained and revised; that some Acts should be taken out of the Schedule and that other Acts should be placed in the Schedule. At the present moment there is more than a page of printed names in the Schedule and if Mr. Chintamani objects to the Police Act being in the Schedule for the reasons which he has given us he must equally object to every one of those Acts.

Mr. Chintamani: Not necessarily.

Lord Zetland: It is not really discriminating; it is only adding particular Acts to an existing Schedule; and, moreover, the Schedule which it is intended should continue under the new constitution

Sir Cowasji Jehangir: Why did not the sub-Committee do so?

Lord Zetland: The sub-Committee did not do it because they did not deal with the details of the Acts. They recommended that the Schedule should remain but should be revised as necessity required.

Sir Chimanlal Setalvad: I do not think there is much force in the argument now advanced on the Schedule. True that Committee reserve a good part of the Schedule, but if you look at the Schedule that was done on the principle that in certain matters there should be uniformity in the country, for instance, with regard to Property Laws and so on. That was mainly to preserve uniformity in the various Provinces with regard to matters of general interest. That stands on quite a different footing from the case that we have here.

Sir Provash Chunder Mitter: I think there is an element of suspicion which makes the position more difficult. There is more than a page of Acts in the Schedule. Now we are going to have a new state of things, and therefore, when it comes to a question of the Government of India interfering I strongly oppose it. When it comes to a question of particular legislation not being undertaken except with the sanction of the Governor-General I think that is due to suspicion. I think it is desirable that we should not have one kind of Police Act in Bengal and a different kind of Act in the neighbouring Provinces, because in the administration of a Department like the Police uniformity is very desirable.

Mr. Chintamani: But impossible.

Sir Provash Chunder Mitter: However, my point is that as it is not a question of administration, as it is a question of legislation, it ought to be considered on its own merits or according to the suggestion put forward to the sub-Committee to which Lord Zetland referred.

Chairman: Before you go any further, I think there is a little danger of this point being obscured. When I drafted this as a result of our deliberations it was quite obvious to me that I could not get a unanimous report, and therefore the scheme of this draft of mine is to set out the two reasons. Some thought this thing and others thought the other. I set out in an argumentative way, as fairly as I could, the arguments which each side had advanced, and that was the scheme of it. Lord Zetland's scheme is exactly the same, as I follow it, but he is omitting all the arguments. I think, perhaps, that it is an advantage because it makes it shorter. I put the other in in case some people wanted it. It is not much good trying to get the discussion back to each of these two things. It is manifest that there is a division of opinion and it is manifest that any report has to state both views. The only difference is as to whether we state both views quite simply and shortly, or whether we set out the arguments which have led the adherents of each view to advance that view.

Sir Robert Hamilton: I agree entirely with what you say. Our task is to report what took place in the sub-Committee, and it is a question whether we should rehearse the arguments submitted on either side or state shortly the results in the shape of the two opposite opinions expressed. I have put in an amendment directed to the same end as that of Lord Zetland, namely, to cut out all these various arguments which are rehearsed. In the Provincial Constitution sub-Committee, we agreed *simpliciter* to the abolition of dyarchy, and here we are concerned only with the internal administration of the Police. Therefore, I think I would rather see these arguments omitted than a mere statement in our Report as to whether the Police Act should be scheduled or as to whether complete control should be left in the hands of the Minister.

Mr. Chintamani: I quite follow what you, Sir, have said, and I think that you have explained very correctly the point of view from which you have drafted this particular part of the Report. The only argument I want to put forward is that while your statement of the respective points of view gives satisfaction to those of our way of thinking, and our position finds a faithful expression in this draft, the bald statement, in the absence of the arguments addressed on either side, would be inadequate. It is true, as Sir Robert Hamilton has said, that in the Provincial Constitution sub-Committee, we simply made the recommendation that dyarchy should be abolished, but Sir Robert Hamilton ignores the fact that that recommendation was unanimous, and that being so, there was no reason to put in the Report the arguments which were expressed. Wherever there is a substantial divergence of opinion in a Committee or sub-Committee, it is very usual to give the grounds for

the different opinions in the Report, though there is force in Sir Robert Hamilton's contention that a Report need not state all the reasons brought forward. I come now to Lord Zetland. Lord Zetland was the Chairman of the Joint sub-Committee which considered this Schedule. I should like to ask whether, in the Joint sub-Committee, any member or Lord Zetland himself proposed the view that the Police Act, 1861, should be included in that Schedule.

Lord Zetland: The matter was not raised, and for this reason, that individual Acts were not considered. The recommendation was that the Schedule should remain, but should be revised. We did not consider the individual Acts which were to be placed in the Schedule at all.

Mr. Chintamani: If that Joint sub-Committee recommended that the Schedule should be revised, the sub-Committee meant that the revision should be undertaken by the authorities concerned. Very well, let us leave it to the authorities concerned. I am not asking you to include in, or exclude from, the Schedule any particular Act; that would be according to the discretion of the authorities. But there is a certain principle which runs through the whole of the Schedule. It concerns matters in respect of which uniformity of practice was deemed to be both expedient and desirable, and in respect of which more than one Province was involved. That argument does not come in here. It has been said that different Police Acts in different Provinces would be undesirable. But the Police Acts are more administrative than anything else, and in respect to administrative provisions not only are they different as between one Province and another, but such differences are inevitable, having regard to the conditions in the different Provinces. The only impression that can be conveyed to the public mind of India by the singling out of the Police Department in the manner suggested here will be this, that one sub-Committee, having recommended the abolition of dyarchy, said that all administrative services in a Province shall be in charge of the Ministry responsible to the Legislature, another sub-Committee of the same Conference goes back and makes a special recommendation in respect of the Police and the Police alone. On the balance of all the considerations, I will give my vote for the original draft without the amendments proposed by Sir Robert Hamilton and Lord Zetland.

Mr. Mody: Apart from the arguments on the merit of the case, this Schedule, to which our attention has been drawn by Lord Zetland, consists of all the Government of India Acts, which obviously cannot be altered or repealed by any local legislation. As regards the Police, the Police Act, 1861, is not applicable to the whole of India. Therefore there seems to be a real constitutional difficulty in saying that that Police Act shall be included in this Schedule. I do not see how, in a list of Government of India Acts, we can include an Act of which there are local editions, as there are in Bombay and Madras.

Chairman: Is not the position this: that the Police Act, 1861, is the general Act which applies to the whole of British India, except Bombay, Bengal, and Madras? With regard to Bombay, Bengal, and Madras, these have their own Provincial Acts which regulate and govern their Police. Outside those Provinces, it is the Police Act of 1861 which is the governing authority. Now, I understand, you are going to transfer, under the new scheme, to each Provincial Government, the responsibility for law and order. For instance, Assam will have responsibility for law and order transferred to it, and will therefore become possessed of the relevant powers under the Act of 1861. That is why you can, as a constitutional matter, if you so desire, put this matter outside their control without getting a prior consent.

Mr. Chintamani: May I point out, Sir, that the Act of 1861 provided that every Province which was endowed with a Legislative Council was empowered to have its own Police Act. Those Provinces which had no Legislative Council were under the Government of India, and came under the Police Act.

Sir Provash Chunder Mitter: I should like to explain that under Section 33 of the Government of India Act, the superintendence, direction, and control of the civil and military government of India is vested in the Governor-General in Council, who is required to pay due obedience to all such orders as he may receive from the Secretary of State. Therefore the Police at the present moment being a reserved department, the Government of India can stop the introduction of a Provincial Act dealing with the Police. Mr. Chintamani is under some misapprehension. The Police Acts are Acts which should have a federal aspect. If I may take a parallel case from a non-contentious subject, the same is true of epidemic disease. There again, there may be certain aspects which ought to be considered from the federal point of view. My argument would have met with the support it deserves, but for the fact that for the last century, for reasons into which I need not enter, the Police have been an object of suspicion. But I press for the inclusion of this in the Schedule, having in view the interests of the citizens, rather than as any matter of suspicion. I am as strong as any of my friends here on the question of interference by the Government of India in the internal administration of Departments, but in police matters as I have pointed out, there is a federal aspect, just as there is in the case of epidemics. What would happen if one Government were to act in such a way as detrimentally to affect the health of the people in another Province? It would be at once pointed out that the question has an All-India aspect, and the same is true of the Police.

Chairman: The form in which I should put the question is as to whether we shall take the lines of my original draft—that is to say, the presentation of the two views, with the arguments—or whether we shall have the two views set out without the arguments.

Sir Cowasji Jehangir: I should like to make a point of explanation. I think we are rather involved with the constitutional

question. I quite see what it is Lord Zetland wants; he wants a safeguard, and that is really a matter pertaining to the Provincial Constitution sub-Committee, but it has been referred to us. He wants one further safeguard, namely, that no Provincial Legislature shall change the Police Act if it applies to them, or any of their local Police Acts, as in Bombay, Bengal, or Madras.

Lord Zetland: Without the previous sanction of the Governor-General.

Sir Cowasji Jehangir: We have all agreed in principle to Provincial autonomy. That would imply that any Act passed by a Provincial Government should be amended or rescinded entirely by the Provincial Legislature without any interference from the Government of India. Those three Acts, relating to Bombay, Bengal and Madras, were passed by the local Legislature, and if any check cannot be put upon them, the check must be by the Governor

Lord Zetland: I accept that.

Sir Cowasji Jehangir: In this case, if it is the Governor, then we get over this constitutional question of Provincial autonomy, and it would become only an additional safeguard which we could accept. I personally would be prepared to accept it for the Provinces, if it is a question of the Governor, not the Governor-General.

Chairman: I will put it in that form. But shall we clear out of the way the broad issue of principle? Do you prefer to have the two views set out with the arguments, pro and con, on the lines of my draft, without committing yourselves to the precise words, or do you prefer Lord Zetland's scheme, simply setting out the two views, and omitting the arguments? I will put first Lord Zetland's proposal.

Lord Zetland: I should like to point out, Sir, that I do not omit the arguments. May I read my amendment? "We have given consideration to various suggestions made under this head, and while some of us think it undesirable to make any recommendation which might be held to impinge upon the discretion of the future Provincial Governments"; that is the main argument.

Chairman: I am sorry if I misrepresented Lord Zetland. What I meant when I said that it was proposed to put it forward without arguments, was that it should be put forward without detailed arguments. One view is that we set out the opposite opinions, with the appropriate detailed arguments; that was according to my original draft. Since then, Lord Zetland has stated that he thinks it sufficient to set out the two views with the broad arguments. I will ask you to vote on Lord Zetland's proposal.

(There voted in favour of Lord Zetland's proposal 14, and in favour of the original draft, 8.)

Chairman : Lord Zetland's proposal is easily carried.

Sir Provash Chunder Mitter : I should like to have it added that the Governor-General should have a say in this matter.

Chairman : Let us now turn to the text of Lord Zetland's amendment to paragraph 6. He proposes to leave out what follows after the first sentence of the paragraph and to insert the following:—

“ We have given consideration to various suggestions made under this head, and while some of us think it undesirable to make any recommendation which might be held to impinge upon the discretion of the future Provincial Governments, others of us, who consider that the control over the Police forces at present secured to the Inspector-General by statute should be preserved, advise”

Is it accepted by the sub-Committee down to that point?
(*Agreed.*)

Now I come back to my draft again, “ That the Police Act of 1861 should not be subject to repeal or alteration by the Legislature without the prior consent of the Governor-General, and that the Police Acts of the Governments of Bombay, Bengal, and Madras, should be included in the category of Acts which should not be repealed or altered by the Provincial Legislature without the previous sanction of the Governor-General.”

Sir Cowasji Jehangir : Of the Governor.

Chairman : Yes. I suggest you must have the same word in both places. It is quite illogical to have “ Governor-General ” in one place and “ Governor ” in the other. Historically there is no doubt a good reason for it, but since you are going to confer control of the Police on each Provincial Government ought not each Provincial Government to be in the same position?

Sir Cowasji Jehangir : The Governor of the Province?

Lord Zetland : I suggest that a Police Act which has been passed by the Central Legislature should not be altered without the previous sanction of the Governor-General, and that the Police Acts which have been passed in the Provincial Legislature should not be altered without the sanction of the Governor.

Chairman : The view I was putting was this for what it is worth. Although historically that, of course, was the position, now each Province is going to be placed in the same position with regard to Police, and each Province is going to have control of law and order. I suggest to you now that whether through the Governor or Governor-General you ought to have the same principle applicable to each Province.

Sir Provash Chunder Mitter : I suggest it ought to be Governor-General for the sake of uniformity.

Mr. Mody: Uniformity is all very well, but in this particular instance it simply cannot be had, for this reason, that the Police Act is a Government of India Act and the Governor-General's consent is necessary. So far as the local Acts are concerned, namely, the Acts of Bombay, Bengal and Madras Presidencies, the sanction of the Governor-General, if you impose the consent of the Governor-General, is necessary. Then you are taking away from them the power they actually enjoy at the present time; in other words, for the sake of uniformity you are transgressing the Provincial autonomy which exists in the various Presidencies.

Sir Cowasji Jehangir: As soon as each Province gets control over law and order it will have to make the choice of either using the Government of India Act or of having a Police Act of its own like Bengal, Madras, and Bombay. If their choice is to have an Act of their own naturally it will be the Governor in that Province who will be the authority to decide whether the Act shall be amended or not. If they choose to make use of the Government of India Act, which they have every right to do, they must submit to the Governor-General being the authority, and therefore, there is no question of not having uniformity; it is entirely a question with regard to which Act they are going to avail themselves of. Up to now the three Provinces have had their own Acts. It is for them to amend or rescind. You want to deprive them of that power without a superior authority. It must be the Governor; it cannot be the Governor-General, unless we go and further recommend that there should be one Police Act for the whole of India and the Acts that Bombay, Bengal, and Madras have should be rescinded. There is nothing illogical in what I have suggested; it is only in keeping with the principle of Provincial autonomy. That is the point. I do not see where any argument is needed.

Lord Zetland: Might I suggest that this might meet the position? Starting from the part of your draft which we proposed to keep could not we say, "the Police Act of 1861 shall not be subject to repeal or alteration by the Legislature without the prior consent of the Governor-General, and the Police Acts of the Governments of Bombay, Bengal, and Madras," then leave out the next words, and then say, "without the previous sanction of the Governors of those Provinces"?

Sir Provash Chunder Mitter: I move the amendment "without the previous sanction of the Governor-General." It is true those Police Acts are part of the local legislation, but local Governments could not introduce those Acts without going to the Government of India. Now that we are going to have Provincial autonomy I think it is desirable that we should go to the Governor-General.

Sir A. P. Patro: I think that in the interests of Provincial autonomy there should be uniformity. I have no faith in this safeguard. What is the safeguard for not amending the Act of 1861 when you have the Governor merely acting as a constitutional

Governor in the Province? It is very easy if the Minister thinks that the Act ought to be amended; it is not difficult for him to obtain the sanction of the Governor. I do not attach any importance to this safeguard. I think that this safeguard is absolutely useless and ineffectual. It is no safeguard at all. However if it pleases you that there should be a safeguard I will support it, but I do say that I cannot agree with my friend Sir P. C. Mitter when he says that for the sake of uniformity we should have the sanction of the Governor-General. There is no meaning in that. He must consider what is to be the future. We have to consider the relation of the Services with regard to the future constitution, and that would be completely in the hands of the Provincial Governments. This safeguard is merely eyewash; it will be ineffectual; it will not help to preserve that independence upon which Lord Zetland rightly insists with regard to the Governor-General; it will be left to the discretion of Cabinet Ministers. I suggest, therefore, that it must be left to the Governors and not the Governor-General.

Chairman: May I ask this question? After this Act is passed is it possible for the Punjab, for instance, to pass their own Police Act?

Sir A. P. Patro: Yes.

Chairman: That is quite obvious. What is the effect of our recommendation if it is in these words. That Act is not the Act of 1861, everyone would agree with that—neither is it the Police Act of the Governments of Bombay, Bengal, or Madras; and if we make our recommendation in this way those who want safeguards have not got one. I only want to understand it. I do not like signing things when I do not know what they mean. If it means the Police Acts of Bombay, Madras, and other Provinces hereafter passing Police Acts, by all means let it be so.

Sir Cowasji Jehangir: Put that in. I have no objection to that if Lord Zetland agrees.

Chairman: I think the best way to get a decision on this is to put the question with regard to each. In the first place it is the Governor-General. Then those who want uniformity can vote in accordance with the first decision. The first decision which I ask you to take is this. You see the words "Governor-General" in this context, that the Police Act of 1861 should not be subject to repeal or alteration by the Legislature without the prior consent of the Governor-General. An amendment has been proposed that instead of the words "Governor-General" the word "Governor" should be inserted.

Sir Cowasji Jehangir: Not there.

Chairman: That is the amendment which I have put—instead of the words "Governor-General" insert the word "Governor." Those in favour of the word "Governor" being there inserted

please indicate the same; those against the word "Governor" being inserted there?—The words "Governor-General" remain there.

Mr. Chintamani: I withdraw my second amendment.

Chairman: Very well. Does anyone desire to have the word "Governor" instead of the words "Governor-General" in the next place?

Sir Cowasji Jehangir: Yes.

Chairman: You see the words "Governor-General" and that the Police Acts of the Governments of Bombay, Bengal, and Madras should be included in the category of Acts which should not be repealed or altered by the Provincial Legislature without the previous sanction of the Governor-General. Mr. Chintamani proposes leaving out the words "Governor-General" and inserting instead the word "Governor." Those in favour of the word "Governor" being inserted instead of the words "Governor-General" please indicate. The words "Governor-General" remain in both places.

I think that finishes our deliberations.

Sir Chimanlal Sethalvad: What about the note which Lord Zetland mentioned about the Medical Services? I want to say a word about that. The passage is on page 6, "further, the Governments and Public Service Commissions in India should bear in mind the requirements of the Army and the British officials in India and take steps to recruit a fair and adequate number of European doctors to their respective Civil Medical Services, and should be prepared to pay such salaries as would bring about this result."

Some of us took the view, you will remember, that it should not be obligatory to provide European medical assistance for these people, but only that medical assistance of an efficient character should be provided. We agreed to that compromise, but if Lord Zetland now insists then certainly expression should be given to the view of those who do not agree with him. This was a compromise and I am ready to stand by it.

Lord Zetland: I never accepted it.

Chairman: I cannot be responsible for Lord Zetland, but so far as I am concerned if I am worth anything you have still a little bit of the compromise left.

Lord Zetland: On that point I understand that any member who could not accept a particular provision was entitled to say so. We have got reservations by a number of other people.

Sir Chimanlal Setalvad: I am afraid I am not understood properly. We should have asked for our view to be reserved if this compromise had not been arrived at. Now it appears that the compromise is not effective because one of the persons who I thought had compromised in that manner, Lord Zetland, withdraws. I think the necessity has arisen for putting in a sentence or two to give expression to the other view.

Sir A. P. Patro: I suggest that we should leave matters as they are.

Chairman: If you feel you must, you are clearly entitled to put in a paragraph representing your views.

Sir Chimanlal Setalvad: There are other people who hold the same view.

Sir Cowasji Jehangir: I am quite agreeable to accept this but I do not see the exact point. You will have to re-open the whole question.

Sir Chimanlal Setalvad: It is not a question of re-opening the question except to state that some of us took the view that it was not necessary to provide European medical officers.

Chairman: If you submit a sentence of that kind you may put it in, but I think Lord Zetland throughout made it plain that at least it was very doubtful as to whether he would assent to this. As for the rest of us, Sir Robert Hamilton, myself, and Major Stanley have accepted this compromise. I do not know whether Sir Edgar Wood insists on his name going in with Lord Zetland.

Sir Edgar Wood: I should prefer it to go in because I do think what is put up is unworkable and I think it is right to record our view that we think it is not practicable in the interest of the Service to leave things as they are.

Chairman: You are clearly entitled to have that in. Sir C. Setalvad has got, at any rate, the majority of us here supporting him on his compromise, and I hope he will rest content with that.

Sir Cowasji Jehangir: The only two signing this are Lord Zetland and Sir Edgar Wood?

Chairman: That is so. I suggest it would be very desirable if on this very complicated topic there was no further dissent, but of course that is in your hands.

Sir Chimanlal Setalvad: On this point there is very strong feeling in India. The people object to this condition being imposed on them that they should be served by European doctors.

Major Stanley: You have every right to express your opinion. If others are going to express their own view withdrawing from the statements they made as to recruitment of European officers then I wish to add my name to Lord Zetland's dissent.

Chairman: It is rather a big decision to take and we are now after our time. I think if this is pressed it is only fair that the Committee should be given another chance, because as Major Stanley has said, there are other members of the sub-Committee who might desire to sign the reservation or to reconsider the whole matter. If it is pressed I think we had better say that we will discuss the matter again. We can meet to-morrow if necessary.

Sir Chimanlal Setalvad : I will do anything to avoid another meeting.

Chairman : I thank you all very much, Gentlemen.

Sir A. P. Patro : I am sure we should all like to thank you, Sir, for the patience and courtesy with which you have conducted the meetings of this Committee.

Chairman : I have been very glad to sit with you all. I thank you.

(The proceedings then terminated.)

Sub-Committee No. VIII (Services).

REPORT PRESENTED AT THE MEETING OF THE COMMITTEE OF THE
WHOLE CONFERENCE HELD ON 16TH JANUARY, 1931.

The terms of reference to this sub-Committee were as follows:—

“ The Relation of the Services to the new political structure.”

The following Delegates were selected to serve on the sub-Committee:—

<p>Sir William Jowitt (<i>Chairman</i>).</p> <p>Lord Zetland.</p> <p>Major Stanley.</p> <p>Lord Reading.</p> <p>Sir Robert Hamilton.</p> <p>H. H. The Maharaja of Alwar.</p> <p>H. H. The Maharaja of Nawanagar.</p> <p>Sir Prabhashankar Pattani.</p> <p>Rao Bahadur Krishnama Chari.</p> <p>Sahibzada Sultan Ahmed Khan.</p> <p>Mr. Chintamani.</p> <p>Sir P. C. Mitter.</p> <p>Dr. Narendra Nath Law.</p> <p>Mr. Basu.</p> <p>Mr. Tambe.</p> <p>Sir Chimanlal Setalvad.</p> <p>Mr. Shiva Rao.</p>	<p>Mr. Mody.</p> <p>Sir Cowasji Jehangir.</p> <p>Sir A. P. Patro.</p> <p>Rai Bahadur Kunwar Bisheshwar Dayal Seth.</p> <p>Maharajadhiraja Kameshwar Singh of Darbhanga.</p> <p>Raja of Parlakimedi.</p> <p>Dr. Ambedkar.</p> <p>Lieutenant-Colonel H.A.J. Gidney.</p> <p>Mr. Paul.</p> <p>Sardar Sampuran Singh.</p> <p>Sir Shah Nawaz Bhutto.</p> <p>Mr. Ghuznavi.</p> <p>Khan Bahadur Hafiz Hidayat Husain.</p> <p>Mr. Zafrullah Khan.</p> <p>Dr. Shafa'at Ahmad Khan.</p> <p>Mr. Fazl-ul-Huq.</p> <p>Sir Edgar Wood.</p>
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The sub-Committee met on the 6th, 7th, 8th, 9th, 12th, and 13th of January, 1931, and have authorised me to present this Report.

1. *Existing members of the Services.*—Inasmuch as the Government of India Act and the rules made thereunder by the Secretary of State in Council guarantee certain rights and safeguards to members of the Services, due provision should be made in the new constitution for the maintenance of those rights and safeguards for all persons who have been appointed before the new constitution comes into force.

When the new constitution is drawn up suitable safeguards for the payment of pensions (including family pensions) and provident funds should be provided.

As it is important that those responsible for the working of the new constitution should not at its initiation be embarrassed by the economic waste and administrative difficulties which a change of staff on a large scale would entail, it is desirable to take such steps as are necessary to reassure existing members of the Services with the view that they may serve with loyalty and efficiency for their normal term.

To this end the sub-Committee agreed that the right to retire on proportionate pension should be extended, but opinion was divided as to whether the extension should be for an unlimited term or for a definite period of years, not exceeding five years.

2. *Future recruitment for the All-India Services.*—We recommend that for the Indian Civil and Indian Police Services recruitment should continue to be carried out on an All-India basis but the majority of the Committee are of opinion that recruitment for Judicial Offices should no longer be made in the Indian Civil Service. The Indian Forest Service and the Irrigation Branch of the Indian Service of Engineers should be provincialised.

(Four members would prefer that the Irrigation Branch should remain an All-India Service.)

Mr. Shiva-Rao and Mr. Tambe desire to record their view that all Services should be provincialised forthwith.

Dr. Ambedkar, Mr. Zafrullah Khan, and Sardar Sampuran Singh are averse to further recruitment on an All-India basis for the Indian Civil Service and the Indian Police Service, save in respect of the European element in those Services.)

3. *The recruiting and controlling authority for the future All-India Services.*—Since we are recommending that the Indian Forest Service and the Irrigation Branch of the Indian Service of Engineers should no longer be recruited on an All-India basis, we do not think it necessary to offer any special observations with regard to these two Services.

On the question whether we should record any recommendation as to the desirability of securing a continuance of the recruitment of a European element in the Indian Civil Service and the Indian Police Service there was some divergence of opinion.

The majority of the sub-Committee are of opinion that in the case of these two Services it is desirable that some recruitment of Europeans should continue. On the question of the ratio there is a difference of opinion, some holding that for the present recruitment should continue on the lines laid down by the Lee Commission, while others would prefer that the matter should be left for decision by the future Government of India.

Whatever decision may be reached as to ratio, the majority of the sub-Committee hold that the recruiting and controlling author-

ity in the future should be the Government of India. They would leave to that authority the decision of all questions such as conditions of recruitment, service, emoluments and control. Those who take this view attach importance to complete control over the Services being vested in the Central and Provincial Governments. A minority of the sub-Committee think that the recruiting authority should be the Secretary of State, since they hold that without an ultimate right of appeal to him, and through him to the British Parliament, it will not be possible to secure recruits of the required type for the British element in the Services. Those who take this view consider that adequate control over the members of the Services can be secured to the Indian and Provincial Governments under the Devolution Rules.

There is one further observation we have to make under this head. In existing circumstances the Government of India can and does obtain officers from the Provinces to fill certain central appointments. Under the new regime we hope that it will be found possible to conclude arrangements between the Government of India and the Provincial Governments so as to secure the continuance of this practice which has obvious advantages.

4. *The Indian Medical Service.*—Subject to paragraph 1, the sub-Committee are of opinion that in future there should be no civil branch of the Indian Medical Service; and that no civil appointments either under the Government of India or the Provincial Governments should in future be listed as being reserved for Europeans as such.

The Civil Medical Services should be recruited through the Public Service Commissions. In order to provide a war reserve, a clause should be inserted in the contracts of service of a sufficient number of officers that they shall undergo such military training and render such military service as they may be called upon to do. The extra cost involved should be borne as an Army charge.

Further, the Governments and Public Service Commissions in India should bear in mind the requirements of the Army and the British officials in India and take steps to recruit a fair and adequate number of European doctors to their respective Civil Medical Services, and should be prepared to pay such salaries as would bring about this result.

It is suggested that agreement might be reached between the Central Government and the Provincial Governments whereby the latter in selecting their European doctors might grant a preference to those members of the Indian Medical Service who have performed a period of service with the Army. We contemplate that such members would sever their connection with the Indian Medical Service during the term of their employment in the Provincial Medical Service—subject only to the acknowledgment of a claim by the Army authorities in time of emergency. The practical details of any such arrangement would have to be a matter of agree-

ment between the Army authorities and each Provincial Government.

(Major Stanley wishes to make it clear that his acceptance of this section is contingent upon the possibility of securing satisfactory agreements under paragraph 4.

Lord Zetland and Sir Edgar Wood fear that under the scheme proposed neither the Provincial Governments nor the Indian Medical Service will secure European Medical Officers of the type required, and they would prefer that the present arrangement should continue until Indianisation both in the Indian Army and in the Civil Services has proceeded further.)

5. *Public Service Commissions*.—(1) In every Province and in connection with the Central Government a Statutory Public Service Commission shall be appointed by the Governor or Governor-General as the case may be.

(2) Recruitment to the Public Services shall be made through such Commissions in such a way as to secure a fair and adequate representation to the various communities consistently with considerations of efficiency and the possession of the necessary qualifications. This part of the duties of the Public Service Commissions shall be subject in the case of Provincial Commissions to periodical review by the Governor, and in the case of the Central Commission by the Governor-General, both of whom shall be empowered to issue any necessary instructions to secure the desired result.

(Raja Narendra Nath and Sardar Sampuran Singh desire to add a proviso that the proportion of appointments to be filled to redress communal, class and caste inequalities should not in any case exceed one-third of the total appointments to be filled, the remaining two-thirds of the appointments being filled solely on considerations of merit.)

The Governor shall, before considering any appeal presented to him against any order of censure, of withholding an increment or promotion, of reduction to a lower post, of suspension, removal or dismissal, consult the Commission in regard to the order to be passed thereon.

(3) Members of the Public Service Commissions shall hold office during the pleasure of the Crown and be removable by the Governor, in the case of a Provincial Commission, and by the Governor-General in the case of the Central Commission. They shall, after ceasing to be members of a Commission, be ineligible for a period to be fixed by the Governor or Governor-General as the case may be for further office under the Crown in India, except that persons who have been members of a Provincial Public Service Commission shall be eligible for appointment as members of the Central Commission or of another Provincial Commission, and *vice versa*.

(4) The sub-Committee recognise the special position of the Anglo-Indian community in respect of public employment, and

recommend that special consideration should be given to their claims for employment in the Services.

(5) There should be a statutory declaration that—

(a) No person shall be under any disability for admission into any branch of the Public Services of the country merely by reason of community, caste, creed, or race.

(b) Membership of any community, caste, creed, or race shall not be a ground for promotion or supersession in any Public Services.

In making this recommendation the sub-Committee have particularly in mind the case of the Depressed Classes. They desire that a generous policy be adopted in the matter of the employment of the Depressed Classes in Public Service, and in particular recommend that the recruitment to all Services, including the Police, should be thrown open to them.

6. *Internal Administration of the Police.*—Subject to the recommendation which has already been made by the “Provincial Constitution” sub-Committee, that under the new constitution responsibility for law and order should be vested in the Provincial Governments, the question whether in consequence any special recommendation should be made as to the internal administration of the Police was left to this sub-Committee. We have given consideration to various suggestions made under this head. Some of the sub-Committee think it undesirable to make any recommendation which might be held to impinge upon the discretion of the future Provincial Governments. Others, who consider that the control over the Police Forces at present secured to the Inspectors-General by statute should be preserved, advise that the Police Act of 1861 should not be subject to repeal or alteration by the Legislature without the prior consent of the Governor-General, and that the Police Acts of the Governments of Bombay, Bengal and Madras should be included in the category of Acts which should not be repealed or altered by the Provincial Legislature without the previous sanction of the Governor-General.

7. *The Central Services.*—We recommend that the Government of India should be the authority for recruitment to the Services which are under the control of Ministers responsible to the Legislature. As regards the Services under the control of the Governor-General, we do not feel called upon to make any recommendation.

Signed on behalf of the sub-Committee

W. A. JOWITT,

Chairman.

St. James's Palace, London,
13th January, 1931.



Indian Round Table Conference

12th November, 1930—19th January, 1931

PROCEEDINGS OF SUB-COMMITTEES

(Volume IX)

[SUB-COMMITTEE No. IX (Sind)]

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INTRODUCTORY NOTE.

Proceedings of the Indian Round Table Conference in plenary session, and in Committee of the whole Conference, are contained in a separate volume, the Introductory Note to which explains, briefly, the procedure adopted by the Conference.

Proceedings of Sub-Committees are contained in nine volumes as below:—

- Volume I.—Federal Structure.
- „ II.—Provincial Constitution.
- „ III.—Minorities.
- „ IV.—Burma.
- „ V.—North-West Frontier Province.
- „ VI.—Franchise.
- „ VII.—Defence.
- „ VIII.—Services.
- „ IX.—Sind.

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INDIAN ROUND TABLE CONFERENCE.

SUB-COMMITTEE No. IX.

(Sind.)

The Sub-Committee was constituted as follows:—

The Earl Russell (<i>Chairman</i>).	Dr. Shafa'at Ahmad Khan.
The Marquess of Zetland.	Sardar Sampuran Singh.
The Marquess of Reading.	Dr. B. S. Moonje.
H.H. The Aga Khan.	Mr. M. R. Jayakar.
Mr. M. A. Jinnah.	Raja Narendra Nath.
Sir Shah Nawaz Bhutto.	Mr. C. Y. Chintamani.
Sir Ghulam Hussain Hidayatullah.	Mr. B. V. Jadhav.
Sir Abdul Qaiyum.	Sir Phiroze Sethna.
Sir Muhammad Shafi.	Mr. H. P. Mody.
	Sir Hubert Carr.

with the following terms of reference:—

“The question of constituting Sind as a separate Province.”

PROCEEDINGS OF THE FIRST MEETING OF SUB-COMMITTEE No. IX (SIND) HELD ON 12TH JANUARY, 1931.

Chairman: The reference to this Committee is to consider the question of constituting Sind as a separate Province. That means, therefore, that the main question of whether it is desirable that Sind should be separated or not has been referred to us, and has not been decided. I think it might be useful if I called the attention of the Committee to what exists already in the way of material on that subject in the various reports. Extracts from the important ones have been circulated this morning, so as to be available to all the members of the Committee.

In the first volume of the Simon Commission's Report, in paragraph 77, there is a description of Sind, with its area and population, and the statement that Karachi is, of course, its important port, that the population is about three-fourths Muslim, and that the present government is under the Bombay Presidency by a Commissioner in Sind, who is to a certain extent more independent and more free than the Commissioners in charge of the other divisions of the Province. They call attention to the fact

that the Bombay High Court has no jurisdiction in Sind, but, of course, there is no separation of finances, and they then call attention to one of the most important questions, and that is the Sukkur Barrage, which has cost £16,000,000, and on which there is still a further outlay to take place. In the second Volume of the Simon Commission's Report, in paragraph 38, they deal with the question of separation. These points are all, I think, in the papers before you, and they come down against separation and say they cannot recommend it immediately, but suggest something in the way of a Legislative Committee. Then in the Government of India Despatch, in paragraph 21, they say they can give no final advice without further enquiry, and a special committee, and they call attention to the administrative and financial aspects.

Then there is the memorandum of the Bombay Government to the Simon Commission, and there the Bombay Government are quite strong against the separation. They say that it is impracticable and undesirable and that it would be a great extravagance; and the further details you will find in the Report of the Bombay Government. Then the Bombay Legislative Council state that for financial reasons alone it was impracticable—

Sir G. H. Hidayatullah: The Provincial Committee.

Chairman: I thought it was the Legislative Council.

Sir G. H. Hidayatullah: No, Sir, it was the Provincial Committee.

Chairman: Then the Indian Central Committee recommended separation, but I understand only by a majority of 5 to 4. Then there were some minutes of dissent. There is a very long one by Syed Miran Muhammad Shah, which is on page 56 and onwards of the third volume of the Simon Report, and there he deals in a good deal of detail with the financial objections, and succeeds in proving, in the end, to his own satisfaction at any rate, that there would be no deficit at all after separation.

I am sorry to say that the official information we have on that is not very good. Apparently the last figures were 1924/1925, and we have telegraphed to the Government of Bombay to see if we can get any later figures, because 1924/1925 seems rather a long time ago. I hope we may get an answer, because it does not seem very satisfactory to have figures five years old. There is another minute by Dr. Ambedkar, who comes down against separation, but for different reasons. That really is the question that is before the Committee—to discuss whether it is desirable that the Province should be separated or not.

Now, I understand that Sir Ghulam Hussain Hidayatullah has only come out of a nursing home to attend this Committee, and therefore if the Committee do not mind I should like to call upon him very early. I do not know whether you wish to say something very short, Dr. Moonje.

Dr. Moonje: I just wanted to know why this question is taken up separately in this Round Table Conference, because there are several Provinces which have made a claim for separation and partition into separate Provinces—for instance, the Karnatak and other Provinces, which have been agitating for being converted into separate Provinces, and out of these many areas why should the Sind question alone be separated. I have not been able to understand that point.

Chairman: I am afraid I cannot say. The question was sent to us by the Business Committee.

Mr. Foot: I was on the Business Committee when this Committee was appointed.

Chairman: I am told that the appointment was the result of a discussion in the Minorities Committee when the Prime Minister presided.

Sir G. H. Hidayatullah: The Boundary Committee will deal with those questions. There are questions of areas there to be determined, not as in the case of Sind, which, as is admitted on all hands, is a self-contained Province.

Mr. Foot: The point, I understand, was this. I was a member of the Minorities Committee, and the question of Sind was referred to, and the Prime Minister thought that the matter could best be dealt with separately rather than by the Minorities Committee, which, as members will know, is pressed for time, as most Committees are, and if we had got on to the question of Sind there would have been no time. There were so many questions to be dealt with that the Prime Minister decided that they should be dealt with separately. The Business Committee met, and our terms of reference were drawn, I suppose, with the Prime Minister's approval.

Chairman: I might have pointed out in opening that there is one argument of the Bombay Government which has rather gone by the board, and that is the argument with regard to size, because Sind is as large and as populous, apparently, as the North-West Frontier Province.

Sir Ghulam Hussain Hidayatullah: Mr. Chairman, I am one of the two members who dissent from the view of the Bombay Government in regard to the separation of Sind. I do not like to deal with the question of the separation of Sind on communal lines, as some parties are trying to deal with it; I want to deal with it on its merits.

It is in the interests of the inhabitants of Sind that Sind should be separated from Bombay. It is admitted by all that it is racially, geographically, and linguistically a separate Province, the experience, manners, culture and mode of life of Sind are quite different from those of the Bombay Presidency altogether. Not only is that so, but even the revenue system and the irrigation system are different from those of Bombay. It was only

by accident of conquest, because the garrison of Bombay conquered Sind, that it happened to be annexed to Bombay at that time, when the Punjab was not incorporated in British India. Had it been, we do not know what would have been the fate of Sind; it might have gone to the Punjab, where the manners, customs, mode of irrigation and revenue system are nearly the same.

Now, Sir, when this garrison of Bombay was marching to Afghanistan under Sir Charles Napier, we unsophisticated Sindhis welcomed your troops, and in their hospitality gave him supply and allowed him a free passage. Those troops marched against our co-religionists, the Afghans. When they returned disappointed, without any rhyme or reason, without any provocation, without any justification, they conquered us. That is the return we got for the hospitality shown by our people. You will excuse me for my frankness. Your own General Commanding, Sir Charles Napier, in his Despatch to the East India Company himself said: "Peccavi: I have Sind."

Mr. Foot: Yes; he called it a piece of rascality.

Sir Ghulam Hussain Hidayatullah: I do not call it that.

Mr. Foot: That is what he called it.

Sir Ghulam Hussain Hidayatullah: Now, Sir, everybody is asking for self-determination. You are applying the principle of self-determination to every part of India and the whole of India. Why should you not now support our righteous cause and make amends for your past sins, and I will show you personally that we have a very strong case for the separation of Sind. Now, Sir, I will first deal with this point. It is admitted on all hands that it is a separate Province. That is admitted by the Simon Commission. If you like I will read it out to you, but I do not want to waste your time by reading it. It is admitted by the Government of India that it is a separate Province. It is a self-contained Province.

Then the second question arises, whether there is a demand for separation from the people or not. There is a demand, Sir, not only from 75 per cent. of the Muhammadans, but from Hindu gentlemen also, though they are in smaller numbers. The most enlightened community, though they are a handful in Sind, the Parsees, have been urging the separation of Sind. I may quote the name of Mr. Jamshed Mehta, who is the President of the Karachi Municipality, and who is associated with every activity of Sind, social, political, commercial. He is in favour of the separation of Sind. Thus, Sir, I have shown you that there is a demand, a demand by an overwhelming majority.

Now, Sir, there is the question whether this demand has arisen of recent years or is a very old and insistent demand. I may call Sir Charles Napier the first Governor of Sind and the last Governor of Sind. After the dictatorship of Sir Charles Napier,

Sir Bartle Frere became the Commissioner in Sind; he recommended that the Sind Province as a separate Province should be turned into a Chief Commissionership, nothing to do with Bombay or any other Presidency. But no heed was paid to him. Then this question again was opened in 1817, but, owing to the second Afghan War, the question was prevented from being discussed at full length. Then Lord Curzon again made an attempt to reopen this question. Then my friend in his memorandum has shown that this question has been mooted from time to time and my Hindu friends were the first to be in favour of the separation of Sind.

Now, Sir, I have said that it is a separate Province, there is a demand and this is an old question, there has been an insistent demand for the separation of Sind from time to time. That clearly shows that the people want separation. Now I come to deal with some of the objections of my Government. They say it will be a small Province; but, as Your Lordship pointed out just now, the North-West Frontier Province is much smaller than Sind, and yet it has been made a separate Province. As to the area of Sind, Sind is of the same size as Great Britain without Wales.

Now, Sir, I come to the other difficulties that have been pointed out by my Government, the administrative difficulties as they call them. As a matter of fact, the administrative difficulties are in favour of the separation, as I will presently show you, rather than against it. Since 1843 the Bombay Government has found it difficult to administer Sind efficiently from a distance of 500 to 600 miles by sea and many thousands of miles by rail. Therefore they passed an Act delegating the powers of the Government of Bombay in respect of Sind to the Commissioner in Sind. Does that show that the administrative difficulties are against or in favour of the separation? The Bombay Government has condemned itself by passing this Act itself and subsequently Acts by which it delegated its powers to the Commissioner in Sind.

They cannot rule it from that distance. I should like to read to you what was said by my late friend Mr. Harchandrai, the greatest leader we have had in Sind, and a Hindu. He made a protest when he went as a member of a deputation to see the late Mr. Montagu. "The Government of Sind", he said, "has for the last seventy years been in effect an unqualified autocracy, with all the disadvantages and characteristics of that system. The Commissioner in Sind derives his numerous powers partly by inheritance from his ancient predecessor, Sir Charles Napier, the first and last Governor of Sind, and mainly by the frequent delegation to him of numerous powers of local government by the Governor of Bombay in Council, and recently by the specific preservation to him in later Acts of powers elsewhere reserved to the Governor in Council, and has to-day become in most respects a local government, without the check of an Executive Council".

Mr. Foot: What document is that?

Sir Ghulam Hussain Hidayatullah: This is the representation made by the leader of the Hindu community to the late Mr. Montagu, when Mr. Montagu came to Bombay in 1917.

Mr. Foot: Is the book from which you have read that available?

Sir Ghulam Hussain Hidayatullah: No, but that representation can be obtained from the Government of Bombay, and nobody can deny it.

Now, Sir, that position still obtained in spite of the Montagu-Chelmsford Reforms and although we have dyarchy with Ministers and Members. Certain powers have been delegated to the Commissioner, but so far as the powers that have not been delegated to him are concerned, the various Commissioners from time to time have bitterly complained of inordinate delay in the disposal of matters by the Government of Bombay. I should like to quote to you part of a speech by one of the Commissioners who retired only four or five years ago from Sind, and who is here and whom the sub-Committee can examine. He says "The work is more and more being done through a Government which, however friendly, is situated several hundred miles away, and correspondence on education, engineering and other subjects takes a very long time before it is finally disposed of". In fact, the Government of Bombay and their officers have condemned themselves by their admissions that they cannot govern Sind from such a distance. You have the Act still in force and you have the complaint of the Commissioners in Sind that in regard to matters where no delegation of powers has been made there is inordinate delay. Are these administrative reasons in favour of separation or against it?

It is said that Sind will be a small province and will be deprived of the expert advice of specialist officers and the heads of departments, a plethora of which have been employed. I have to do my duty, though it is unpleasant. It will be said that we will not be able to afford to employ a consulting architect. Now, Sir, in the first place is Sind going to have a very big programme of building? What has Bombay done up to this time? Only recently, after all this agitation, they have given us a Chief Courts building worth 25 lakhs of rupees; otherwise the other buildings come to fifty thousand rupees or a lakh. Are we to employ a consulting architect for these smaller buildings? I will go without his expert advice. We have two Chief Engineers in Sind, and if they cannot design ordinary buildings costing two lakhs they are not worth the salary that they are getting. However, to reply to the argument of my Government I submit that there are any number of private architects in Karachi, and when we have plenty of money and want to build fine buildings we will get a private man to do the work of designing them, instead of burdening ourselves with a recurring expenditure of several thousand rupees every month. That disposes of one of their specialists.

Then comes the consulting surveyor, who deals with town planning. Under the Town Planning Act the initiative comes from the local bodies, what would be called Country Councils here. They want to introduce schemes, but I know what their resources are in my part of the country as well as in the whole Presidency; their resources are depleted and they cannot introduce any system of town planning at the present time. We have an Assistant Consulting Surveyor in Sind, but the Bombay Government says an Assistant Consulting Surveyor is not sufficient to advise us, and that we must have the advice of the Consulting Surveyor of Bombay. If that is the case, what is the good of employing an Assistant Consulting Surveyor in Sind? What is the good of employing such a man if he is not going to be competent to draw up a town planning scheme? Moreover, only two years ago the present Consulting Surveyor was my Assistant Consulting Surveyor in Karachi. Why should we need the services of the Consulting Surveyor of Bombay? It is an unnecessary financial burden. Let us suppose, to take an extreme case, that our local bodies have plenty of money and introduce a scheme. To satisfy the Government of Bombay about that scheme we can borrow the services of their Consulting Surveyor. I have been in charge of these departments for nine years, and I know we have been lending the services of these people on payment to the Indian States, leaving aside the other provinces. I can therefore meet their objection in that way, if the local bodies have plenty of money and it is thought that the advice of the Assistant Consulting Surveyor is not enough. That disposes of the second specialist officer.

The third is the Sanitary Engineer, dealing with sanitary schemes, waterworks and drainage. The policy of the Government of Bombay up to this time has been to assist the Bombay Corporation and the Karachi Municipality up to fifty per cent. of the cost of these schemes. You know how depleted are the resources of the Bombay Government itself. We have a deficit budget of one and a half crores this year. The resources of the local bodies are also depleted, and how can they launch waterworks and drainage schemes when they are without money? Even supposing they do so thereafter, we can ask for the services of the specialist of the Bombay Government on payment to design a scheme for us, and we have competent engineers working under the local bodies to execute such schemes, as is done all over the country.

Similar remarks apply to the other specialist officers. We come now to the heads of departments. Take the Revenue Department. You have the Commissioner in Sind, which is a prize post for the Revenue Department, with a Government house and so on, so that so far as the Revenue Department is concerned there will be no necessity for the advice of the Bombay head of the department. Then we have the Judicial Commissioner. Our Chief Court is self-contained in judicial matters, and is independent even of the High Court of Bombay, so that in revenue

and judicial matters we do not stand in need of any advice. The Members will disappear now; there will be only Ministers.

Then comes the Engineering Department. There is a self-contained Engineering Department in Sind already, and we have two Chief Engineers in Sind, one dealing with ordinary irrigation and the other with the Sukkur Barrage. Yet it is said we should go for advice to Bombay! I cannot understand it.

Then comes the Inspector General of Police. In the last ten years, how many times has the Inspector General of Police of Bombay visited Sind? I do not think more than twice, and perhaps only once. Yet we are bearing a portion of his cost. We have a Deputy Inspector General of Police there, an officer who has between 15 and 20 years' service. If he is not competent to give us advice in regard to our police matters, then I am afraid he is not worth the salary of £2,000 or £1,800 that he gets. Why should we have an Inspector General of Police, and do these heads of Departments go very often to Sind? Then I come to the Chief Conservator. We have a Conservator in Sind already, though there are no forests worth the name. If I had my way I would abolish that post altogether. There are no forests in Sind, and yet there is a Conservator and there are rangers of the forests, and I think on the top of it we ought to have the advice of the Chief Conservator of Forests. When did Bombay have that advice of the Chief Conservator of Forests? That post has come into existence. Once it came into existence and it was abolished. Again it has come into existence. I am afraid it is going to be abolished very soon. These are the administrative difficulties. Then, Sir, I come to the Director of Public Instruction. How many times have they visited Sind, and how many days are they in Sind to advise us? Yet we bear the cost of their establishment and their travelling allowances. Does he know Sindhi? Even some of my Inspectors of Education do not know Sindhi, the language of the place, though most of the Civilians are required to pass the examination. We have Inspectors of Education there who do not know the language.

Mr. Jadhav: That is the case with all the Government Inspectors.

Sir G. H. Hidayatullah: The higher education, the curricula, everything is determined by the university. I do not know what advice the Director of Public Instruction will come and give me, but without which Sind will not be governed properly. In the first place, he does not know the language of the place, he does not know the customs and manners of the people. We have at present a Director of Public Instruction imported from some other Presidency. They will excuse me for saying that we give them good hospitality and good shooting in the winter when they come round there.

Mr. Jinnah: That is why they come there.

Mr. Jadhav: They can collect objects of art.

Sir G. H. Hidayatullah: And my friend will know that you have appointed a Director of Agriculture, or he is being appointed.

Mr. Jadhav: A Chief Officer of Agriculture.

Sir G. H. Hidayatullah: So I do not know why Sind should not be separated. We have two Chief Engineers, a High Court, we have a Commissioner with a Government House; no other Commissioner has a Government House; in fact, we have all the important directors, heads, chief agricultural officer, and so on. I do not know what the administrative difficulties are; I cannot understand the administrative difficulties at all. The administrative difficulties are more in continuing with Bombay rather than in separation, as the Government of Bombay have themselves admitted in regard to the separation of Sind.

Then, Sir, another argument is that there will be a smaller cadre, and people will not like to serve in Sind; but the argument is not sound. There are others that have at present seven districts. If this separation takes place after two or three months Sind will sanction the money for everything; and, mind, when the Sukkur Barrage comes into operation

Sir Abdul Qaiyum: There is the Delhi Province, of course.

Sir G. H. Hidayatullah: Yes, I had forgotten that.

Sir Muhammad Shafi: Consisting of a city and a town and a police station!

Sir G. H. Hidayatullah: Now, take the I.C.S. cadre. They can rise to the prize posts in Sind Memberships are going now. Nobody will be appointed as a Member from the I.C.S. after the further reforms, so they can rise to the highest posts of Commissioner in the I.C.S., and they can become, if they join the Judicial Department, Judges of the Chief Court or of the Judicial Commissioner's Court, and there are three civilians. Is that not sufficient inducement for them to go to Sind, when there are four prize posts for them? In the Engineering Department they can rise to be Chief Engineers. Then, Sir, as regards the Police, they can become D.I.Gs. After all, there is only one I.G.'s post in the Presidency. All young men who enter into the Police Department have not retired as I.Gs. Most of them have retired not even D.I.Gs. Besides, there is an attraction in Sind. You may ask those gentlemen who have served in Sind. They do not like to leave it. There is a special Sind allowance for them, and there is the hospitality that we show them.

Sir Muhammad Shafi: When Sind becomes a Province in itself the D.I.G. will cease to be a D.I.G.; he will become an I.G.

Sir G. H. Hidayatullah: So the objection about a small cadre does not hold good. Now I come to the Simon Commission's objection. They merely express their sympathy with us: "We have great sympathy with the claim, but there are grave administrative objections to isolating Sind and depriving it of the powerful backing of Bombay before the future of the Sukkur Barrage is

assured and the major readjustments which it will entail have been effected."

Now, I have dealt with the administrative objections that appeared to the seven Simon Commissioners. To me it appears, and to every reasonable man it will appear, that the administrative difficulties are with the continuance with Bombay rather than against it.

Now I come to some instances of the "powerful backing of Bombay" in Sind. My friends from Bombay will excuse me. I have been reading that in all civilised countries the prosperity of the country depends on its communications. You will be surprised to hear that there are not more than a hundred miles of Government Provincial roads in Sind, and not more than 30 miles of pukka roads on which you can run a motor-car. This is the "powerful backing of Bombay" that we have got up to this stage, Sir. If any civilised country does not have good communications, how can there be prosperity in a country? That is one example of the "strong backing".

Chairman: Are not they just giving you a broad gauge railway?

Sir G. H. Hidayatullah: Only now we are getting a small gauge one. A friend of mine here once had a motor ride in Sind, and he might have mentioned his experience of the jolting he got.

Mr. Jinnah: Only a few months ago I had an experience there. I rode 35 miles in a car.

Sir G. H. Hidayatullah: So this is the "powerful backing" as regards communications. Now, with regard to education, in two other divisions of the Bombay Presidency and the city of Bombay they have Government colleges of all kinds, engineering, medical and others. Poor Sind has not got one Government college. Now, as regards primary education, my friend the President of one of the District Local Boards will tell you that we poor people, in order to educate ourselves, have increased our local rate from 1 anna to 2 annas to introduce compulsory education, and the poor Bombay Government says we have no money to contribute our share so that you will be able to introduce compulsory education within your radius. This is another instance of the "powerful backing of Bombay". A third example is medical relief. You can call for the figures and find out how many thousands—not lakhs—are spent in Sind on Medical relief. This is the "powerful backing of Bombay".

Now I come to the Sukkur barrage. I had the honour to be in charge, and it is the only legacy we have got from them. As to the Sukkur barrage, no doubt we have borrowed this money on the credit of the Government of Bombay from the Government of India. The scheme was prepared by the experts of the Bombay Government. It was sanctioned and carefully scrutinised by the Government of Bombay. There was a great deal of controversy, even in England, about the scheme. After being convinced, the

Secretary of State sanctioned the scheme, and they assured us—poor Sindhis, “that is a productive scheme”. If it is a productive scheme, as they say, and as they have laid down certain estimates, what fear is there of the loan? We will pay it.

Chairman: Well, but it is conceivable that, at present commodity prices, it may not be very productive.

Sir G. H. Hidayatullah: Then how is Bombay going to pay you a deficit of a crore and a half? That is my reply. But these prices will not continue for ever.

Chairman: I hope not.

Sir G. H. Hidayatullah: If they continue for ever, then Bombay cannot pay, with the heavy loans that they have incurred already—that I will deal with later on—and a deficit budget of a crore and a half. I do not think the depression is continuing for ever. There will be hopeful signs. So as regards the debt of the Sukkur barrage, it is to be paid. In the estimates they are doubling the assessment.

Chairman: Do you mean that Sind will be prepared to take over the whole burden?

Sir G. H. Hidayatullah: Yes, I understand so. That is so is it not?

Sir S. N. Bhutto: I will speak later.

Mr. Jinnah: I do not think Bombay would give up the advantage. You see, under the scheme Bombay having guaranteed the loan, as I understand it, Bombay stands to gain if things go on well.

Chairman: If the thing goes right, Bombay looks to taking the profits, you mean?

Mr. Jinnah: Yes. Therefore I do not think you will get Bombay easily to say, “We will give up the prospects”, having guaranteed the loan. You see what I mean?

Chairman: Yes.

Mr. Jinnah: But that is a matter of adjustment.

Chairman: Yes. I should have thought that cut both ways, because if Bombay is prepared to do that, they will have to bear the burden whether Sind is separated or not, will they not?

Mr. Jinnah: Yes, so far as the Sukkur barrage is concerned.

Chairman: Yes; I mean, they cannot have it both ways so far as the Sukkur Barrage is concerned.

Mr. Jinnah: Yes, subject to adjustment, that may be right.

Sir G. H. Hidayatullah: Then, Sir, the Simon Commission says, “There are grave administrative objections to isolating Sind and depriving it of the powerful backing of Bombay before the future of the Sukkur Barrage is assured.” I cannot understand the language—whether the Sukkur Barrage is technically to be a success, or financially, or how. Technically I can tell you.

that it will operate in 1932, January; so the future of the Sukkur Barrage is assured as an engineering scheme.

Sir Muhammad Shafi: It is practically complete.

Chairman: Yes, what you might call the engineering part of it is complete.

Sir G. H. Hidayatullah: Yes; so there is no fear of the future of the barrage or anything now. Now, Sir, I will put to you one argument. They say financially we are a deficit Province. Yet why do they want Sind when they have their own financial difficulties—the Bombay Government? I cannot understand that. I have failed to understand that up to this time.

Chairman: Just keep for one moment to the barrage, you remember that the first volume of the Simon Report said that a considerable further outlay would be required.

Sir G. H. Hidayatullah: That is for the development of roads and railways.

Chairman: I thought it was for canals.

Sir G. H. Hidayatullah: The barrage we are completing within 20 crores. That is for the further development.

Sir S. N. Bhutto: That is only a pious hope, Sir. Where is the Bombay Government going to find the money?

Sir G. H. Hidayatullah: Now, Sir, how has Sind been made a deficit Province? I had the honour of leading a deputation on behalf of the Sind Muhammadan Committee to the late Mr. Montagu in December, 1917, and we there pressed the question of the separation of Sind. We had sent an estimate ahead. It was very carefully scrutinized by the Government of Bombay and its financial advisers, and what has the late Mr. Montagu written in his diary? That Sind pays more than what it gets.

Mr. Foot: Is this an exhibit in the case, this book?

Sir G. H. Hidayatullah: I am giving it as an exhibit. It is undoubtedly true that Sind gives more funds to Bombay than Bombay gives to Sind. That is an authoritative announcement by a responsible officer, the Secretary of State. Now, it will be a mystery to you all as to how it became in 1922 a deficit Province, and I am going to help you in solving that mystery.

Now, Sir, after 1917 there was a good deal of agitation in Sind that Sind pays more than what it gets, and all communities, Hindus, Muhammadans, Europeans, Parsis, everybody joined and made representations to the Government of Bombay—that is to say that if they were not properly dealt with they would ask for a separation; and actually in 1922, if I rightly remember the year, a deputation consisting of Parsis, Europeans, Muhammadans and Hindus waited on the Governor of Bombay, and to the surprise of those gentlemen, members of the deputation were told for the first time in their lives, "You are a deficit Province," and these were the figures quoted. In 1922 revenue was 1 crore 95 lakhs

and expenditure, 2 crores 9 lakhs. This was the first time we had heard this news. As I have told you, Sir, since 1918 there was a good deal of agitation in Sind. Therefore the Government of Bombay tried to spend some money on Civil work. Up to 1922 they built a few roads and spent 10 or 15 lakhs of rupees on those.

Then they entered into a bargain with the Military authorities as to the purchase of Artillery Maidan, which is a very large area in the city of Karachi. In lieu of getting that area, the Government of Bombay built barracks for them in Quetta; they perhaps spent about 30 lakhs there for them. Then, Sir, there were a few buildings, the Chief Court and other buildings, during this interval, and a few lakhs have been spent on irrigation. Perhaps since 1918 up to this day, if I rightly remember, a capital expenditure of about $1\frac{1}{2}$ or 2 crores has been incurred by the Government of Bombay. Now, Sir, in the old times this was our method of budgeting. I remember it with regard to the Karachi Courts over which we have spent 25 lakhs. Before plans and estimates were ready, 10 lakhs were provided in the Budget, and they lapsed at the end of the year; but, all the same, in the Budget it appeared as 10 lakhs for Sind Civil Courts. Similarly with regard to civil works of the Public Works Department there have been large lapses, but, all the same, the money is shown there as having been spent on Sind. Now they will include all these monies when they say what they have spent on the civil works, on the purchase of the Artillery Maidan, on building the Chief Court. No doubt if you include these capital expenses in it, it becomes a deficit budget. But no new district has been opened since 1918, and we paid more in 1922 and yet ours became a deficit budget. That is because of the inclusion of the capital expenditure.

Now what are the assets against it? Mr. Martin will bear me out when I say we have been told with regard to the Artillery Maidan that it is a fine bargain; it is a land for which we have paid 25 or 30 lakhs of rupees, and it is worth more than a crore or a crore and a half. So that we can set off that crore and a half, and there will be no deficit at all. But, Sir, take the old building of the Chief Court. Now the new Chief Court over which we have spent 25 or 30 lakhs has been built on government land which we had acquired from the military; that is a portion of the Artillery Maiden; but the old Chief Court building is in a very busy place which my friend must have seen; if we sell it it will fetch say some 15 or 20 lakhs. So we have an asset to set against this two or one and a half crores of rupees that has been put against us.

Sir, I can make any budget a deficit budget if you make me the Finance Member for two months.

Chairman: We can do that in this country.

Mr. Foot: We can do it in this country without any difficulty.

Sir G. Hussain Hidayatullah: Now, Sir, another method which has been adopted is this. We are burdened with what are called the Supervision Charges. There are the Governor's salary, his allowances, and some other hospitality allowances. Few of us have had the honour of sharing his hospitality because we are at a long distance. Some of the critics have been debiting us with one-third, and others with a quarter, of those Supervision Charges. Then there is the Secretariat and the expenses of the Secretariat. There is a plethora of special officers and Heads of Departments. All their charges come to many lakhs, and they debit us with a quarter. One of the critics says: "No, Sind should pay one-third, not even one quarter." The expenditure is 16 crores, and on poor Sind only two crores are spent. Yet, though there has been no supervision over Sind, as I told you, they debit us with one-third or one quarter of the Supervision Charges. In fairness the Supervision Charges put against us ought to be one-eighth, because they spend 16 crores on the Presidency proper and two crores on us; but they burden us with Supervision Charges to the extent of one-third or one quarter, and so they make a deficit.

Chairman: Just while you are on that, if Sind were separated, what would you suggest that your government should be:—a Governor and two Ministers?

Sir G. Hussain Hidayatullah: No, I would make it three Ministers. I can make it two Governors and three Ministers out of the Supervision Charges.

Chairman: Then you would certainly be a popular Province.

Sir G. Hussain Hidayatullah: I would have three Ministers. I will deal with this later on: in Sind you cannot get on unless our Hindu friends form a Ministry there. We will have three Ministers. If, Sir, you take the total of these Supervision Charges, it comes to many lakhs. Now some of the critics try to burden us with the interest charges on the loans of the Government of Bombay which have not been contracted for the benefit of Sind, but have been sunk in the Back Bay, others on unproductive Deccan Irrigation and some other parts. They say: "you must pay one-third or one quarter of the interest." Now, Sir, I am sorry I was sent away here at very short notice; otherwise I would have brought all the figures and shown you. I do not remember; Mr. Mody might correct me; is it 18 crores Back Bay and the Suburban, or 20 crores?

Mr. Mody: 22, I think.

Sir G. Hussain Hidayatullah: Yes; I am near it. I am speaking from memory. Now 22 crores sunk there are assessable to Bombay, but the critics say Sind must pay a portion. About 18 or 20 crores have been paid by the Bombay Government on unproductive irrigation in the Deccan, and they say we must pay. They want to make it a deficit budget. The brush is in their hands and they can draw any picture they like.

Then there is the boast of the Government of Bombay; every Finance Member from time to time has been telling the whole world that the Bombay Government's assets in the shape of roads or buildings are 60 to 70 crores of rupees. Now, Sir, we have only got 20 or 25 lakhs' worth of roads in Sind; the rest are all in the Bombay Presidency, as are also the buildings. There are only two or three buildings of which we can boast, of which the Chief Court is one, on which they have spent 25 lakhs. I do not think the whole property of the Government of Sind or of the buildings would be worth more than $1\frac{1}{2}$ or 2 crores of rupees, and that is a very liberal estimate. That means that these 60 or 70 crores of rupees are these assets only in the shape of roads and buildings with the Government of Bombay; that money they have spent in the Presidency proper and in the city of Bombay; and yet they ask us to pay interest on all those things. The mere repair of these assets of the Government of Bombay costs them nearly a crore of rupees. 66 lakhs they spend on the repairs; and then the establishment is about 34 lakhs on some things. I can challenge anybody that not more than 4 or 5 lakhs has been for Sind. The critics say: Pay all; you are a partner; all the debts of the Bombay Presidency should be pooled together; pay one-third or a quarter. Thereby they make ours a deficit budget. My reply to them is: Then share all the assets with us. If they share the assets with us, according to their own admission, roads and buildings, the Back Bay lands, and several interests of the Bombay Government, I think we shall come off very well. They spend only 2 crores here and yet they want us to pay to the extent of a quarter or a third interest on the money which has been sunk in the Bombay Presidency. Is that fair? Well, if that is so, let us then pool all the debts of Bombay, including the Sukkur Barrage. Let us bear only one-eighth, because they spend only 2 crores on us, and seven-eighths should be borne by Bombay. And let us share the assets. So, Sir, it is that the critics are trying to make us a deficit Province.

Mr. Jadhav: Does this 2 crores include the expenditure on the Sukkur Barrage?

Sir G. Hussain Hidayatullah: No, excluding that.

Mr. Jadhav: And 16 crores includes all these debts?

Sir G. Hussain Hidayatullah: No, that is not so, that is recurring expenditure.

Mr. Jadhav: I think including capital.

Sir G. Hussain Hidayatullah: No, no. I am not talking of the Sukkur Barrage; that is not included. Now, Sir, I come to the position of my Hindu friends. I have a very large number of Hindu friends—very dear friends. To my mind their apprehensions are groundless. They are the brains of my Province. They are highly educated. There is one community, the Amil community, of 25,000 souls, men, women and children, almost every one of them educated. I am proud of them; I have learnt

very much from them by staying with them and by my long association with them in Hyderabad City. They have produced more lawyers and graduates in proportion to their population than any other country in the world. For instance, one family has 4 civilians, the rest of them being engineers, doctors and lawyers. Sir, in no country is it numbers that rule; it is brains that rule. My Amil friends always boast that when we had the Muhammadan rule, even then they were our ministers and were high officials. That shows, Sir, that the Sindhi Muhammadans have been treating them very well. No Amil will dare to deny that they were ministers in the days of the Muhammadans, and that they then occupied high social positions. Their only fear, as Government servants, is for their monopoly; they think that as the Muhammadans are in a majority, in democratic institutions, the Muhammadans might oust them. But they must remember we are going to appoint a Public Service Commission, so that there will be no favouritism. I am proud of myself in this respect because I have been 10 years in the Government of Bombay, and I challenge any Hindu to say I had shown favouritism to any Muhammadan in preference to a Hindu. On the contrary, if anything, I have done much more for the Hindus than for the Muhammadans. My Hindu friends in Sind know that to be the fact.

Now, Sir, they are afraid for their vested interests, and I might say something very unpleasant. Ours is an official-ridden country. My friend, if he holds some land, knows it. It is not only the influence which the officials enjoy but also—I will not call it the corruption but perquisites. I will select a good name that carries izzat. My friend is a zemindar and he must know it. I know it and my friend knows it because he is a zemindar. There are officials in Karachi who draw a salary of two pounds a month; that is 26 or 30 rupees; but you will find that his sons are educated in England; he will have a son in England and two or three sons at the Colleges. He will have a nice red brick house. So, Sir, it is their vested interests for which they are afraid; they fear democracy in that respect.

Mr. Jadhav: Is Sind an exception to the rule?

Sardar Sampuran Singh: It is an exception, yes.

Sir G. Hussain Hidayatullah: It is an exception. I pay this money, being a member of the Government of Bombay. I am now letting out a secret. My agent, without my notice, pays away this money; otherwise a thousand and one difficulties will be created in my way. One might ask why has Government Service such a charm? It is not only the emoluments and the influence, but there is a third thing which I have just now mentioned. I say they are afraid for that. They are only looking at it from one point of view. They are not thinking of the material development of Sind, with which I will deal later on.

Then, Sir, our Hindu friends are not a meagre minority there; they are more than 25 per cent., and they are a great economic

fact in the life of every Sindhi. I do not know, my friend may be free, but otherwise almost every Muhammadan is indebted to them.

Sir S. N. Bhutto: They manage our affairs; they manage the affairs of almost every Muslim zemindar.

Sir G. Hussain Hidayatullah: I am speaking with all responsibility when I say the first man who is consulted by a Muhammadan is a Hindu lawyer or a Hindu official rather than a Muhammadan. The Hindus are not a meagre minority; they are the brains; they are highly educated; they can hold their own against the white Brahmin of the Deccan. I have consulted some of my officials; they say: Your Amil is more astute even than the white Brahmin of the Deccan; he is cleverer; he is more decent; he dresses well and lives well. I am proud of him, Sir. So, there is education. He is in numbers 25 per cent.; and he owns to-day 40 per cent. of the land in Sind. As I told you, Sir, 30 per cent. is already mortgaged with him, so that we, the majority, have only 30 per cent. So that he is not a meagre minority; he is a very rich man; he is an economic factor. In fact, we follow his advice. His fears are groundless. I think the late development of these communal views have spoilt them. They it was who were originally for the separation of Sind, and not we Muhammadans.

Now, Sir, I come to the potentialities of the City of Karachi and the Port of Karachi. There is a great future for both, but so long as the Port of Karachi is under Bombay I am sorry to say it must take up a subordinate position to the Port of Bombay. Bombay cannot develop both the ports. There is rivalry between the two. We have now at present the Air Service direct to Karachi; the English mail from Aden can come to Karachi 48 hours before it reaches Bombay, and yet it goes first to Bombay because we are under the Government of Bombay.

Then, Sir, if Sind is separated we can press for a fast mail from Karachi to Delhi and capture all the trade of central India. With the developments in the Punjab in the way of irrigation and so on, and with the Sukkur Barrage scheme, I am sure that if Sind is separated Karachi will become the exporting and importing port of India, and I am afraid that then Bombay will lose most of the middlemen's profits. I think that is also one of the considerations.

Sir M. Shafi: That is why Bombay says Sind should not be separated.

Chairman: May I interrupt for a moment? Did not the Karachi Chamber of Commerce say that Karachi had not suffered from association with Bombay?

Sir G. Hussain Hidayatullah: They say that now, but in 1922 they were the first to cry for it. The Chamber of Commerce take that view because their main offices are in Bombay; there are only branches in Karachi. Other Chambers take different view. Mr. J. Mehta is Chairman of the Chamber of Buyers and Shippers,

and he is in favour of the separation of Sind. Most of these people have only branch offices in Karachi; their main offices are in Bombay, and so it does not affect them at all.

Mr. Jinnah: They will soon establish their main offices in Karachi.

Sir G. Hussain Hidayatullah: But that will take them some time.

Sir M. Shafr: Mr. Jinnah means, when Sind is separated. Then they will have more independent offices in Karachi and be grateful for the separation of Sind.

Chairman: It was Mr. Graham, the President of the Chamber, who said his information was that Karachi had not suffered by reason of its association with Bombay.

Sir G. Hussain Hidayatullah: But why should we consider individual opinions? It is natural. Now we are subordinate to Bombay, and would Bombay like Karachi to develop and become a rival to the port of Bombay?

Mr. Jinnah: They are rival interests.

Sir G. Hussain Hidayatullah: Yes, they are rival interests. Now, Sir, I have one more point, and then I have finished. Bombay has got very heavy debts to pay. It has a deficit budget of 1½ crores this year. Why should we have another deficit province added to Bombay? If Sind is deficit province and is of no benefit to Bombay, why should Bombay want to have it? I cannot understand it; the sooner they get rid of it, the better it will be for them. Instead of opposing separation, they should welcome it. We are ready to submit to all the financial adjustments which may be necessary, provided we have men of our own choice, or at least one man who understands finance. It is generally said that we Muhammadans have no head for mathematics and finance, but the few that have should be on the Committee dealing with the matter.

With these remarks I have done.

Lord Zetland: You have made out a very good case.

Dr. Moonje: I now understand that the separation of Sind is being considered as a part of the minority problem.

Chairman: No.

Dr. Moonje: That question was raised in the Minorities sub-Committee, and the Minorities sub-Committee sent instructions to the Business Committee

Sir S. N. Bhutto: In the statement I put in I said that this demand should be considered as a demand of the Sindhis, and not as a communal question. When this question was taken up by the Muslim League, in my public speech at Hyderabad, presiding over ten thousand people, I protested and said it was not fair to us at all. It is we Sindhis who want this question considered, and we want it considered on its own merits. It is a demand of the

Sindhis, including Hindus, Muhammadans, Parsees and Europeans—everybody. I therefore protested to the Prime Minister that this ought not to be considered as one of the demands made by the Muhammadans, because it is not a minority demand; it is a demand made by the Sindhis.

Dr. Moonje: Did not you raise the point in the Minorities sub-Committee?

Chairman: This sub-Committee had better consider the question now on its merits.

Dr. Moonje: I agree. I do not want to go into that matter in this sub-Committee. This subject is being considered by the Minorities sub-Committee.

Chairman: It must be considered here on its merits.

Mr. Chintamani: Is any reference to minorities in the terms of reference of this question to this sub-Committee?

Sir M. Shafi: None whatever.

Chairman: The terms of reference are "The question of constituting Sind as a separate province." I look at the matter from an administrative and financial point of view, and I think we will be wise if we keep to those aspects of the question.

Dr. Moonje: From that point of view I am under a handicap, because there is no one amongst the Hindus here who is thoroughly informed with regard to the details of the administration in Sind. In this connection I may say that as soon as the names of delegates to the Round Table Conference were announced by the Viceroy I sent a telegram to the Viceroy saying that very likely the question of Sind would be raised, and therefore it was necessary that, as members of the Muslim community had been appointed delegates to this Conference, a Hindu member acquainted with Sind should also be appointed, so that he might be able to deal with the details of the administration in that connection. I myself am not in a position to deal with the details that have been brought forward here, but I do know that as far as the details of administration are concerned there has been a difference of opinion amongst the several agencies which have considered this question.

For instance, the Government of India themselves feel that there is a difficulty about Sind being made a separate province in regard to its meeting its day to day expenditure. The same view has been taken by the Bombay Government and has also been endorsed by the Report of the Central Committee. There is a difference of opinion amongst the Hindus and Muhammadans with regard to the province being able to maintain its day to day administration from its own funds, and on that point the Government of India and the Bombay Government have said that the question requires fuller consideration from that point of view.

From the general point of view, therefore, I am opposed to the principle of creating provinces in India with a view to giving the majority to one community or another. If our object is to weld all India into one nation, I think we should discourage this.

principle of creating provinces in order to create majorities for one community or another community here and there. If Sind could be considered as a problem of the redistribution of the provinces in India from the administrative point of view, I should have absolutely no objection. A Boundaries Commission might be appointed, as suggested by the Government of India, and that Commission would deal with the question of the redistribution of the provinces; and in that way the question of Sind would also be considered; and whatever the recommendations of the Boundaries Commission might be they would be agreed to by all the parties concerned. But if Sind alone is to be picked out and the question of Sind alone considered, it assumes an aspect which has become communal, and up to now it has been put before all of us as a communal question.

Sir G. Hussain Hidayatullah : Not at all.

Dr. Moonje : It has been put before us as a question to be considered in the interest of the minority, and therefore I am opposed to the question being considered, on the principle that we cannot subscribe to the idea of creating provinces with the object of creating majorities for one community or another community. If it had been considered as a part of the larger subject of the general re-distribution of provinces I should have no objection; and I therefore propose that this question be disposed of by our recommending the appointment of a Boundaries Commission, which will consider the question of Sind just as it will consider the question of Orissa and the question of the demand of the Karnatak and several other demands of a similar nature.

Mr. Foot : Which was the last question you mentioned?

Dr. Moonje : There is an insistent demand that Orissa should be separated and there is also a demand from the Karnatak. That demand was very insistent in the Congress, but the Congress has vetoed this Round Table Conference and therefore those people are not here. Mr. Jinnah will know how insistent was the demand in the Congress that the Karnatak should be formed into a separate province.

All these questions could be considered if we were to recommend the appointment of a Boundary Commission, which might consider the question of Karnatak and the questions of Orissa and Sind, together with any other such questions as might come up included in the question of the re-consideration of Provincial Boundaries. That Commission could enquire into the details and settle the question finally one way or another as to whether the province of Sind, if separated, could be self-supporting from the financial point of view, and whether it should be joined to some other provisos, or any other recommendations which the Commission might make from the point of view of administrative convenience.

My concrete proposal therefore is that this proposal should be disposed of by saying that a Boundaries Commission should be appointed to consider all these questions.

Chairman: I should like to remind the sub-Committee of what the Government of India says. In paragraph 21 of their Despatch they say:—"The two particular cases to which the Commission themselves give their attention are Orissa and Sind." Leaving out Orissa for a moment, they say, "The claim of Sind to be a self-contained unit has become increasingly prominent in recent years. The preponderance of the local population is Muslim, and their claim to separation from the Bombay Presidency has been ardently advocated. Neither on Orissa nor on Sind are we yet in a position to tender final advice." I do not think Orissa is a communal question?

Dr. Moonje: No.

Chairman: You see, they are treating them both alike. They go on "but we urge that enquiries be set on foot at the earliest possible date. We should not contemplate entrusting the task to a single Boundaries Commission. The two problems are not connected, and we would suggest investigation by two separate committees. We wish to emphasise the need for expedition in reaching conclusions on these two outstanding cases We conceive that the Sind Committee will be concerned primarily with the administrative and financial aspects of separation, for the question is not one of boundaries." That is what the Government of India say about it, and I think that probably most of us in this sub-Committee would agree that, however good the arguments are that we hear about financial credit and being able to be self-supporting, it would be impossible for us, with the information before us here, to come to any conclusion about that; that would obviously need enquiry by a special committee.

Sir Abdul Qaiyum: It is not a question, Sir, of separating Sind from Bombay, because it is already a separate unit. Its administration is separate and it has a separate existence as unit, unlike the other tracts which have to be considered by the Boundaries Commission. A separate administration already exists in the country.

Chairman: It is the same sort of claim as that of Burma; that is to say, that it is geographically distinct from Bombay province and distinct in its language and its customs.

Mr. Jinnah: May I say a few words? I quite agree with the observations which have just fallen from you, Sir, when you were reading the Despatch of the Government of India, namely that some competent authority will have to make the financial adjustments. To that extent I entirely agree with you.

Chairman: Or even to consider whether it is possible for the province to be self-supporting?

Mr. Jinnah: No, Sir, if you will allow me to say so. The position is this. Let us take one proposition after another. The first proposition is that Sind has an administration which, generally speaking, is quite separate from that of Bombay.

Chairman: Largely separate.

Mr. Jinnah: For all practical purposes it is separate except in this, that they send their representatives to the Bombay Legislature, and perhaps once in a blue moon some question crops up with regard to Sind which is discussed or debated in the Legislature—some matter of general importance. But for all practical purposes Sind is separately administered, as has been pointed out by Sir Ghulam Hussain Hidayatullah, who himself was a Minister for many years and who now holds the portfolio of an Executive Member of the Government of Bombay. Sind is also completely independent—I do not say practically independent but completely independent—so far as judicial administration is concerned. It has got a Chief Court, and the Judicial Commissioner's Court is the highest Tribunal, the appeal from there lying to the Privy Council direct.

Chairman: I agree; I think it is a very striking fact that it is not under the Bombay High Court.

Mr. Jinnah: Therefore those two propositions stand out very clearly before us. The only question is whether after the separation has been effected, and after the financial adjustments have been determined, Sind will be self-supporting. That is the question on which I should like to say a few words.

Now, Sir Ghulam has pointed out to you how it is that Sind has been shown as a deficit province. Some of us know a good deal about the history of it and are fairly well acquainted with it, and we have clearly shown you how these figures can be manipulated and have been manipulated. I do not say it has been done dishonestly, but for various reasons certain adjustments have been arrived at which are manifestly unfavourable to Sind—manifestly unfavourable. That being so, on paper Sind is shown as a deficit province, but in fact Sind is not a deficit province. If I may speak for a moment on behalf of Bombay, if Sind is permanently a deficit province may I know why the Government of India should bless us with that province for ever? I think the turn of somebody else might come now. We have borne this for a long time if it is true. It is not true; I do not believe it; but if it is true, why have you chosen Bombay to bear this burden in perpetuity? I think it is high time somebody else should relieve Bombay of this white elephant.

But it is not so, and I want this sub-Committee to realise that. I therefore desire to propose a formula for this sub-Committee, and this formula has been discussed at very great length by some of the foremost men in our country. Even the Nehru Report, which considered the question of Sind very carefully, recommended that Sind ought to be separated. I can say this speaking with a knowledge of the Indian National Congress extending over many years. I do not see eye to eye with the Congress now, and I have ceased to see eye to eye with the Congress since 1919, but before that I was a very active member of that great body, and I can tell you from my own knowledge what their view is; and I would refer you particularly to the statement of the late Mr.

Harchandrai, which was quoted by Sir Ghulam. Mr. Harchandrai was a most prominent Hindu leader in Sind for very many years, and he was a prominent Congressman, and he really was a very able leader. As far as I remember the Hindus of Sind were the first to see the urgency of this question. They felt that Sind was nothing but a Cinderella of the Bombay Presidency, and they protested against the position of a Cinderella which Sind occupied. She was only brought in for a moment when it was necessary and was then dismissed from the picture of the Bombay Presidency.

He protested against that over and over again in resolutions passed by the Indian National Congress urging upon the Government to separate Sind.

Mr. Chintamani: Where?

Mr. Jinnah: In the National Congress.

Mr. Chintamani: A resolution on Sind?

Sir S. N. Bhutto: Yes, at Karachi in 1913.

Mr. Jinnah: I am speaking of the time of Mr. Harchandrai Vishandas, when Mr. Harchandrai Vishandas moved the resolution at Karachi. But I was going to point out something more than that, that for the purpose of the constitution of the Indian National Congress the representatives of Sind insisted that in our constitution Sind should be treated as an independent and separate province and not as a part of the Bombay Presidency; and if you will look at the constitution of the National Congress you will find that Sind is treated as a separate province.

Mr. Chintamani: But the Congress recognised provinces on a linguistic basis, and therefore they recognised various places separately.

Mr. Jinnah: No, I beg your pardon, if you will allow me. For the purpose of voting, the number of representatives who are allowed to vote on education, Bombay Presidency was taken as one and Sind as another item for the purpose of voting.

Dr. Moonje: When was that, Mr. Jinnah?

Mr. Jinnah: That was many years ago.

Dr. Moonje: I shall require to be reminded of that.

Mr. Jinnah: I know, because you know nothing about Sind. You said that yourself.

Dr. Moonje: I said I knew nothing about the details. The Congress is a matter with which I am quite familiar.

Mr. Jinnah: You may take it from me Dr. Moonje, that the statement I am making is quite correct, and if you like I can easily verify it. I think your own office, Sir, probably has a copy of the old constitution of Congress, and if you will ask the office to enquire into it you will find that my statement is perfectly correct, that Sind was treated as separate from Bombay Presidency in the Indian National Congress Constitution. But, of course, that is not the last word on the subject; it is only a matter of

argument. Therefore I would definitely propose this formula, that Sind should be separated from the Bombay Presidency, and a Committee should be set up to give effect to the separation of Sind as a separate Province simultaneously with the coming into force of a new constitution. Sind, after such separation, shall bear its own administrative expenditure; that is, after it is separated. The Sind Committee shall also determine what financial and administrative adjustments are necessary and equitable consequent on such separation. Therefore the Committee will have to decide this, the question of financial adjustments, including, of course, the question of the financial burden arising out of the Sukkur Barrage scheme. Once that adjustment is determined by a Committee, on equitable lines both to Sind and to the Bombay Presidency—because although I am strongly supporting the separation of Sind I am not forgetting the interests of Bombay also, and therefore the adjustment must be on an equitable basis—subject to that, when Sind is separated, then it must bear its own expenditure on administration. I do not want to take up the time of the sub-Committee any more, but Sir Ghulam has, I think, satisfied any reasonable man that if Sind is separated and if Sind is allowed to conduct its own administration it will not be a deficit Province, but will more than meet all its administrative expenditure in the future. That is all I have to say.

Chairman: Would you mind dealing, Mr. Jinnah, with the difficulty that rather oppresses my own mind. We have the rather important authority of the Simon Commission against separation, chiefly on financial grounds, and we have the very strong expression of opinion from the Bombay Government that it must be a deficit Province of about 60 lakhs. Now, is it not rather difficult for us here, merely on a statement, however reasonable it sounded—and it sounded very reasonable—that Sir Ghulam Hussain has just made, to turn that down completely and say we do not believe it and are satisfied that the Province need not be a deficit Province; and if we are not satisfied that it is not going to be a deficit Province, is it reasonable that we should put that burden of 60 lakhs on the Central Government of India? That is the difficulty. You appreciate that, I am sure.

Mr. Jinnah: I quite see your point, Sir. To that I have given my answer already. I said that there is not sufficient data given really. When you examine the figures of the Bombay Government you will find that they will not stand, and that is the data. After all, what is the data. It is all very well to say that Sind will be a deficit Province to the extent of 60 lakhs. The answer to that is, why do you say that? That is the next question, and if you examine the data—well, it disappears. What more do you want, what further commission do you want. My answer is that; but I go a little further. If I cannot convince you, and if you still say, "Well, somebody says it is going to be a deficit Province notwithstanding all these figures which are before us, notwithstanding all these facts that are before us, because somebody has

said it will be a deficit Province, therefore I cannot make up my mind"—well, then, I cannot carry it any further, except this—

Chairman: I do not say it is going to be a deficit Province, but you and I, I think, probably both have sufficient experience of discussion about figures to know that it is very difficult to know what the real result will be until something like a financial committee, with financial understanding and a lot of details, gets to grips with the thing. It is very difficult to make up your mind on general statements, one side or the other, on a question of figures.

Mr. Jinnah: At present I am not satisfied—I frankly say this—I am really not satisfied with any data of any reliable character which will make me say that it will be a deficit Province after it is separated. I am not satisfied; on the contrary—I mean, this is my view—I am absolutely satisfied, from the knowledge that I have of these figures and the way in which they are put, and so on, that Sind will be self-supporting. This is my view.

Chairman: Yes. You know much more about it than I do; but am I justified in saying that I am prepared to sweep away these figures of the Bombay Government.

Mr. Jinnah: No, Sir, I do not say sweep them away; I say let us examine them. Surely, after all, if this sub-Committee is going to do any work of any importance you must apply your mind to it more definitely than that—merely saying that so and so says No, and we can do nothing.

Chairman: I am quite prepared to apply my mind to it, but have we got information here that will enable us to come to a conclusion?

Sir S. N. Bhutto: We have done our very best for the last 10 years continuously to get correct figures from the Bombay Government but we have failed to do so; we have not been able to get them. Whether there are any real difficulties in the way of the Bombay Government, or whether they have got no mind to supply us with exact and correct figures, I do not know; but it is very difficult for us non-officials to work out these separate figures without having access to Government records.

Mr. Chintamani: Then how did they arrive at the conclusion?

Mr. Jinnah: Unless you want to supplement what I have said, may I finish. I have not given the answer to your question yet. I want to complete my answer. I said, therefore, supposing I cannot persuade this sub-Committee to take the view I am taking, and supposing this point still stands out, that there may be a deficit of 50 or 60 lakhs—well, my answer to that would be that I would beg of this sub-Committee even to take that risk. "Very well, then," I say, speaking for Bombay, "please relieve us of the 60 lakhs of rupees, and let the Central Government bear it until such time as it may no longer be necessary."

Chairman: I am perfectly willing to apply my mind to it, but you and I, as lawyers, know that if we were to go into this:

we should have to have the Government of Bombay's accountant before us and examine and cross-examine him on the figures, should we not?

Mr. Jinnah: Then there is one more thing I want to say. I think you, Sir, have sufficient experience of the world and of life to remember that in matters of this kind there are some interested parties; there are vested interests; there may be commercial interests. All over the world it is so. They naturally only look at it from their point of view as a class. There may be a commercial class; there may be a Service class; there may be certain people who think that probably if there is a change in the constitution they may suffer in respect of their jobs or may lose their jobs. In this world we have always got these vested interests who are thinking of themselves and nothing else. After all, they are concerned with their own immediate lives and they do not want to be disturbed in the comfortable position in which they find themselves in Sind. But I would beg of this sub-Committee to look at the question not from the point of view of a particular class or section, or interest; I would beg of this sub-Committee to look at it from the point of view of the good and the happiness and the interests of the people of Sind.

Dr. Moonje: Yes, quite.

Sir Muhammad Shaif: Mr. Chairman, may I just say a few words? The argument last addressed to you by my friend Mr. Jinnah is the real argument in the case. If the sub-Committee is satisfied that in the interests of the people of Sind or their welfare it is essential that Sind be separated from Bombay, then the mere fact that some authority has said that Sind is a deficit Province to the tune of something like 60 lacs is, I venture to think, no ground whatever for refusing to separate Sind from Bombay Presidency.

And in this particular case I would like to put it to you, Sir: What will be the result when from 1932 the Sukkur Barrage scheme is in actual working order? The Barrage has been completed; I have seen it with my own eyes only a few months ago. I happened to be in Sind for over three months in connection with a very important case in Sind; I made certain enquiries, and I am personally going to tell you something about the results of those enquiries. But at present let me deal with this particular point. You know what happens when a scheme of that kind is actually started. Sind will no doubt take a leaf out of the book of the Punjab in that respect. In the Punjab whenever the constructive portion of a scheme of that sort is completed, what happens? There are hundreds of thousands of acres of land lying barren. Some of these lands belong to Government. The Government sells its own land by auction, and, as a result of the proceeds of the auction sales, it reimburses itself the expenditure which it has incurred in the construction of that scheme, if not wholly, certainly in part, with the result that interest on the original loan which has been taken

from the Government, immediately after these auction sales is cut down by payment of the loan in whole or in part. But the result when the scheme is set into operation is this: Hundreds of thousands of acres of barren land having become subject to irrigation, the annual revenues of the Government at once go up, and go up by a sudden jump. I am a zemindar and have had something to do with the work. For years and years I was a member of the Punjab Legislative Council before the introduction of the Minto-Morley Reforms, and therefore I know the whole history of the Punjab Irrigation scheme. I have visited the Punjab colonies myself and I have seen things with my own eyes, and the results of those things.

Let me tell you one thing. Lyallpur district alone now yields to the Government a crore and a half rupees in land revenue. The District Board of Lyallpur, now, as a result of this Irrigation scheme, has an income of 25 lakhs a year. That is the District Board alone. The results of the Sukkur Barrage scheme within a few years, within at the most 6 or 7 years, will be that Sind will become, bearing its area in mind, one of the richest Provinces, proportionately speaking, in India. In fact, Sind and the Punjab together will become one of the main granaries of the world when the Sukkur Barrage scheme is actually in operation. To talk of Sind in those circumstances as a deficit Province, not to be separated from Bombay even if the happiness and the welfare of the people require that separation, is, I venture to submit, an argument which ought not to appeal to anyone.

Now, coming to the main question, I admire the modesty of my friend Dr. Moonje. So far as his observations are concerned, I will deal with them in a couple of minutes, then he can go, and then I shall discuss the question independently of what he has said. I was going to say that I admire the modesty of my friend Dr. Moonje—

Dr. Moonje: I am a very modest man.

Sir Muhammad Shafi: When he said to us at the commencement of his observations that he was not in a position to express any opinion upon the administrative difficulties, as no Hindu representative of Sind is present here on this Committee. Well, Dr. Moonje knows, and we all know, that this question has been the subject matter of discussion in India for the last four or five years.

Sir S. N. Bhutto: 20 years.

Sir Muhammad Shafi: I mean the subject matter of discussion and controversy; that is what I mean.

Sir G. Hussain Hidayatullah: Yes.

Sir Muhammad Shafi: Although during the earlier years there was no controversy about it at all, as shown by my friend on the right, Hindus, Parsees, Europeans and Mussalmans, not only in Sind but outside Sind, were all agreed that it was an injustice to Sind to keep her tied down to the apron-strings of Bombay. It

is only during the last 4 or 5 years that, for certain reasons into which I will not go, this matter has become a subject matter of controversy; and My Lord, in that controversy my friend Dr. Moonje has been taking a leading part.

Mr. Chintamani: Has the controversy been financial and administrative, or communal?

Sir Muhammad Shafi: No, no; excuse me, Mr. Chintamani. You know me very well.

Mr. Chintamani: I want information.

Sir Muhammad Shafi: My point is this, that in that controversy, those who are opposed to the separation of Sind must have satisfied themselves by enquiry—whether rightly or wrongly is a different matter—whether all these difficulties exist.

Mr. Chintamani: You do not know whether they actually did satisfy themselves.

Sir Muhammad Shafi: And therefore must have knowledge of the conditions obtaining in Sind.

Dr. Moonje: May I inform you, Sir Muhammad Shafi, that this financial aspect was considered very carefully in the report of the Nehru Committee, and they found that financially Sind could not be self-supporting.

Mr. Jinnah: According to the Bombay Government, the extent to which it cannot be self-supporting is only sixty lakhs; that is all, and my friend has shown how that deficit of sixty lakhs came about. Until 1922 it was not a deficit province at all, but in 1922 capital expenditure was included amongst the ordinary expenditure of Sind without debiting against that capital expenditure the valuable assets which government had gained. But, apart from that, I have already placed my argument before you in view of the future prospects of Sind. The deficit, being only temporary, ought not to stand in the way of separation.

Chairman: I think 1946 is the date when profits are expected from the Barrage.

Sir G. Hussain Hidayatullah: We are selling land now.

Mr. Jadhav: But you are not realising the expected price. The programme will have to be extended for some years.

Sir M. Shafi: There is a temporary fall all over the country. You have seen that Sind has no geographical connection with Bombay at all. By sea it takes forty hours to reach Bombay from Karachi. On land you have Indian States intervening and other British territory intervening and it takes forty-eight hours to reach Bombay from Sind by train. Bombay has no geographical connection with Sind and it has no ethnographical connection with Sind at all. It has no connection of any kind.

Dr. Moonje: Yet the people do not want separation.

Sir G. Hussain Hidayatullah: Who do not want it?

Dr. Moonje: The people of Sind do not want it.

Sir G. Hussain Hidayatullah: The people of Sind do want it.

Sir M. Shafi: You know very well I can reply to your interruptions, but want to finish my argument. The overwhelming majority of the people in Sind want separation—not only the Mussalmans but the Hindus and the Parsees and Europeans and others. They all want separation.

It was a mere accident, Sir, that at the time when Sind was conquered the army in India was divided into three separate commands, the Bombay Command, the Madras Command and the Northern India Command. It was not under one command, as it is now, and it was the mere fact that it was the Bombay Army that took possession of Sind, being the nearest to it, that made Sind a part of Bombay; otherwise there was no reason whatever for its annexation to Bombay.

What has been the stepmotherly treatment that Bombay has extended to Sind? When I was in Sind one thing that struck me more than anything else was the fact that though Sind has been under the control of the Bombay Presidency for nearly a hundred years, even now no University has been established in Sind. Sind ought to have had a University of its own a long time ago. No Government College—engineering, medical, or even arts—has been established in Sind up to this time, with the result that the students from Sind who pass their matriculation examination and want to prosecute their studies further have to go to Bombay, a thousand miles away from their homes, in order to receive University education in Bombay and to obtain their University degrees.

Mr. Jadhav: Are not there two colleges in Karachi?

Sir S. N. Bhutto: They are private aided colleges.

Sir M. Shafi: I say there is no government college. The people of Sind may have been enterprising enough to establish a college or two in Karachi, but Sind is not Karachi; that is beside the point. What I am pointing out is this, that the Government of Bombay has done nothing whatever for Sind during the time—nearly a century—of Bombay rule in Sind. You have already seen that even road construction has not been undertaken. I myself drove a motor across those roads in the last three months, and I know that the roads in Sind are like.

Mr. Jinnah: Like a switchback railway?

Sir M. Shafi: Yes. The judicial system in Sind is absolutely independent of Bombay, and the executive system is really practically independent of Bombay. The Hon'ble the Commissioner in Sind is a local government for Sind.

Sir G. Hussain Hidayatullah: Responsible to himself only.

Sir M. Shafi: Therefore there is judicial separation from Bombay already and executive separation from Bombay already. For certain purposes only Sind is kept under the thumb of Bombay.

with the result that from an administrative point of view this enforced relationship between Bombay and Sind is in the highest degree detrimental to the province of Sind and is in the highest degree injurious to the people; instead of promoting the welfare of the people of Sind it has injuriously affected the welfare of Sind.

Separation will not in itself cost Sind much.

Sir S. N. Bhutto: It is going to be a Chief Court now.

Sir M. Shafi: That need not be given the status of a High Court on separation; when Sind becomes self-supporting, then will be the time for Sind to raise its status to that of a High Court. I think the Hon'ble the Commissioner of Sind—the only Commissioner who has that title—should become the Governor.

Sir G. Hussain Hidayatullah: He is responsible to himself only.

Sir M. Shafi: Yes. As a matter of fact, Sind is already separate; what we want is that that separation should be recognised and that Sind should be constituted into an independent province. Every department in Sind has got its own head. There is even a separate C.I.D. for Sind, whose operations I saw in connection with the case in which I was defending one of the leading landowners of Sind.

It seems to me that not only is the separation of Sind essential in the interests of Sind and for the sake of their welfare, but as a matter of fact Sind is already separate, and all that is required is a recognition of that separation by government. The argument relating to administrative difficulties, has, I submit, been clearly countered by my friend, who has shown that the administrative difficulties, if any, which Sind has to face are really a ground for the separation of Sind from the Bombay Presidency, instead of being a ground for continuing Sind as a part of that Presidency. I submit that this question really ought to be decided on its own merits, and that it ought to be looked at from the point of view of the happiness and contentment of the people of Sind. I therefore support the proposal made by my friend.

Chairman: The proposition in the form in which you submit it is a much easier one for me to accept in my mind, because you do not ask me to find yes or no whether it is true about the deficit but you say that even if there is a deficit—

Sir M. Shafi: I do not admit it.

Chairman: You say even if there is a deficit, separation is necessary on other grounds.

Sir Muhammad Shafi: I say it is essential.

Chairman: I understand. I am afraid we must adjourn now.

Mr. Chintamani: Before you adjourn, and before you call upon the next speaker, I must request you for a ruling on the proposition that we should make no recommendation about separation for Sind, but should recommend that a boundary commission

should be set up—whether we can take that course of whether we can only deal with the separation of Sind under our terms of reference. I ask for your ruling now on that point, because your ruling on it will greatly influence the course of the discussion.

Chairman: It is a little difficult to say. I am not quite sure that it is out of order to recommend that the matter be referred to a boundary commission, because it would amount to saying that we did not feel able to make a recommendation. I do not think it will be out of order, but I think it will be very undesirable, and I think it would be failing in the duty which the Conference is expecting of us.

Mr. Chintamani: If you think it is in order, it will be open to the majority of the Committee, if they are so minded, to say that not only the constitution of Sind as a separate Province but also the constitution of other Provinces should all go to a boundaries commission.

Chairman: That, I think, would be out of order.

Mr. Chintamani: Quite so. If, on the contrary, it were held that it may be for the Conference to decide such questions, we are a small body charged with a specific duty only with regard to Sind, and we are to confine ourselves to that, then no time need be wasted on the discussion of the bigger problem.

Chairman: I think it would be clearly out of order to discuss the bigger question of the separation of other Provinces.

Mr. Chintamani: I ask for your ruling as to whether it would be in order for this Committee to consider the recommendation regarding boundaries commission dealing with many things.

Chairman: No. I think not. It would be in order if you like to put in in the other form.

Mr. Chintamani: It is not that I want to put it. I should like a ruling, that is all.

Chairman: What did you actually move, Dr. Moonje?

Dr. Moonje: I moved in this way—that the question of Sind be considered as a part of the larger question of the redistribution of Provinces which are demanding separation.

Chairman: I think that would be clearly out of order here.

Mr. Chintamani: That is just what I wanted to get. I express no opinion. I wanted your ruling.

(The sub-Committee adjourned at 1-35 p.m.)

PROCEEDINGS OF THE SECOND MEETING OF SUB-COMMITTEE NO. IX
(SIND) HELD ON 13TH JANUARY, 1931.

Chairman: We might begin I think with this financial memorandum which I have had circulated. I think you have all got it. I want to point out one or two things on the first page. In paragraph 2 you notice it says the average deficit for 4 years up

to 1925 is 24 lakhs; and on the basis of the figures for 1927-1928 it is said to amount to 64 lakhs; and there is no reason to believe the deficit has since decreased. Then it goes on to say it will be swelled by creating two new administrative districts consequent on the irrigation, and that is estimated at 6 lakhs.

Then in paragraph 3 you will see the extra cost of maintaining Headquarter establishments in the Provinces is put at 9 lakhs. Then there is a mention of the debt of Bombay.

Paragraph 4 sums it up by saying "Thus it is likely that the Budget of a separated Sind would show an annual deficit amounting to between 50 and 90 lakhs of rupees."

Paragraph 5 points out that it will be 1936, nearly 20 years, before the Sukkur Barrage shows a profit. Then there is a note behind which goes more into detail about the figures and about the Barrage. It really shows the same thing but in rather more detail.

Then at the top of page 4 you will notice it says, "To meet this deficit, Sind has no greater prospect in the immediate future of additional revenue than has the rest of the Province".

Then lower down it says, "Apart from fresh taxation, Sind could therefore only rely on the general increase in such revenues as Excise and Stamps due to an advance in prosperity and population, and to the additional revenue expected from the Sukkur Barrage."

Raja Narendra Nath: Is this the new one?

Chairman: Yes, the one which has been last circulated.

Then at the end of that you have the figures in detail. We have a great many more figures besides these, but I think this includes the important ones. However, the point is that that may go to show that on any calculation which can reasonably be made it looks—and there is really no evidence to the contrary—as if Sind would be a deficit Province.

I do not suppose that the Committee will want to go into any minute examination of figures because, as I suggested to Mr. Jinnah yesterday, I do not see how we could profitably do that. But it does look, upon the evidence before us and before the figures we have been able to get, as though there will be a deficit of between 50 and 100 lakhs if Sind is a separate Province. That would be met at present by the general revenues of the Bombay Presidency. If Sind is separated, where is that to come from? Can you get that by increased taxation? If not, are you going to look to the Government of India for a subsidy—because that will put them in a difficulty. Then you have also to remember that if it is a deficit Province and the revenue is short of the expenditure it must naturally scribble all advance in education or social services or construction of roads or anything of that sort—the Province would be in a bad way. All that affects not merely finance but the administrative desirability of separating it, and

these really are the questions to which I should be glad if the Committee would address their minds.

Mr. Isaac Foot: Before the general question is gone into, I should like to mention a question of procedure. I assume that in the time at our disposal it would be impossible for us to make anything like an exhaustive examination of these figures. We are not here for a month, you see, and it is contemplated that the Conference will be coming to a close at the latest in the early part of the next week.

Chairman: Not only that, Mr. Foot, but we have not the information from the experts.

Mr. Isaac Foot: I can quite understand that Sir Abdul Qaiyum or Sir S. N. Bhutto will be able to give that they think would be the answer to several points that have been raised here; but speaking for those of us who are on this side of the world, I should find it very difficult to make up my mind upon the points here submitted without a very much more exhaustive enquiry than could be possible in the very short time at our disposal. I hope, therefore, we shall not be asked, in this short time at our disposal, to go into this matter so thoroughly that we could make up our minds on these financial questions. I am not speaking about the general question as to the advisability of separating Sind, looking at it academically; but I assume it would not be within the power of this Committee to go into this matter so exhaustively that an opinion could be expressed; we should not be able to do so unless longer time is given to it.

Chairman: That is what I was putting to the Committee, that I did not suppose that they would want to argue in detail about these figures; because argue as we may we cannot come to any conclusions as we have neither the time nor the details.

Mr. Isaac Foot: These papers would be simply received without prejudice—that is to say, by the receipt of these papers we do not commit ourselves either to their complete accuracy or otherwise.

Chairman: These papers here?

Mr. Isaac Foot: Yes. We simply receive them—that is all.

Chairman: I am not suggesting that upon an enquiry some of these figures might or might not be modified. This is all the information at our disposal at the moment. It is, of course, official information.

Sir S. N. Bhutto: Perhaps I may be permitted to submit to the British Indian Delegates as well as to the European Delegates that they will consider our case sympathetically. We are demanding the separation of Sind on the same principle as that on which the whole case of the British Indian Delegation is based, and on the very principles—if I may be permitted to mention it—on which you sacrificed so much during the late titanic War. The best flower of your manhood sacrificed their lives simply to help the weak in the principle of self-determination. In this case we

are comparatively very weak between the two powers—the Government of Bombay and the Government of India.

We do not believe for a moment that our Province is a deficit Province. No one could be more loyal to us than ourselves. If we knew that our Province was a deficit one and that we were going to be crippled by separation, would it be in our own interests that we should insist, or that the people could have made up their minds to insist—which they have done—upon it? Our people's cup of misery is full; they cannot wait any longer.

If we admit for the sake of argument—though we do not believe it—that Sind is a deficit Province, may we just consider that aspect for a moment? Why should Bombay Government be so anxious to retain us and be so interested in us when their own finances are in such a hopeless plight? It may be that the Meston Settlement is responsible to a very great extent for the financial plight of the Bombay Government, and some of their own ambitious adventures; but the fact is there that for the next 60 years the Bombay Government may continue to be in a hopeless state. We cannot expect any improvement whatever if we continue to remain part of the Bombay Government.

So far what has been done? We are grateful to the Indian Government to some extent. Our case is not like that of other provinces such as Baluchistan, N.-W. Frontier, Ajmere. But from the Province of Sind the Indian Government's revenue would be about 2 crores of rupees; and even in regard to the Lloyd Barrage scheme, whatever the effect of the Barrage may be, at least the Government of India is going to receive over 70 lakhs additional revenue from Sind. As we have been neglected by both Governments for 82 years, even if for the sake of argument I say our Province is a deficit Province, when the Government of India receives 2 crores from Customs, Telegraphs and Posts, Railways and Income Tax—all these are central subjects—if we could receive charity from the Bombay Government, why should not the Government of India come to our rescue for a very short period, say for about 10 years? It will not be of much assistance to extend temporary help.

It is a matter of history, Sir, that ever since Sind came into existence up to the advent of the British Raj it has preserved its individuality; but I am not going to repeat all the arguments that have been already advanced, and I have submitted a short note constituting the facts for the consideration of the Committee. But let us see what we have suffered. In the first instance the Government of India was very sympathetic to the case of Sind. A few years after the conquest by the British Government the Government of India addressed the Bombay Government in regard to the Land Revenue system in the Province of Sind, that the Sind claim was to be quite different from that of the Rayati system in Deccan; and that the case of Sind should be considered upon its own merits because we were the owners of the land—the system in Sind was not the same as that prevailing in the Presidency

proper. However, the Bombay Government took no notice of that and enforced the system of land revenue that they had in the Presidency by which we lost all our rights of ownership in regard to our properties. That was the first consequence of our being placed under the Bombay Government.

As a test case one of our educated Hindu zamindars took the matter to the Court and succeeded in getting his fallow-forfeited land back; and the Government had to amend the Land Revenue Act. That handicapped us by depriving us of our ownership permanently.

What has been the further consequence of the far distant land revenue system? The agriculturists are absolutely starving. This unfortunate class of His Majesty's subjects throughout India is in a very bad state, but in Sind particularly it is a problem of bread. It is not a question, as we say here, of one meal a day; because in England they get at least a cup of tea and at least they have a piece of mutton once a day; but out there they live on dry jwari bread once a day; they cannot afford even to have medical aid, they cannot afford to provide medicine for their children, and even when they or their near relatives die they cannot afford to provide coffins for them. That is the state of the agriculturists. The zamindari landlords are being reduced to absolute beggary; their lands are passing away; they cannot afford to pay to the Government the heavy assessment; there is no value left of the property; they are not sufficiently educated to enter into the Government service, and they have no money for business. There is no other remedy but to give them their own Government to avoid the calamity that is pending.

You, Sir, said that if we are immediately separated progress will be handicapped. Consider the position for a moment. During the last nearly a century that we have been under the Bombay Government, what progress have we made? Our irrigation is the old type of irrigation which returns to the Bombay Government about 12 or 13 or 14 per cent. Except for one canal—the Jamras—they have made absolutely no improvement. In spite of the fact that the Government of India issued an instruction to the Bombay Government in 1913 on the recommendation of the Committee they appointed, no notice was taken of those recommendations. The last important document you have available is the Hartog Committee's Report. That is the last valuable and reliable document you have got. If you will refer to that document you will see how even up to to-day the Bombay Government has treated our education. It was stated yesterday that we have not a single Government college in the Province of Sind, while they have so many colleges in the Presidency proper.

Mr. Jadhav: How many?

Sir S. N. Bhutto: Even a backward Province like Baluchistan can claim pukka roads, but we cannot claim a single pukka trunk road.

We have only Local Board dispensaries at a distance of 15 or 20 miles. Except at District Headquarters there is no Government dispensary.

We receive very meagre help, not even 10 per cent, from the Government of Bombay. Although the dispensaries under the Local Authorities are kept open they have on occasions no medicine to supply. Medical help, agriculture, irrigation, roads, education—everything is in a mess. It is a mystery to us on what the Bombay Government spend the money while we are proved to be a deficit Province. In these circumstances, if we were separated we should not be worse off than we are at present.

My feeling about the Bombay Government is that what they are afraid of is their prestige, and is Sind to be allowed to be penalised for the prestige of Bombay? If we are excluded from Bombay we may be reduced to a third-rate area, but Bombay will remain a Presidency even if it is reduced to Greater Bombay city for historic terms are most stubborn. But I submit that we should not be made to suffer on that account.

At present we have in Karachi the main air mail station in Sind. Mesopotamia is developing; there is a possibility of the Baghdad railway which will capture the whole business of Mesopotamia by land and sea. Then, again, we are two days nearer to England than Bombay. If we had our own Government surely we would insist on the development of our port—the P. & O. mail steamer would first come to Karachi and then to Bombay, and so on. Bombay is afraid that by means of these natural advantages Karachi may become the door of India. In a short time we shall have fast train service with Cawnpur and Delhi, and we could capture the whole of the business of the two Provinces of C.P. and U.P. The Punjab and N.W. Frontier are already served by Karachi Port, so that Sind will capture the whole of the business of Central India—including United Provinces and the Delhi Province.

The two biggest political organisations in India, as we submit—the Congress, the Muslim League—have supported our claim; the non-official and moderate Europeans, Hindus and Parsees support the separation of Sind. Non-official Europeans, headed by Sir Montagu Webb, have supported the separation of Sind, as have also European officials who have retired from the Service. Of course, when they are in service they have difficulties to face, although they are sympathetic to us. They feel for the Province of Sind, but, owing to official etiquette, they cannot commit themselves in this connection. In the last 17 years we have had three Commissioners, who have now retired, and I am sure that if they were called here to be examined they would give you the real history of Sind and tell you what they feel about it.

What is more, in the present circumstances there are no reforms for us. Unfortunately it is not possible for the Bombay Government to give us attention as their time is too much occupied in other directions; it is impossible for them to manage or to have

direct control of, or to take an interest in Sind from a distance of 1,000 miles by land.

The result is that the Commissioner in Sind is invested with most of the powers of Government. I admit that we have been very fortunate on occasion to have had very good Commissioners. We have got a very good Commissioner now, and we have had good ones in the past; but when we get a lazy, proud and wooden-headed Commissioner, we cry "O God, come to our aid."

Chairman: You have not told the Committee, supposing there is a deficit of 60 lakhs, where it is to come from.

Sir S. N. Bhutto: We do not object to your appointing an expert Committee. I am sure we shall get quite a large amount out of the Bombay Government if there is a fair and independent arbitrator appointed to look into the full and the real facts from 1842. If we are not able to support ourselves how could we ask for separation?

We shall be questioned by our people. The people have no money and they are already starving and cannot pay more taxes; but we know that we are not a deficit Province. That is the thing which puts us out very much.

We might have been part of the Punjab if the Punjab had then been British territory. We say that the principle has been already accepted by the Statutory Commission and the Government of India, who recommend a Committee to go into the finances and administrative difficulties. We have proved that there are no administrative difficulties and we ask you kindly to decide that Sind should be separated, subject to the adjustment of the finances. Otherwise, if we do not get justice and fairness at your hands, as the highest tribunal, we do not know where we shall be.

Sir G. H. Hidayatullah: I want now to explain to you about the deficit in one or two words. Yesterday, I praised my countrymen, my Hindu friends, by saying that they were very clever people, and I repeat that praise to-day.

The Government of Bombay's figure of deficit was 24 lakhs. Then comes in my friend, Professor Chablani, from Sind, who was a non-official but who had access to Government records. I never heard of such a thing, that a non-official should be allowed to inspect Government documents. However, he was allowed to do so and he found a deficit of 64 lakhs. The Government of Bombay, without examination, as is clear from Mr. Wiles's notes, say 64 lakhs in 1927-28. It says on page 2 of this document: "Professor Chablani was given access to the Accountant-General's records, and his statement will shortly be checked by official figures." They are not yet checked, yet we are told we have a deficit of 64 lakhs.

Mr. Isaac Foot: I take it that you are quoting from page 2 of the Chairman's memorandum?

Chairman: It is on the second page.

Sir G. H. Hidayatullah: Are we going to be treated like this—a non-official is allowed access to Government documents, *ex parte* he collected the figures, and the Government of Bombay quotes these figures and make this Committee believe these figures. My friends from Sind are too clever, and my friend Sir P. Sethna will bear me out. Mr. Shamdasani is concerned only with banking; what trouble he has created in the whole city of Bombay! Is it fair to us that an opponent of the scheme of separation should be allowed access to official records?

I will now take you to the 64 lakhs deficit. These are the figures as my friend Mr. Martin will bear me out. Our way of budgeting in Bombay is that we take the land revenue and general administration together. Sometimes they have been changing the budgeting. Now, Sir, you will see the ordinary expenditure for 1921-22—the expenditure on land revenue and general administration—land revenue is 23 lakhs, and general administration is 14 lakhs; that means 37 lakhs in all; and that is in 1921.

Now look at the jump. This in 1922 when a deputation of Hindus and Muhammadans waited on the Governor and were pressing for a separation. The expenditure becomes 60 lakhs. Where did the money go? Then in subsequent years it becomes 58 or 59 lakhs of rupees.

Now look at the other heads. Take an important head like Police—

Mr. Isaac Foot: Before you leave general administration. In 1923-24 and 1924-25 it jumps up from 19.6 to 44.8.

Sir G. H. Hidayatullah: This is the way of budgeting. They are budgeting separately, so that both are to be taken together. I must be fair to my own Government; they change the heads, therefore I am taking the totals.

Mr. Isaac Foot: I see.

Sir G. H. Hidayatullah: But you will see how rapidly the expenditure has gone up for the administration of the Revenue Department from 37 lakhs to 60, then to 59, and then to 58—that is increased by 21 lakhs of rupees.

Now take Police. That, on the contrary, has been reduced.

Take any other important head and you will see that the expenditure is reduced almost everywhere—take Excise, take Forests—everywhere.

However, within four years that expenditure to which I have referred has gone up by 21 lakhs of rupees.

Let us now take our Land Revenue side on the previous page. In 1921-22 it was 144.2, which includes a portion of the Land Revenue due to irrigation, which is shown in subsequent years under head XIII. So taking both V and XIII together, our Land Revenue has been about 145 lakhs.

Now you see how it is going down. In 1924-25 it has become one crore one lakh. That is a decrease of 40 lakhs. Then on the

administration of the Revenue Department we are spending 21 lakhs more within the four years. Is that fair?

Dr. Shafa'at Ahmad Khan: You mean as a result of your agitation.

Sir G. H. Hidayatullah: I do not know whether it is agitation or not. At any rate, I am taking the figures there. Would any business firm whose revenue was decreasing go on increasing the expenditure in its Departments?

Sardar Sampuran Singh: They must have increased their staff to attend to the land.

Sir G. H. Hidayatullah: No, that is a separate account altogether.

Sir P. Sethna: Was it not due to the rise in salaries?

Sir G. H. Hidayatullah: They have taken into consideration Police and Excise. Do you mean to say only one Department has increased?

Chairman: In that figure of Land Revenue, 144.2, there was included, so Mr. Martin tells me, 25 lakhs working expenses. That was taken off in subsequent years. It ought to be 144 less 25 really. There appears on the next page—Working Expenses 25 for that year.

Sir G. H. Hidayatullah: Then there is a deficit of 25 lakhs of rupees, and the expenditure has increased by 21 lakhs of rupees. I might make it clear to the Committee that land in Sind is worth nothing without irrigation.

Let us now see how much we have spent on irrigation in these four years. Capital Expenditure comes on the third page: five lakhs in 1921-22; 19 lakhs in 1922-23; 51 lakhs in 1923-24; 1 crore 24 lakhs in 1924-25. That means that more land must have come under cultivation and the revenue ought to have increased.

Mr. Isaac Foot: It will depend upon whether the works on which you have spent the capital are yet carrying out the purposes of irrigation.

Sir G. H. Hidayatullah: Already their money has been spent.

Chairman: These 1924 figures include expenditure on the Sukkur Barrage.

Sir G. H. Hidayatullah: That has nothing to do with this, Sir. Where it is construction of irrigation works they say so. That makes it very suspicious.

Mr. Isaac Foot: But do not you see, the point of your criticism is that you are raising questions upon which you ought to be in the position of examining the financial officer, and we or someone ought to hear your questions that are put and the answers that are given. There is no financial officer here in the box to answer the questions that are being put. Your criticism cannot be accepted finally in the absence of the answers of the financial officers of the Departments.

Sir G. H. Hidayatullah: Exactly as we are sitting in a Committee I am showing you that though Revenue is being reduced the expenditure in the Departments is being increased. Is that a fair proposition?

Mr. Isaac Foot: A perfectly fair question; but you yourself will agree that it cannot be final in the minds of anyone who has to decide upon it, because—

Sir G. H. Hidayatullah: We can make that by increasing the establishment; everyone has a deficit in the Budget.

Mr. Isaac Foot: I do not dispute that at all.

Sir G. H. Hidayatullah: Would any business firm increase its expenditure, spend nearly 2 crores of capital expenditure in getting less revenue in?

Dr. Shajfa'at Ahmad Khan: Inefficiency of the administration.

Sir G. H. Hidayatullah: Absolutely. Then about the 24 lakhs. Again, if we take the expenditure in 1921-22 it is 2 crores 10 lakhs—that is what the receipts are—and the expenditure is 2.44. In regard to the expenditure I might mention the way of budgeting in Bombay. About the time of the reforms we used to have all money out of the revenue on all expenditure except on the productive works; then we wanted to have loan money spent on works of public utility—

Chairman: I do not want to stop you, but you said you were going to be short.

Sir G. H. Hidayatullah: These figures require explanation. If you take 22 lakhs on civil works it is not a record of expenditure—

Mr. Mody: I want to know Mr. Chairman whether we are or are not going into the figures. I thought you raised the point that that was not competent for us to do. If we are going into the figures we should like to hear Sir G. H. Hidayatullah at some length, but the point is this, are we going into these matters?

Chairman: I do not say it is not competent for the Committee, but it would not be profitable because we cannot arrive at any conclusion. That is all I was endeavouring to point out.

Sir G. H. Hidayatullah: This is only money spent once in a way.

Chairman: I am only showing you what the figures say. We regard to Professor Chablani's figures these were checked and the documents were submitted to the Simon Commission. I have a telegram from Bombay saying the figures for 1927-28 show a deficit of 62 lakhs.

Sir G. H. Hidayatullah: I doubt it. How can you talk about those figures without access to the records?

Chairman: I do not think we can go into that with advantage.

Mr. Jadhav: I must admit that I am not at all competent to speak upon financial matters because I have not studied that.

question; but I find here that the representative of the Bombay Government is not going to represent the views of the Government of Bombay but has been insisting upon his views.

Sir G. H. Hidayatullah: You must know my position. I have been sent here to represent the Muhammadan interests, and not to represent the Government of Bombay.

Mr. Jadhav: I do not want to insinuate anything. I have known Sir G. H. Hidayatullah for the last nine years; we have been the best of friends and understand each other better than any other persons I should say.

Sir G. H. Hidayatullah: I might tell you that if the Bombay Government had told me they were sending me to represent them I should have declined, especially in the state of ill-health that I have come here. That is my reply to you. You can ask the Government of Bombay. I was appointed to represent the Muhammadan point of view here.

Mr. Jadhav: I did not know what the directions given to him were, therefore I beg Sir G. H. Hidayatullah's pardon if I misunderstood him.

I am no longer a member of the Government of Bombay and, therefore, I have no right to speak on their behalf.

I must, in the beginning, admit that I myself have not formed any opinion about the separation of Sind or about opposing that proposition, because the data that was placed before me was insufficient. In the first place, I have to admit that my acquaintance with Sind is very meagre. I made only two official visits to that province, and they extended over thirty days and fifteen days respectively, and I do not think that that gave me sufficient knowledge of that province; but one thing was quite plain to me—that the Hindus as a class, as a community, were opposed to separation, while the Mussulmans—those Mussulmans with whom I came in contact or at all events were leaders—were in favour of separation. I do not know what the feeling of the cultivating classes is, because I do not know their language and I had no opportunity of talking to them, but I think they are generally in the position of the horse in Æsop's fables. When its owner wanted it to run very fast so as to escape from his enemy, the horse asked the rider what the enemy would do if he were caught. The rider said he would be killed. The horse said, "What about me?" "Well," said the rider, "he will ride you." Then the horse said "Why should I trouble myself? If someone is to ride upon my back it would be much better for my comfort that I should remain where I am."

Sir Abdul Qaiyum: That is the case with all the agriculturists in India.

Sir G. Hussain Hidayatullah: They do not want Dominion Status; why do you want it?

Mr. Jadhav: My own people are in the same condition.

Sir S. N. Bhutto : My 85 per cent. do not want it.

Mr. Mody : Let us not give our case away?

Sir G. Hussain Hidayatullah : You make us give away the case. There is yet time.

Mr. Jadhav : But what surprised me here was that the arguments for separation were mostly based on the stepmotherly treatment given by the Government of Bombay to the people of Sind. Might I ask, Sir, who the stepmother is? Up to 1920 the finances were the finances of the whole of India, and the local governments were given allotments, and money was spent by the Government, which was mostly in the hands of European officers, who cannot be charged with partiality for one province or for one community as against another community or as against another province; so if the stepmotherly treatment of Sind is to be attributed to anybody it ought to be attributed to the officers and to the British Government who conducted the affairs of India as a whole. This charge of stepmotherly treatment is sought to be proved by the want of communication and by the slow progress that education has been making and by the paucity of hospitals and dispensaries and such other things; but may I point out that the condition of the other provinces in India are not much better in all these respects except as regards the subject of roads—communication. Educationally every division, every district is as backward as the Sind division. It is said that nearly a hundred years has passed since the conquest of Sind, but the education has not been pushed on, and therefore the Government ought to be charged with stepmotherly treatment, but may I point out, Sir, that even in the city of Poona and outside the Government has been there for more than 112 years, but still the condition of primary education is as bad as anywhere else, and that in the city of Bombay, which has been under British rule for more than 250 years, the condition of the poorer people, the labouring classes, is as bad as outside Bombay. So this stepmother is treating all her own children and the children of other provinces in the same niggardly manner, and I do not think any special charge should be preferred against her for treating any division specially badly.

As regards the communications, the province of Gujrat also has been charging the Government with favouring the Deccan and starving Gujrat, and in the matter of education the same complaint has been preferred by Sind; but may I point out the difference between Sind and Gujrat on the one hand and the Deccan on the other. Road metal can be had in the Deccan without any great additional cost, whereas in Sind and Gujrat road metal and road material are very costly, and to construct a mile of road, that is to say well-metalled road, is as costly as laying down a mile of railway; and that is one of the reasons, Sir, why the road communications are so unsatisfactory in these two provinces. But that is not all. The Mahratta country has been provided with roads, not for the simple reason that it is nearer Bombay or nearer Poona, not that it can provide at cheap cost metal and other road material,

but the advantage they have got is due to a great calamity to which they are always subject. Some of the places in the Deccan are liable to suffer from famine once in three years and sometimes twice in five years. Government has opened relief works for the purpose of relieving the starving population, which consisted especially of agriculturists and the weaver class, and road making was the only work that could be provided to thousands of people who flocked on the famine works. That is the reason why roads were made there because money had to be spent for saving the lives of the people and some return was to be expected, and that return was obtained in the shape of roads. It is to this misfortune, the liability to famine, that the roads of the Deccan are due, and not to any unfair or stepmotherly treatment by the Government of Bombay.

Sir G. Hussain Hidayatullah : Colleges also.

Mr. Jadhav : I am coming to that. As far as education is concerned, primary education has been suffering everywhere. The Presidency proper has got a college, a government college in Bombay, a government college in Poona, a government college at two other places. The government college in Bombay has got a history to which one cannot close his eyes. In order to perpetuate the memory of Sir Mountstuart Elphinstone a public subscription was raised, the Elphinstone Society was started, and that Society opened an institution called the Elphinstone Institution. That ultimately developed into a college and it had to be taken up by Government. The history of that institution has been such that it is very difficult for Government to stop that college, but that question has not been shelved completely, and in the days of stress of finance perhaps the Government college may suffer. The college in Poona was a development of an old institution which was started by the Peshwas before Poona came under British rule, and the provision of money set aside by the Peshwas for that purpose was diverted to English education, and therefore the Government is bound to continue it. When the Ferguson College was started in Poona, the question was discussed as to whether the Deccan college should be handed over to the Deccan Education Society, and the Law Officers were consulted, and I am told that the Law Officers said that Government was bound to continue that college according to the promises given, and therefore that college could not be abolished. Had it not been for this obstacle, the Government college in Poona would have been abolished long ago.

Mr. Foot : We have passed on to the Mahrattas, have we?

Dr. Moonje : His point is that all those institutions were founded by private funds, and the Government only helped.

Mr. Jadhav : In Sind, for instance, a private society was formed, and that society has been conducted as a very successful college for many years, and Government has been liberally assisting that college. That society has again taken upon itself to start an engineering college, and Government also has been assisting that enterprise; so Sind has got an engineering college and

an arts college, and both of those are very efficient. An arts college at Hyderabad has been supported by Government and grants were made to it when the grants to new arts colleges in the Presidency proper were stopped. In the Presidency of Bombay proper, if any new arts colleges started, no grant is made to it. The Sangli College and the Nasik College were started after this rule was made and they do not get a single pie in the shape of grants from Government, but the Hyderabad College, although started after that date, has been given aid, because Sind wanted another college and therefore it was thought desirable to give that special grant to that college. I do not think that this is stepmotherly treatment.

With regard to medical relief, I may point out that each district has got a civil hospital, and the dispensaries in the whole of the Presidency, including Sind, have been managed by district local boards and municipalities, and Government paid the cost. The scale of these grants for Sind and for the Presidency proper is the same, and therefore I do not think that this charge of stepmotherly treatment will be applicable in respect of medical relief.

As for agriculture, Sir, I have found during the last two years that the needs of Sind were more attended to, and that more money was spent in the development of agriculture in Sind than was spent in the Presidency proper; and I do not think that that can be called stepmotherly treatment. Of course, the conditions of Sind are very peculiar in this respect, and as Minister of Agriculture I had to sanction those grants on account of those special circumstances. The Barrage will soon come into operation, and we must have the Sakrand farm and other farms there and the experiments carried on on a very large scale. Therefore special grants were wanted for the development of agriculture in the Province of Sind, and the Government did not hesitate to make those grants at the same time as it started the agricultural development of the Presidency proper.

It has been said, Sir, that irrigation in Sind is very paying and that Government gets possibly 14 per cent. or 15 per cent. on their investments, but the hollowness of this assertion has been demonstrated, and I need not take up the time of this sub-Committee by going over the same ground again.

The Report of the Hartog Committee certainly lays bare the deficiency in the advance of education, but I think it accuses want of progress in all the divisions, and not in any particular division.

Sir S. N. Bhutto: The question dealing with Sind is a very big chapter, and I do not want to take up the time of the sub-Committee unnecessarily, but the Report of the Hartog Committee is available if members would care to read it. I will read only one paragraph, which refers to the argument of my hon. friend, and the sub-Committee can then consider what weight they should give to the statement that my friend has just made. The passage which I want to read to you is as follows: "But in spite of these improvements, the claims of Sind appear to have been overshadowed by

those of more fortunate districts. We have been told that some of the Sind local boards were among the first to impose an education cess under the Compulsory Education Act and yet the number of new schools sanctioned for Sind was much smaller than the number in other divisions; and that while in 1926-27, as much as Rs. 1,17,000 was paid as grant towards the expansion of primary education to the District Board of Satara and Rs. 37,700 to the Board of East Khandesh, all the district boards of Sind together obtained only Rs. 18,000." Satara is my hon. friend's own district, and he himself was the Minister; he gave away Rs. 1,17,000 to his own district, while all the district boards of Sind together obtained only Rs. 18,000. The hon. Minister sanctioned Rs. 1,17,000 for his own district! Members may read for themselves the rest of the report and judge the position for themselves.

Mr. Jadhav: I am ready to reply to that.

Sir S. N. Bhutto: You say you are ready to reply, but here is the record.

Mr. Jadhav: I am very glad that this gives me an opportunity of dealing with the matter. I took over charge in 1924, and a year and a half was spent in making rules and regulations for the administration of the Act of 1923. Under that Act the further expansion of education was left to the local authorities. In the case of municipalities it was promised that any additional expenditure that was incurred for the advancement of education would be shared half and half by the local authority and Government; in the case of the district local boards, they were to provide one-third while Government promised two-thirds. Now, this district of Satara had seen ahead as soon as the Act was passed in 1923. They imposed an additional cess of one anna per rupee on the land revenue of that district, and they began to collect it in anticipation of the Act coming into force. Before the Act came into force they were ready with their money, and in 1926 they submitted their claim in connection with primary education. They said: "We want so many new schools and so many additional teachers; here is our one-third of the money; we want your two-thirds." That was the only district which was ready with the money, and which had its scheme prepared and came forward to Government with the money. Let my hon. friend Sir S. N. Bhutto say whether any district in Sind came forward with the money.

Sir S. N. Bhutto: Yes. This document says you referred it back and considered the scheme of your own district.

Mr. Jadhav: Government never referred back any scheme. The applications were considered by the District of Public Instruction, and had there been any glaring ill-treatment of one district or any such partiality or partial favour to one district, I do not think my hon. friends in the Council would have stood by and not moved a vote of censure.

Sir S. N. Bhutto: You were in a majority, and you begged us to spare you and we did so.

Mr. Jadhav: I am not at all against the aspirations of Sind. If Sind wants separation, Sind may be separated. I simply wanted to explain things and to deal with the charges brought against the Bombay Government for "stepmotherly behaviour." I have very good friends among the people of Sind, both Hindus and Muslims, and I have in my short visits formed a very high opinion of their integrity and of their trustworthiness. If they think they will prosper under separation I have no objection, but at the same time I must say that they ought to base their claim on facts and not on sentiment or on allegations that they are not properly treated by the Government of Bombay.

Chairman: Thank you.

Sardar Sampuran Singh: I fully sympathise with the ideas expressed by my friends, and as a matter of fact I fully appreciate the point of view that Sind cannot progress to the fullest extent until it is separated from Bombay, but the point we have to consider is whether Sind will be able to meet its expenses, its coming expenses. I assure you, having a little experience of the colonies in the Punjab, that to colonise Sind it is absolutely necessary that you should spend a very large amount of money on railways, pukka roads and other communications, so that the grain from the land may be able to reach the ports or the markets in that part of the country.

Unless you are sure about your financial position it will be almost suicidal to take any action for separation without making sure of the financial position. You may be perfectly correct when you say that to-day your financial position is very strong and that there is no deficit; you may be quite right when you say that the deficit which appears to-day is only an artificial deficit, and that when the figures are actually worked out it will be clear that there is really no deficit. You may be perfectly correct, but you are not sure about it yourselves; you cannot substantiate this viewpoint by any facts and figures at present. This inquiry has to be undertaken because you yourselves and we ourselves are not in a position to judge.

Sir Ghulam Hussain Hidayatullah: If you will accept the principle we will submit to the financial adjustment.

Sardar Sampuran Singh: After all, we know that this thing must eventually come about if it is financially sound. If you can pay the interest on all the loans raised for the Sukkur Barrage and if you have some capital to develop the colony it will be all right.

Sir Ghulam Hussain Hidayatullah: We can give guarantees.

Sardar Sampuran Singh: Any guarantee must be based on facts, and that enquiry will show whether you are really capable of that or not, and eventually having come to that conclusion the decision has to be arrived at whether Sind should be immediately separated or not. To establish it before hand that Sind must be separated is equivalent to saying that we do not care whether financially it can stand alone or not. If we are prepared to let you go down

and you are prepared to sink financially like that, it is no use making that enquiry, for that enquiry will be absolutely useless.

You say you are sure that this is only a budget deficit and that the financial situation of Sind is all right, and I have learned that from other sources as well. I happened to meet other friends here who have served in the Civil Service in Sind, and who also think that financially Sind can stand on its own legs. I do not doubt that statement of yours, but anyhow we can only note that opinion; we cannot base our opinions on any definite, solid facts and figures. Until we are able to obtain facts and figures as a result of such an enquiry as has been suggested it will not be logical to decide anything about the separation of Sind; we cannot do it at this stage, and I think that as the circumstances show that anyhow this must be put off for some time, it does not matter if it is delayed six months or a year until this enquiry is made.

Sir Ghulam Hussain Hidayatullah: Then there will be a larger deficit and yet Bombay is prepared to go on paying our deficits! That is the wonderful thing about it.

Sir S. N. Bhutto: I have a telegram here which I should like to read to you, if I may.

Chairman: We have all had telegrams; I have had telegrams against the separation of Sind.

Sir S. N. Bhutto: They have asked me to place this before you:—

“Sind Muslim Conference Jacobabad ninth instant resolutions have emphatically demanded immediate unconditional Sind separation and without which no reforms will be acceptable to Sind people. Also passed that Simon Commission and Government of India have neglected the question of reforms in British Baluchistan in the next constitution and strongly urge upon the members of Round Table Conference to take up the case in right earnest.”

Dr. Moonje: May I also bring to your notice a cable I received this morning?

Chairman: It is probably the same as I received. I do not think we need read these telegrams; we all get them.

Mr. Mody: I think there are only two courses open to us. We can either pass a resolution for which the formula has been placed before us by Mr. Jinnah, which commits us definitely to the separation of Sind, or we can do nothing or next to nothing and say that all these matters must be investigated by a separate Committee, and leave it at that.

I submit neither of these courses should be adopted. In the first place, Sir, as regards the course suggested by Mr. Jinnah, namely that Sind should be separated, a course which has been so ably advocated by Sir Ghulam, I am sure we have listened to the arguments advanced in support of it with every sympathy and with great attention, and, speaking for myself, I am deeply

impressed by all they have said. If there is an overwhelming desire on the part of Sind to separate, no obstacles should be placed in the way of that unless there are overwhelming considerations to the contrary. The point is, however, that on the facts that are before us—facts which Sir Ghulam Hussain Hidayatullah has sought to explain—and on what we must take to be the present position, there is no material on which we can come to a decision.

Now, Sir, if you lay down that it is the business of this Committee to investigate the whole of the circumstances and to come to a definite decision, I am perfectly prepared to go on and to go very carefully into the financial ability of Sind. I have not the least objection. Whether that course is practicable or not it is for you and the Committee to decide; but if you come to the conclusion that Sind ought to be separated, at least that conclusion cannot be come to unless you have fully investigated the problem in all its merits.

I do not know that I interpret correctly your own wishes, but the next suggestion was that we should merely pass a resolution that a Committee be appointed which would go into the whole question and submit a report. I do not know, Sir, whether that is good enough for us. After all, we have been asked to examine this question, and it does not do merely for us to say that because there are so many difficulties in the way of the examination of the question, therefore all our recommendation amounts to is that some other Committee should examine that question.

My view would be that we should definitely say that if satisfactory administrative and financial adjustments can be made, and if it is found that Sind is capable of financing herself, then, assuming, of course, that there is a desire on the part of Sind to separate herself, the separation should be an accomplished fact; the proposition I would like to place before you would be based on those lines.

There is a difference between that and leaving it to another Committee; because in the one case there would be a definite expression of opinion that if satisfactory arrangements can be made, Sind should separate herself. In the other case, there is no such expression of opinion; you merely leave a Committee to discuss and investigate everything, and then come forward with recommendations of their own.

Therefore the proposition which I would like to place before the Committee is this. I have jotted it down very roughly: "That if satisfactory financial and administrative adjustments are made, and assurances are forthcoming with regard to the ability of Sind to finance herself, the sub-Committee are of opinion that Sind should be separated and constituted into a Province; that a Committee should be set up by the Government of India to examine the question and make an early report."

Now I should like to anticipate an objection which might be raised to this. I think it was suggested yesterday, that after all,

Chairman: May I just sound the Committee as to the general feeling now? Mr. Mody has expressed extraordinarily accurately what has been in my mind for some time. I do not want to repeat what he said, but I should like just to put it to the Committee, perhaps in my own words, but it is very much the same. I cannot help feeling, as I told the Committee and as I told Mr. Jinnah yesterday, that it is impossible for us round this table to come to the conclusion as to whether Sind would be a deficit Province or whether it would not. We have not got the material and we cannot come to that conclusion. Now if Sind is to be a deficit Province, there is not only the objection to which Mr. Mody has called attention, that is to say, that there would be a very heavy burden on the inhabitants, but there is also the objection, it seems to me, with regard to the social services and the development of Sind. Sind, after all, is part of what we hope will be a united India, and you want the whole of India to develop; you do not want to have a backward Province in the middle of it.

Therefore I am just putting this to the Committee. I myself should feel very reluctant to say: Oh yes, let Sind be a Province whether she can sink or swim, it does not matter. It does matter; it matters not only to Sind but to the whole of India. Sind is a part of India and we have to consider it in relation to India as a whole. I may say also I have been impressed, as I think probably all the Committee have been impressed, by the perfectly obvious reasons for the separation of Sind: The geographical reasons, the racial reasons, the reason of distance from Bombay, and the strong wish of the people of Sind. They are all matters of very great importance.

I do not know whether the Committee feels that perhaps the better course for us to take would be to express a view that it is desirable for Sind to be created a separate Province if it was found that she could stand on her own feet after an enquiry by a financial Committee. But I quite agree with Mr. Mody that I do not think it would be proper to refer the major question to that Financial Committee. That is, I think, very much a matter for the Round Table Conference, where we have all India represented. That is a matter of principle for us I think. But the Financial Committee can go properly into the finances and can tell us, or the Government of India, or whoever it is who is carrying out the wishes of the Conference, whether in truth and in fact Sind can stand on her own legs. The report then would be on the lines that, provided it was shown that Sind can stand on her own legs, Sind should be separated.

Dr. Moonje: Without fresh taxation?

Raja Narendra Nath: Yes.

Chairman: Not necessarily without fresh taxation, but without too great a burden. You must not, I think, say that they should never have additional taxes.

Mr. Mody: They may advance, and they may want more taxation.

if Sind cannot finance herself, it is her funeral; why should we worry about it; and why should not Bombay be anxious to get rid of a Province which is a burden? But I would like to point out as an answer to it that that is not the correct reading of the situation; because, after all, there are two communities in Sind, the Hindu and the Muhammadan. Assuming for a moment that after separation an enormous financial burden is put upon the people of Sind, the Muhammadan community might well be pleased that that financial burden should be imposed, because they get something else, something very substantial, namely, a large Muhammadan Province, and power and privilege. But the Hindu community, or any other community, the non-Muhammadan communities might well say: "Well, what is the good of the separation to us who have had to bear this extraordinary amount of taxation"? Therefore it does not do merely to say that if Sind cannot finance herself, it is her look out, and that it does not matter to us here in the Committee or to the people in Bombay whether Sind can or cannot adequately carry her own burdens.

From all these points of view, I feel that, while we should go in every possible way to meet the desire of our friends in Sind, and express a definite opinion that Sind should be separated, it must be contingent upon two things, namely, equitable adjustments being made and her ability to finance herself being proved.

Now I would ask my friends not to object to these provisos for the simple reason that they themselves have made light of them. If you say equitable arrangements can be made, well and good. They also say that Sind is capable of financing herself; that if matters were thoroughly investigated, it would be found that the situation is by no means as hopeless as it is made out to be. Well and good; I do not think then they can object to an expression of opinion of this character, coupled with these two conditions which they think are easily satisfied.

Dr. Moonje: The real desire of the people is for separation.

Mr. Mody: That, of course, must be taken as the fundamental basis of this. This is what I should like to place before the Committee as an alternative to Mr. Jinnah's proposition, which proposes that Sind should be separated from the Bombay Presidency, and a Committee should be set up. My objection to his proposition is, as I told you, that it definitely separates Sind, even though it may turn out later on, when the Committee investigate, that the separation cannot be made effective without an enormous burden being put on the taxpayer in Sind. I would like to safeguard that position, and I would like to say that provided a Committee can satisfy us that Sind can bear her own burdens, and that she is quite prepared to come to an amicable understanding with the Bombay Presidency with regard to the burdens which she should bear, her share of the burdens, we are perfectly happy to allow Sind to be separated and constituted into a new Province. That is my proposition.

Sir G. Hussain Hidayatullah: Are not the Government of Bombay going to introduce a 25 per cent. income tax, and is not that a tax? I do not understand how any country can go on without taxation.

Chairman: I am saying without an undue burden; but it must be possible if necessary to increase taxation. You have assets in Sind which after a certain time will be productive. It seems to be thought that it will be nearly 20 years before the Sukkur Barrage is productive, but it will be productive then and apparently very productive; that seems to be the general view. You have the port of Karachi which you all say you can make more productive. You have, therefore, possibly increasing sources of revenue, not immediately but in the future. I do not know whether it is the general view of the Committee that that would be a proper sort of conclusion for us to come to. If it is, I should be prepared to draw up a report on those lines. I should like to know the feeling of the Committee on that.

Mr. Chintamani: May I trouble you to read the terms of reference to the sub-Committee.

Chairman: The terms of reference were to consider the question of constituting Sind as a separate Province. That is the whole of the terms of reference.

Sir Abdul Qaiyum: We do not want to go into details.

Chairman: The sort of words I would suggest would be something like this, that before a final decision is taken a Committee should be constituted in India to examine the question of the separation of Sind in its financial aspect, and to report if they consider the separation to be financially practicable. That is the sort of limitation.

Mr. Moonje: With one addition: ascertaining the desire of the people for separation.

Chairman: Is that a proper matter for a purely financial Committee?

Mr. Chintamani: No, it is not necessarily for the Financial Committee.

Dr. Moonje: Just one minute, Sir. If it is not the real desire of the people to have separation, why should we force separation upon them?

Chairman: Of course in everything I said I assumed there was no question as to that.

Dr. Moonje: How are we to know, because we are getting contradictory wires; one set of people say they want separation and another set of people say they do not. How are we to say?

Sir S. N. Bhutto: Some people say they do not want any advance and they do not want Dominion Status. Are we to take any notice of those wires?

Dr. Moonje: May I finish? There is one other matter to be taken into consideration. If my information is correct, at the

present moment it seems that the Hindus pay a larger amount of revenue in proportion to the population to the Sind administration, and if it should be found that in the event of extra taxation the burden would be placed more upon the Hindus than upon the Mussulmans, the question would arise as to whether there is a real desire for separation. That is a matter which has to be ascertained.

Sardar Sampuran Singh: The Hindus pay income-tax while the Mussulmans pay land tax. Of course the Hindus may be paying more taxes if they are richer. The Muhammadans are mainly paying the land revenue. It is not the same kind of tax.

Dr. Moonje: The point is, if there is a possibility of extra taxation being imposed, whether the people really desire to have that burden of extra taxation for the sake of separation. That is the point.

Sir Abdul Qaiyum: I am not going into details; I will confine myself to the terms of reference.

Mr. Mody: May I suggest that we adjourn to-day and meet to-morrow, as there are so many members who desire to speak.

Chairman: I think we might get on as far as we can to-night if you do not mind.

Sir Abdul Qaiyum: Provided we are brief, we can finish. My point is simply this, that this question of the separation of Sind from Bombay is not novel; it has been before the public in India from time immemorial—I will say since the annexation, and has been fully discussed; whether Sind wants separation, or whether only the Mussalmans want separation. The facts have been fully discussed. The last and biggest public assembly which discussed it was the Congress, at which the different views were expressed, and the Hindu view especially was expressed. After full consideration of the pros and cons of the case, it was decided that if financially Sind could bear the cost of separation, it should be separated.

So, that decision having been arrived at after years and years of discussion by the whole of India practically, Hindus, Mussulmans and others, it must I think be taken as definite that the question of separation—whether one community likes it or whether it does not like it—is settled or should be settled here. From the public point of view it is settled. From the official point of view it ought to be settled now.

The question of finance remains. That condition was attached by the Congress and that question is still before us. I am very sorry that, although we were coming to this Conference, and the Government both here and in India knew, and the Bombay Government knew, that this question was going to be laid before the Conference, no earlier opportunity was taken to take it up; no time was allowed for us to study the financial part of it with the facts and figures which are now being supplied to us at the eleventh hour.

I must say there are small matters which have been lost sight of, but there are others who will suspect perhaps that this question is going to be shelved again on this very point which should have been decided while we were there. We must, I think, decide at least that point, and put the provision that the financial situation should be gone into by a Committee and the necessary adjustment made. If we now raise that whole question of the feelings, it will be a very doubtful case if the whole question is put in the form of a condition providing that financially it is sound, even then it will become very doubtful. To my mind the separation has been clear for ages now, and it is not really the separation, but the recognition of a separate unit which already exists. As was so well put by Sir Ghulam Hussain the other day, it was always there, and we have simply to satisfy its separate existence. I do not know if the liabilities of Sind will be very great, due to this Barrage scheme. On the other hand, I believe that it is the possible or probable income of that Barrage that makes Sind so much coveted by Bombay. I believe that Bombay is looking forward to gain much out of it—either that or the opening up, as some gentlemen have said, of Mesopotamia or even of Persia with the new railway system as far as the Persian Gulf. Perhaps it is the prosperity of Sind which is really in the way—the future prosperity of Sind. Otherwise sound financiers like the Bombay people, Mr. Mody and others, would not care to be so very generous and charitable while their own people are starving as the result of one thing or another. No, it is the covetousness of getting something out of that development that is influencing Bombay Presidency.

Mr. Mody: I do not think that Sir Abdul is quite fair in saying that.

Chairman: You will not raise further discussion, will you, Sir Abdul, by making charges of that sort?

Mr. Mody: I think it is very unfair to us.

Sir Abdul Qaiyum: Well, I think it is really the gain that is counted really, not the loss.

Chairman: But may we consider the actual question before us, if you do not mind?

Sir Abdul Qaiyum: Well, I will not say anything more, because what I thought I would say would only raise that question which need not be discussed here, because on these figures that my friend Sir S. N. Bhutto referred to it is exactly the same position. We want further advance, and there are obstacles in the way.

Raja Narendra Nath: I should like to say a word or two. Reference has been made to the Nehru Report and to the recommendations of the Indian National Congress. The Indian National Congress once did espouse the Nehru Report, but the Nehru Report must be taken as a whole and not piecemeal. The way in which the Nehru Report solved the Minority question and the question

of Minority rights is not the way now recommended by the Conference—at least, I do not know what the eventual form of minority rights will be, and the way in which the constitution will protect minority rights, but I invite particular attention to clause 6 and clause 13 at page 102 of the Nehru Report: “ All citizens are equal before the law and possess equal civic rights. . . . No person shall by reason of his religion, caste or creed be prejudiced in any way in regard to public employment, office of power or honour and the exercise of any trade or calling.” This is not the fundamental rights which my friends will at all be willing to accept, so the two things ought not to be separated. What I want to say is this, that if reliance is placed upon the recommendations of the Congress or on the recommendations made in the Nehru Report, this part of the Nehru Report, the way in which the Nehru Report proposed to solve the minority question, should not be ignored. That is all I want to say.

Sir Abdul Qaiyum: Thank you; but I thought that the question was solved on its merits.

Chairman: Well, Sir Abdul, you have had your say.

Dr. Shafa'at Ahmad Khan: May I say one thing. I want to be perfectly clear that when we desire separation we also wish to safeguard the rights of the minority in Sind most adequately. Have as many safeguards as you like—more, even, than are granted to the minorities in other Provinces. So that so far as the minority question is concerned I do not think it should be used as an excuse for delaying separation. I think I shall be supported by those in Sind when I say that on this question there is virtually no difference of opinion between the Hindus and Muhammadans of Sind. Practically all communities agree on principle that Sind should be separated.

Dr. Moonje: I question that.

Dr. Shafa'at Ahmad Khan: There are, of course, a few persons here and there who are opposed to it; you are bound to find a few.

The second question with which I should like to deal is what is called the political question. In my humble opinion the sub-Committee must recommend the principle of separation. There are two questions involved, the principle of separation and the constitution of Sind as a separate Province, and it is the second question which is the financial question. If it is proposed to refer both these questions, the political and the financial, to one and the same Committee, which will conduct an investigation later, I must tell this sub-Committee that this question will not be solved. We must decide on the political question here and now; the financial question we must leave to an expert body. On the political question, I should say most members of the sub-Committee practically agree that Sind should be separated, provided, of course, the financial adjustments are made and so on.

Raja Narendra Nath: And provided minority rights are adequately safeguarded in the way the minority wants. It cannot be for Sind alone. The clauses I read were from the fundamental

rights of citizens, and that has not been adopted by the Conference; that clause defining the fundamental rights has not been adopted by the Conference.

Dr. Shafa'at Ahmad Khan: This question is going to be discussed to-morrow in the Minorities sub-Committee, and should not be brought in here with a view to preventing an impartial discussion of a question like that of the separation of Sind.

Chairman: We cannot have it here, I agree.

Raja Narendra Nath: The political question cannot be separated; you must give adequate safeguards to minorities.

Chairman: Yes, but the safeguarding of minorities, like the extension of the franchise, is a question which applies to all India and does not arise on this particular question.

Dr. Shafa'at Ahmad Khan: Whatever proposals are made about this need not be accepted by any member of the sub-Committee unless the safeguards for minorities are adequate.

Sir Abdul Qaiyum: On the lines of other Provinces.

Raja Narendra Nath: No; that is just the difficulty. Wherever my Muslim friends are in a minority they want certain rights, and where they are in a majority they want certain rights of a different kind, and so there is controversy.

Chairman: It is really a minority question that you are raising, and it is out of order.

Raja Narendra Nath: The political aspect of the case was discussed, and it was said that politically it is settled. That is why I raised this point.

Dr. Shafa'at Ahmad Khan: With regard to Mr. Mody's proposal, if you examine it closely you will find it is practically the same, with certain minor modifications, as the proposal of the Bombay Government and the proposal of the Simon Commission. There has been no advance, so far as I can gather, since that time, and you know that opinion in the Province, and I should say in the whole of India, has swung round to the view that Sind should be separated with the least possible delay.

Chairman: I do not think you should say it is no advance. Assuming this report becomes part of the report of the Round Table Conference, it is surely a considerable advance that the Round Table Conference has declared itself in favour of the separation of Sind.

Dr. Shafa'at Ahmad Khan: To that extent technically it would be an advance, but this has already been recommended by the Government of India and the Simon Commission. I know this is a very honourable body and will have greater weight. Of course, if the Round Table Conference puts its seal of approval on the proposal made by Mr. Mody: it will be a great advance, but I am speaking of the proposal as such, and as such I submit it is practically the same as that of the Simon Commission and the Bombay Government.

Chairman: I should have said the exact opposite.

Mr. Foot: The Bombay Government was opposed to it. Do you mean the Government of India?

Dr. Shāfe'at Ahmad Khan: My proposal is practically the same as that of Mr. Jinnah, namely that Sind should be separated from Bombay and that the question of finance should be decided by a separate expert Committee later on. The principle of separation should not be mixed up in that at all.

Lord Zetland: I am very much impressed with the arguments which have been put forward in favour of the creation of a new Province, and I notice that the Nehru Report suggested that even if this resulted in a deficit that should not be allowed to stand in the way of the self-determination of the people of that particular area, namely Sind. They went on to urge that the denial of the right of self-determination on purely financial grounds would be bound to lead to great dissatisfaction and to impede the progress of Sind. I do not want to go further into that, but that was the view expressed by the Nehru Committee.

I think that possibly we might go a little further than was suggested by Mr. Mody. I think his suggestion was a good one, but I should like to suggest that we might go a little further in this way. Could not we first of all say that on these general grounds we do consider it is desirable that a new Province should be created, but that considerable doubt has been thrown upon the financial capacity of Sind to bear the burdens of a new Province, and that on that point we cannot possibly express an opinion because we have not the necessary material; and that therefore we consider that an expert Committee must be set up to examine the financial position. Then could not we go on to say that if, as a result of that investigation, it was found that Sind would not be a deficit Province, then well and good; let the creation of the new Province be proceeded with. If on the other hand, the result of the investigation showed that there would be a deficit in the budget of the new Province, then the representatives of Sind should be invited to show how they would meet the deficit before a new Province was created. Could not it be done in that sort of way?

Chairman: Yes.

Mr. Chintamani: I entirely agree with the proposal of the noble Marquess. I wish only to add—and that is covered partly by the proposal which the noble Marquess had made—that after the financial position has been ascertained the Government of India should also take steps to ascertain the wishes of the people.

My precise meaning is this. After the expert financial enquiry is concluded, and the report is before the Government, at that stage the wishes of the people of Sind should be ascertained.

Chairman: How?

Mr. Chintamani: There are the voters for the Legislative Council, the district boards and so on.

Chairman: I see—representative associations?

Mr. Chintamani: Yes, representative associations. My reason is this. There will be many people who at the present moment are enthusiastically in support of separation, but whose enthusiasm may be somewhat cooled down if they find separation will involve them

in the payment of fresh taxes or in additional financial burdens. I think, therefore, it is only fair and business-like that their wishes should be ascertained after the financial investigation has been made and its results are known; it should not be taken for granted that all who are in favour of separation now will continue to be in favour, or that all who are against separation now will continue to be against after knowing exactly where they stand. That is one point which personally I should like to add to the proposal which the noble Marquess has made. The other thing is a proper financial adjustment between the Government of Bombay and the Government of Sind.

Chairman: That is of course understood.

Dr. Shafa'at Ahmad Khan: That is a detail. I should like to make a suggestion. The proposal which Lord Zetland has made needs some consideration, and we should be glad if this meeting could be adjourned until to-morrow for that reason.

Chairman: We have not any time to spare, and I should like, if possible, to have some sort of draft report before the sub-Committee to-morrow. May I take it the general sense of the sub-Committee would be in favour of the separation of Sind, subject to the financial enquiry either as Mr. Mody and I suggested it or going rather further as Lord Zetland suggested it? I will try to draw up a report which will incorporate both those views, if possible, or adjust them, and if I may I will draw up a report on those lines.

Sir P. Sethna: Will you add Mr. Chintamani's proposal?

Chairman: It is rather a dangerous proposal.

(The sub-Committee adjourned at 6-50 p.m.)

PROCEEDINGS OF THE THIRD MEETING OF SUB-COMMITTEE No. IX
(SIND) HELD ON 14TH JANUARY, 1931.

(Draft Report.)

1. The members of the sub-Committee, over which I presided, were:—

Lord Russell (<i>Chairman</i>).	Dr. Shafa'at Ahmad Khan.
Lord Zetland.	Sardar Sampuran Singh.
Lord Reading (for whom Mr. Foot acted as substitute).	Dr. Moonje.
H.H. the Aga Khan.	Mr. Jayakar.
Mr. Jinnah.	Raja Narendra Nath.
Sir S. N. Bhutto.	Mr. Chintamani.
Sir G. Hussain Hidayat- ullah.	Mr. Jadhav.
Sir Abdul Qaiyum.	Sir P. Sethna.
Sir M. Shafi.	Mr. Mody.
	Sir H. Carr.

The terms of reference were to consider "the question of constituting Sind as a separate Province."

The sub-Committee sat on 12th and 13th January, and has authorised me to present this report.

2. The sub-Committee did not enter in their discussions into the wider question of the redistribution of the provinces in India.

3. They consider that the racial, religious, and linguistic differences between the majority of the inhabitants of Sind and the majority of the inhabitants of the Presidency of Bombay proper; the geographical isolation of Sind from Bombay the difficulties of communication between the two and the insistency with which separation has been advocated provide an impressive case for the division of Sind from the Bombay Presidency and the creation of a separate provincial Government there.

4. They observe that the Government of Bombay have pointed out certain administrative difficulties in the way of the separation of Sind. They consider that these difficulties are real, but they do not believe them to be insuperable.

5. They note that no detailed examination of the financial consequences of separation has yet been made. On the figures available to them they are unable to say whether the separation of Sind is financially practicable. It appears that separation would involve an annual deficit in the budget of the provincial Government of Sind. If the Sukkur Irrigation Scheme is financially successful this deficit should in time disappear, but it is estimated that the scheme would not begin to increase the ordinary annual revenue of Sind until about 1946. Meanwhile, there might be no money available for the construction of fresh irrigation works non of the roads and railways, which will be required when the Sukkur scheme bears fruit. Nor would it be possible to carry out any development of the nation-building services. The sub-Committee therefore consider that the creation of a new Province of Sind is on the whole desirable, but that before a decision is taken a committee should be constituted in India to examine the question of the separation of Sind in its financial aspect and, if the result of their investigation should be that separation is financially practicable, to make recommendations on the means by which the financial stability of a separated Sind could be ensured, and the financial adjustments which would be necessary and equitable upon such separation.

St. James's Palace,

14th January, 1931.

Discussion.

Chairman: I am sorry that we have not been able to circulate a draft report to the sub-Committee so far, but I think one will be ready in about a quarter of an hour. Until it comes perhaps we might continue talking about the financial position and any possible reservations that we might make on that point.

I ought to tell the sub-Committee that personally I am nervous about the financial position of a separated Sind. I am by no means

satisfied that it would be able to be self-supporting, and that there would not be quite a considerable deficit—half a crore at least, and probably more. The figure given is something like 90 lakhs, which is very nearly a crore. I am nervous about it, and I feel some difficulty myself in pronouncing a final decision on the separation here, or in suggesting a final decision on the separation, in the absence of better knowledge than we have got.

Lord Zetland is not as frightened as I am, and he is much more familiar with India, so that I am inclined to defer to his opinion; but I should like to hear what the sub-Committee says about that.

Personally, I feel a little inclined to accept the principle of separation, but to leave the final decision until some independent and impartial finance committee in India has reported on what the result of separation would be, because I am a little nervous that a separated Sind would be a deficit Province, which means, as I said yesterday, bad administration and a deficit which has got to be borne by somebody—I suppose by the Government of India.

Dr. Shafa'at Ahmad Khan: If you leave the principle of separation to be settled in India by a committee, then the whole question will have to be gone into over again in India.

Chairman: It was not my idea, to leave the principle of separation to be settled by some other committee; this further committee which is suggested would simply report on the financial results of separation, and, when it was seen what the financial results would be, the principle of separation would be settled, I suppose, by the Government of India and the Government of this country in the light of the decisions of that committee. I did not suggest that that committee should settle the principle of separation; that was not my idea.

Mr. Mody: My proposal was somewhat different.

Dr. Shafa'at Ahmad Khan: Yes.

Sir P. Sethna: As was also that of Lord Zetland.

Mr. Mody: I thought you agreed in the main with my suggestion, that we should pronounce an opinion in favour of separation provided that it was found, on examination by an independent committee, that adequate financial and administrative adjustments could be made and that Sind was capable of financing herself.

Mr. Chintamani: May I know what is involved by the acceptance, Sir, of what you call the principle of separation?

Chairman: I think that is a little difficult to say, but I cannot help feeling that if the Round Table Conference accepted the principle of separation it would probably be more difficult for anybody to go back on it afterwards, notwithstanding a small deficit.

Mr. Chintamani: Would it be like accepting the principle of Dominion Status for India, leaving everything for future consideration?

Chairman: I do not want to be dragged into that!

Mr. Chintamani : I do not want to drag you into anything, Sir, but I do want to know to what I am committing myself if I accept the principle of separation. I am entirely in accord with the principle that the wishes of the majority of the population must be carried into effect if it is at all practicable to do so. The wishes of the majority of the people, however, should not be merely in vague and abstract terms which may be incapable of application in practice; those wishes must be stated and must be ascertained when it is known that a certain proposition is feasible administratively, financially and in other ways. For instance, we can all raise our hands in support of the proposal that Sind be separated, leaving everything else to be determined in the future, in such a manner that what we have voted for may never be fulfilled; but that would be of no practical value. Once it is seen that Sind can be a self-supporting Province, then the acceptance of the principle and the direction that that principle be carried into practice are thoroughly intelligible; but if, without knowing whether that is a practicable proposition or not, we say we accept the principle of separation, and then it is found that without additional taxation which the people are not able or are not willing to pay it cannot be given effect to, I see no good in accepting the principle.

Chairman : Surely there is this virtue in it, is not there? It means we have been impressed, as I think all of us have, by the case for separation. That is my own feeling.

Mr. Chintamani : I will at once subscribe to a principle worded as you have just put it, namely, that we are impressed by the arguments in favour of separation. I am not in the least hostile to the principle or to the proposal; all I want is that we should not be parties to the creation of a Province which may not be able to maintain itself in an efficient condition; we should not incur that responsibility. Secondly, we should not be parties to a proposition which may not be acceptable to the people themselves. I have no doubt whatever that the people of Sind by a large majority want separation now, but I want that to be made clear after they know to what they are committing themselves by becoming an independent Province, and after they realise that an independent Provincial administration may cost them a great deal more. I am not speaking in a hostile spirit.

Mr. Foot : As you know, Lord Reading was a member of this sub-Committee on the understanding that I should take his place if he could not attend. He wishes me to express his regret that, owing to the pressure of other sub-Committees, he cannot attend. I have been in consultation with him, however, after each sitting of this sub-Committee, and I am in general agreement with the views expressed by Lord Zetland yesterday. Those are also the views of Lord Reading who, of course, speaks from his own knowledge of India. Before the sub-Committee sat I read what had been said on the subject by the several Commissions and other bodies which have dealt with it, and particularly what was said in Chapter 10 of the memorandum submitted by the Government of Bombay to

the Statutory Commission, which is the memorandum, I think, in which the particulars and facts are more fully set out.

Speaking academically, I think that the case for separation has been made out. Leaving out the financial considerations for a moment, I think the geographical separation—the very considerable difference from the rest of the Presidency—does justify the claim that has been made. I think, too, that the evidence we have before us shows that at present there would be an overwhelming majority of the Sind people in favour of separation.

Mr. Chintamani: At present, certainly:

Mr. Foot: Yes, at present; I quite agree with Mr. Chintamani that that may be all. That being so, I think that this sub-Committee would be entitled to come to the conclusion that they approve the demand that is made for the separation; the only question that arises, I think, is as to the financial terms, the possibility of Sind becoming a self-supporting Province, and also the point which has been raised by Mr. Chintamani as to whether or not there should be a further consultation of the opinion of the people when the financial terms have been more definitely ascertained. I should like Mr. Chintamani, if he would, to make clear what he requires on that. Does he suggest something like a plebiscite?

Mr. Chintamani: No, my suggestion is much more modest. I would ascertain the opinion of the people in the manner which is familiar to every Government in India, namely by taking the opinion of the elected members from Sind in the Bombay Legislative Council and the opinion of the district boards and other local bodies in Sind, the Landholders' Association, the Muslim League, the Hindu bodies, the Chambers of Commerce and so on; that is all.

Mr. Foot: I think, Lord Russell, that there is substance in Mr. Chintamani's argument on that point, if I may say so with all respect. It may be that in general terms the people of Sind strongly approve separation at the present time by a substantial majority, but it is possible that when the financial facts have been definitely ascertained that opinion may change, and the people may say "There has been put before us a prospect of such financial burdens that we would rather bear the ills we have than fly to others that we know not of."

Mr. Chintamani: That is a possibility.

Mr. Foot: I should imagine that if the special committee or commission that will go into the question of the separation of Sind gives detailed and impartial consideration to all these financial facts, it would itself suggest such a safeguard; it would itself suggest that after the facts have been ascertained by an impartial tribunal—I think that is what Lord Zetland himself suggested—there should be some means then secured for ascertaining what the opinion of the people of Sind is in the light of the new facts.

I think Sir Shah Nawaz Bhutto, who spoke yesterday, and Sir Ghulam Hussain Hidayatullah would themselves agree that the

criticism they made of the Government of Bombay's figures is a criticism that we are not able to accept, because obviously that should be a matter of close examination and cross-examination of the several witnesses that are brought forward.

On those general lines, Lord Russell, I would express my agreement with what I believe to be the opinion of the majority of the members of this sub-Committee. I think that those safeguards—I do not like the word “safeguards,” we have heard it, perhaps, too frequently in the last two or three weeks; I will say those provisos—should be made, for we do not want to create in India a semi-bankrupt Province that will be a source of weakness to the whole community. With that proviso I could support the general proposal.

Chairman: It seems to me we are all in general agreement. I want to make my own feeling perfectly clear. My view is much the same as that of Mr. Chitamani and does not differ much from that of Lord Zetland. I should like to be able to find, quite simply; that it is desirable that Sind should be separated. That is what I should prefer to be able to do, but I cannot help being a little frightened by the figures which have been produced. I cannot help feeling that if the new Province would have a heavy deficit I should be taking rather a rash responsibility in the interests of good government if I made that recommendation, and that I want, in some way or other, to safeguard the situation. I think we are all agreed on that; the only question is as to the best way of safeguarding the situation with regard to a possible or probable deficit afterwards. Is not that all we want to do?

Mr. Foot: I think so, yes.

Mr. Chintamani: If I may make a respectful suggestion, it should not be very difficult for us to put our thoughts in this form: that we are impressed by the case for separation on general grounds, but that we can recommend separation only when it is made clear that Sind can be financially a self-contained Province and that the people will be willing to bear such additional burdens as the creation of a separate Province may entail on them. We have no material before us to enable us to pronounce on that question, and therefore we recommend the constitution of a committee to report on the financial position, and then, when the Government make sure that the people will have separation on those terms, they should act accordingly. They should treat the question of the separation of Sind not as an abstract proposition for the future but as a matter of immediate importance, and they should make no unavoidable delay in setting up this committee and taking the further consequential steps.

Sir Abdul Qayyum: May I ask one question to remove my doubts? I should like to ask Mr. Chintamani this. You know that this question of a deficit is before the people of Sind, both Hindus and Mussalmans, and in spite of that they have been sending telegrams and howling for separation. Do you think that, even if a deficit is proved, the sentimental aspect of the case, the geographical

aspect and the other conveniences that will follow from the separation of Sind will be subordinated to that deficit?

Mr. Chintamani: I cannot say.

Sir Abdul Qaiyum: You see, this question of a deficit has been before the people of Sind for years and years now.

Mr. Chintamani: But they deny that there will be a deficit.

Sir Abul Qaiyum: What I want to know is this. Do you think that if this deficit of Rs. 60,000 which is now put before us—

Sardar Sampuran Singh: 60 lakhs.

Sir Abdul Qaiyum: Do you think that if this deficit of 60 lakhs that is now put before us is proved, that will subdue the sentiment of the people of Sind in favour of separation? Has it not been before those people who are crying for separation, and who want separation on other and more important considerations?

Mr. Chintamani: Have I your permission, Sir, to give a brief reply to that?

Chairman: Yes, certainly.

Sir M. Shafi: When Mr. Chintamani is replying to my friend's question, may I also invite his attention to this fact, so that when replying he can have it in mind. The formula suggested by Mr. Jinnah in the proposal he put forward yesterday contemplated in clear language that after separation Sind would bear its administrative expenses itself.

Sir P. Sethna: And if it cannot, Sir Muhammad, you do not want separation?

Sir M. Shafi: Why should it be assumed it cannot?

Sir P. Sethna: I am sorry you were not here yesterday or during the earlier part of our meeting this morning. That is what we are considering: supposing it cannot, what then?

Sir M. Shafi: Sind must cut its coat according to its cloth. I am not prepared to assume it cannot. If it cannot by reducing expenditure or by additional taxation balance the budget—well, I cannot, with the experience I have had of preparing budgets, really assume such a possibility. I think Sind ought to be able to meet its expenses.

Sir P. Sethna: That is not an answer to the question.

Mr. Chintamani: My reply to Sir Abdul is this. If he will pardon me for saying so, in the whole of the discussions during the last half dozen years on the question of the separation of Sind, the one aspect which has been brought forward by the advocates of separation as well as by the opponents of separation has been the communal aspect. I am very glad that that aspect has been very much in the background in the discussions in this Committee. It is not the financial and economic aspects of the problem that have been before the public. I think this statement of mine must be admitted as a mere matter of fact. There are many cases where

many people wish to have many things, but their enthusiasm is cooled when they know what the cost is of obtaining those things. I do not say that the enthusiasm of the people of Sind will cool down; I do not say that in the least; but we must give them a chance of knowing exactly where they will stand when they are a separate Province if Sind is made a separate Province. Instead of committing ourselves or other irrevocably to a proposition the full consequences of which are not at present clearly before us, we should recommend the appointment of a Committee. I think that is a merely prudent and business-like attitude. It is not that I am in the least hostile to the separation of Sind. I am prepared to accede to the proposition on ground of geography and on administrative grounds that Sind, as an outlying part of the Bombay Presidency, is at a considerable disadvantage, and should have an opportunity of shaping her own destiny. All that we, as a sub-Committee should do is this. We should make a recommendation which will enable the people of Sind to know what will be the cost of this separate existence, and then if they say, "We are ready to bear the cost," then there is no reason why they should not become a separate Province.

Chairman: I was going to say the same thing in different words. I was going to point out that you cannot run a Province on sentiment and my cold, practical British mind is trying to find how this Province will be run afterwards if it is separated.

Lord Zetland: Might I intervene there? Would not the suggestion I made meet most of these points? My suggestion was that the Expert Committee which it is proposed should be set up should be strictly limited in its terms of reference to ascertain the financial position as it would be if a new Province was created. If, as a result of the investigations of that Committee, it was shown that Sind would not be a deficit Province, so much the better: then the creation of the new Province could go ahead without further consideration. But, on the other hand, if the investigations of the Expert Committee showed that Sind would be a deficit Province, my suggestion was then that the representatives of Sind—shall we say the representatives of Sind in the Bombay Legislative Council—should be asked how they propose that the deficit should be met if the separate Province was created. Now, that would give everybody in Sind an opportunity of understanding exactly what the position would be. The representatives of Sind would then have to put forward perfectly definite proposals for meeting the deficit, and they would have to show that those proposals were practicable.

Mr. Foot: And acceptable to their people.

Lord Zetland: And, if you like, acceptable to the people of Sind. If they were not in a position to do that, then clearly the formation of a new Province would not be practicable. But I assume, from what has been said by the members of the sub-Committee on this side of the table that they have no apprehensions of that kind. In the first place, they think that Sind would not be shown to be a deficit Province. In the second place, they think

that even if it was shown to be a small deficit Province they would have no difficulty in putting forward proposals which would satisfactorily meet the deficit.

Sir S. N. Bhutto: For argument's sake, Sir, even if it is conceded that our Province is a deficit Province, why are we expected to have a luxurious administration such as Bombay is maintaining.

Mr. Foot: You mean that you would not be a deficit Province.

Sir S. N. Bhutto: Therefore that is the only thing that we can consent to—the investigation of finance. No other obstacle should be put in our way, because we have suffered enough and we cannot afford to suffer any more.

Mr. Foot: I think we are agreed upon that.

Lord Zetland: Do you agree to the proposal which I put forward?

Sir Muhammad Shafi: If some formula could be devised which would embody a recommendation of this sub-Committee in favour of the separation of Sind, with a proviso that a Committee should be appointed to consider the financial aspect of the matter, then on the receipt of a Report from that Committee, if upon investigation it is found that Sind is not a deficit Province or can be made self-supporting by the adoption of certain means, separation shall be given effect to, I think that would be all right.

Sir S. N. Bhutto: That is the same as what the Noble Lord has suggested.

Chairman: There is another thing. When the deficit is ascertained, supposing Sind is found to be a deficit Province by the finance committee, if it is not a large deficit, it might be that the Government of India would think it worth while to bear that deficit for a number of years in order to enable the separation of Sind to be proceeded with.

Sir S. N. Bhutto: Why shouldn't they, when they would get 3 crores out of the Province without giving anything in return?

Chairman: That, at the proper time, you will fight out with the Government of India.

Sir S. N. Bhutto: Then why have we come here? Why not have stayed in India and fought out everything with the Government of India?

Mr. Foot: How can we decide that, Sir?

Sir Abdul Qaiyum: We are simply shifting the burden of certain decisions to others and delaying the matter. That is my humble opinion. Otherwise the expenses can be cut down, further taxation can be imposed, adjustment can be arrived at. Put that condition that the adjustment must be made.

Sir S. N. Bhutto: We do not want any financial help.

Sir Muhammad Shafi: There is a great deal in what Sir S. N. Bhutto has said about the expensive character of the administration as it is carried on at present. The average which he has pointed

out per head in Bombay and Madras clearly shows that this supposed deficit of 60 lakhs, even if it does exist, is capable of easy adjustment by reduction of expenditure, and, if necessary, by imposing additional taxation to the tune of 10 or 15 lakhs in order to make up the budget. Therefore I venture to submit that, bearing in mind the *a priori* grounds, which I submit are absolutely irrefutable, in favour of the separation of Sind, the sub-Committee ought to pronounce its judgment in favour of separation and direct that a Committee be appointed to make the necessary financial adjustments.

Chairman: May I bring the thing nearer to a head by reading the draft Report which you will all have before you in a minute or two when the copies arrive, and then we can discuss it on those lines and see whether it meets the point. The fourth paragraph deals with a different matter, but I think I ought to read it:

“ They observe that the Government of Bombay have pointed out certain administrative difficulties in the way of the separation of Sind. They consider that these difficulties are real but they do not believe them to be insuperable.” That disposes of the administrative point. Then this is paragraph 5:

“ They note that no detailed examination of the financial consequences of separation has yet been made. On the figures available to them they are unable to say whether the separation of Sind is financially practicable. It appears that separation would involve an annual deficit in the budget of the provincial Government of Sind. If the Sukkur Irrigation Scheme is financially successful this deficit should in time disappear, but it is estimated that the scheme would not begin to increase the ordinary annual revenue of Sind until about 1946. Meanwhile there might be no money available for the construction of fresh irrigation works nor of the roads and railways which will be required when the Sukkur Scheme bears fruit. Nor would it be possible to carry out any development of the nation-building services. The sub-Committee therefore consider that the creation of a new Province of Sind is on the whole desirable but that, before a decision is taken, a Committee should be constituted in India to examine the question of the separation of Sind in its financial aspect and, if the result of their investigation should be that separation is financially practicable, to make recommendations on the means by which the financial stability of a separated Sind could be ensured, and the financial adjustments which would be necessary and equitable upon such separation.”

Sir S. N. Bhutto: We are not convinced of all these difficulties.

Sir Abdul Qaiyum: I do not believe that the difficulties are real, other than the financial difficulties.

Sir Muhammad Shafi: And there are no administrative difficulties at all, really.

Dr. Moonje: Without considering from the general point of view whether Sind should or should not be separated, I take strong objection to the manner in which the question has been brought up

before the public and also before this sub-Committee. We have already had separate electorates in our country, and that system has created a division between Muslims and non-Muslims in India. I do not like to give my support to a principle which will divide India into a Muslim and non-Muslim India. Therefore, on the larger question, on the question of principle, I am opposed. I am, however, not opposed to, or rather I would welcome, the idea of a reorganisation of Provinces from the administrative point of view, and if in that scheme of a reorganisation of Provinces Sind is found to be a good proposition for separation it should be considered. In the scheme of reorganisation it may be found that perhaps it should be joined on the Punjab. That also is a problem to be considered. Therefore on the principle I am opposed to the manner in which the question is being brought before this sub-Committee.

There are two points on which I should like to say something. Mr. Jinnah has said, and the question has been very much emphasised, that even if Sind is a deficit Province the Government of India should provide the money for creating Sind into a separate Province. I cannot subscribe to that principle, that for the mere luxury of a separate Province—

Mr. Jinnah: Sir, I did not say that.

Chairman: Mr. Jinnah did not say that. He said that in spite of that the sub-Committee ought to conclude that it should be separated.

Mr. Jinnah: Yes, and that the Bombay Presidency should be relieved from its perpetual white elephant.

Mr. Moonje: If I have not understood Mr. Jinnah, then of course it is a different thing. If he says that the deficit is found the Government of India should come to its help, then my objection stands.

Then his second point is that it is for the good of the people. That is exactly what I want to know. Therefore I support the point of Mr. Chintamani, that really an enquiry should be made as to whether it is for the good of the people that Sind should be separated and that whether the people really desire the separation of Sind. As for the increase of taxation, the increase of burden, I do not think it would be right to decide upon the meeting of the deficit by increase of taxation without first ascertaining the real wishes of the people of the place. Now, much prominence has been given to the question of race, to the question of language, to the question of ethnological differences in arguing for the separation of Sind.

Chairman: And geography.

Dr. Moonje: And geography in arguing for the separation of Sind. If the same considerations are applied to the Bombay Presidency, let us see how it stands. Linguistically its people speak Gujerati—an entirely different language—Mahratti—an entirely different language—Karnatak—an entirely different language. A

part of them are an entirely different people linguistically and racially. I am only taking it for the sake of argument, because I believe that we are all racially one people really; but that is an entirely different thing. I will take it for granted, for argument's sake, that we are racially different. Then the Bombay Presidency is composed of one race, the Gujerati, a second race the Mahratta, a third race Karnatak, and a fourth race of the Mangalore district which is entirely different from the Belgaum Karnatak people; and if that principle is going to prevail, then perhaps the Bombay Presidency is to be broken up into three or four provinces. Therefore I do not think that that principle could be taken as a safe ground for deciding upon the separation of Sind.

The best course, in the circumstances, would be that a Boundary Commission may be appointed, and that the Boundaries Commission may go into the question of Sind, and according to its recommendations the action would be taken. I am therefore opposed to the manner in which this question has been brought before the sub-Committee, and the principle of separation which will divide India into a Mussalman India and a non-Mussalman India, and which may act as a vicious principle leaving other people to make demands in the same way. Perhaps a time may come when Eastern Bengal, having a larger population of one community, may be separated from Western Bengal because that has a majority of another community. It may lead the Sikhs to say in the Central portion of the Punjab that, because they are in a majority, therefore the Central portion of the Punjab should be separated, and made a single Province. This is a principle which is a vicious principle, just as the system of separate electorates is a vicious system, and I think, as we are now experiencing the vicious evil effects of separate electorates through having promised them, let us not commit the same mistake over again and introduce another principle which, instead of uniting India into a whole, will be a fruitful source of disintegrating India into small groups unable to stand with each other. There is also another point, Sir, that whatever scheme about the separation of Sind may be decided upon it is very necessary that the wishes of the people should be consulted first. The creation of any new Province primarily or solely with a view to increasing the number of Provinces in which a particular community happens to be in a majority is fraught with danger to the growth of sound patriotism in the country, and will contribute to the growth of a sentiment favourable to the division of India into a lot of separate groups. I am therefore opposed in principle to the manner in which this question has been brought before the sub-Committee, although I am quite willing to consider the larger question of the redistribution of Provinces in India.

Mr. Mody: I do not propose to follow Dr. Moonje into the contentious points he has raised. I am not criticising Dr. Moonje or the point of view that he has placed before us, but I think we have had enough of this communal business and I think it ought not to be allowed to obtrude itself before every aspect of the deliberations

of the Conference. I should like to confine myself to the draft that you have just placed before us.

I am not in agreement with the draft for the reason that it goes much beyond the proposition which I placed before the sub-Committee yesterday. My proposition was this—that this sub-Committee, basing its recommendations on the assumption that there is an overwhelming demand for separation on the part of the people of Sind, should pronounce itself in favour of the principle of separation, but that, as we have not got sufficient facts and figures before us, this sub-Committee recommends that an enquiry be set up in India immediately with a view to ascertaining the financial capacity of Sind and with a view also of finding out whether any political adjustments can be made between Sind and the Bombay Presidency proper. If the findings of the Committee are that Sind is capable of financing herself, as our Muhammadan friends who have asked for the separation of Sind have tried to make out, then the separation automatically comes into effect.

What you have placed before us is in the nature of a series of objections, and I think they are capable of damning the principle of separation if put in that form. I therefore am not able to subscribe to the draft which you have placed before us. Let us not talk of the difficulties; let us not quote them in the way in which the draft has quoted them; because if all these things go out, then naturally the principle of separation becomes absolutely impossible.

I therefore would again repeat the proposition which I placed before you yesterday, and which, with a little amendment, was supported by Lord Zetland; that is that, on general grounds, assuming that there is an overwhelming demand for the separation of Sind; we should support the principle of separation, but that a Committee should be set up to examine the financial aspect of the question, the Committee to have no power to look into the principle of separation but to confine itself to finding out how the financial liability would be met.

Chairman: Now that we have the Report before us, I think we had better take it paragraph by paragraph. But before doing that, I would like to read two suggestions here. One is a draft of my own; one is Mr. Chintamani's draft, and we can consider them when we come to that part in the Report, but I might read them now.

This is what I drafted this morning: "The sub-Committee are so impressed by the strength of the arguments in favour of separation that they have come to the conclusion that the principle of separation should be accepted. Some members are, however, doubtful as to the financial stability of Sind as a separate Province; the sub-Committee therefore recommend that an impartial Committee in India should examine carefully the probable revenues and expenditure of a separated Sind, including the debt on the Sukkur Barrage, and should also make an equitable adjustment of the financial commitments for which Sind may properly be considered liable." Those last words I take from you, Mr. Jinnah. "If the report of

the Financial Committee shows that a separation would impose a financial burden upon Sind, the decision for separation should be liable to reconsideration."

This is Mr. Chintamani's: "The sub-Committee have been impressed with the arguments in favour of the separation of Sind from the Presidency of Bombay, and would recommend on general grounds that it is advisable to make Sind a separate Governor's Province. They deem it necessary further to recommend that a competent enquiry into the financial aspect of this matter should be held, such enquiry to be instituted without any loss of time, and the result of the enquiry published for general information. If the Government of India are then satisfied that the people of Sind want separation, it should be carried into effect, subject to an equitable adjustment of the financial claims of Bombay, and the provision of suitable safeguards for legitimate minority interests."

It is obvious we are all aiming at the same thing; it is a question of how to get there. Now may we have the Report paragraph by paragraph. Paragraph 1 is of course formal.

Mr. Chintamani: If you do not mind, before you do so I should like to say a word, in order that the opinion of Dr. Moonje on the various questions which he has raised in his speech should not be deemed to be the opinion of the Hindus generally on this question. I do not want the question of Sind to be thrown into the melting-pot by being considered with the case of all other Provinces, or other claims for separate Provinces. The case of Sind does deserve special consideration and also urgent consideration.

Never mind what has been said outside the Conference. I am particularly sorry that while the advocates of the separation of Sind have taken the most scrupulous care in presenting their case before this sub-Committee on general grounds and not in the least on communal grounds, the communal aspect should have been brought to the fore by Dr. Moonje. If the advocates of separation had done that here, then it would have been the duty of Dr. Moonje to have replied to that. But be it said to their credit that they have not done so. I have heard every one of their speeches during the last two days, and I must say, as I have already said, gladly and gratefully, that they have not uttered one single word of a communal character in the presentation of their case. So that I wish that my friends over there should not be under the impression that, whatever doubts and difficulties we may have in going with them the full length with regard to immediate separation, those doubts and difficulties are based upon communal grounds. They are not based upon communal grounds; they are based upon non-communal grounds. Our views are represented by Mr. Mody and by the draft I have submitted to you.

Sir Muhammad Shafi: We gratefully acknowledge the fact that the proposal put forward by Mr. Chintamani is a proposal based not on any communal grounds but on grounds which appear to him to be substantial. As regards his proposal, we shall discuss that later on.

Dr. Moonje: May I say a word, Sir?

Chairman: No, Dr. Moonje. Must you?

Dr. Moonje: Only one word. I do not say that I represent the entire Hindu feeling; I do not say that; I have never claimed it; but India knows which opinion will be accepted, and the Hindus of India will know which opinion will be accepted. That is all; I have nothing more to say.

Chairman: Now may we take the Report? I take it that paragraph 1 is formal and is agreed to. Paragraph 2 really deals with what I think Dr. Moonje was partly raising: "The sub-Committee did not enter in their discussions into the wider question of the redistribution of the Provinces in India."

Mr. Chintamani: Is that necessary? The terms of reference preclude such consideration.

Mr. Mody: Why should it be said at all?

Mr. Chintamani: If we had attempted to do so, you would have ruled us out of order.

Chairman: I do not know that it is necessary to say it; it is merely a statement of fact.

Sir Muhammad Shafi: Why should we say this at all?

Lord Zetland: I think we ought to leave it out.

Chairman: Very well, we will leave it out; I do not know that there is any point in it.

Lord Zetland: It is outside the terms of reference.

Sir Muhammad Shafi: It is outside the terms of reference.

Chairman: "3. They consider that the racial, religious, and linguistic differences between the majority of the inhabitants of Sind and the majority of the inhabitants of the Presidency of Bombay proper, the geographical isolation of Sind from Bombay, the difficulties of communication between the two and the insistency with which separation has been advocated, provide an impressive case for the division of Sind from the Bombay Presidency and the creation of a separate Provincial Government there."

Sir S. N. Bhutto: Why "majority," Sir?

Chairman: What do you want to say instead?

Sir Muhammad Shafi: What my friend means is this. The words are "differences" between the majority of the inhabitants of Sind and the majority of the inhabitants of the Presidency of Bombay proper." He suggests that the word "majority" should be struck out there.

Dr. Shafa'at Ahmad Khan: It is redundant.

Sir Muhammad Shafi: It is not a case of majority; the two people are quite different.

Sir S. N. Bhutto: Quite different.

Mr. Chintamani: I have to move an amendment that covers that.

Chairman : Of course; there may be some dissentients in either case.

Sir Muhammad Shafi : There is no question of dissentients.

Mr. Chintamani : I move that all this be deleted, namely "racial, religious, and linguistic differences between the majority of the inhabitants of Sind and the majority of the inhabitants of the Presidency of Bombay proper." Differences exist inside the Bombay Presidency excluding Sind; they are found in every single Province. I doubt if there is any single Province in which there is only one language, only one religion, and only one race. It is not special to the case of Bombay and Sind; and therefore there is no reason why emphasis should be given to it as is done here. The omission of this does not detract from the merits of the case for separation such as they may be.

Chairman : I thought we were told in the first speech that was made here by Sir G. H. Hidayatullah that the difference in their races and their customs did make a difference in the sort of administration they desired.

Mr. Chintamani : But even if Sind were excluded, there would be similar differences within the Presidency of Bombay proper; for instance, there are Kanarese, and so on.

Sir Muhammad Shafi : I think the word "differences" there is out of place and should be struck out.

Mr. Jinnah : Would you accept this: They consider that the people of Sind are different from the people of Bombay proper—linguistically, geographically and ethnologically.

Lord Zetland : I do not think that quite meets it. What do you mean when you say a people are different geographically?

Mr. Jinnah : Geographically there is no connection.

Lord Zetland : The whole point is geographical isolation.

Mr. Chintamani : Are the Mussalmans of Sind racially or ethnologically different from the Mussalmans of the Bombay Presidency?

Sir Muhammad Shafi : Yes, they are quite different.

Sir S. N. Bhutto : Yes. In Bombay almost all are converts.

Lord Zetland : Would not the sub-Committee agree to this: They consider that the racial and linguistic differences between the inhabitants of Sind and of the Presidency of Bombay proper—

Chairman : Yes.

Dr. Shafa'at Ahmad Khan : Yes, that is quite all right.

Sir Muhammad Shafi : Yes, that is right.

Chairman : They consider that the racial and linguistic differences between the inhabitants of Sind and of the Presidency of Bombay proper— Yes, that will shorten it.

Mr. Jinnah : And then you can say: and the geographical isolation of Sind from Bombay.

Chairman: "And the geographical isolation of Sind from Bombay, the difficulties of communication between the two and the insistency with which separation has been advocated provide an impressive case for the division of Sind from the Bombay Presidency and the creation of a separate Provincial Government there."

Sir Muhammad Shafi: I am satisfied.

Chairman: Does that satisfy the sub-Committee now?

Mr. Chintamani: Sir, in paragraph 3, page 2, line 2: "the insistency with which separation has been advocated." I suggest the addition of the words "by a majority of the people."

Chairman: But you have just taken out "majority" in the first place.

Sir Muhammad Shafi: No, that is with regard to racial differences. Mr. Chintamani's point is with regard to the insistency with which separation has been advocated.

Mr. Chintamani: That would be strictly correct and would not detract from the merits of the case.

Chairman: Well, if you think it necessary. Do you think it necessary?

Lord Zetland: Do you agree with that, Sir Muhammad Shafi?

Mr. Jinnah: I should say we leave it there, because as it stands it cannot be taken to mean that it is unanimous.

Mr. Chintamani: I think what I have proposed would be a far more correct statement of the position.

Mr. Jinnah: The words are "and the insistency with which separation has been advocated." That means there is a very strong insistence; that is all.

Mr. Chintamani: "The insistency with which separation has been advocated" is capable of the interpretation that it has been advocated by all; that there is no difference of opinion at all.

Sir S. N. Bhutto: If you say: by the Mussalmans, the moderate Hindus, Parsees and Europeans.

Mr. Chintamani: I am not bringing in either the word "Hindu" or the word "Muhammadan." I agree that the case for separation has been pressed with insistence; I entirely agree with that.

Mr. Jinnah: Then leave it there.

Mr. Chintamani: But that means the whole of them; I suggest: "the insistency with which separation has been advocated by a majority of the people."

Mr. Jinnah: Can this be understood to mean the entire body of the people?

Sir S. N. Bhutto: We have 95 per cent. with us.

Mr. Chintamani: I do not press it.

Chairman: Yes; I think it is really not worth while.

Sir Muhammad Shafi: Leave it as it is.

Mr. Chintamani: Yes.

Chairman: May I take it paragraph 3 is agreed?

Lord Zetland: Yes, as amended.

Chairman: "4. They observe that the Government of Bombay have pointed out certain administrative difficulties in the way of the separation of Sind. They consider that these difficulties are real, but they do not believe them to be insuperable."

Sir Muhammad Shafi: We do not agree with this. Really it was pointed out that in fact the administrative difficulties, such as they are, lead to the conclusion that Sind ought to be separated.

Sardar Sampuran Singh: It is only a statement of fact.

Sir S. N. Bhutto: Yes, that you may say.

Sardar Sampuran Singh: We do not say we consider it to be so.

Chairman: Yes, we do say that.

Lord Zetland: Yes.

Mr. Jinnah: Simply say: "They observe that the Government of Bombay have pointed out certain administrative difficulties in the way of the separation of Sind, but they do not believe them to be insuperable." We do not say that the difficulties are real.

H.H. The Aga Khan: They are not negligible.

Mr. Jinnah: But they are not insuperable.

Sir S. N. Bhutto: I do not think the Government of Bombay will be able to show more than one per cent. cases where their heads in the Presidency have differed from the opinion given by the heads in Sind; they only confirm it.

Mr. Chintamani: My opinion is that this paragraph should be deleted, because in every operation of this description there are bound to be some difficulties of a routine nature.

Sir Muhammad Shafi: Then drop the whole of it.

Dr. Shafa'at Ahmad Khan: Yes, drop the whole of it.

Mr. Chintamani: But mention should also be made of administrative advantages; undoubtedly it will be more advantageous to Sind to be mistress in her own household than to be attached to the Presidency of Bombay.

Chairman: I confess that for my own part in everything I have heard in this sub-Committee I have not been impressed by administrative difficulties in separation; I was rather impressed by the point of view that they might have less administrative difficulties.

Mr. Chintamani: I therefore move the deletion of this paragraph of the Report.

Chairman: I think we ought to mention it, as it is mentioned in the report of the Bombay Presidency, but we might change the words.

Mr. Jinnah: Very well. I suggest we should drop the words: "They consider that these difficulties are real," merely saying that "they do not believe them to be insuperable."

Chairman: "They observe that the Government of Bombay have pointed out certain administrative difficulties in the way of the separation of Sind, but they do not believe them to be insuperable." That is one sentence. Is that right?

Mr. Jinnah: Yes.

Mr. Chintamani: Well, if it satisfied them; but it does not satisfy me.

Chairman: "5. They note that no detailed examination of the financial consequences of separation has yet been made. On the figures available to them they are unable to say whether the separation of Sind is financially practicable." You have this before you, and you have various other suggestions. I understood a general objection was taken to raising these details of objection: the Sukkur Irrigation scheme, the money for fresh works, and the development of nation-building services.

Sir Muhammad Shafi: That is quite unnecessary.

Mr. Mody: I would suggest you leave the first two sentences of paragraph 5. Then delete the others, and come to this: "The sub-Committee therefore consider that the creation of a new Province of Sind is on the whole desirable but that before a decision is taken, a Committee should be constituted," etc. We will alter the wording later on, but all these intermediate sentences should go. We should leave these statements of facts that no detailed examination of the financial consequences has been made, and that on the figures available this sub-Committee is unable to say whether separation is financially practicable.

Mr. Chintamani: That on the material available the sub-Committee is unable to say what the financial consequences of separation will be.

Chairman: Look at sentence No. 3, which begins "It appears —." Do not you think we should say that on the figures presented to us it would appear that separation would involve an annual deficit?

Mr. Mody: I would not like to say that, because that statement has been challenged, and we do not want to enter into any controversial aspect of it. We do not want even to suggest anything which would go to the question of separation. Leave it as a statement of facts.

Sir Muhammad Shafi: "They note that no detailed examination of the financial consequences of separation has yet been made." Stop there; strike out the following words down to "nation-building services."

Mr. Foot: Mr. Mody suggests the next paragraph: "On the figures available to them—."

Mr. Mody: That is also a statement of facts and it ought to stay. That does not prejudice you at all.

Chairman: That I think is a very material statement, that we are unable to say that. That affects my mind very much.

Mr. Mody: If we were able to say that, we would say yes at once. Therefore it is only a statement of facts and I do not think it prejudices anybody. The second sentence should also stay.

Mr. Jinnah: I do not follow; I thought you suggested that only two sentences should stand?

Mr. Mody: Yes, the first two.

Mr. Jinnah: "They note that no detailed examination of the financial consequences of separation has yet been made." That is a fact.

Mr. Mody: Yes.

Mr. Jinnah: After having noted that, what do you propose to say?

Chairman: "On the figures available to them they are unable to say whether the separation of Sind is financially practicable." I think we must say that, because that is what is at the back of our minds; otherwise we should advocate separation at once and have done with it.

Mr. Chintamani: Instead of "practicable" I would suggest the word "sound."

Chairman: "Practicable" is all right, I think.

Sir P. Sethna: "Sound" is suggested.

Chairman: We say we cannot come to a decision on that point. That is the real excuse for setting up a financial committee.

Mr. Jinnah: That is true, Sir, but again you are giving importance to these figures; you seem to indicate that you feel it is not practicable.

Chairman: No, I am not saying that; I am saying that on the figures available we cannot say whether it is or not.

Mr. Jinnah: There we do not agree.

Mr. Foot: Others take a different view.

Mr. Mody: I suggest you might put this in a more colourless form and say "On the figures available to them they are unable to pronounce a judgment on the financial question." That should meet Mr. Jinnah's objections.

Dr. Shafa'at Ahmad Khan: Yes, may we have that again?

Mr. Mody: "On the figures available to them they are unable to pronounce an opinion on the financial aspect of the question."

Mr. Jinnah: Quite right.

Dr. Shafa'at Ahmad Khan: That will do.

Chairman: That will satisfy me.

H.H. The Aga Khan : That is all we can say.

Lord Zetland : I suggest we say "are unable to express an opinion" instead of using the word "pronounce."

Dr. Shafa'at Ahmad Khan : Yes.

Mr. Mody : All right.

Mr. Jinnah : "On the figures available to them they are unable to express an opinion on the financial aspects of the question."

Chairman : Very well. Does the sub-Committee agree to that? (Agreed.)

Now we come to the really material part, namely, what form of words—we can settle the actual words afterwards—the sub-Committee feels inclined to adopt here. I read out mine and I have read out Mr. Chintamani's and we have also had Lord Zetland's.

Mr. Jinnah : I was not present when Lord Zetland's was read.

Chairman : I will read them out again. What Lord Zetland suggested yesterday was that after speaking of the setting up of a Committee, and so on, we should say: "If, on the other hand, investigation shows that separation would leave the new Province with a deficit, we think the representatives from Sind should be asked to show how the deficit would be met by the new Province." The words I suggested were: "The sub-Committee are so impressed by the strength of the arguments in favour of separation that they have come to the conclusion that the principle of separation should be accepted. A number of our members are very doubtful as to the financial stability of Sind as a separate Province. The sub-Committee therefore recommend that an impartial Committee should examine carefully the probable revenue and expenditure of a separated Sind and the security of the debt on the Sukkur Barrage, and should also make an equitable adjustment of the financial commitments for which Sind may properly be considered liable. If the report of the financial committee shows that separation would impose an undue burden upon Sind or the Government of India, the decision for separation should be liable to reconsideration."

Mr. Chintamani's words are these: "The sub-Committee have been impressed by the arguments in support of the separation of Sind from the Presidency of Bombay, and would recommend on general grounds that it is advisable to make Sind a separate Governor's Province; but they deem it necessary further to recommend that a competent inquiry into the financial aspects of this matter should be held. Such an inquiry should be instituted without any avoidable loss of time, and the results of the inquiry published for general information. If the Government of India are then satisfied that the people of Sind want separation it should be carried into effect, subject to an equitable adjustment of the financial claims of Bombay and the provision of suitable safeguards for legitimate minority interests."

Mr. Mody: My suggestion would be to confine ourselves to the draft which we have.

Lord Zetland: My proposal is only an addition to come at the end of paragraph 5.

Mr. Mody: My suggestion is that we first of all confine ourselves to the draft which is before us, and I would recommend that the next three sentences should be deleted—from “It appears” down to “nation-building services.” Those sentences should be deleted. Let us go on with the draft and see what alterations we can make.

Mr. Jinnah: We have come to that now.

Mr. Mody: No, we have not.

Chairman: The elimination of these sentences has not yet been agreed to. What does the sub-Committee feel about it?

Mr. Jinnah: I thought we had already got as far as paragraph 5. We had got as far as “services”; the intervening sentences were struck out.

Chairman: No, not yet. So far we have only got down to “aspects of the question.”

Mr. Jinnah: Let us finish that.

Chairman: The suggestion now is that the words from “it appears” down to “nation-building services” should be struck out.

Mr. Mody: That is my suggestion.

Chairman: I do not know what the sub-Committee feels about it.

Lord Zetland: I agree.

Dr. Shafa'at Ahmad Khan: I think so.

Sardar Sampuran Singh: Do not you think these two opinions do exist? There are two opinions. There is the opinion that it would be a deficit province and there is the opinion that it would not be a deficit province. If it were not for the fact that we thought it might be a deficit province there would be no question of establishing a committee of inquiry.

Lord Zetland: Yes, but we have just said we can express no opinion on the financial aspect of the question. It is rather illogical, having just said that, to go on and put forward a lot of sentences which specifically deal with the financial aspect of the question.

Sir M. Shafi: The sub-Committee is not in a position to express an opinion on this question, because two views have been expressed and there is not sufficient material before the sub-Committee to express a decision on them. If the sub-Committee goes on to add what follows here it is really inconsistent.

Sardar Sampuran Singh: No, because this starts off with the words “It appears.”

Mr. Mody: The point is we must not say anything which appears like prejudging the issue. The independent committee will

deal with this matter; let them come to any conclusion they like. Why should we say anything about the question being very difficult, or that we do not think it practicable? Leave it to the committee.

Mr. Jinnah: When you have this note, that no detailed examination of the consequences of separation—the financial consequences—has yet been made, and if then we say that on the figures available we are unable to express an opinion on the financial aspect of the question, then we should stop at that; let us express no opinion. It will be for the committee to be appointed to go into this.

Sir M. Shafi: Into the whole thing.

Mr. Jinnah: Yes.

Chairman: I rather agree; I think that is logically correct. These next sentences deal with subjects which will be referred to the financial committee for consideration.

Dr. Shafa'at Ahmad Khan: We are appointing the committee for this purpose.

Chairman: Do the sub-Committee agree to take these sentences out?

Mr. Jinnah: So far we agree.

Chairman: I want to be sure. Do the sub-Committee agree to take this out? (*Agreed.*)

Mr. Jinnah: Then we come to this: "The sub-Committee therefore consider that the creation of a new Province" and so on.

Sir M. Shafi: I suggest here the elimination of all these words—"The sub-Committee therefore consider that . . . a committee should be constituted."

Mr. Jinnah: One moment, please; we must get at the principle. Let us see what principle we are going to lay down; we must lay down some principle. That is why I was trying to apply my mind to Lord Zetland's draft, to which I had not the opportunity of listening.

Chairman: Would you like to see these other two also? (*Papers handed to Mr. Jinnah.*)

Mr. Mody: My feeling is that instead of considering new drafts we should see if a little alteration of this will not serve our purpose.

Chairman: Well, we will see.

Sir H. Carr: That is the right line to take: stick to this draft.

Mr. Mody: All you need to do is to make it more definite, if our friends do not think it is definite enough. If this draft can be improved and can be made acceptable, we need not consider fresh drafts.

Mr. Jinnah: The only part of your draft which seems to me unnecessary is the last part. Personally, and, of course, subject to what other members may say—I am speaking for myself just

now on the spur of the moment—my view is this. You say “The sub-Committee are so impressed by the strength of the arguments in favour of separation that they have come to the conclusion that the principle of separation should be accepted.” So far I see no objection.

Chairman: No, you would not, Mr. Jinnah, so far.

Mr. Jinnah: Then you say “A number of our members,”—I should prefer to say “Some of our members,” not “A number.”

Chairman: I did say “some” first of all; “A number” was somebody else’s correction.

Mr. Jinnah: I would prefer “some.” May I take the liberty of altering that?

Chairman: As far as I am concerned you may; that is what I put originally.

Mr. Jinnah: “Some members are very doubtful as to the financial stability of Sind as a separate Province.” That is quite correct.

Lord Zetland: Now we are in conflict with what we have just said—that we cannot express an opinion on the financial aspect of the question. May I suggest the draft in the Report, with some modification, is really the best.

Chairman: Perhaps we could take the draft in the Report, and work on that.

Mr. Jinnah: If you will allow me to say so, I would prefer the first part that has been read out from the draft instead of what you have here; “The sub-Committee therefore consider that the creation of a new Province of Sind is on the whole desirable.”

Lord Zetland: I would leave out the words “on the whole.”

Dr. Shafa’at Ahmad Khan: What is “on the whole” for?

Sir M. Shafi: I think paragraph 3, which we have already approved, is quite sufficient for that purpose, and there is no need to repeat the same thing in paragraph 4.

Mr. Jinnah: The other is merely a recital; this is the operative part.

Chairman: Paragraph 3 only says that it is an impressive case.

Mr. Jinnah: Will you allow me to finish? When the drafts are placed before us at the last moment like this it is very difficult.

Chairman: I agree.

Mr. Jinnah: We must have the operative part in.

Chairman: Yes.

Mr. Jinnah: And that is what I am endeavouring to do. The operative part is paragraph 5. I agree with Lord Zetland; I do not mind if these words are dropped—“Some members are very doubtful as to the financial stability of Sind as a separate Province.” I quite agree they are superfluous; and I am willing that they

should be dropped, because we have already said we have not the materials before us. We say "The sub-Committee therefore recommend" and this is our recommendation; after having endorsed the principle we make a recommendation. We say "The sub-Committee therefore recommend"—instead of "an impartial committee" I would say "an expert committee"; committees are always impartial.

Chairman: Quite true.

Mr. Jinnah: We can assume we shall have an impartial committee. "An expert committee in India should examine carefully the probable revenue and expenditure of a separated Sind and the security of the debt on the Sukkur Barrage, and should also make an equitable adjustment of the financial commitments for which Sind may properly be considered liable." Up to that point I endorse it. Then you contemplate another stage, and it is this to which I object. "If the report of the financial committee shows that separation would impose an undue burden upon Sind or the Government of India, the decision for separation should be liable to reconsideration." Now, when the Government of India gets the report, and the report shows that it is impossible for Sind to bear the expenditure itself, and that it is impossible to induce anybody else to bear that expenditure except the poor Bombay Presidency, they may say "We cannot do anything"; but why do you contemplate that now. Do I make myself clear?

Chairman: Quite.

Mr. Jinnah: I say, therefore, that the last part is superfluous and unnecessary.

Chairman: Surely not? What is to happen if the committee reports that Sind cannot possibly be separated?

Mr. Jinnah: The Government will decide, on the basis of the report, what should be done.

Chairman: The last sentence shows that in spite of our approving the principle we still leave that open.

Mr. Jinnah: Suppose it is impossible; you do not contemplate an impossibility!

Sardar Sampuran Singh: It only makes the thing clear.

Mr. Jinnah: The decision, of course, will be the decision of the Government of India or of the British Government; the committee will only make a report.

Mr. Chintamani: What precisely is your proposal?

Mr. Jinnah: My proposal is this. I accept the Chairman's draft subject to these last words being left out.

Mr. Chintamani: What would you substitute for them?

Mr. Mody: Might I suggest, first of all, that the two sentences read out by Mr. Jinnah should in the first instance be accepted, and we should then take a decision on the contentious part.

Mr. Jinnah: I agree. There are three sentences.

Mr. Mody: No, two; one has been deleted.

Chairman: "The sub-Committee are so impressed by the strength of the arguments in favour of separation that they have come to the conclusion that the principle of separation should be accepted." You want to take out my doubts about the financial stability?

Mr. Mody: Yes.

Mr. Chintamani: That sentence is not in this draft Report.

Sir H. Carr: It is in the Chairman's draft.

Chairman: It is in the draft I made this morning; it is not in the Report. "The sub-Committee therefore recommend that an expert committee in India should examine carefully the probable revenue and expenditure of a separated Sind and the security of the debt on the Sukkur Barrage, and should also make an equitable adjustment of the financial commitments for which Sind may properly be considered liable."

Sir P. Sethna: You want to stop there, Mr. Jinnah?

Mr. Jinnah: Yes.

Chairman: Mr. Mody suggests we should accept that first, and then consider what we should do afterwards.

Mr. Mody: Yes.

Chairman: I think we had better take it as a whole. The reason for going on to the last sentence is clearly this. We have accepted the principle of separation; that is to say, we have said we think it desirable; and that may be held to conclude the matter no matter what this expert committee finds. I think we ought, in the same document, to point out that if the expert committee finds the thing is impracticable, the question must still be regarded as open. I think we should go as far as that.

Lord Zetland: Then I prefer my addition: If that does happen—if the investigation of an expert financial committee shows that there will be a certain deficit if a new Province is created—I prefer my suggestion.

Mr. Jinnah: I agree with that.

Lord Zetland: I think it is up to the representatives of the proposed new Province to show how they suggest the deficit should be met.

H.H. The Aga Khan: By taxing themselves.

Mr. Jinnah: I agree.

Dr. Shafa'at Ahmad Khan: May I suggest that we should say "expert finance committee" and not simply "expert committee."

Sir P. Sethna: Does not the word "expert" cover that?

Sardar Samipuran Singh: Both "impartial" and "expert" are implied.

Mr. Jinnah : The committee will be appointed for the purpose of considering the financial question; that is all.

Dr. Shafa'at Ahmad Khan : And therefore will confine itself to finance.

Mr. Jinnah : The draft says they will examine the question in its financial aspect.

Lord Zetland : I am inclined to think the original draft is the best—"The sub-Committee therefore consider that the creation of a new Province of Sind is desirable but that before a decision is taken——."

Several Members : No.

Mr. Jinnah : Let us stick to the other one.

Lord Zetland : We might leave out "before a decision is taken" and say "but that an expert financial committee should be constituted in India to examine the question of the separation of Sind in its financial aspect and, if the result of their investigation should be that separation is financially practicable, to make recommendations on the means by which the financial stability of a separated Sind could be ensured, and the financial adjustments which would be necessary and equitable upon such separation."

Mr. Jinnah : I agree with the Chairman's draft with the addition suggested by Lord Zetland. Your last sentence can go in this draft. Instead of those three sentences you might put that.

Mr. Foot : Mr. Jinnah's point is that comparing the Chairman's draft with the draft that has been submitted to the sub-Committee, the operative parts in the addendum are much more definite than in the original.

Mr. Jinnah : Quite; that is the point.

Mr. Foot : But he is still desirous that the proviso of Lord Zetland should be appended to that.

Chairman : What would this proviso be?

Mr. Jinnah : The top one.

Chairman : "If, on the other hand, investigation shows that separation would leave the new Province with a deficit, we think that the representatives of Sind should be asked to show how the deficit would be met by the new Province."

Mr. Jinnah : That is right. I agree.

Mr. Foot : Instead of "If, on the other hand," you will have to put, "If, however".

Chairman : No, "If, on the other hand" is all right.

Lord Zetland : Well, that was drafted to follow on the other.

Chairman : It will follow on in the same way.

Lord Zetland : It does not follow on yours.

Chairman : Oh, on mine, no, perhaps not; if you are adopting this, you mean. No, it would not follow on that.

Mr. Foot: Will you read the two paragraphs as in your amended draft, followed by Lord Zetland's and then we can see how it goes.

Chairman: Before I do that I would just point out that, of course, Lord Zetland's draft does say that the question will be left open, but it does not say so clearly: "the representatives of Sind should be asked to show how the deficit would be met." Well, if they do not show it, what then?

Mr. Jinnah: Then if they do not show it the Government will have to decide. It leaves it open.

Chairman: I agree, by implication; but I would rather not have had it by implication.

Mr. Jinnah: It leaves it open.

H.H. The Aga Khan: It necessarily means that. That is the plain English of it.

Chairman: Would the sub-Committee prefer to have Lord Zetland's sentence at the end?

Mr. Foot: Would you read them all together?

Chairman: I will read them all together if it is the desire of the sub-Committee: "The sub-Committee are so impressed by the strength of the arguments in favour of separation that they have come to the conclusion that the principle of separation should be accepted. The sub-Committee, therefore, recommend that an Expert Committee in India should examine carefully the probable revenue and expenditure of a separated Sind and the security of the debt on the Sukkur Barrage and should also make an equitable adjustment of the financial commitments for which Sind may properly be considered liable. If the investigation shows that separation would leave the new Province with a deficit, the sub-Committee think that the representatives of Sind should be asked to show the deficit would be met by the new Province."

Mr. Jinnah: That is right.

Mr. Mody: Would it not be better to say that the representatives of Sind shall make an investigation?

Sir P. Sethna: That decision will be taken by the Government. That is very vague.

Sardar Sampuran Singh: If there is no objection, why should there be any objection to making this clear.

Mr. Jinnah: I have no objection if you want to express it in that way. The ultimate decision must rest with the Government. Put it in that way if you like.

Chairman: Yes, if you would say, after "would be met," "the ultimate decision resting with the Government of India," that would meet me.

Mr. Jinnah: "The ultimate decision to rest with the Government," whether it is the Government of India or whatever it may be; "the Government."

Lord Zetland: My original words, which somebody has altered, I think, would have met that point. I do not know who altered that. My original wording, at the end of my draft, was "should be asked to show how the deficit should be met before the new Province is set up."

Chairman: That will meet me entirely.

Mr. Mody: That is better.

Sardar Sampuran Singh: If you put such words here, then the final action by the Government of India will depend upon this Report.

Sir Muhammad Shaif: "Before the new Province is set up" includes everything.

Sardar Sampuran Singh: What I am afraid of is that in the enthusiasm words may be misconstrued afterwards, so I want to make it very clear from the beginning instead of there being a quarrel about words.

Chairman: But I do think that this addition of Lord Zetland's really does make it perfectly clear. I am quite prepared to accept that.

Mr. Chintamani: I would prefer also that that sentence should be put in. I prefer Mr. Jinnah's form.

Mr. Jinnah: "Before the Government sets up the new Province."

Chairman: Surely Mr. Jinnah's words cover the thing exactly. It means that the new Province will not be set up unless these difficulties are removed. That is all I ask. That is surely all that any of us can ask, is it not?

Mr. Chintamani: To come back to the beginning of the statement, I must say that I prefer the language of this typed draft to the new draft which you are substituting for it.

Chairman: Well, naturally, so do I, because I drew it; but I am quite prepared to accept Mr. Jinnah's as meeting my point. Won't you do that, too, Mr. Chintamani? Shall I read them all again once more just to see that we have got it clear? "The sub-Committee are so impressed by the strength of the arguments in favour of separation that they have come to the conclusion that the principle of separation should be accepted. The sub-Committee, therefore, recommend that an Expert Committee in India should examine carefully the probable revenue and expenditure of a separated Sind and the security of the debt on the Sukkur Barrage and should also make an equitable adjustment of the financial commitments for which Sind may properly be considered liable. If the investigation shows that separation would leave the new Province with a deficit, the sub-Committee think that the representatives from Sind should be asked to show how the deficit would be met before the new Province is set up."

Mr. Chintamani: If this new draft is to prevail, instead of saying, "The sub-Committee are so impressed that they recommend," I would say that "the sub-Committee are impressed and they recommend."

Chairman: We have passed those words already.

Mr. Chintamani: In view of the important financial reservation, I think that the first draft more correctly represents the position; but as the latter draft is preferred I would ask you to substitute the words that I have mentioned.

Mr. Jinnah: I am quite willing that the word "so" should go out.

Mr. Chintamani: "And they recommend."

Sardar Sampuran Singh: There is one big omission in this. We say that we are impressed, we say that an enquiry committee should be established, and we say that the representatives of Sind should be asked how they will make up the deficit, and no separate Province, before that is done, will be created—no separate Province of Sind—but we never say, we never even give an inkling, that there is another alternative also, that if there is no explanation, and if it is a deficit province, if that is the result of the enquiry committee, there will be another thing also—that we also desire that there should not be a separate Province.

Dr. Shafa'at Ahmad Khan: It is all implied.

Sardar Sampuran Singh: It is there by implication, but the whole burden of this draft is that anyhow it must be separated and some way must be found out of it for making it a separate Province.

Sir Abdul Qaiyum: And then, on the other hand, if you leave it to the Committee, then you do not decide on the principle; you leave even the principle uncertain.

Sardar Sampuran Singh: What I want to make definite is this—that if the financial committee finds that this is a deficit province, and no ways and means are found so that it will not be a deficit province, then in that case we should make it perfectly clear that there should not be a separate Province. We are leaving that aspect altogether.

Sir Muhammad Shafi: But the words "before the new Province is set up" clearly mean that.

Sir Phiroze Sethna: No, I think that is very vague. If we say "before that decision is taken" it is all right. What do you say here—that members be asked whether they will be able to contribute towards the extra taxation. It has been pointed out that the taxpayers in the Bombay Presidency pay Rs. 6: 8: per head. Well, that makes the case worse; but if this contention is correct that there is a deficit of a crore of rupees and the population is 33 lakhs, it means that the tax will increase by a further Rs. 3—that is instead of Rs. 6: 8: the Sind taxpayer will have to pay Rs. 9: 8: How is he to pay, and where from? According to Sir Shah Nawaz

Bhutto the peasant there and everybody there is so very poor that they cannot afford it.

Mr. Jinnah: Sir Phiroze Sethna, why do you assume that the representatives cannot show a practical way of bearing the burden? If they cannot show it, then the Province cannot be set up as a separate Province.

Sir Phiroze Sethna: Yes, but may this Committee take it for granted that if the representatives cannot show the ways and means whereby the taxation can be paid by themselves, Sind is not to be separated?

Mr. Jinnah: Excuse me. After all, the Government cannot divorce themselves of the responsibility. Supposing the representatives of Sind are so stupid as to say "We are willing to pay 14 annas in the rupee tax for the purpose of separating Sind," the Government will say, "You are mad." That is all.

Sir Muhammad Shafi: Sir Phiroze, your argument is based on the assumption that the incidence per head of the expenditure of the new Province will continue to be Rs. 6 : 8 : as it is now, and will import some addition. Your argument is based on that assumption. What we are saying is that your machinery is unnecessarily expensive, the Bombay machinery is unnecessarily expensive as compared with other Provinces, that in the new Province which will be set up that expensive machinery need not be maintained, and that the Province should be run on more economical lines than your Presidency is run at present.

Sir Phiroze Sethna: All I want to point out is that we are all for the separation of Sind, but Sind must stand on its own legs.

Sir S. N. Bhutto: That is right.

Sir Phiroze Sethna: Then if not, what is the recommendation of this sub-Committee? We must not be vague on that point.

Chairman: I will tell you, in view of the last words Mr. Jinnah accepted, what the recommendation of this sub-Committee is. The recommendation of this sub-Committee is that if Sind cannot show that it can stand successfully on its own legs the separation does not take place.

Sir Phiroze Sethna: If you can bring that out in the Report, that is all right.

Chairman: I think those words make it quite clear.

Sir Phiroze Sethna: That is all we want.

Chairman: I am satisfied about that now. When Mr. Jinnah accepted those last words he solved my difficulty.

Sir S. N. Bhutto: Probably you will only create further agitation.

Sir Phiroze Sethna: Is it better to use the word "deficit" or "recurring deficit?" What do you think?

Dr. Shafa'at Ahmad Khan: "Deficit" is all right.

Chairman: We must surely leave that to the intelligence of the financial Committee of the Government of India.

Sir Phiroze Sethna: I am trying to meet the point, because it is possible in a particular year you may say there is no deficit, but the question is whether there is going to be a recurring deficit. I am trying to meet that point.

Chairman: The financial committee of the Government of India will consider the point, of course.

Raja Narendra Nath: There is one thing to which I want to draw your attention. Would it not be better if you stuck to the facts—that the majority of the sub-Committee are in favour of separation?

Chairman: Well, I will say that if you wish it.

Dr. Moonje: I think it would be much better.

Chairman: Is there anybody who is not impressed by the strength of the arguments?

Sir Phiroze Sethna: In that case I think you might say the great majority, or the overwhelming majority.

Sir Muhammad Shafi: The overwhelming majority—the sub-Committee with the exception of Dr. Moonje and any other gentleman who is not impressed by the strength of the arguments.

Dr. Moonje: Let the facts be there.

Sir Muhammad Shafi: Or you might say “with two dissentients.” There are only two dissentients.

Chairman: May I say “The sub-Committee, with two dissentients?”

Dr. Shafa'at Ahmad Khan: Mention the names.

Chairman: Do you want the names?

Mr. Jinnah: I do not want to be taken as a dissentient.

Dr. Moonje: I should prefer “majority.”

Sir Muhammad Shafi: No, no; it is not a question of a majority, it is a question of the sub-Committee with two dissentients.

Mr. Jinnah: And mention their names, because I do not want to be misunderstood.

Mr. Foot: Mr. Jinnah is very anxious to see that Dr. Moonje should not miss any kudos.

Raja Narendra Nath: It is not necessary to mention the names.

Chairman: “The sub-Committee, with two dissentients.”

Dr. Shafa'at Ahmad Khan: Dr. Moonje and Raja Narendra Nath.

Raja Narendra Nath: I do not want names to be put in.

Sir Muhammad Shafi: Let him dissent if he likes.

Chairman: “The sub-Committee, with two dissentients.”

Sir Muhammad Shafi: No, no; one.

Chairman: I am told that there are two.

Mr. Jinnah: Then mention the names.

Chairman: Do you want the names put in?

Lord Zetland: Mr. Jinnah is afraid that he may be thought to be one of the dissentients.

Chairman: Who are the dissentients—Dr. Moonje and Raja Narendra Nath?

Sir Muhammad Shafi: I thought that Raja Narendra Nath did not want to have his name mentioned.

Raja Narendra Nath: I do, because we have not arrived at any solution of the minorities question.

Chairman: Very well: "The sub-Committee, with two dissentients"—and I have put their names in—"are impressed by the strength of the arguments in favour of separation, and they have come to the conclusion that the principle of separation should be accepted. They therefore recommend that an expert Committee in India should examine carefully the probable revenue and expenditure of a separated Sind and the security of the debt on the Sukkur Barrage and should also recommend an equitable adjustment of the financial commitments for which Sind may properly be considered liable. If the investigation shows that separation would leave the new Province with a deficit, the sub-Committee think that the representatives of Sind should be asked to show how the deficit should be met before the new Province is set up."

Sir S. N. Bhutto: That is complete now.

Mr. Jadhav: May I suggest that the word "satisfactorily" be inserted before "show"? Then I think the further thing will not be required.

Sir Muhammad Shafi: I have no objection to that.

Mr. Jinnah: I think that is understood really, but I do not mind.

Chairman: What is the suggestion?

Mr. Jadhav: Instead of "show," say "satisfactorily show."

Chairman: But that makes no difference. "Show" means "show to the satisfaction of the Government of India."

Sardar Sampuran Singh: That does not make any difference.

Sir Phiroze Sethna: If that does not make any difference I suggest that "a decision be taken" be inserted before "the new Province is set up."

Mr. Mody: I think there is no harm in putting in the word "satisfactorily."

Chairman: I am not going to split my infinitive—"to show satisfactorily." I am a purist in these matters. Now may I take it that, as altered now, the Report is agreed to?

Sir Phiroze Sethna: Did I understand Lord Zetland to say "to the satisfaction of the Government of India?"

Chairman: No, there is nothing about "to the satisfaction of the Government of India."

Mr. Chintamani: What word did Your Lordship add?

Chairman: "Satisfactorily." Are you all agreed? (*Agreed.*)

Chairman: That concludes our business.

(The proceedings then terminated.)

Sub-Committee No. IX (Sind).

REPORT PRESENTED AT THE MEETING OF THE COMMITTEE OF THE WHOLE CONFERENCE, HELD ON 16TH JANUARY, 1931.

1. The members of the sub-Committee were:—

Lord Russell (<i>Chairman</i>).	Sir M. Shafi.
Lord Zetland.	Dr. Shafa'at Ahmad Khan.
Lord Reading (for whom Mr. Foot acted as substitute).	Sardar Sampuran Singh.
H.H. The Aga Khan.	Dr. Moonje.
Mr. Jinnah.	Mr. Jayakar.
Sir S. N. Bhutto.	Raja Narendra Nath.
Sir G. Hussain Hidayatullah.	Mr. Chintamani.
Sir Abdul Qaiyum.	Mr. Jadhav.
	Sir P. Sethna.
	Mr. Mody.
	Sir H. Carr.

The terms of reference were to consider—

“The question of constituting Sind as a separate Province.”

The sub-Committee sat on 12th, 13th and 14th January, and have authorised me to present this Report.

2. They consider that the racial and linguistic differences between the inhabitants of Sind and those of the Presidency of Bombay proper, the geographical isolation of Sind from Bombay, the difficulties of communication between the two, and the insistency with which separation has been advocated, provide an impressive case for the division of Sind from the Bombay Presidency and the creation of a separate Provincial Government there.

3. They observe that the Government of Bombay have pointed out certain administrative difficulties in the way of the separation of Sind, but they do not believe them to be insuperable.

4. They note that no detailed examination of the financial consequences of separation has yet been made. On the figures available to them they are unable to express an opinion on the financial aspects of the question.

The sub-Committee with two dissentients (Dr. Moonje and Raja Narendra Nath) are impressed by the strength of the arguments in favour of separation, and they have come to the conclusion that the principle of separation should be accepted. They therefore recommend that an expert Committee in India should examine carefully the probable revenue and expenditure of a separated Sind and the security of the debt on the Sukkur Barrage, and should also recommend an equitable adjustment of the financial commitments for which Sind may properly be considered liable. If the

investigation shows that separation would leave the new Province with a deficit, the sub-Committee think that the representatives of Sind should be asked to show satisfactorily how the deficit would be met before the new Province is set up.

• Signed on behalf of the sub-Committee,

RUSSELL.

St. James's Palace, London,

14th January, 1931.

APPENDIX I.

Sub-Committee No. IX (Sind).

NOTE ON THE FINANCIAL ASPECT OF THE PROPOSED ESTABLISHMENT OF A SEPARATE PROVINCE OF SIND.

(Circulated to the sub-Committee by Direction of the Chairman—The Earl Russell.)

1. There is very little detailed information available upon which there might be based an estimate of the resources which a separate provincial government in Sind would have. The Statutory Commission recommended that if it is held that the time is ripe for the separation of Sind to be seriously considered, there would have to be a close and detailed enquiry into the financial consequences which would follow from such a step before a decision could be taken. The Government of India have advised that such an enquiry should be set on foot at the earliest possible date. In the Memorandum which the Government of Bombay presented to the Statutory Commission they said that they had not yet been able to examine thoroughly the financial aspect of the question. Subsequently a short note dated 15th October, 1928, was drawn up in the Finance Department of the Government of Bombay. A copy of this note is attached. The estimates contained in it were based on the figures of revenue and expenditure for the four years 1921-25 and the year 1927-28. The Government of Bombay were asked to furnish estimates based on more recent figures for the purposes of this sub-Committee, but as Sind has no separate accounts, no late figures are available.

2. At present the Government of Bombay incurs a deficit in respect of its administration of Sind. The average deficit for the four years 1921-25 was Rs. 24·8 lakhs. On the basis of the figures for 1927-28 it amounted in that year to Rs. 64 lakhs, and the Government of Bombay report that there is no reason to believe that the deficit has since decreased and the revenue from Stamps and Excise has seriously diminished. It will be further swelled by the creation of two new administrative districts consequent upon the development resulting from the Sukkur irrigation scheme. The annual cost of this is estimated at Rs. 6 lakhs.

3. The extra cost of the establishment of a separate provincial headquarters is likely at a conservative estimate to amount to Rs. 9 lakhs. Sind would also have to bear a proportion of the public debt of Bombay. It is arguable what proportion this should be and how it should be calculated.

4. Thus it is likely that the budget of a separated Sind would show an annual deficit amounting to between Rs. 50 lakhs and Rs. 90 lakhs. It is difficult to see how any appreciable portion of this sum could be met by increased or fresh taxation in Sind. Until the success of the Sukkur irrigation scheme is assured it would be financially unsound for a separate Government in Sind to incur further debt for the unproductive purpose of meeting an annual recurring deficit. The Government of India would have to make a grant to the Government of Sind and it is questionable whether in the present condition of its finances the Government of India would be in a position to make such a grant. Moreover, while the deficit existed

there would be no funds available for the necessary development of railways and irrigation nor for the improvement of public health and education.

5. On the other hand, if the Sukkur scheme proves to be a success, Sind can look forward to greater prosperity. In the course of time the deficit will disappear. But the first charge upon the profits of the scheme must be the payment of the interest and sinking fund charges upon the money borrowed to finance it. It is estimated that in 1946, if all goes well, the profits will be sufficiently large to meet the whole of the annual charges on capital and they would begin to contribute something to the ordinary revenue of the province. Some further period must necessarily elapse before the surplus profits would remove the whole of the estimated deficit.

NOTE ON THE FINANCIAL ASPECTS OF THE PROPOSED SEPARATION OF SIND BY MR. G. WILES, C.I.E., SECRETARY TO THE GOVERNMENT OF BOMBAY, FINANCE DEPARTMENT, DATED 15TH OCTOBER, 1928.

This note deals solely with the financial aspect of the question, and neglects consideration of the difficulty of administering so small a unit in the matters of recruitment of establishments, sudden falls of revenue, high overhead charges and the like, and any political considerations.

The accounts of Sind are not kept separately. But so far as provincial revenue and expenditure are concerned, it is known that Sind had always been a deficit province before the Reforms. The actual figures of receipts and disbursements made in Sind have been gathered for the years 1921-25, and this note is based on those. Up-to-date figures are being collected and will be submitted in continuation of this note. There is reason to believe that they will not modify the conclusions arrived at.

2. The statements attached to this note show that since the introduction of the Reforms, Sind has failed to pay its way, the average deficit being some 25 lakhs. This figure excludes any contribution on account of the cost of the administration other than that of officers stationed in Sind. The statements are made up simply of the receipts and disbursements of the Sind treasuries as modified by certain annual adjustments. In considering the financial effect of the separation of Sind, therefore, the full cost of headquarter staffs must be added to the cost of administration.

3. There is reason to believe that the deficit on the administration of Sind is larger to-day than it was in 1925. Net Land Revenue (including Irrigation), Stamps and Excise, which are the chief sources of Revenue in Sind, have shown no increase since that year; on the other hand, the remission of the Provincial Contribution and the reduction of the Famine Assignment have set free for expenditure a sum of about a crore. Sind has not only had a subsidy from revenues of 10 lakhs a year towards the construction costs of the Barrage, but has also had its share in this expansion, and it is clear, therefore, that the excess of expenditure over receipts must have increased. The *prima facie* conclusion is confirmed by figures published by Prof. Chablani, a copy of which is attached. Prof. Chablani was given access to the Accountant-General's records, and his statement will shortly be checked by official figures. His total of revenue for 1927-28 is 174 lakhs and of expenditure (debited to revenue) 238 lakhs, making a deficit of 64 lakhs. There is no reason to doubt that a separated Sind will have to start off with a deficit of approximately this amount.

4. The additional cost of maintaining headquarter establishments cannot be easily ascertained. If we follow the Assam precedent, we may put it at about 9 lakhs. This figure may be roughly confirmed by the method of expenditure ratio. On the proportion of expenditure in the Presidency to Sind, a sum of about 6 lakhs would be required for a Governor's Staff, Legislative Council and Secretariat. To this must be added the cost of heads of Departments—Registration and Settlement, Forests, Agriculture, Excise, Jails, Medical, and so on. Moreover, the proportionate cost of administering a small province must inevitably be somewhat greater. Nine lakhs then may be taken as a conservative estimate.

5. No consideration has yet been taken of Sind's share in the capital commitments of the Presidency. Professor Chablani has argued that Sind cannot in equity refuse to take over its share of the public debt of the Presidency. This is a contentious point with which I need not deal in this note. I will include only interest on capital expenditure made in Sind. Interest on irrigation debt (excluding the Barrage) is included already in the figures of expenditure under the head "14 Interest." There remains, therefore, capital expenditure on other purposes, *viz.*, Civil Works, Public Health, and other works. This has amounted since 1921 to the sum of 107 lakhs; the interest charges on which are 5.85 lakhs; and some provision would be required for the repayment of principal (over a 30 years' period).

6. Sind would also have to take its share in the pre-reform debt on account of the Provincial loan account. At the end of the year the outstanding Provincial debt will be about 102 lakhs and the interest charges are at 4½ per cent. In the absence of details we may assume that one-fourth of the debt is on account of Sind. The debt is being repaid (under the Devolution Rules) by annual instalments of 29 lakhs. This means a payment from Sind of roughly 8 lakhs for 3½ years.

7. The introduction of perennial irrigation into Sind by means of the Sukkur Barrage is necessitating the creation of two new administrative districts in the immediate future. The cost has been roughly estimated at Rs. 6 lakhs recurring and Rs. 10 lakhs non-recurring.

8. A separated Sind then must suffer under the initial heavy handicap of a deficit, which, based on figures of the years 1921-25, cannot well be less than 50 lakhs, and, based on more recent figures, is expected to be as large as 80 to 90 lakhs. To meet this deficit, Sind has no greater prospect in the immediate future of additional revenue than has the rest of the Province. That is to say, any help from a revision of the Provincial settlement must depend on future surpluses of the Government of India. Sind is not an industrial province, and could not, therefore, benefit to any extent from the revision that we hope for in favour of the industrial provinces. Apart from fresh taxation, Sind could therefore, only rely on the general increase in such revenues as Excise and Stamps due to an advance in prosperity and population, and to the additional revenue expected from the Sukkur Barrage. Now the receipts from sales of land and the additional land revenue estimated from the supply of water are fully mortgaged for many years to meet the debt being incurred in the construction of the barrage. It must under the most favourable circumstances be at least twenty years before any surplus receipts can be available for the general purposes of the administration.

9. The conclusion which this enquiry must, therefore, arrive at is this, that not for a generation at least could a separated Sind financially stand on its own legs.

**STATEMENT OF PROVINCIAL RECEIPTS IN SIND FOR THE YEARS
1921-22 TO 1924-25.**

(Figures in lakhs of rupees.)

	1921-22.	1922-23.	1923-24.	1924-25.
V.—Land Revenue	*144.2	83.5	72.1	62.0
VI.—Excise	31.0	35.5	40.3	39.1
VII.—Stamps	16.0	19.4	20.2	19.8
VIII.—Forests	8.0	6.2	6.3	6.9
IX.—Registration	1.8	1.6	1.5	1.5
IXA.—Scheduled Taxes	—	—	0.2	0.6
XIII.—Works for which Capital Accounts are kept	1.1	36.5	39.3	39.2
XIV.—Works for which no Capital Ac- counts are kept	0.5	0.5	0.1	0.1
XVI.—Interest	1.7	3.6	2.7	1.8
XVII.—Administration of Justice	1.5	2.1	1.9	1.8
XVIII.—Jails and Convict Settlements	0.8	0.8	1.0	1.2
XIX.—Police	0.2	0.3	0.2	0.4
XXI.—Education	0.7	1.0	1.0	1.5
XXII.—Medical	0.2	0.4	0.4	0.3
XXIII.—Public Health	—	0.1	0.1	0.2
XXIV.—Agriculture	0.4	0.4	0.7	0.7
XXVI.—Miscellaneous Departments	0.1	—	0.1	0.1
XXX.—Civil Works	0.5	0.9	0.7	0.9
XXXIII.—Receipts in aid of Superannuation	1.4	1.7	2.1	2.0*
XXXIV.—Stationery and Printing	0.2	0.2	0.3	0.3
XXXV.—Miscellaneous	0.2	0.3	0.8	0.3
Total	210.5	195.5	192.0	180.7

* Inclusive of "Portion of Land Revenue due to 'Irrigation,'" which is shown in subsequent years under head "XIII."

**STATEMENT OF PROVINCIAL EXPENDITURE IN SIND FOR THE
YEARS 1921-22 TO 1924-25.**

(Figures in lakhs of rupees.)

Major Heads.	1921-22.	1922-23.	1923-24.	1924-25.
<i>Ordinary Expenditure.</i>				
5—Land Revenue	23.0	40.1	39.2	13.8
6—Excise	2.5	1.3	1.3	1.9
7—Stamps	0.7	0.9	0.8	0.7
8—Forest	4.2	3.5	3.6	4.1
9—Registration	0.8	1.0	0.9	0.9
14—Works for which Capital Accounts are kept—Interest on debt	11.4	12.9	16.2	21.5
15—Miscellaneous Irrigation Expenditure	38.2	23.1	13.5	23.1
22—General Administration	14.3	20.7	19.6	44.8
24—Administration of Justice	10.0	9.6	10.0	11.5

STATEMENT OF PROVINCIAL EXPENDITURE IN SIND FOR THE
YEARS 1921-22 TO 1924-25—*contd.*

(Figures in lakhs of rupees.)

Major Heads.	1921-22.	1922-23.	1923-24.	1924-25.
<i>Ordinary Expenditure—contd.</i>				
25—Jails and Convict Settlements	6.3	5.9	5.2	5.9
26—Police	40.8	36.1	35.1	36.0
27—Ports and Pilotage	0.1	0.1	0.1	0.3
31—Education	23.4	23.0	26.6	23.8
32—Medical	5.9	4.6	5.3	5.3
33—Public Health	3.1	3.5	2.9	2.9
34—Agriculture	3.5	3.3	3.3	3.4
37—Miscellaneous Departments	0.3	0.3	0.3	0.3
41—Civil Works	22.2	10.4	6.5	8.0
45—Superannuation Allowances and Pensions	5.9	6.1	6.9	7.1
46—Stationery and Printing	1.2	1.3	0.9	1.0
47—Miscellaneous	1.5	1.3	4.0	5.2
Totals	244.4	209.0	202.2	221.5
<i>Capital Expenditure.</i>				
55—Construction of Irrigation Works	5.6	19.1	51.5	124.0
6A—Capital Outlay on Improvement in Public Health	—	5.3	0.5	—
60—Civil Works not charged to Revenue	—	7.1	5.5	12.2
Grand totals	250.0	240.5	259.7	357.7

RECEIPTS IN SIND.

(Figures in lakhs of rupees.)

V.—Land Revenue	67.1
VI.—Excise	38.7
VII.—Stamps	19.2
VIII.—Forests	7.1
IX.—Registration	1.6
IXA.—Scheduled Taxes	0.5
XIII.—Works for which Capital Accounts are kept	28.1
XIV.—Works for which no Capital Accounts are kept	0.3
XVI.—Interest	1.3
XVII.—Administration of Justice	2.1
XVIII.—Jails and Convict Settlements	0.8
XIX.—Police	0.6
XXI.—Education	1.3
XXII.—Medical	1.2
XXIII.—Public Health	0.1
XXIV.—Agriculture	0.5
XXVI.—Miscellaneous Departments	0.1
XXX.—Civil Works	0.9
XXXIII.—Receipts in aid of Superannuation	1.9
XXV.—Miscellaneous	0.5
Total	174.3

EXPENDITURE IN SIND

(Figures in lakhs of rupees.)

5—Land Revenue	14.03
6—Excise	3.30
7—Stamps	0.70
8—Forests	3.90
8A—Forests	0.03
9—Registration	0.88
13—Irrigation: Working Expenses	—
14—Works for which Capital Accounts are kept— Interest on Debt (excluding on Sukkur Barrage)	15.46
15—Miscellaneous Irrigation Expenditure	24.00
22—General Administration	44.56
24—Administration of Justice	11.57
25—Jails and Convict Settlements	6.23
26—Police	36.06
27—Ports and Pilotage	0.12
31—Education	27.70
32—Medical	6.73
33—Public Health	2.30
34—Agriculture	4.70
37—Miscellaneous Departments	0.30
41—Civil Works	11.10
43—Famine Relief	2.31
45—Superannuation Allowances and Pensions	7.60
46—Stationery and Printing	0.96
47—Miscellaneous	4.15
55—Construction of Irrigation Works	234.00
16—Financed from Famine Insurance Grant	
toward Interest on Barrage	10.00
*Sukkur Barrage	221.73
Other Irrigation Productive Works	1.50
Other Irrigation Unproductive Works	0.77
60—Civil Works not charged to Revenue	6.63
60B—Commutation of Pensions	0.87
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Total	470.19
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* NOTE.—Includes 25 lakhs Interest on Barrage Capital.

APPENDIX II.

Sub-Committee No. IX (Sind).

A BRIEF NOTE ON THE SEPARATION OF SIND.

(Circulated to the sub-Committee at the request of Sir Shah Nawaz Bhutto.)

Sind is a unit totally distinct from Bombay to which it was added for administrative purposes by pure accident and with a total absence of policy aforethought. Geographically, ethnologically and linguistically, too, Sind is totally different from the Presidency.

Through all the ages of recorded history up to the British Raj, Sind has been a distinct administrative unit. Even after the advent of the British, Sind remained for a long time a separate province under a Governor. But for the great controversy between Sir Charles Napier (the Governor) and Major Outram, and the party spirit it created among the then administrators and the civilians, Sind would have continued to remain till to-day a separate province. With the abolition of the Governorship, Sind was nominally linked with Bombay; but for all practical purposes it was left to be governed as quite a separate unit of administration by the Commissioner in Sind. And that is the form of administration we have even now in Sind.

Geographically, Sind is cut off from the Presidency by a huge belt of non-British Indian territory. It is 1,000 miles away by land and 500 miles away by sea. The physical features of the two areas are widely divergent in nature, and the main occupation in Sind—agriculture—is run on a system totally different from that of the Presidency. As a result thereof, even the system of land revenue administration is different.

The peoples of Sind are of an ethnological stock totally alien to that of the Presidency. Their culture, habits, manners and customs are consequently quite different. Sind also has its own distinctive language—Sindhi—which is not native to any other part of the Presidency.

All these differences constitute so many handicaps against a Sind that is administratively united to the Presidency. Its geographic distinctiveness operates harshly both ways. On the one hand, Government headquarters at Bombay is too far off for expeditious issue of orders. On the other, it necessitates the devolution of several of the powers of Government on the head of the administration in Sind, the Commissioner in Sind, who tends thus to be an autocratic ruler. Owing to their ethnological and linguistic distinctiveness, the Sindhi members in the Bombay Council find themselves a lone group, and get very little sympathy and understanding from the Presidency members. Moreover, the problems of Sind are so different from those of the Presidency that it is difficult to bring them into line, or to arouse in the peoples of Bombay any sympathy and understanding for those problems.

As a net result, Sind is neglected both by the Government of Bombay and by the chosen representatives of the peoples of the Presidency. The latter do not understand the problems of Sind—and they can hardly be expected to understand them—and so take little or no interest in the affairs of Sind, except to oppose all schemes for expenditure on the development of Sind. With a backing of this nature, Government, too, neglect Sind. They are most unsympathetic in the administration of their land revenue policy in Sind. Education, roads and communications, medical aid, in fact, all the nation-building departments in Sind are starved.

Moreover, Sind's jointure with Bombay affects Sind prejudicially in respect of development of matters under the control of the Government of

India, like the development of railways in Sind and the development of the port of Karachi, as in all these matters they have to go through the Government of Bombay, which is hardly as satisfactory as it would be if Sind could go directly to the Government of India.

Sind laboured long and patiently under these disabilities, but began at length to realise that its salvation lay in its developing itself as a distinct province separated from Bombay. The point was first publicly mooted by the late Hon. Mr. Harchandrai, C.I.E., in 1913, in his address as Chairman of the Reception Committee of the Indian National Congress at Karachi. The matter was pressed further by the deputation of the Sind Provincial Conference which waited on the late Mr. Montagu and Lord Chelmsford at the time the Montagu-Chelmsford Reforms were on the anvil. The resolution on the subject of linguistic provinces passed by the Indian National Congress in 1927 concluded with the expression of opinion that a beginning be made by constituting Sind into a separate province. The All-India Muslim League then gave the demand for the separation of Sind its enthusiastic support and by this time the question became an All-India one. It was one of the items in the Delhi Muslim Proposals. The All-Parties Conference gave the principle of the separation of Sind their support and so did the Nehru Report. On the 17th of July, 1928, the Sind Hindu-Muslim Pact was arrived at, and one of the provisions thereof was the separation of Sind. And the All-India Muslim Conference, Delhi, of 1928-29 resolved in favour of the separation of Sind.

The matter had now become a live issue. The Statutory Commission had begun its enquiry. The Sind Mahomedan Association in its representation to the Commission pressed very keenly for the separation of Sind. The pros and cons of the case were being examined. The Government of Bombay (one Executive Councillor and one Minister dissenting) decided at first against the separation. The Bombay Provincial Committee which assisted the Statutory Commission expressed full sympathy with the desire for the separation of Sind, and invited further enquiry; one member of the Committee, Syed Miran Mahomed Shah, wrote an exhaustive minute of dissent devoted solely to the support of the case for the separation. The Indian Central Committee, however, recommended that Sind should be separated. The Statutory Commission expressed great sympathy with the claim of Sind for separation but proposed that the matter be referred to a Boundaries Commission. The Government of India in their review of the Statutory Commission's Report, state in regard to the separation of Sind that the claim has become increasingly prominent in recent years, and that while they are not yet in a position to tender final advice, they urge that enquiries be set on foot at the earliest possible date. And, as against their objection at first to the separation of Sind, the Government of Bombay accept, in their review of the Statutory Commission's Report, the proposal for the appointment of a Boundaries Commission.

The position to-day therefore appears to be this, that the principle of the separation of Sind is accepted by the powers that be. And all that therefore remains is to meet the more important objections that have been urged against the separation. These may be classified under three main heads:—

- (a) Administrative difficulties,
- (b) financial difficulties, and
- (c) the communal apprehensions of the Hindus.

Of these, the third may be taken up first and disposed of as it contains the least substance. The Hindu apprehensions take the form of the feeling that separated Sind will be another Muslim-majority province. It may be pointed out that the demand for the separation of Sind is not so much a Muslim demand as a Sindhi demand. It was first put forward by the late Hon. Mr. Harchandrai, a very prominent Hindu. The demand was pressed by the Sind Hindus in the deputation to the late Mr. Montagu and Lord

Chelmsford when the current reforms were on the anvil. The Indian National Congress resolution of 1927 demanding the separation of Sind was moved by Pundit Madan Mohan Malaviya, the Arch High-Priest of the Hindu Mahasabha. Then there was the Sind Hindu-Muslim Pact of the 17th July, 1928. These are some of the prominent instances in which the claim for the separation of Sind was supported publicly by Hindus of position and responsibility. They must have had good reasons for doing so, and indeed it is indisputable that one of the immediate effects of the separation will be the accretion of more power in the hands of Sind Hindus.

The objections on administrative and financial grounds are, however, more serious, not because they are more real, but because the non-official has not sufficient material to prove what he knows to be a fact, that the objections are groundless. But even on the available material it can be seen that there is not much in these objections.

The administrative difficulties are raised under three heads:—

- (i) that the area and population of Sind is not large enough for the formation of a distinct province;
- (ii) that there will not be enough work for a Governor and "at least" three ministers, and
- (iii) that separated Sind will be deprived of the advice of the "experts" of the Bombay Government.

As regards area and population, apart from the fact that in no case have area and population been the criteria for the formation of a distinct administration, the following figures will show that there are very successful administrations in British India, not to speak of the innumerable tiny distinct Indian States, side by side with which, the area and population of Sind compare very favourably.

Province.	Population.	Area.
Ajmer Merwara	420,000	2,711
Assam	6,700,000	53,015
N. W. F. Province	2,500,000	13,418
Sind	3,270,000	47,000

The proposition that there will not be enough work for the heads of a distinct government starts on the assumption that there must be "at least" three Ministers and a Governor. If three Ministers are not required, Sind may have only two. And if they have not enough routine work, so much the better; they can better attend to the needs of the people, and to the development of Sind. Besides work will grow.

As regards the "experts" of the Bombay Government, their services to Sind are practically nil. The problems of Sind are peculiar to it. It is best studied by and known to such heads of departments as are in Sind, whose opinion is invariably endorsed by the experts of the Bombay Government. In effect, therefore, the experts for the purposes of Sind are already there, and they will be there in a separated Sind.

We now come to the last but not the least of the objections—the financial objections, which are raised in regard to, on the one hand, the cost of Sind administration and, on the other, the responsibility of Bombay for the cost of the Sukkur Barrage.

To deal with the second first, it may be pointed out that Bombay has no real responsibility or burden in respect of the Barrage. The cost has been loaned by the Government of India in approval of a self-supporting scheme under which the entire cost is to come forth from Sind; Bombay has no real burden in respect of it—it is only to be a post-office, taking the money from the Government of India and spending it on the Barrage, and recovering the money from Sind and repaying it to the Government of India. The sale proceeds of the lands repay the interest, and the land

assessment increments and assessment on new lands brought under cultivation repays the loan.

As regards the cost of administration, it must in the first place be observed that it has yet to be proved that Sind is a deficit province. Actual, correct and definite figures have never been supplied by the Bombay Government despite several requests therefor. All sorts of figures of revenue and expenditure have from time to time been supplied, all different in their results but never the actual information required. In reply to a Council question the following figures were given on the floor of the House, and may be treated as the most recent:—

Years.	1922-23.	1923-24.	1924-25.
Revenue	195.0	192.0	180.7
Expenditure	209.0	202.2	221.5

An analysis, however, of the details which go to make up these figures of expenditure shows that it includes—

- (a) cost of irrigation works for which capital accounts;
- (b) miscellaneous irrigation expenditure; and
- (c) expenditure on civil works.

These items cannot be classed as ordinary expenditure. Deducting the expenditure on items (a) and (c) and a reasonable portion, say 50 per cent., of the expenditure on item (b) as being spent on capital works, the revised figures of expenditure for the three given years would be:—

174.1, 172.7, and 180.4.

It will be obvious from this that after meeting ordinary expenditure, Sind shows an annual average surplus of Rs. 13.5 lakhs. And even according to the extravagant estimate of the Bombay Government, the increased cost of administration of separated Sind is not expected to exceed Rs. 10 lakhs annually. But there is no reason why Sind should have, at least in the beginning, as luxurious an administration as the Presidency has. The following table shows the expenditure per head in the other Provinces:—

Province.	Population.	Current Expenditure	Expenditure per Head.
			Rs. A.
Assam	6,700,000	23,163,000	4 0
Bengal	46,000,000	111,079,000	2 8
Bihar and Orissa	39,400,000	60,045,000	1 8
Bombay	26,200,000	160,151,000	6 8
Burma	12,500,000	95,092,500	7 8
Central Provinces	15,700,000	58,836,463	4 0
Madras	44,300,000	151,660,000	3 8
Punjab	25,000,000	125,214,000	5 0

With a population of nearly 33 lakhs, and with an average revenue of 190 lakhs, Sind has a capacity to spend over Rs. 5 per head, and this compares very favourably with the cost per head shown in the foregoing table.

All these calculations have made no provision for possibilities of economy and retrenchment, for increase in revenue by natural growth of prosperity, and lastly for additional taxation which the Sind peoples have agreed to bear if necessary.

It will, therefore, be seen that the formation of a separated Sind presents no insurmountable difficulties. Add to this the determination of the peoples of Sind that they must be separated, and the case is complete.

