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CONGRESS IN OFFICE

**SOME ASPECTS OF THE CONSTITUTIONAL
PROBLEMS THAT HAVE ARISEN, MORE ESPECIALLY
THOSE RELATING TO PRINCES, MUSLIMS AND
MINORITIES AND THE NEED FOR A NEW TYPE
OF CONSTITUTION**

SPEECHES AND OTHER CONTRIBUTIONS

BY

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PREFACE

The apparently sudden rise and the striking expansion of the Congress in office constitutes a fascinating chapter in the political history of India. A dispassionate study of this chapter is of great importance in the present fateful period of the history of our country. The scientific value of this study is very great, and an impartial enquiry is sure to lead to a recasting of values.

The speeches and writings of Dr. C. R. Reddy, Vice-Chancellor, Andhra University, presented in the following pages, are the outcome of a desire to deal with the constitutional issues, arising out of the Congress' acceptance of office, in the light of various events and forces—to find a way out of the present chaos, after a proper diagnosis of the causes of the present political unrest.

Much has been written and said in these days on the Indian political situation, but very few approach the subject with an unprejudiced mind and without pre-conceived notions. A retrospective glance at the present state of affairs will not fail to reveal to the reader the fact that false propaganda, more than anything else, is responsible for the communal disharmony. A single instance will suffice to illustrate the point : Qaid-i-Azam M. A. Jinnah, President of the All-India Muslim League said that Parliamentary democracy is unsuited to India. Those who do not belong to his group began to start propaganda against this idea. But people possessing deep knowledge of constitutional intricacies, and clear penetrating judgement have pushed through group mind or party mentality and understood the import of Mr. M. A. Jinnah's views.

Dr. C. R. Reddy's approach to the present day political situation has been partly analytical and partly empirical, viz., by analysis of the ideas of safeguards, separate electorates, etc. and their implications ; and by a study of the happenings of the last two and a half years, illustratively of course, and the results thereof. He has combined experience and theory. How well and to what extent he has succeeded, it is for the reader to judge.

The importance of the fact that in an All-India confederation of Provinces and States, the Muslims may be expected to have five out of a possible fifteen seats, has its moral on the communal issue which cannot be ignored. This arrangement is a guarantee against party or communal tyranny for it is obvious that in the confederate executive thus formed no one category can have a majority over the rest combined. This will be in a deeper and truer sense a national and democratic government than the autocracy of numbers and the authoritarian governments by parties that the Congress after its recent taste of power so keenly relishes. From a denunciation of western modes of government the Congress, though not without notable exceptions, has now become an admirer of the British Unitary Cabinet type of Government. This change in its previously held opinion leads me to hope that it may change once again and in a direction more conducive to internal harmony and national efficiency and guarantee to be immune from the possibilities of tyrannies which are bound to evoke resistance and counter-tyrannies.

ABDUL HAMEED KHAN.

MOUNT ROAD,
MADRAS,
March 1, 1940.

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I. PRINCIPLES OF POLITICAL JUDGMENT (10th December 1938)

(Being the Seventeenth Convocation Address delivered at the University of Nagpur and containing a general introduction to the mode of approach to political problems).

YOUR EXCELLENCY, MR. VICE-CHANCELLOR, SENATORS,
GRADUATES, LADIES AND GENTLEMEN,

I am indeed deeply beholden to His Excellency the Chancellor for the cordial terms in which he has introduced me to this distinguished audience. I was surprised at the biographical details that he had discovered and related. I do not know how he managed to secure so many facts of a life not worth knowing. (*Laughter.*) But perhaps, as the Chancellor of the University who intends to promote research in Ancient History, he has illustrated the task. (*Laughter and cheers.*)

ABOLITION OF UNIVERSITIES

I must confess that I was puzzled why I happened to be invited by my hon'ble friend, Mr. Kedar, the Vice-Chancellor, to occupy this post of nervous responsibility. (*Cheers.*) After some reflection and enquiry, I discovered the cause. He tried to get my betters, and failing that, like a philosopher, he was content with whatever he could get. (*Laughter.*) If only Pandit Pant or my hon'ble friend, Mr. C. Rajagopalachariar, both distinguished Prime Ministers, had been available, I would have had a holiday. (*Laughter.*) But failing them, he appealed to me as his last hope and stop-gap, and I stepped into the breach for this reason that in these days when a certain School of Thought feels that University education is a luxury, if not a Western excrescence, and is best abolished or handed over to private enterprise, which also means extinction though perhaps a trifle gradual, I thought it best that we Vice-Chancellors, doomed and desperate, should rally to each other's support--- (*Laughter*)--on the principle that we should stand together

lest we should hang together. (*Laughter.*) We do not know whether the abolition of Universities is recommended as a universal panacea for all the ills of civilisation or only as a measure special and peculiar for India. Well, Sir, it is open to us to put out the lamps in our houses, but that will not extinguish the Sun. (*Cheers.*) The intellectual progress of mankind towards a greater mastery of Nature by a deeper research into its laws and their applications will continue. None of us can hold up history. And I have no doubt if the direct lights set up in our own country are extinguished, we will still be obliged to eke out a secondary and derivative existence by means of the reflected lights borrowed from other countries, as we have been doing till recently, that is to say, by moonshine in place of sunshine. (*Cheers.*) It is only within the last couple of decades that India has established her claim to be recognised as an equal of the more advanced countries of the West, alike in the Republic of Science as of Letters. But really I do not think that any such tragic fate will overtake University education, even under Prohibition, as I shall presently show during the course of my observations. The intellect will survive this threat—even Indian intellect.

SIR BRAJENDRA NATH SEAL

Before I proceed, let me recall with pious grief and a heart full of gratitude, the setting of Sir Brajendra Nath Seal, one of the three greatest educationists of modern India, whom it was my privilege to have known for over 17 years, and whom I last met in Calcutta 7 years ago at the table of Sir Nilratan Sircar. Sir Asutosh Mukherjee, Dr. Brajendra Nath Seal and Pandit Madan Mohan Malaviya will be remembered as the three outstanding figures in our modern educational history, the grand trinity that continued the great tradition set up by the father of Modernism in India, Raja Ram Mohan Roy (*Cheers*), Asutosh and Malaviya, the great organisers; and Seal, the man of radiant ideas. And was it not a marvellous coincidence, one of those coincidences that make us feel that all is not accident but there is a Providential ordering of the world, that at one and the same time there should have been in Calcutta, Seal, the man of ideas, Asutosh, the man of incomparable capacity for educational organisation, and Palit and Ghose and others, ready to supply the finances

without which even educational ideals cannot be realised? Let us mourn his loss and emulate his example.

PURPOSE OF THIS ADDRESS

On this occasion, under your Act, I have to address more particularly the Graduates who are just going out into the world. I join your Chancellor and Vice-Chancellor in extending my hearty congratulations to the young men and women who have obtained their degrees today. I trust that their future careers will be just as successful. Of course, the world is not a College. There things are not clearly marked, demarcated, no text books are prescribed, and no grace marks given though luck is a fair but fickle substitute for academic grace. However, if your judgment has been properly developed by your education, you ought to be able to meet issues as they arise, thinking independently and acting manfully. I had better say at once that I have not come here to preach, to exhort, or talk atmospheric stuff. My purpose in addressing an intellectual audience has always been to present them with the problems that they have to encounter, and to indicate to them the methodology that they should pursue in arriving at their conclusions. Naturally I will have to illustrate by a reference to concrete issues, many of which are in their very nature controversial. I do not wish to impose my opinions : nor do I feel it necessary even to state my opinions. But without concrete illustrations, it would all be speaking in the air ; and that means speaking for the air, an empty performance which should be avoided. And so if current questions are touched upon, it is not with the idea of propaganda but as points for your independent thinking and resolution.

The days are gone by when Government service was derided as a degradation of patriotism. Latterly, and very naturally and properly, we have been revising our previous values of public life and personal conduct, and have come to feel that even the members of the old bureaucracy have not been really quite so bad as we had imagined and that they too had been actuated by much benevolence and efficient wisdom, and that therefore our gratitude is due to them. *A fortiori*, no sin can attach to service in the ever-growing

national governments of India. But I have no doubt that in these days too, public service in the sense of political life and non-official work, will continue to be the greater attraction, and the larger and more meritorious field. For that very reason, an outline map of Indian public life may not be altogether without its value.

DEMOCRACY

Mahatmaji has said that the Parliamentary mind has come to stay. Can we go further and hold that the democratic method also has come to stay? For without Democratic methods Parliaments are a fake and farce. The democratic method implies not only a general mass activity and responsibility such as must be there under every form of nationalism, but individual responsibility, a sense of responsibility of each individual as voter and as a constituent element, however small, remote and indirect, in the Government. I hope that my young friends going out into the world will honour the obligations of a democratic vote fully and always. Democracy and in fact every 'Ocracy' will be a success only when moral worth or personal competence and positional importance go together. That is to say, when only men of merit and character exercise power and influence. If worthless men are elevated to high places, whether by accident of birth or corruption by money or ignorant votes, the result cannot be a success. A vote is not constitutive of merit. It ought to be recognitive of merit. Let us not imagine that because we get a large number of votes, we are necessarily very good and great. It is a mistake to think that many votes bring in their train many virtues. (*Loud laughter.*) Professor Gwatkin of Cambridge used to put it humorously and mathematically thus :—'Zero plus zero plus zero is still zero.' The illusion that a large number of worthless votes will give you a worthy representation ought to be discarded. It is a fallacy to think that a large number of zeroes will give us either substance or quality.

This is not a new truth. Carlyle has driven home the lesson that all human activity should be subordinated, not so much to the positive laws enacted by man, as to the eternal laws graven on adamantine tables. Human rights and powers have to be regulated by a loyal consideration of the higher

and more eternal laws. Drummond has said that there is a natural law in the moral world which you can no more ignore without serious consequences than the laws of the natural world or of physiology. We can defeat this party or that by organising, by rousing passions and prejudices. But can we defeat the inexorable law of historical Karma that will, sooner or later, work itself out? The moving finger writes and having writ, moves on, and not all the flow of the votes of the world can obliterate one letter of that fateful writing. That is why whatever the form of Government, there is always a call on our part for reflection, for honest criticism and the endeavour to weigh things in the eternal scales and live better lives. The ballot box is not the Eleventh Avatar of Vishnu. (*Cheers.*)

SUCCESS OF CONGRESS MINISTRIES

I am glad that we have met on an occasion when there has been a real transference of political power directly in the Provinces and indirectly as by way of subtle reaction, even in the All-India Government, from the British bureaucracy to Indian national and nationalistic hands. It is gratifying to note that our Ministries have been, speaking generally, conspicuous successes. (*Cheers.*) I do not wish to say anything about a Province in which I am only a transient guest. (*Laughter.*) But I have no hesitation in acclaiming the Madras Ministry as a set of people bent on high purpose who would do credit to any Government in any part of the world. (*Applause.*) Lord Erskine the other day uttered words of sincere praise in honour of the Ministry. I have spoken to a good few Governors—at any rate to a few Governors, whether good or not—(*Laughter*), and they are all agreed that our Ministries, considering all the circumstances of the situation, have been noteworthy successes. I am not one of those who believe that a Governor's praise is veiled condemnation and curse. (*Cheers.*) Appreciation, sincere and true from any quarter, ought to be dear to every heart, human enough to respond to kindness and to reciprocate generosity. This then is the time when we should coolly and calmly reflect on what are the requirements of a democracy; because reflection in troubled times or under distress will not be regarded as having either moral value or intellectual integrity. It will be like

repentance when you have got into trouble or after you have been found out. (*Laughter.*) It is much better that in this hour of general success and good credit, when nobody can point the finger of scorn at our Ministers, we reflected on the requirements of democracy, so that we may safeguard ourselves against possible pitfalls and dangers and not rashly go over the precipice.

PERVERSIONS OF CONSTITUTIONS

If you ask me whether this thought that I am placing before you is a new one, I say 'No'. It is as old as Aristotle. Aristotle pointed out how every form of Government was liable to perversions special to its constitution and suffered from congenital weaknesses which, unless guarded against, developed into disease, degeneration, decay and death. Thus monarchy, good at one time, if its power is not controlled and regulated by considerations of equity, legality, the general good and expediency, becomes tyranny. Similarly, Aristocracy may degenerate into Oligarchy, and Democracy into Mobocracy. No life's process, political or physiological, has permanent immunity from disease and death caused by internal weaknesses or external attacks. Look at the curious forms that Democracy or the mockery of democracy has assumed in modern Europe. In Germany there is conscription of votes in favour of the Nazi Government. They do not have party elections but what are called one list elections which are no elections. The Government propose a list for what it calls a popular plebiscite. Voters have to say 'yes' or 'no', that is to say 'yes'. (*Laughter.*) There are no alternative candidates to be voted for. And if they do not vote for the Government candidate, they are given political education in concentration camps. (*Laughter.*) I hope that that kind of democracy will not spread beyond the frontiers of the Fatherland. (*Cheers.*) The electorates in Germany and in Italy are supposed to have freedom of vote. There is a story of a religious fanatic who devoutly believed in God, and therefore had naturally nothing but contempt for man. (*Laughter.*) Approaching one of his friends with a revolver in his hand, he said :—'Tell me frankly, do you believe in God or no? You are free to answer as you like. Only I must tell you that I just now shot a man who said he did not believe in God.'

(*Laughter.*) That is the democracy—the plebiscitary basis with electoral conscription of Dictatorship that you have got in Germany and Italy, and the type is spreading. Rousseau was of opinion that even in England the people enjoyed liberty only during the elections. (*Laughter.*) A friend of mine improved on Rousseau's dictum and said that during the elections the British citizens had not only full freedom but plenty of free beer. (*Loud laughter.*) Thereafter, till the next general elections, they had no freedom, or free beer.

A similar thought, though not in those terms, seems to have been expressed by a prominent Minister of Madras, who is reported to have declared in connection with the opposition roused by some of his measures, that as he had a majority he had every right to rule as he pleased till he was overthrown either by the legislature or by the electorate. The question is, have majorities not only the right to rule but the right to misrule? In the old days, we had the divine right of kings to tyrannise. Have we today the divine right of majorities to tyrannise? Evil cannot be a right, whether divine or human. Is there not something to be said in favour of the grand old theocratic doctrine of Islam that all secular powers, however installed, are but Vicegerents of God and should act as the agents and instruments of a Providence who is all mercy and compassion? Not that the theory was universally or even generally practised. (*Laughter.*) No theory ever is, not even the latest in our midst. (*Laughter.*) It is because even democracy is liable to errors of judgment, if not mischief of a graver kind, that in some constitutions they have introduced direct and continuous control of the people over Ministries and Legislatures by means of such contrivances as recall and referendum, which are a mitigation of party government and the plenary rights supposed to be conferred by general elections. ✓

But why should secular power, even elected power, be subordinated to higher moral considerations? What if it is not so subordinated? The answer is, there will result tyranny in some shape or another; and sooner or later, tyranny leads to strife and civil war. Either the tyrannical government will be overthrown or the internal weakness thus caused will make the State an easy prey to foreign invaders. So strength, stability and everlastingness depend on how earthly power,

however generated or installed, subjects itself voluntarily to the regulation of heavenly laws. Moral laws are not matters of legislation. Votes and majorities do not create them and cannot repeal them. They are there, real, eternal. A self-government which is not nourished by good government will and must perish. And this goodness must be tempered by the need to be strong enough to repel foreign attacks. It cannot be ascetic goodness.

SPIRIT OF CONSTITUTIONALISM

The great thing about England is that it is not the particular 'archy' or 'ocracy' that is responsible for its national and international greatness, but the spirit of constitutionalism ; that power of self-control and innate regard for the deeper laws of human nature, which is so ingrained in the British character. To illustrate : The Liberal Government under Asquith passed legislation curtailing the powers of the House of Lords. For the last 20 years since, the Conservative Party which opposed that legislation tooth and nail and would not bend except under threat of the royal creation of sufficient Peers to force it through the House of Lords, has been in continuous and overwhelming power in Parliament. Yet did it try to get that legislation repealed? No. Similarly, when the dynastic question about the late King arose, Mr. Baldwin took the Leaders of the Opposition into confidence, though they were a very small minority, and managed to reach a solution by general consent instead of by the mechanical force of his majority. Unless we learn how to subordinate legal rights and powers to the idea of moral competence, we shall be either tyrants or slaves, never free men.

FOUNDATIONS OF ALL FORMS OF GOVERNMENT

Every form of Government and especially democracy rests on two foundations. The first is a strong character, individual and more especially racial, with an enormous capacity for organisation. It is from this point of view that I acclaim the Congress as one of the greatest contributions to the political and moral regeneration of our country. (*Applause.*) It has taught our people how to organise. But then man is more than a machine. He must not become

either a part of the machine that he has created or entirely subservient to the machine itself. As the Hon'ble Mr. C. Rajagopalachariar told us the other day—what does it matter what a written constitution is like? It depends on the Ministers in what way it would be worked. A written constitution adjusts itself to the character and personality of the Ministers. Similarly I suppose in the case of organisations. The party machine must be worked by men; and when men cease to be men, they cannot work it. It works them. I have welcomed Mr. C. Rajagopalachariar's pronouncement as a theoretical introduction to the practical acceptance of the Federation, however defective the Federal Act might be, and I hope that my interpretation is correct.

The second foundation is that along with strong character you must have a sane judgment. \Will without reason, reason without will, either is an unhappy combination. The two must go together balancing each other. / And today it is on the Principles of Political Judgment, which I think will be of some use to the young people going out into the world, in which politics are of such overwhelming importance, that I wish to say a few words, indicative and illustrative, but by no means exhaustive.

HINDRANCES TO GOOD CITIZENSHIP

Great men have dealt with these two subjects, namely, hindrances to good citizenship and hindrances to sound political judgment. Immortal Plato has told us that there are certain fallacies into which people fall easily. He called them 'Idola'—idols as we might translate into English—the idols of the market, the idols of the cave and the idols of the theatre. It is always worthwhile to keep in touch with the two Fathers of political philosophy, Plato and Aristotle. Mr. Bryce, who was both Professor and statesman of the highest standing, has written a whole book on 'Hindrances to Good Citizenship'. He analyses the power of money in democratic politics, of the press and of the various interests and how they create obstacles in the way of integrity of public life. Turning to ideas, there is the book on 'Education' and 'Study of Sociology' by the philosopher, Herbert Spencer, who enumerates all the prejudices which distort and colour our judgments. May not the Political Science

Departments of our Universities take up this line of enquiry with reference to Indian facts and conditions and analyse the impediments that we encounter both in regard to ideas and in regard to conduct, in a dispassionate and scientific manner? It has been said, I know not with what amount of truth, that our Municipalities and local bodies have not functioned properly. Why has this been the case? And in the larger political life too, have not communalism and other factors vitiated the discharge of our duty as citizens? A Political Science Department should not be content with such general statements like these. It must collect the data, analyse and draw specific, and if I may say so, quantitative conclusions as far as possible. Is it not very easy in India to pass on a nostrum on the ground that our ancients believed in it and had prescribed it? The appeal to ancients—has it the same power over the different races in the world? And if it has not, what are the causes that give it such a widespread currency amongst one people rather than another? Why are some progressive and some regressive? I was one day talking to a friend of mine who was praising our ancients—I mean the Hindu ancients. I do not want to touch any other ancients; (*Laughter*) it is only with my own ancients that in these days of communalism I can take some filial liberty—and he was telling me that our ancients knew everything and it was only we, their modern descendants, that were rotten to the core, wretched, weak, disunited and demoralised. According to him, our ancients knew everything except how to produce a decent posterity. \ (*Loud laughter.*) Shall we accept the old, because it is old, adopt the latest because it is the latest, or should we treat each idea and prescription on its merits and adopt or reject according as it suits or does not suit us?

And what is meant by 'suits' us? Suits to preserve our ancient culture, to revive it and give it fresh currency in this new world or suits to make us a strong and powerful people prepared for the tasks of the present and the future? What again is meant by 'us'? Hindus only? Or an India in which the Hindus and Mussalmans and Christians and Parsees will all be Indians first, Indians next and Indians always and all through? Thus you see how points of view have to be taken into account; how evaluation proceeds on the basis of the policies we adopt. Does this not show that several of the

slogans and sutras of our political life can only be relatively true—true from certain points of view or for certain purposes, the importance and adequacy of which have also to be determined separately? All around us, to use Plato's expression, there are caves, and theatres, and markets, which the sensible man should be careful to avoid?

Take the term 'National Education'. Which nation's? The Hindu nation's or the Muslim or the Christian? Has it or has it not a revivalistic flavour? And can we unite our people on the basis of a revival of the past? Has not the past divided us? If there is a chance of real unity between all the classes and communities in the country, aye the castes too, can we secure it by going back to ancient cultures and customs? Or will it be by evolving a future in which the ancientries of each and all of us would be duly modified and subordinated to the requirements of an Indian India? Supposing in place of National education, we employ the term 'Nationalistic Education', will it make a difference, emphasising a futurist outlook? And again will it help if one people, namely, say the Hindus, adopt the forward-looking policy while others in their religious or other zeal, adopt the backward-looking policy? Shall we not test the political ideas recommended in this and other ways? And also adjust action to the bounds of the feasible and the possible?

INTERPRETATIONS OF HISTORY

Let me get away from what you may regard as side glances at current issues. As Seeley has said—History is past politics; and politics is present history. Therefore, the larger factors that have moulded history might help us, if we can grasp them aright, to form helpful judgments in politics. Thinkers have believed in a Science of History. And there have been written a number of Interpretations of History, dealing with the great, the fundamental causes that have moulded the destinies of races. It is impossible to deal with all of them here or even with any one of them in detail. I can only touch and go. John Morley has said that the two most powerful and abiding factors have been religion and economics. One deals with the soul and the other with the stomach. And both are perennial influences. But has

religion been the same potent force in all communities and countries? What is its power amongst the Hindus, the Mussalmans and the rest in India? Why is it that some religions are more tolerant than others? Some religions are aggressive; some are widely indulgent? As regards economics, we know in a general way that poor people, if they are powerful, plunder rich people if they are powerless. Poverty gives a motive for invasion. But without power, victory cannot be won. And what is it that gives power to races? Is not power, even without poverty, an incentive for aggression? Do races ever have enough? And are we trying to cultivate the faculties and activities that lead to racial power? Which has the more potent influence in the Europe of today, religion or race and economics?—race for political purposes being defined not as the anthropological race, which will make the Germans and us, for instance, one people, but linguistic, which seems to be the most powerful factor. Have not race and economics in a large measure superseded religion as a factor in the development of States in the modern world? And what exactly is our situation in this respect? The biological interpretation stresses the importance of race, of instinct and will, and the struggle for existence and the survival of the fittest. Some historians have held that the downfall of Greece and Rome was due to the stock degeneracy produced by malaria. The mosquito is thus a factor in history! Works have been written on degeneration, individual and racial. Is not one sign of degeneration the incapacity to translate ideas, which are easily acquired, into action and conduct? The ethical interpretation holds that good always succeeds. But in the argument, it equates good to the qualities that lead to success, and very nearly transforms itself into the proposition, not that good prevails, but that what prevails is good. And yet, however we define virtue and good, unless they conserve and promote power, permanent success and survival will not be possible. One of the eternal problems of life is how to correlate truth, power, and goodness. Politics, not being a field of abstract doctrines and dogmas, compromises, conservative and promotive of power, are necessary, and to that extent, truth and goodness must make themselves flexible and elastic. And they do too to the accompaniment of commentaries and explanations. There is a school of thought in our country

which does not believe in struggle, and competition, necessarily involving aggression and suffering. They would like to see the historical processes of struggle abolished and the millennial process of complete peace and non-violence established as the rule of the universe or at any rate of India. Is this realisable? I have already referred to those who wish to blot out the Universities and stop this exploitation of nature, which carries with it the exploitation of the weaker man. Buckle is the answer to this. In his great book he has shown that the moral conduct of men and races remains about the same from age to age and that therefore the key to progress, which is more rapid than moral evolution, cannot be found in ethical changes. It is in intellectual progress that you must find the key to all the tremendous changes that have taken place. Intellectual progress in science and in Applied Science is responsible for the rise of nations. Intellectual sterility leads to downfall. But again, suppose the intellect is not coupled with a strong will. It may give light for other people to walk by. Will it enable you to walk by it yourselves? Is the *Elan Vital* an acquirable faculty? What a welter the world is. We are talking of human brotherhood and Mahatma Gandhi has most sublimely illustrated it by the Harijan uplift movement. (*Applause.*) But in Germany the Jews are being persecuted, and in the British Colonies, Indians continue to be treated as untouchables. Is Manu an episode of Hindu history or is he the eternal old Adam of human nature, who can never be left out of account? I trust that this digression into the spacious field of interpretations of history, so extremely sketchy and incomplete, will give you an idea of the modes of testing current policies.

CONTEMPORARY INDIAN IDEOLOGIES

In India there are at present three or four ideologies, all of which deserve your attention. You must determine for yourselves which you will adopt and by which you will be guided. Firstly the Capitalistic idea. But capitalists have never opposed regulation of the rights of property within limits. As Lord Salisbury once put it 'In a sense we are all socialists now' and have been so for at least a century. In the principles of taxation, protection given to labour, old age pensions and so forth, socialistic economies have been liberally

introduced. Secondly, there are the socialists, of varying degrees of radicalism. The communists are for re-constituting society on an entirely different model. But none of these are democrats. The communists certainly believe in the totalitarian principle, the Dictatorship of the Proletariat. And the present autocrat of all the Russias, Joseph Stalin, seems to be a greater believer in chopping off heads than in counting them quietly. He too has now introduced Capitalistic elements into Russian economy—and national elements also. \ Capital and Sex cannot be abolished, but only regulated.\

There is a third voice in India, the Gandhian, noble, idealistic, sublime in many respects. Mahatma Gandhi tries to inculcate a new moral and evolve a new type of society, based on the two cardinal doctrines of non-violence and truth. As deduction from non-violence, we have the following policies—abolition of the police, abolition of the military, and a State with no coercive power. The State must be a school, not a barracks; and a school without a cane. From what he regards as truth combined with non-violence, we have an educational system which is to be self-supporting and which will inculcate the virtues of a self-contained life, the introduction to the self-contained village and to a non-competitive, non-aggressive national economy. His rural reconstruction scheme—what Mr. Kumarappa calls decentralised production—all these are intended not so much to create a new nation, as we understand nation, but a new society.

But as I said before, in the field of politics, uncontaminated doctrine is impossible. And we have accordingly compromises. The author of non-violence supports the employment of the Criminal Law Amendment Act. His followers are for the Indianisation of the Army and for universal military training. And the Congress has appointed a Committee to suggest economic planning for the whole country with Mr. Jawaharlal Nehru, whose doctrines are the opposite of those that emanate from Wardha, as the Chairman. Nor is Truth averse to coalitional bargains such as have characterised ordinary oppositions and parties.

I mention these things merely as subjects for serious reflection. I have no opinions to give on this occasion. For my

purpose is to make you think. Nor would I advise you to decry a doctrine simply because it cannot be immediately adopted wholesale and unalloyed. A practical test is, Will it lead to such betterment as would compensate for the sacrifice of its purity? Mr. J. C. Kumarappa's views have been severely criticised by the young Andhra economist, Mr. Narayana Prasad and others. But then, has any philosophical doctrine, any religion or philosophy, ever received perfect illustration in this cantankerous world of ours? As Shelley has put it, the white radiance of Eternity becomes impure and distorted as it comes through the many-coloured dome of humanity. Do we therefore deny the presence and value of the eternal Light? The other day a Congress friend of mine in the Andhra Senate moved a resolution for organising a University Training Corps. And when he was asked how he reconciled this with his dogma of non-violence, he cleverly replied: 'As individuals we believe in non-violence but not as Government.' (*Laughter.*) True, it has sometimes been said that the meek shall inherit the earth. I ask how far below the surface. (*Loud laughter.*) The Madras Premier also accepts the principle of force in governments and is not afraid to illustrate his present faith by action. It is no reproach to him that politics inevitably functions at average human level and will not ascend flaming into high heavens however much we provide it with doctrinaire wings which fail to flap in our heavy atmosphere. ✎

MAHATMA GANDHI'S IDEALISTIC PHILOSOPHY OF LIFE

But this much must be said in wholehearted admiration of this latest gospel of human salvation. It forms a single logical philosophy of life, well-knit and inter-related in all its parts. If we honestly and sincerely adopt that philosophy of life, should we not resolutely carry out its corollaries? Or should we say that because the corollaries appear to be impossible of operation, therefore, the philosophy must be rejected or modified? Let us at any rate examine the postulates on which rests this noble philosophy and gospel for all nations, or rather for a humanity nationless and perhaps stateless. In saying this, I want my friends to realise that I am giving a place to the most remarkable genius that India now possesses along side of some of the greatest lights and leaders of man-

kind, all of whom have been mystics and all of whom had introduced an element of peace, sweetness and grace into life's tempestuous relations. Have not 'our hopeless hands been clinging to their cross of hope?' When I went up to Cambridge, the first thing I was asked to do was to write an Essay on Ideal States from Plato's Republic down to Mr. H. G. Wells's Utopias. In my essay I pointed out that Plato was very logical, that he said that the world should be ruled by philosophers and he also laid down a doctrine in which I cordially concurred, viz., that philosophers should be spared all domestic cares and worries (*Laughter*) without however being obliged to lead the miserable life of bachelors, (*Renewed laughter*), and suggested a compromise on communistic lines. Plato starts with his Ideal speculatively formed and deduces from it institutional consequences. H. G. Wells reverses the process and imagines a future which will be created, not by moral ideals descending on the earth, but by the present operative forces reaching their logical culmination. I told my Tutor that William Morris appeared to me to be the best of all, because by the very title of his book 'News from Nowhere', he had frankly and honestly admitted that ideal States were not possible of realisation. (*Laughter.*)

What then is the place of mystic idealism in politics? It has certainly a place in individual life, a big place. But has it an equal place in racial and national? Martyrdom in individuals is regarded as a sublime sacrifice, ever to be venerated. But could we prescribe martyrdom to whole races and nations? Disarmament is good. But if one nation disarms while the rest are piling up their military establishments, is that not the way to racial subjection and suicide? But all the same, there is a logic in it which we admire, and a beauty of thought and feeling and a gracious nobility that elevate and inspire. Economic competition should go; and if that is to go, we should limit our wants and desires. We should lead simple lives, get back to a rural civilisation. There is still another postulate, voluntary limitation of families! Sublime. But would village civilisations be able to stand the onslaughts of modern urbanised civilisation? And is it not curious that Germany and Italy are trying to increase their populations just as our ancients did? True, exploitation of nature leads to the exploitation of man. Let me illustrate. Oil is of

special importance. So the powers want to acquire the oil fields of the world by depriving the weaker races of such oil fields as they possess. They want iron. Therefore they must conquer the countries where there are ores. They want rubber. Therefore, they enslave Africa. Thus, exploitation of nature, innocent as it ought to be, has undoubtedly led to the slavery of the weaker people. When we think of all this ghastliness, it does seem to us that the simple life would be a solution, provided it could be practised without danger of subjugation and ultimate extinction.

NATIONALISM AND IDEAL SOCIETY

What is the object of our nationalism? Is it to strengthen India as a nation or is it to create a new type of society in India, which would lead the way to a world renovation? Have not these two ideas got mixed up in our country at the present time? And have not persons who voted as nationalists been wrongly and by way of confusion of thought been regarded as adherents of this philosophy of life and its deductions? (*Cheers.*) Patriotism and nationalism are the very life and atmosphere of Germany, of England, Japan and other countries. But these particular reconstructions of society and State are not thought of anywhere except in India. We recommended these particular ways of social and racial salvation to Abyssinia, to China, to Czecho-slovakia, to the Spaniards and to the Arabs in Palestine. But it does not appear as though any of them listened to us in the least or ever would. Shall we then say that these are the special requirements of India only? And will India thus rendered unique be able to hold her own?

METHODS OF EVALUATING POLITICAL IDEAS

There are three methods of evaluation of political ideas, which we somehow mix up in our country. There is the speculative method. An idea is good in the abstract; therefore let us try to institutionalise it immediately. As an aspiration it has a value. As a leaven and an influence, it has a value. But if it made us unique and weak, it will have value only as an example to be avoided. Speculation may take another aspect, namely, revival of an impossible past.

It is easy to appeal to masses on the basis of ancientry, of national this and of national that, meaning the primitive this and the primordial that. I understand that some people are trying to solve the question of school buildings by saying that holding classes under trees is a national way of housing classes. I do not mind holding classes under a mango tree, if you are not anxious to see the mangoes there. (*Laughter.*) Surely open air schools can be recommended on modern grounds without dragging in ancientry. Can we carry ancientism further and say that it would be a fine tribute to our still more primordial ancestors if we all take to dwelling in trees and thus solve the housing problem? (*Loud laughter.*) The most practical methods are the historical. What has been the process of history so far? Shall we adjust ourselves to that or shall we try to hold up history or reverse the engines?

THE CALL FOR A HIGHER SYNTHESIS

But if there is a contradiction between the moral ideal and the historical process, does it not mean that every endeavour should be made to achieve a new and higher synthesis, trying to combine as much idealism as possible with actualities? It seems to me that this is the great task before us and indeed of all humanity not yet dead to conscience. Reconciliation between ethical needs and historical requirements—that is the problem. We cannot do without Mahatma Gandhi. Nor could we do without historical evolution. Could we combine the two? Could we not have large economic planning on the Russian model and at the same time develop cottage industries, not necessarily by hand labour but by the supply of cheap power, as has been done throughout North Italy, where in the Lake regions every house almost has its electrical installation for industrial purposes? Has not Mahatmaji done a great service by emphasising neglected aspects of social and economic endeavour?

THINKING INTERNATIONALLY

Mr. Jawaharlal Nehru has been advising us to think internationally. This is a variety of the historical method known as the comparative. We compare the political situation and the economic condition of the States now existing

and see how best we can cope with the task that these developments impose on us. You must make a comparative study of the different states and societies including their economic, political, military and other organisations, and see how you should adjust yourselves in order to be able to equal them and play a creditable part in the shaping and re-shaping of the world. And thinking internationally suggests that we should be modern in our thought, outlook and organisation. We sent a hospital ship to China which contained modern surgeons and modern implements and not Mantra and Tantra experts. You cannot be thinking internationally and at the same time acting anciently. It is a fallacy, I think, to hold that there is a battle of 'ocracies' going on in the world now. Are all the democracies on one side and are all totalitarian states on the opposite? Is Russia a democracy? Was it not till the other day in open alliance with France? Are not international alliances based more on interest than on any other consideration? Poland has been under a dictatorship all these years. And yet till the Czecho-Slovakian incident, it was an ally of France. There may be some truth in this battle of 'ocracies', but is it the whole truth? Is it not to the interest of France, capitalistic and nationalistic, to be in alliance with Russia, communistic, and internationalistic, in order to meet the German menace? Is there not further the fallacy of thinking that all the suffering nations are democracies and the aggressive ones non-democratic? Is China a democracy? Has it not been under the government of a Party, the Kuomintang? Are all the under-dogs democrats? Some people appear to be inclined to think that every oppressed nation is a democracy and every oppressor, non-democracy, as though democracies do not know how to oppress, as though we in India do not know that the British democracy can be oppressive. When we are told that our frontiers are not now at the Khyber Pass but in China, on the Ebro, in Czecho-Slovakia, and on the Jordon and all sorts of outlandish places, I sometimes wonder whether, unknown to ourselves our Capital has already been shifted to Moscow. (*Loud laughter.*)

But thinking internationally is a method of politics which is indispensable. It will save us from ancientry, the archaic and the obsolete and unhistorical approaches to problems. It

will keep us modern, a task which is by no means easy in India.

As I have said, the great task of India is the bringing about of a synthesis between the ideal and the historical, between the essentials of our racial cultures and the requirements of a modern or a futurist Indian India. If the past cannot give us a common ground we must contrive to secure a future that will. Furthermore, remedies which are not perfectly good may not be rejected if they are of some value here and now. Remedies are of three types, palliative, preventive and curative. While health and hygiene should be our main pursuit, remedies may not be ignored so long as we are subject to ills. Amongst these acts of synthesis or of remedy, the most important is the Hindu-Muslim question. It is the dearest wish and prayer of my heart that Mahatma Gandhi, the sincerest ambassador of Hindu-Muslim unity, will be able to bring about concord and union in the very near future so as to make a national state in India possible. (*Hear, hear.*)

CULTURE AND POWER

We are often told that we must preserve our culture. What then is the relation between power and culture? It seems to me that culture without power is like a lamp without oil. (*Cheers.*) It will flare up for a moment and die out. Here is a quotation from a recent speech of Dr. Rabindranath Tagore who puts it with his usual power and point :

'We cannot go on blindly following the advice of the so-called friends of our country and let them exploit our resources for themselves. We need to keep pace with the march of time and specially require industrial enterprise and scientific culture. The days of courting poverty and plague in the name of spiritualism have gone for ever and we must realise that, however great our civilisation might be, it will crumble to dust unless we have adequate power to maintain it.'

FEDERATION AND THE CONGRESS

This is the reason, namely, attainment of power, why I have been imploring the Congress to enter the Federation

and guide the destinies of our country. The Congress is in power in the majority of Indian Provinces. No Governor-General dare ignore the Congressmen in the Central Legislature. I am perfectly certain that no Federal Ministry worth the name could be formed without a predominant representation or an adequate representation of Congressmen. I do not know why my Congress friends feel diffident or do not accept the odds such as they are, with sufficient self-confidence and determination. Their influence will be far greater than what may be represented by their numbers, because they are a power in the country, and a power in the Provinces. And they cannot be relegated to a position of insignificance in the Central Government. It would be a day of pride and of deep gratification to me and glory to the country—I say this in spite of differences—if accomplished gentlemen of the type of Mr. C. Rajagopalachariar—not that there are not equally capable men in other Provinces (*Laughter and Cheers*)—are enthroned in places from which they can shape the destinies not of a single province merely but the entire country and give our motherland a bigger standing in the international world. Irrespective of Party, I am sure the good wishes of all will be with the Congress, for they can secure the conquest of power from England, its transference from the British into Indian hands, better probably than their political rivals in India.

ARISTOTELIAN SAFEGUARDS

There are safeguards in the present constitution. But these safeguards come into operation when matters reach a crisis, when the patient is, as it were, on his death bed. But Aristotle has laid down more than 2,000 years ago safeguards of a far more fundamental character, safeguards for all time and all constitutions. The Aristotelian safeguards are a permanent hygiene of the body, promoting daily health, daily vigour and ensuring a long life. First, vigilance. The people and the members of a Party must be vigilant. They must, within limits and subject to the law of moderation, be free to criticise the doings of their leaders, criticise with charity, fair-mindedly and with constructive purpose. Without vigilance, any party will degenerate. A party which resents criticism is on the high road to become a deadly superstition. Secondly, moderation in the exercise of power.

That is the spirit of constitutionalism which prevents perversions over-taking constitutions. Thirdly, consideration for those who have been displaced from power. This is the great code of honour of European politics in general and of English politics in particular. You never see a Prime Minister of England treat the leaders of the Opposition as anything but equals. The consideration, the honour shown to them, is one of the factors that has contributed to the charm and sweetness and harmony of English public life. Without such consideration, there would develop a spirit of civil war, which will weaken the State, both for purposes of internal good and safety from external attacks. These safeguards are not intended merely as exercises in sentimental philanthropy ; they are to be practised for the sake of the healthy growth of political tradition and the stability of constitutions. /

KEMAL PASHA THE GREAT ATA TURK

I would add just two more sentiments before I conclude. Let us not be narrow-minded in our political views and thoughts. We must not treat those who do not agree with us as though they are Mlechchas, and while removing social untouchability inflict political untouchability. Let us credit every one of our people with patriotic motives and objects, however much their policies and methods differ from those which we consider the true ones and the right ones. As a matter of fact, did we not the other day go into deep, sincere mourning over the death of Kemal Pasha, the great Ata Turk, instinctively thereby recognising that all patriotic excellence has not been cast in one mould or is made to flow in one direction, but that there are other types also that are patriotic, nationalistic, efficient, capable of raising fallen countries into a new vitality and strength, without adopting either our special philosophies or a revivalistic tendency? Certainly the Ata Turk did not illustrate, preach or exemplify any of the doctrines which are now so current in our country and which have become mixed up with nationalism. He was a stern reformer, who ever looked forward and upward, never backward. There was no question with him of reviving ancient Turkish customs, which he ruthlessly abolished. The Arabic script was changed and the Roman substituted. In regard to that most difficult and delicate of all problems, the

problem of the Purdah, he enforced the most revolutionary change. He put down the Mullas of Turkey and showed himself a person who was determined to Europeanise the country without ceasing to be a Turk and in order to save the Turks from subjection to foreign powers. Japan also has become Europeanised in its material aspects, while remaining true to Japan in soul and spirit. This is a lesson which I trust will not be lost on my countrymen.

MAYURA'S SUBLIME THOUGHT

None of us need go about, as though we have established a monopoly of virtue for ourselves, dividing the people, so to speak, into castes and outcastes, and refusing to extend the benefit of a charitable judgment to those who, in our view, are heterodox. Let us admire excellence of every type and variety irrespective of party. ¶ What a sublime sentiment it is of Mayura, who in his SURYA SATAKA, has described as the sublimest attribute of the Sun that his rays fall with equal grace and tenderness on the hard, sharp, frowning peaks of mountains and on the soft lotus buds, greeting him with a blushing smile in the morning! ¶ My dear Guru, Mr. Gokhale, used to say—‘let us spiritualise our public life’; and charity is the essence of spirituality. In judging of policies and political parties and persons, let us, after the manner of the glorious life-giving, life-enhancing Sun, allow the benefit of the best possible interpretation to rest on every action that we feel obliged to criticise, and on all persons and parties with whom we have differences, and thus achieve grace, beauty, harmony and united strength, in our public life, for the sake of our country. (*Loud applause*).

II. PROBLEMS OF FEDERATION

(a) *Address to the Law College Students of Nagpur*
(Dated 8th November, 1938).

Mr. Vice-Chancellor, Mr. Principal, Members of the Law College, Ladies and Gentlemen,

I thank you for this warm reception so desirable on a cold afternoon. I am deeply indebted to my friends of the Law College for the honour they have done me by inviting me to associate myself with this auspicious function.

This is not the first time I have visited Nagpur. I came here about a year and a half ago as a member of the Inter-University Board and this place has a peculiar value in my life as the scene of my election as President of that Board. And this is my second visit.

I do not know why the gentlemen of the Law College invited me, who am not a gentleman of the Long Robe, to address you on this occasion. I should suggest to my friends that Law meetings are best held under the auspices either of the gentlemen of the Long Robe or of ladies who are supposed to be gifted with the long tongue. (*Laughter.*) However, on this occasion I have come on a peaceful academic mission. You may wonder on what other mission I could come. Now that the Congress has more than once reiterated the principle of linguistic provinces, I may come one of these days in the future to claim some of the Districts in your Province as belonging to Andhra Desa, and I do hope that when I come on such a militant mission your reception will not be less warm. (*Laughter.*)

I must congratulate the Law College on the excellent progress it has been making. My friends told us that here they had a perfect democracy. Democracy might fail in backward countries like Germany, but in the up-to-date Law College of Nagpur, it was a perfect success. (*Laughter.*) From his report I find that they had been more or less under

the guidance and regulation of people like my friend, the Vice-Chancellor, your Chief Justice and my friend, Mr. Justice Niyogi. I assure my friends that so long as democrats have the good sense to place themselves under proper control they will be successful and it is only when they seek to do things without a proper measure of their own capacities the trouble comes and is bound to come.

My friends asked me to give them advice. That is the last thing which I as an educationist would give to the students, because I know now-a-days students are quite ready to give advice to their Vice-Chancellors (*Laughter*); and I would not like to carry coals to Newcastle. Furthermore, what after all is the purpose of an educationist?

Reference was made to my being a politician. As a mere politician, propaganda would be my chief objective, but as an educationist, political science ought to be my chief objective. I must try and help you to study a problem, to pursue right methods of study, collect data and leave you to reflect and come to your own conclusions and judgments. As a politician, my object would be to impress, not so much to convince; to trade on psychology, not so much on logic.

On this occasion, I have taken up one of the most difficult subjects on which to deliver an address, that is, the subject of Indian Federation. My reason for choosing this subject is that it is one which is vast and complex, in which no simple solutions are possible and which gives you a splendid opportunity of making a realistic study of the currents and cross-currents in our public life. When it is a problem of direct relationship between England and India, a simple attitude would be easy to adopt and it would be easy to suggest solutions, but as you will presently note, Federation is a subject in which conflicting interests of an internal character have made themselves unhappily prominent. Therefore, this particular study, I consider, is of special value to students, more especially to law students, who, I trust, will acquit themselves ably as citizens of the future.

How did this subject of All-India Federation arise? We had first the Nehru Constitution and therein certain chapters dealt with the relationship that ought to exist between a

reformed Government of India and the Princes. That Constitution was rejected by the Muslims and nothing more was heard of it. Then we had the Round Table Conferences.

I am not quite clear in my mind whether Federation was introduced by Whitehall or whether, as I think I remember correctly, the subject was initiated by one of the most capable of our publicists, Sir Tej Bahadur Sapru. However, at that time, it came as a surprise and what came as a surprise then, has continued to remain as a shock to everybody to this day.

The number of parties—to use a legal term—in this Federation suit is large. There is the British Government, there are a large number of minor communities, if I may use the word 'minor' purely in an arithmetical significance without attaching a detracting meaning or value to that term, viz., the Sikhs, the Anglo-Indians, Europeans and vested interests. Leaving these aside, there are five major parties, the Muslim League and the Muslims generally; the Hindu Mahasabha; the Congress; the Princes; and of course, the British Raj. In a country like Japan, with its basic and intense racial unity, in the first place the problem of Federation would not have arisen, and had it arisen, solutions acceptable to all would have been easily found. In America too all the Colonies were of one race and language. Now, as I said before, I have not come to carry on propaganda. I would rather like the students of this University, students of the Law College in particular, to think for themselves on this subject, to go into all the facts, to view it in its historical development and see what, if any, conclusions are possible.

With respect to these five parties, we must first of all ask what are their motives, and what are their attitudes. True, we cannot dogmatize about other people's motives; we can only guess and we can only speak subject to correction. Well, the British certainly wanted, as it seems to me, to strengthen themselves in view of the inevitable constitutional developments in British India and when the idea of Federation was broached, they naturally welcomed it and developed it in directions which would enable them to secure a stable majority of a conservative type in the Central Legislature.

ATTITUDE OF THE BRITISH GOVERNMENT

Provincial Autonomy having been granted, it logically and inevitably followed that some kind of Federation was necessary. Was it to be a Federation only of the British Provinces? If so, the Government might be assured that a nationalist majority would predominate. And then would the Princes treat that Government with the same regard and respect that they have been showing to the Viceroy and the Government of India? That is one of the crucial problems. In all probability they would not; why, for certainty, for they had already rejected the Nehru proposals on the subject. So a Federation in which the Princes would also take part had to be devised, so that partly for reasons of Imperial interest and partly perhaps—it is for you to judge, I am only presenting the issues—on account of the logical situation above mentioned, they had to bring forward proposals for an All-India Federation. Consider again whether it is also probably due to that that a Conservative type of Constitution had to be devised; otherwise, what probability was there of Kashmir, Baroda, Hyderabad, the Holkar and the Scindia joining it? What I am trying to impress on my young friends is that these questions are to be studied in connection with the conditions of our country, with the psychology of the different interests affected, and not from the point of view of abstract logic. Why, abstract logic might have suggested a Garibaldian solution of the problem, viz., the abolition of all the Indian States, just as Garibaldi brought about the extinction of the various Italian States. Then again, is such a thing possible and at what cost? And is the country sufficiently united for any such heroic measure? These things being ruled out of order and possibility, we have to be satisfied with a compromise of some kind and not logical and absolute solutions at this stage. But even an imperfect solution now may have in it seeds of growth and lead to a better solution in the future. That is why very often people have to be satisfied with Constitutions which on paper look so defective but which when properly operated lead to much better results. Godkin wrote a couple of volumes on 'The Unforeseen Tendencies of Democracies', showing how the American Constitution has not functioned in the way in which the original founders

expected it to function and how it had taken different directions.

ATTITUDE OF THE MUSLIMS

Now we come to the other parties. Mr. Jinnah from the very beginning was opposed to Federation. I speak with great diffidence. It is difficult for me to interpret the Muslim mind on the subject, but I have to infer what is behind or what may be behind the back of their minds. Any Indian Federation, however constituted, is bound to give a predominantly Hindu composition and complexion to the Central Government. There is nothing wrong in this. It is inevitable. The Hindus, States as well as people, are a big majority. The Muslim community might feel that on account of its population and its past history, it is entitled to something more than good government at others' hands, that it is entitled to a real place of power and effective share in the politics and government of our land. I am not here either to criticise or to justify. I am here to place before my friends the chief facts as they appear to me ; it is for you to evaluate them, to see what value you would give to them, whether you would take them as data or reject them as fancies. But is it a wrong ambition?

Well, I can quite understand a mind of that kind in my Muslim brethren. For one thing, from the very beginning they had insisted, as a corollary of their general dislike of a strong Central Government, which, however constituted, is bound to be predominantly Hindu, on Residuary Powers being vested in the Provinces. Students of political science know that that means the Provinces should be regarded as Sovereign States and the Central Government as having only such powers as are expressly delegated to it by the Provinces. From the very commencement of this discussion, Mr. Jinnah held firmly to this view and was against Federation altogether. To that extent he was willing to join the Congress in opposition, but with complete freedom regarding subsequent action. He would not have any Federation ; the more democratic, the worse it was from the Muslim point of view.

Secondly, should there be a Federation, it should be, according to the Muslims, of the type of a Confederation and

not Federation proper ; in other words, the Provinces would be the Sovereign States and the Central Government would be a limited authority with specified powers. It is interesting to know that at that time the Congress was for giving a blank cheque to the Muslim League and to our Muslim friends ; and it was left to the Government of India and the Secretary of State to safeguard the integral sovereignty of the country. This question of residuary powers was not decided either one way or the other. The final arrangement was that as and when specific questions arose, they would be decided on their merits and assigned either to Provinces or to the Federation ; and thus a definite solution was postponed.

ATTITUDE OF THE HINDU MAHA SABHA

For the very reason that the Muslims found Federation objectionable, the Hindu Maha Sabha found it exceedingly agreeable. My friend, Mr. Bhai Paramanand, has advised the Hindus to accept the Federation, any Federation, no matter how constituted. Probably he was viewing it from the point of view firstly of Hindu predominance in the Centre—I say probably, I have no right to interpret the motives of others—and secondly, at all events, in pleading for a strong Central Government and Federal system he certainly was trying to checkmate the fissiparous tendencies in our country and preserve our integrity as a State. The unfortunate thing with our country is that we have not got that basic national unity which is at the foundation of all Federations in the world, excepting probably the Swiss Republic which has a peculiar history of its own, not to be repeated elsewhere.

ATTITUDE OF THE CONGRESS

Then comes the Congress. We of the Congress opposed Federation in those days on two grounds. The first was that large powers had been reserved to the Viceroy, the Safeguards, the Special Responsibilities, discretionary powers, and so forth. Also big Departments. In fact, under the Constitution as now devised, the Viceroy still remains all powerful. But mark you, my Congress friends are not emphasising this point now. The reason is that one and a half years of Office in the

Provinces has assured them that if they have a strong and stable majority to back them up, these Special Powers, the Power of Veto, discretionary powers, safeguards, etc. were not likely to be brought into operation. The point which the Congress is now emphasising is the undemocratic nature of the representation of the States in the Central Legislature. What the Congress feels is 'Here is a Viceroy endowed with Special Powers, and, as Sir Samuel Hoare put it in the House of Commons, the Constitution has been so manipulated as to give the Viceroy a permanent majority.' That is the Congress view. Whether it is a right view or a questionable one is a matter for your deliberation. They hold that these nominated members from the Indian States will always vote with the Government and they could never have a majority. Is that necessarily true? Are we to say that, granting these States do join the Federation, Baroda—by the bye, I am sorry to hear that the Maharajah of Baroda is ill and our best wishes are with him for his speedy recovery. —Mysore, Hyderabad and Travancore will blindly vote according to the whip of the Governor-General? Have they not shown in many dealings, some of which may have become public, that they have a will of their own and that they are not lacking in a sense of duty where national interests and racial self-respect are involved? Granting that the contention of the Congress is correct, may it not be possible in the future, at all events, to secure a better order of things? Will the Princes and their nominees be for ever puppets? May they not develop in association with the Congress greater self-reliance and spirit of independence, and furthermore, may not after some time, the Constitution itself be amended in directions more favourable to democracy?

ATTITUDE OF THE PRINCES

And, well, what is the attitude of the Princes? I do not know if many of them are anxious to join the Federation. They would like to take part in the Government of All-India; at the same time, they do not want to relinquish any of their powers. They want to be directly under the Sovereign Government. The utmost that they are prepared for appears to be responsible association with British India in the Central Legislature and the Government. And we can understand their feelings too. Suppos-

ing as the Congress demands, they are compelled to send only elected men to the Central Legislature. How can Indian States send elected men to the Central Legislature who would be free to take part in party politics according to their own convictions, and carry on within the borders of the State autocratically as they have been doing till now? You cannot give representation for purposes abroad and deny representation for purposes within. So, the problem of responsible government in the States and the problem of elected representatives for the Central Legislature are inter-related and cannot be separated from each other. The result is that negotiations have been going on for over two years. We do not know definitely how many Princes have consented to join the Federation, how many have refused and how many are trying to lay down special conditions in their Instruments of Accession. The whole of that part of the Federal experiment, or Federal Constitution, is still in the dark. It has become darker as a result of the Congress attack on the small States.

Well, we have now seen the different parties and their views. Is there any justification for holding that all the component parts of a Federation should have the same type of Government? In the old Germanic Federation, of which Prussia was the leader, States with different constitutions took part. Several of the States were more liberal than Prussia. There were also some Republican towns, the towns of the Hansa League and they also sent representatives. Bavaria continued to have foreign embassies accredited to her King. Furthermore, in the Upper House of the Federal Legislature, there was a preponderant representation of Prussia; and yet again the entire Upper House was composed of delegates nominated by the different States forming the Federation and these were bound to vote according to the instructions given by their Governments. There was no elected element. It was not in any way democratic. Yet such was the strong racial feeling and patriotic unity of the German States that that Constitution not merely worked well, but stood the test of the Great War. The Constitution did not break down under the stress of the Great War; it broke down due to the defeat and subsequent developments

in socialistic and other directions, and more especially the Unity drive of the Nazis.

Is there, therefore, any historical need for imposing one type of internal Constitution on all the federating parts in India? The claim of the Princes—I have had opportunity of discussing with some of them—can be broadly expressed thus. They say 'Leave us to ourselves. After all, democracy is not the only form of Government and it has not been a perfect success everywhere' (except locally here) (*Laughter*). 'Some of the European countries have discarded it in order to forge ahead. Under the democratic constitution Germany was in a very low condition. Germany was being trodden down by the victorious allies and Italy was in a bad way; but under the Totalitarian systems of Government they have been able to make up, so that today the tables are turned. The Versailles Treaty is no more. It almost looks that Germany is now the paramount power in Europe. Democracy would not have achieved such a triumph, in so short a time and at so little expense.

'Now, have you been able in your democratic local bodies to achieve much progress? They are democracies, but are they a success? Why are you taking away their powers one by one, as at Madras, if democracy is so wholly good? Take education. Are Mysore and Travancore in any way behind British India in regard to education, in industrial development, in the organisation of large scale industries and in so many ways? Has not Mahatma Gandhi himself characterised Mysore as Rama Rajya? Such being the case, as we are all working for one great purpose, that of making our country prosperous, why should you impose one particular type of political institution on the States, a type still under test?'

There are some people who call for caution. They doubt whether it would not be wiser to wait and see what the results of democratic domination in the British Indian Provinces are before embarking on a similar experiment in the States. It is a very difficult subject on which to pronounce a judgment. Here are historical States like Hyderabad, Baroda and Mysore and here is a new-born democracy. We are thinking in terms of the rights of our people and that

is chiefly because we have been in conflict with a foreign power. They (the States), on the other hand, are thinking in terms of a vigorous internal organisation to promote the common good of the people, but not so much their political and civil rights. They may even ask whether after Congress accepted office some of the ideals with which it started have been realised or whether there has not been some kind of change in the Congress mentality itself. Why are the Civil Liberties Unions, relatively to what they were two years ago, so deaf and dumb?

In the Madras Presidency, quite recently they have abolished the democratic educational councils of the Districts and have placed education of the Districts in the hands of the District Collector and the District Educational Officer or have proposed to do so. The powers once enjoyed by the local bodies, which were formerly regarded as training grounds for the legislatures of India, are being taken away and handed over to permanent officials. Such being the case, where is the hurry to democratise the States, ask the Princes.

There is another point, which is a very delicate one to touch upon. Nobody denies that the Congress Ministries have done and are doing splendid work. They are undertaking big schemes. But their developments in certain directions are ominous. For example, take the Educational Policy announced by certain Congress leaders. They do not believe in University education, which should be handed over to private corporations. They describe Western civilisation as a dying civilisation. Then in the economic field, there is my friend, Mr. J. C. Kumarappa, preaching the gospel of decentralised production. According to him, factories and large scale industries have been the breeding grounds of so many evils. We must, therefore, try to get back to the civilisation of handicrafts and cottage industries. These may be good policies or bad policies. It is no part of my purpose here today to discuss them. It is enough if I am able to show that wide and unprecedented departures are sought to be made in all fields most intimately connected with the present and the future of our nation, *viz.*, education, industry and commerce. The question naturally arises—should we not wait and see what the results of these

experiments will be? Should we make Hyderabad, Mysore and Baroda also immediately adopt the same plans? Should the nation put all its eggs in one basket so that if there is any disaster, the disaster may be absolute and complete? Are not all these matters open to strong, acute differences of opinion?

The point for consideration is, has no case been made out for a Federation in which the Federating units will have their own special and individual character, or shall we dogmatically say that this alone is the only rule of life and law of politics and all shall adopt it? That, at the bottom, is the great question between the Congress and the Princes.

What has been the policy of the Congress towards the Princes? Officially it is a policy of non-intervention. The Congress has declared that it will not interfere in the internal affairs of the Indian States. But the Congress at the same time declares, that so long as they do not introduce responsible government, it will not federate with them for All-India purposes. Non-intervention is their policy. At the same time, an embargo is laid on the States' entry into the Federation unless they introduce responsible government. Another inconsistency in their policy is the interference of leading individuals. My friend, Mr. Pattabhi Sitaramayya, is a strong Advocate of State People's rights. I only mention this as pointing out how there are certain inconsistencies in the attitude of the Congress. Still more recently, Mr. Vallabhai Patel has declared in favour of responsible government in Baroda.

There is a further complication, the communal question. To give you a concrete example ; a couple of years ago there was a big movement in Kashmir of Muslims for acquiring various civic and political rights ; in fact responsible government. I ask you, did the Hindus sympathise with that movement? For Kashmir, as you know, is a Hindu State with a large Muslim majority. Today there is a similar movement in Hyderabad. The people are agitating in the name of the State Congress of Hyderabad for civil liberties and responsible government. What would be the reaction of the Muslims towards this movement? Wherever we go, the communal question comes to the surface and that creates

dangers peculiar to India and not to be found in other countries. Is there not the Mahratta versus Gujarati virus in the Baroda Movement? The Muslims are democrats in Kashmir and the opposite in Hyderabad; the Hindus are *vice versa*.

In these circumstances, what should be our attitude towards the proposed Federation? Had we been internally in a more fortunate position, which, of course, means in a stronger position, our solution would have been simple and easy to achieve. Just at present there are various complications. The princes do not seem to be in a hurry to enter the doors of Federation. The Congress invasion of the States has provoked a bad reaction. Should we ask them to reform themselves on the threshold before they enter? 'You must undergo *prayaschitha* before you are allowed into the sanctum'. They do not seem to be in a hurry to oblige us. The British appear to be very anxious and are even letting down the Princes very badly. The Muslims are not willing. They will join us in resisting the Federation, but their objects in resisting are quite different from those of the Congress. The Congress tries to look at problems from the point of view of Indian citizenship, pure and simple. But this does not appeal to all communities. Then as to the States. You want them to reform themselves before they are allowed into the hall of Federation. When you point out the bad Government in the States, they may turn round and not merely ask you to look into the 'Responsible Government' enacted by your local bodies; they may even ask you to count the number of communal clashes, labour disorders and student strikes that have occurred since the Congress accepted office. Count up and see how these 18 months compare with any previous 18 months in this respect. When the situation is thus growing worse, is this the time when you can make large demands on the British Government? You must have read with interest the correspondence between the Muslim League and the Indian National Congress. They do not seem to be coming together at all. They won't shake hands with each other; and without solving this big problem of communal unity, we shall not be, we will never be, in a position to dictate terms to the British in regard to the nature of the Federation.

Supposing we reject the Federation, what is the result? The Muslims will join us in rejecting it. I suppose many of the Princes too will be relieved by rejection. Undoubtedly we shall be putting the British Government in a very difficult position. Not knowing how the Congress would capture by absolute majorities the major portion of the Provinces in India, they had arranged for indirect elections to the Central Legislature under the Federal Constitution. That gives the Congress a powerful leverage. I am not unaware of the power of the Congress in this respect and the way in which it can in a moment bring about a constitutional deadlock. If the Congress Ministries on this issue of Federation were to resign, as far as I can see, there is no possibility of carrying on the Government in these Provinces by constitutional means. But the Act provides that under such conditions the Governor may take over the Government. Deadlocks are not absolutely deadly. He may rule with the assistance of Advisers or nominated Councillors. But constitutional Government or Government by the Ballot Box will come to an end.

But a deadlock cannot be effective without direct action. A deadlock by itself is not going to bring about any result. It is for you to consider whether in the present conditions of India direct action is possible and feasible. Why did we give up our last Non-Co-operation movement? In connection with it, if I may say a word, I resigned my Vice-Chancellorship of the Andhra University. People in the beginning were ready to go to the jails, but when it came to a question of facing the lathies, when it came to a question of confiscation of lands and heavy fines, they did feel the pinch, and the Congress High Command resolved on Council entry simply because otherwise there was no possibility of political life being witnessed in the country. Things had come to a stand-still, and Council entry became the only feasible political action.

Now, is the Congress today stronger than before it accepted office or is it weaker? That is a point for consideration. Any Party after accepting office is bound to become less popular than before accepting office. Even Gladstone's great Government of 1867 met with bad response at the elections, though it is considered to be one of the best

Governments known in England. He passed a large number of measures of first-rate importance, but unpopularity of men in office is one of the inevitable consequences of public life. With communalism still as the reality within, hatred and rancour will easily rise.

Furthermore, is the moral prestige of the Congress as high today as it was before it accepted office? \In opposition we can all uphold high ideals, but I do not think it is possible to carry them fully into effect when in office. For instance, I was severely criticised before the elections in 1936 when I advocated acceptance of office. The garb of the Sanyasi suited us best then. I advocated Coalitions with other Parties. The reason for this was that I was most anxious that the liabilities of the Non-Co-operation movement should be liquidated. The one thing about which I was most anxious was the land of the Bardoli peasants. I had a talk with Mr. Vallabhai Patel about it. But Congressmen said, 'Coalition with other Parties! No!! That would have been ruinous of Truth. If we have an absolute majority we may accept office. But as regards Coalition, we won't. That will be regarded as forsaking the ideals of the Congress.' Now what are we seeing? In the Frontier, a Coalition has been formed; and the Congress Government still is a minority but carries on. In Sind it is not an open Coalition; but it is a collusive arrangement, and in Assam there are six Ministers, of whom only one is a Congressman. Under no Parliamentary parlance, can it be called a Coalition. Whether the one is going to swallow the five or the five are going to swallow the one, or all the six are going to be swallowed by the Council is to be seen (*Laughter*). In any case, \Truth has been found to be very elastic and an alias for opportunism. \

Take for instance the question of the Criminal Law Amendment Act. The Frontier Ministry, acting on the election pledges of the Congress, passed a Bill abolishing repressive legislation. In Madras we have found it necessary to employ the Criminal Law Amendment Act, and what is good for peaceful Madras may not be altogether bad for the Frontier where some tribes, I am told, display excessive chivalry for Hindu Women (*Laughter*).

For all these reasons it is for you to consider whether the Congress today is in as good a position to offer battle to the British Government as it was two years ago. If they are in such a good position, I have nothing to say. I apprehend poor support for the Congress and severe internal strifes.

The Muslim League today is more antagonistic than it was two years ago. The Muslim Mass Contact movement has failed. It failed because the Congress did not understand the Muslim psychology. We went about telling our Muslim brethren, 'What is it that you want? We guarantee you your personal rights; we assure you of your legitimate share in office.' We were never tired of saying that the League of Nations' scheme for the Government of Minorities in Europe would suffice for the Muslims of India. Time has shown that the League of Nations' scheme for the Minorities in Europe did not suffice and did not succeed. Austria was annexed by Germany because of racial affinity. The Sudetans would not be satisfied with any amount of good government and local autonomy. They wanted reunion with their Fatherland. The Muslims at their meeting held recently in Karachi have been making dangerous references to the Sudetan Germans. It is not a matter of good Government merely. Undoubtedly we ourselves in our controversies with the British often say that 'Good Government is no substitute for self-government'. And Muslims are interpreting that principle or policy in their own way. It is not merely material good that the Muslims desire, but status and power and prestige and the right to regulate affairs themselves. And recently the language held out by the Muslim League leads one to think that they will not be satisfied with anything less than half.

I do not know whether this point has been taken note of by my friends at Nagpur, but there is another idea of the Muslims. It has been propounded—a very ambitious proposition indeed—that the North-West of India, Sind, Kashmir, the Punjab and Baluchistan, should be formed into a separate Federation with option to take in Afghanistan or to be taken in by Afghanistan—which of the two I do not know.

Supposing we reject this Federation, what are the chances of a Constituent Assembly which is our alternative? I do not think that any good results can be expected in this atmosphere of Hindu-Muslim tension. There is another possibility, equally disastrous. I have heard some of my Muslim friends discuss with me the possibility of the Muslim States and the Muslim Provinces forming one Federation and the rest of India forming another Federation. Fanciful perhaps, but indicative of the big gulf separating. It shows a strong determination on the part of our Muslim friends to have real obvious political power in the country. It is no use saying they are wrong. \ Politics does not depend so much on rights and wrongs as on measurement of forces. It is a mistake to think that the ballot box is the universal solution of political problems. \ The ballot box plays no part in foreign politics and even internal politics may sometimes assume the aspect of Civil War and the ballot box will not then be of any use. Therefore, let us not mistake the politics of mechanical arithmetic with the greater, graver politics, more rigorous in its test. Take the case of South America. Those Democracies do not have general elections ; they have general revolutions, which incidentally has this good result, it excludes women franchise (*Laughter*). Such being the case, what should be our attitude? Should we reject the Federation? What would be the consequences of rejection? Would a Constituent Assembly in the present atmosphere solve the problem? I do not know. Can you start a big movement of Direct Action? A large number of vested interests have become alarmed by the activities of the Congress Ministries. Naturally. The fact remains that their legislation has roused the various vested interests almost to fury. Most of these interests had been extending active or passive sympathy to the Congress during the previous Non-Co-operation movement. What will they do now, if we start Direct Action? Will they give active support to the Government? Will they remain neutral? Or will they continue to be sympathetic? And meanwhile, have you the same control over Labour that you had two years ago when they did not show their hands to you and you did not show your hand to them and all was mere negative opposition, with just nationalism to unite us?

It seems to me, therefore, a matter for grave consideration for the Congress High Command to decide. Already the *Times* has written a leader which is a warning and perhaps an ultimatum, but long before the *Times* wrote that leader, I have been thinking on these lines. In point of fact, five years ago, I wrote a series of articles which were published in book form. I strongly opposed the present Constitution and was for its rejection. But the Congress has changed its mind on Provincial Autonomy. What it rejected then it has now accepted, and after accepting office, it has learned much and unlearned not a little. May not the Federation school too be equally instructive to the Congress? Under the new circumstances, can it not learn much and unlearn not a little? \Constitutions depend on the character of the people who operate them\and with Congress as the most powerful single body in the Legislatures and with race feeling and patriotism if in the ascendant, even a Conservative Constitution designed to promote Imperial interests may be found to be favourable for the progress of our country.

What is the alternative to rejection? Direct Action? Constituent Assembly? Deadlocks in the Congress Provinces? with Wedlocks in Non-Congress? Deadlocks have been tried. But they carried on for three or four months with Interim Ministries, and we came in without the Assurances pocketing the rebuff. If Government can carry on for three months, it can as well carry on for three years. The other day you restored to the Bardoli peasants the lands that were confiscated during the last Non-Co-operation movement. A right good measure. Do you expect them to stake their lands once more? As Mahatma Gandhi has said in regard to the Hindu-Muslim problem, he sees no light. When he sees no light, it means there is darkness and it is in this darkness that Mr. Subash Chandra Bose is going to wage war. I wonder if we will be hitting each other instead of the British.

\I would implore the Muslims, the Princes and the Congressmen most earnestly to sink their differences, however deep they may be, and make of this great geographical entity of 37 crores of people—a great people, individually highly gifted—a real Political State and Power.\ What is that in our racial character, what is that flaw which makes

national harmony and national efficiency so very difficult? I trust that in this great work of constructing India, in this brilliant work, the young men of this University and of all Indian Universities will play a distinguished part. With this benediction to my young friends, I beg to resume my seat (*Loud and continued cheers*).

(b) *Jeypore Speech*—

Dr. C. R. Reddy, Vice-Chancellor of the Andhra University, delivered a speech on Federation on the 27th December, 1938. The Maharajah Saheb of Parlakimedi, M.L.A., presided. The following is a summary of the chief points :—

The issue at stake is an Integral India. The present frontiers, more spacious than any obtained under Asoka or Aurangzeb, and which have remained intact for a longer period than any known to our history, are the creation and gift of the British Government. The problem is : Shall we under Swaraj maintain this integrity inviolate or risk or undergo disruption?

Till now this integrity was maintained by the power and constitutional position of the British Government and Viceroy. The problem arises only in connection with Swaraj, whether Democratic or otherwise. The first hindrance was the Indian States.

An authoritative proposal was that a Federal and Democratic British India should take the place of the Government of India *vis-a-vis* the Princes with the necessary guarantees. The Princes refused. The one big Constitution produced by Indians, the Motilal Nehru Constitution, was rejected by Muslims also and it was never allowed a chance.

At the Round Table Conference and subsequently another and a greater hindrance arose, viz., the Muslim opposition. This opposition has continued to grow in volume and intensity and shows no sign of abating.

The Princes don't want to be swamped by Radicalism and Democracy. They want to keep up their individuality. They resent outside interference. They prefer direct relations with the Paramount Power. But they were at one time prepared—some of them at any rate—to enter the Federation under safeguards and guarantees. Further, they are, perhaps,

more amenable to British Tutelage than Muslims with their international or Pan-Islamic outlook.

Muslims don't want an All-India Federation at all, which, however constituted, is bound to be predominantly Hindu. They want power, status, their racial and religious individuality.

At one time the aspect of things looked happy and fortunate. The Muslim leaders at the Round Table Conference agreed to joint electorates on certain terms relative to the number of seats to be allotted to them in Bengal and the Punjab. The Hindus refused. The Congress in spite of its declared intention of giving a blank cheque to the Muslims, was not able to honour the Muslim demand. That is the first big calamity in our recent politics.

The British Government favours and is bound to favour Federation without which Provincial Autonomy would look an incomplete and illogical structure. Naturally, it prefers a Conservative Constitution, just like the Princes. But it won't reject liberal changes, if they are presented by an United India.

The Federation Act may not give us a democratic All-India. It has at any rate this merit. It gives an Integral India—integrated not by an External Power as now—but between all its parts, *viz.*, States and Provinces, for the first time in our history. It gives a National India but not a Democratic India. But, of course, as a result of the contacts and comradeships established, it may grow into a Democratic India—or a Fascist—no one can foretell, though the former is more probable.

Congress opposition is based on two grounds : (1) the enormous power vested in the Viceroy. We don't hear of this nowadays for Office has shown that if we have strong, stable majorities we can cope with special powers of the Constitutional heads ; (2) the Non-Democratic nature of the Constitution. So the Official policy of the Congress is—rejection. But it may get modified as in the case of Provincial Autonomy which was also under the ban for a while.

The Congress measures for enforcing or securing rejection, before Office Acceptance, were based on a policy of

National Concentration. It wanted to unite all in its opposition—or at any rate to secure the passive sympathy of all—and in any event not to antagonise. So in regard to the States, it announced Non-Interference. It was for a fair deal between Zamindar and Tenant ; between Capital and Labour ; and even now the strict Gandhian school appears to favour compromise and composing, and deprecates war *au outrance*. As regards Muslims, concessions as far as possible—or even a revival of the blank cheque, which unfortunately still remains blank. On the whole, before Office, the policy was National Concentration, Minimum antagonisms and changes, and Maximum solidarity. No doubt there were radical programmes and pledges—as, for instance, Karachi—already sorely amended in practice, but these were to be operated or redeemed after Purna Swaraj to which rejection of the Federation was an indispensable preliminary. Internal struggles were postponed till after the external fight was carried through.

After Office a change seems to have come over the Congress policy. It tried to absorb all parties into its substance and discipline, in place of the United front which left the various fronts intact and unmolested. Nothing wrong in this—only the consequences have been unsatisfactory. Congress failed to get the Imperial Government to amend the Act suitably ; has failed so far ; but I think it can yet succeed. Anyhow it has thus far failed. So to secure rejection it must try one of the following measures : (1) Direct Action. In present circumstances of very doubtful efficacy. It is sure to lead to Civil War. Congress has by precept and precedents regularised, as it were, strong Government. For instance by employing Criminal Law Amendment Act, by rejecting separation of Judicial and Executive Functions, by vesting the District Magistrate with full power to put down communal and labour disturbances with no appeal to the Judiciary but only to the Government, by punishing non-violent picketing, and by, in one word, uprooting the shady tree of Civil Liberties Unions which it planted sometime ago. I don't think the Congress will take to Direct Action. No doubt Mr. Subhas Chandra Bose is declaring war every day. But the leftist Presidents who succeeded Babu Rajendra Prasad after 1935, were not allowed to make their declared policies effective. The strategy of the Congress

is in more sagacious circumspect and cooler hands while the Presidentship is allowed to be fiery.

In any case Direct Action can only be a last resort.

The Intermediate Measures appear to be these :—

(1) Actively supporting the responsible-government-movements in some States, so as to get them to send Elected representatives to the Federal Legislature and thus secure a majority. It looks as though the Congress will lead or guide such movements. One result is the States are likely to refuse to join the Federation. No doubt Federation will be rejected. But the point is : Will an Integral India also go the way of this Federation? Mahatmaji has wisely banned outside interference in the internal affairs of the States. It is, therefore, likely that Jathas won't be organized in British Territory for action in the States. It is just as well that Mahatmaji has done this : for both under specific treaties and the general principles of law the British Government would be obliged to put down such movements and not allow its territory to be used as preparation ground for operations in or against the States ; and this would have precipitated an immediate conflict between the Government and the Congress—a disaster to be avoided.

Then trying to capture all the Non-Congress Ministries in the country so as to present a United Constitutional Provincial Governments' Front, so to speak. Otherwise it is difficult to explain the anxiety shown by the Congress, which till the other day belittled the significance and importance of Office, to capture the Ministries in Assam, etc., by ways which don't seem to tally fully with the pure doctrine of Truth. When Mr. Fazlul-Huq increased the Bengal Ministry by two it was not merely a wrong but an immoral measure. Those who strained at the Bengal gnat swallowed the Assam elephant without wincing. Sjt. Bardoloi could increase the Ministers from five to six and again from six to eight without violating truth.

But won't success of this kind thus achieved act as a boomerang, increasing communal bitterness and worsening the internal condition of the country?

Thirdly, the Congress has attempted to absorb the Muslims. Again nothing wrong ; but the consequences have

been disastrous and the methods perhaps not quite upright. (1) If in the formation of Ministries the Congress had asked the Muslim representatives to nominate a person possessing *their* confidence, it would have been a telling, effective gesture. But it insisted on having Congress Muslims, and only Congress Muslims. The Muslims have held that this was an infringement of the word and spirit of the Act which required the Governors to see that Minority interests were adequately represented in the Ministries. Are Muslim interests best secured by a Congress Muslim bound by the discipline of the Congress? Or are they secured by a Muslim possessing the confidence of a majority of Muslim representatives? Did not the Congress and Governors by their action nullify the significance of separate electorates? † Does a person represent a community merely by virtue of his birth without reference to his opinions and political affiliations? However, leave aside the constitutionality of the action. Was not a big opportunity missed of treating the Muslims as a Unit to be taken into account? This was an error of judgment on the part of the Congress. It was not due to pride or prejudice or bad faith as some Muslims aver. The Congress wanted a solid Cabinet; it did not allow for the fact or probability that a Muslim League colleague would in ninety-nine cases out of hundred act with it. Secondly having got power, it naturally wanted to absorb the other elements, for the sake of an arithmetical democracy, † which had already been negatived by separate electorates. Further it probably wanted a United Cabinet ready to resign and start direct action, forgetting or ignoring the fact that when they went about recruiting members before the elections several Leaders assured them that they would be free to resign in case direct action was started. I think this refusal to have Minorities to have their representatives and try government by general consent—the Constitutional reflection of the policy of National Concentration—has outraged Muslim feelings. It was as though separate electorate, admitted by the front door, were throttled in the back yard.

To exacerbate feelings, Muslims who signed the pledge were taken as Ministers though they had been returned on the League tickets. And they were not required to undergo re-election in all cases. Here again the motive was unification

by absorption—a good motive but on a wrong psychology. Naturally the Muslims resented this as a wily attack on the integrity of their organisation, as seducing the members from their proper allegiance, and spreading demoralisation.

Yet another blunder—blunder, mind you, not sin or crime—*viz.*, mass contact movement; which means an appeal to the Muslim masses against their leaders—another attempt at the extirpation of Muslim Unity and identity and at absorbing them into the Congress.

A further trouble. Many of our appeals are based on our culture. We have even given a religious flavour, without which the necessary fervour is not possible, to our politics. The very name Vidya Mandir has a Hindu odour, disagreeable to Muslim nostrils. We base our educational schemes, not so very novel and revolutionary after the amendments made, on Truth and Non-Violence. Personally I feel these are ways of ennobling and spiritualising politics. But we have roused religious suspicions.

And the discipline of the Congress has not given us government by discussion, which is the essence of Constitutionalism, but government by dictation, which renders infructuous minority and all divergent views and representations. The legislatures are only registering bodies for caucus decrees and have lost much of their educative functions.

Let us once again emphasise the fact that there has not been bad faith or overweening pride and disdain and contempt for others in these actions of the Congress. They are partly the dilemmas of Office. If they don't carry through widely, and wildly, radical measures, their Karachi programme is flung at them; if they carry through, national concentration cracks at every joint. They are in haste to solidify the country, to absorb all, to instal an arithmetical demos in a land of *races* and *religions*, forgetting we have to be algebra and classes still; sacrificing their principles even to achieve this object. Haste makes waste. The gospel that salvation is possible only through Nirvana in the Congress has caused the present bitter Muslim revolt.

The British Government is in a dilemma. States are reluctant. Congress is opposed. Muslims want a separate Federation for themselves—of Muslim States and Muslim

Majority Provinces with Kashmir thrown in because the masses are Muslim, and Hyderabad because the Ruler is Muslim. Disruption of India—that is the terrible possibility. Affiliation of a part of India to States outside India—that is a possibility yet more terrible.

Supposing Federation becomes impossible, can it leave Provincial Autonomy intact? What will be its reaction on the entire Constitutional Structure of the Country? A subject for most anxious reflection.

I hope the Congress will accept present Federation as the least of the dangers around. It has already accepted the Federal Court.

By accepting, it will be in a better position to get it amended.

It must at the same time induce Muslims to accept, reopen negotiations with the Muslim League.

To produce the necessary atmosphere it must offer Cabinet seats in the Provinces to nominees of the League or to persons elected by a majority of the Muslim legislators—the former course being the better as it is always more advisable and helpful to deal with organisations instead of individuals. And this without displacing the Congress Muslim Ministers, either by increasing the number of Ministers or getting a self-sacrificing Hindu to vacate.

There is yet hope. We are told that the Congress will resume or reopen negotiations with the Muslim League in January. God speed their conference and bring about happy results, a real union of communities. Government are pledged to give due consideration to such agreed settlements. In these two factors there is hope.

May the New Year bring us success in our endeavour to create an Indian India in which the States and Communities and Provinces will find their proper place. There are two or three sorts of Federalisms to be grafted on together :— (i) Geographical, *i.e.*, the States, (ii) Provincial which ought to be really linguistic but which are a mixture of geography and language and (iii) Ethnic—which is a mixture of race, language and religion. May unity in this three-fold diversity be secured in the New Year. Let this be our prayer and faith.

III. DR. C. R. REDDY'S INTERVIEW IN THE MAIL

(19th September 1939)

(In this interview Dr. C. R. Reddy made the two suggestions the principle of which by a strange coincidence, very soon after became pre-eminent themes of interest, namely, a National Directorate to regulate Indian Policy during the War and the Need for Hindu-Muslim Unity as the preliminary requisite for Constitutional Advancement).

DR. C. R. REDDY'S SUGGESTION IN PRESENT CRISIS

NEED FOR HINDU-MUSLIM UNITY

GREAT ISSUE, NOT DEMOCRACY, BUT LIFE AND INTEGRITY OF INDIA

The Indianisation of the Supreme War Agency, and the constitution of a National Directorate, with the Presidents of the Congress and Muslim League, or nominees of those organisations, and nominees of major and minor States, a Sikh leader and an eminent publicist, to regulate, under the Presidency of the Viceroy, all matters of policy and the general conduct of the administration, was suggested by Dr. C. R. Reddy, Vice-Chancellor of the Andhra University, when interviewed on the present political situation and the part which India should play.

He said :

'In view of the gravity of the international situation all acrimonious discussions should be avoided. The foreign policy of India, as envisaged by the resolution of the All-India Congress Working Committee, breathes a spirit of impossible quixotism. We cannot declare war on all fascist countries like Japan and Italy and add of our own accord to the number of our enemies. \ It sounds fudge and bombast to talk of a new world order and the cosmic purpose of installing freedom

and democracy, when we are not able to inaugurate the world's rebirth in this manner and illustrate our vision by producing Hindu-Muslim unity in our own country. / There has never been any truth in the hasty assumption of ideological combinations and the division of the world into Suras and Asuras, with the Congress functioning as the Charkha-armed Vishnu, the Omnipotent upholder of righteousness. \ The dualism between freedom and authority will always persist and it is a matter for the art of politics in what proportions these should be mixed and administered to suit the conditions and ailments of a country at a given time. Even the Congress is authoritarian ; only it calls it discipline.'

REAL OBSTACLE

'The resolution of the Working Committee has significant saving graces. It is not an ultimatum. It lays down no conditions. It is more of the nature of a moral appeal to the Government than a political demand. For these statesmanlike reticences the country must be grateful to Mahatma Gandhi and his intimate followers who form the centre party. The real obstacle in the way of Indian advance to democracy as well as freedom is the Hindu-Muslim problem. The Muslims apparently do not favour either a strong central Government or a thorough-going democracy. The Congress would do well to settle this problem which it itself acknowledges to be the indispensable condition of Indian swaraj. This cannot be achieved by a Constituent Assembly. In the first place, it is impossible to hold elections now. In the second place, unless the Constituent Assembly is empowered to function in separate Communal Estates or Orders, and unless further only unanimous conclusions are made legally binding, it would not lead us anywhere. If this be so, it is best for the Congress to conduct negotiations with the Muslim League and probably also with the Sikhs and come to an agreed settlement. The Indian States may be left out for the present if they show any reluctance to join.'

NATIONAL DIRECTORATE

'The Government on their part should declare the intention to give legislative effect to any constitutional scheme that may thus be presented by the united voice of India.

'The Government should also Indianise the supreme war agency. A National Directorate might be constituted and the Presidents of the Congress and the Muslim League or the nominees of those organisations, one nominee of the major and one of the minor States, and a Sikh leader, and an eminent publicist like Sir Tej Bahadur Sapru may be invited to become members of this body.

They may either be given portfolios or they may function as a Genro or Council of Elder Statesmen under the presidency of H. E. the Viceroy, regulating all matters of policy and the general conduct of the administration. If such a National Directorate can be constituted it will enable the country to act vigorously and in perfect internal unity. The association of such Elders in such a high responsibility, which will for the time being take them out of and above mere party controversies, may have the effect of smoothening our differences and paving the way to an agreed settlement of the Indian constitution. Governmental nationalisation may precede ultimate democratisation; and this can be achieved by administrative action easily without the delays and controversies inevitable to legislative enactments.'

ISSUE AT STAKE

'The country must be grateful to the Congress Ministries for the way they are functioning in these trying times. If the Congress will go further and take into the Ministries the nominees of the Muslim League, it will further the cause of national concentration which is the first need of the times.

'The great issue at stake now is not democracy in India, but the very life and integrity of India. I apprehend that the defeat of England, which God forbid, would lead to disaster and disruption of our country. Until, at any rate, we Hindus, Muslims, Sikhs, etc., can function as one national unit instead of pulling in opposite or diverse directions, the weakening of England can not be looked upon without serious concern for its repercussions on our survival as a country with its present boundaries.'

IV. DR. C. R. REDDY'S INTERVIEW PUBLISHED IN THE INDIAN EXPRESS

(25th October 1939)

(Dr. C. R. Reddy here dealt with Mahatma Gandhi's implied approval of Communal Organisations).

DR. C. R. REDDY CRITICISES GANDHIJI

STATEMENT ON MINISTRIES

'WEAKNESS CANNOT LEAD TO INDEPENDENCE'

'Is the weakness of general numbers relatively to the smaller sections in the country, a proper foundation either for independence or democracy?' The question was posed by Dr. C. R. Reddy, Vice-Chancellor of the Andhra University who, in the course of an interview to *The Indian Express*, expressed strong disapproval of Mahatma Gandhi's recent statement on Minorities.

Dr. C. R. Reddy said :

'Congress would be ill-advised to start passive or active Non-Co-operation at the present critical juncture in the History of India and the British Empire and the world. Gandhiji's first thoughts of unconditional co-operation are still the best. Government cannot be expected to declare Independence or Democracy while the Muslim League objects to the Federal objective as well as democracy and while in the present temper of communities one is not sure whether there will emerge in the future a singular or a plural India. Congress cannot claim to be the only spokesman of India after having remained quiet under the manysided Viceregal consultations.

GANDHIJI PUZZLES

'Mahatmaji's recent statement on Majorities and Minorities is puzzling. He implies that, if Britain withdraws and there is absolute independence and no British bayonets, the

Majority will not act tyrannically as from the point of view of physical force it is badly divided up, and Muslims, Sikhs and other Minorities are stronger.'

One asks : Is the weakness of general numbers relatively to the smaller sections in the country a proper foundation either for independence or for democracy? Is the safest root of constitutionalism in a Government, fear of the successful revolt of the minorities? If Gandhiji admits that, from the point of view of solidity and strength, Muslims, Sikhs are factors not merely to be reckoned with but feared, how can he blame the Viceroy for consulting their leaders and hearkening to their advice? Furthermore, the ultimate India will be non-violent. Does not this imply the rule of the numerical majority without the control of the fear of minorities? I can only confess my inability to understand Mahatmaji's statement if it is meant to be made the ground for immediate independence or democracy. It sounds like a negation of their possibility.

'HELP GOVERNMENT'

'Congress should follow Mahatmaji's first spontaneous thoughts and join the other Parties in helping the Government. At any rate it cannot send an ultimatum to Government before solving the internal problem of Hindu-Muslim-Sikh unity or amity. A condition bordering on civil war is not the best time for starting Non-Co-operation in any shape or form and challenging the Imperial Power.'

Dr. C. R. Reddy was sceptical as regards a constituent Assembly as the solvent of the problem. 'If' he added, 'it is to act by arithmetical numbers and majorities, it will not be acceptable to Muslims and other minorities ; if by sections, orders and estates, we are no nearer to a solution.

'The Viceroy's idea of a Consultative War Council is good as far as it goes, but it does not go far enough. To ask the great leaders merely to function as a Consultative Council is to underrate their position and competence. Still, it may be accepted as a beginning and developed into a Genro.'

¹ A later development :—They are to be Executive Councillors or Members.

'I hope Congress Ministries will keep on. In no case should they start Non-co-operation as suggested by Mr. Bose and the extremists. In war-time Governments have to act with a single eye to safety and success and they must act swiftly. The internal conditions, too, are not likely to be sympathetic to such a movement—not anything like so sympathetic as on previous occasions. On the contrary, active internal opposition is far more likely. I pray that counsels of far-sighted wisdom and moderation may prevail everywhere and all round and internal peace and order will not be risked. Even benevolent neutrality may not suffice—but malevolent neutrality will not do.'

V. THREE MADRAS SPEECHES ON THE CONGRESS *VERSUS* THE MUSLIM LEAGUE

Or

THE INCOMPATIBILITY OF A PARLIAMENTARY UNITARY CABINET SYSTEM WITH SAFEGUARDS AND SEPARATE ELECTORATES FOR MINORITIES

LECTURE I

*(Delivered on the 14th November, 1939, at the Madras
University Research Scholars' Association, Madras).*

THE CONGRESS AND THE MUSLIM LEAGUE

I am feeling somewhat like Milton. Milton was blind; and metaphorically speaking, I cannot see my way into a solution of the problems which I am going to present to you and other audiences this week. My mode of treatment will be partly descriptive and partly analytical. The various ideas we have been going by regarding democracy, etc., will be checked by the experience we have had of the working of democracy in India during the last two and a half years. In my subsequent lectures, I propose to continue to deal with the data and their analysis with occasional reflections thrown in, and in the last and the third of my lectures, I propose to take up the more difficult and dangerous topic of constructive suggestion and see what sort of and how democracy has been functioning in India, what types of democracies there are and whether we are fit for the British type of democracy, and if not what are the mitigations that we should introduce.

The problem relating to the status and position of the Muslims in any Constitution of India is a very old problem. Ever since the Minto-Morley Reforms, it has been in evidence. Attempts have been made, as by the Lucknow Pact, to arrive at a solution, but no solution has proved to be more than a temporary palliative. Therefore, it is clear that this

is a chronic problem, to use a medical term, and how this chronic problem suddenly took an acute and dangerous turn recently is also known to you. War was declared in Europe and our Congress friends declared their war-co-operation conditions and called upon the British Government to declare its War aims. The Congress Working Committee adopted a resolution which, considering our powers and the prowess and the credit in which we are held by the world at large, struck me at the time as flamboyant. The resolution demanded a new world order from the Allies or promise to initiate one; it wanted the liberation of all their subject peoples; and as a domestic conclusion to this world renovation, it wanted Independence-cum-Democracy immediately to be declared for India, though the actual accomplishment might be postponed till peace returned, and for steps to be taken at once as an earnest of British sincerity. In a word, it was a super-national manifesto with a national corollary. What happened? The Government had to give a response. They consulted the leaders of various parties, interests and communities in India and gave a reply. That reply by a curious coincidence practically tallied with what I had suggested in my interview to *The Mail*, namely, that Government should undertake to consider favourably any solution of the constitutional problem that might be arrived at by the Indian Parties themselves and more especially the Congress and the Muslim League and the Sikhs—the three factors without whose happy conjunction India cannot have a peaceful or prosperous future. I further suggested that in the meanwhile in the Central Government a Council of Indian Party Leaders with the status and powers of a Genro or the Council of Elder Statesmen of Japan should be constituted. Government were willing to constitute a Consultative Council. It was less than what I had thought would be in the fitness of things and in accordance with the position and prestige of the leaders in India; but it was not a bad basis for negotiation, as the principle had been accepted. As regards the constitutional question, the Government practically said that nothing could be done unless the Communities themselves came to a settlement. Though the Government started by consulting a large number of leaders, in the end they left it practically to the Congress and the Muslim League to come together, feeling that if the major contestants agreed

accommodation with the minor could be made easily. Mahatma Gandhi, Pandit Jawaharlal Nehru, Babu Rajendra Prasad and Mr. Jinnah assembled at Delhi, but they could not agree and matters were, therefore, left at a standstill. But in War time it is difficult to maintain a passive *status quo*, because events keep moving forward. No Government worth the name would allow the soldiers whom it has sent to the front to face death at any moment to be left uncared for by the Country. Even passive Non-Co-operation can only be maintained for a short time only, because you can easily see how, particularly in War time, values change and the lives of the soldiers and sepoys become the supreme factor in regulating governmental activities. War must be won ; everything else should make way.

Again, it has been said that because the War is being fought for democracy, democracy should be declared for India. Democracy of a type we have. Students of history may well ask : Is the War being fought for democracy? Was Poland a democracy or are Turkey, Rumania, Greece, etc., all democracies? Rather, is it not a fact that this War like all Wars is being fought for the elementary right of self-preservation and the integrity of the various kingdoms and empires and republics and dictatorships, irrespective of the form of government prevailing in these countries, whether in name or in substance? I do not know of many instances in which people went to war for forms of Government. They might have gone to war for markets, for economic advantages, for extending their territories or it might be ideological warfare, which though often mentioned as a possibility, has not been current very much since the days of the Crusades and religious wars. All those in India who had been declaring irreconcilable enmity between Nazi Germany and Communist Russia, must have been staggered to find the wolf and the lamb licking each other in mutual comfort. To what extent ideological grounds could remain the basis of realistic politics, especially of war, is a matter for you to consider.

Mr. Jinnah and the Congress have not been able to agree. Latterly we have been told by Mr. Nehru that as regards Independence, there has been no disagreement between him and Mr. Jinnah. Only Mr. Jinnah wanted the

communal problem to be settled first, whereas the Congress took the view that Independence had nothing to do with the communal problem, and therefore Government should declare Independence before they considered any other question connected with the Constitution of India. Now I ask, as most of you will, if it was a fact that Mr. Jinnah and the Congress were agreed on Independence, how is it that in this morning's papers we see Mr. Desai pleading that unity of India should not be jeopardised? Are we going to have Independence with disintegration? If Independence of the whole country in the integral condition in which we find it today is the thing on which both the Muslim League and the Congress were agreed, to me it is most surprising that no statement to that effect was jointly made to the Government. It is still more surprising that when Mr. Nehru claims unity of ultimate purpose between Mr. Jinnah and himself, Mr. Jinnah has not to this day endorsed that statement. In politics you have to draw inference from silence as you do in law. (*Laughter.*)

Let us consider the definitive proposition Mr. Jinnah has laid down. In the first place, he does not want a Federation in which taking the Hindu States and the British Indian Hindu population together or even taking only the British Indian Hindu population, there will ever be a permanent Hindu majority in the Centre. You may think over this fact and come to your own conclusion. But how can you claim that there is some kind of ultimate unity between the Congress and the Muslim League, though both use the term Independence? If there is such a unity, is it one which can be brought into political operation immediately? Do they mean the same thing by the word Independence? Or is there a conflict of content?

Congressmen are blaming the British Government and questioning their good faith. The Congress leaders have been saying that Government has interjected this communal issue unnecessarily, that they are at their old game of 'divide and rule'. We have to ask—is this a justifiable accusation? The position of the Government is that they are not able to make a pronouncement regarding the Constitution of India unless the Muslim League and the Congress came to a settlement. The Congress replies that the communal question

has nothing to do with Independence and that all these minor issues have been introduced by Government wantonly. Now we have seen Mr. Jinnah has not been able to agree with the Congress in holding the view that if an Independence declaration is made by the Government, the other issues will somehow be settled; and in fact he believes Independence to be a danger but fortunately impossible without prior settlement of the communal issues. As far as I can see, there appears to be a fundamental difference.

We talk of Independence. Now let us analyse it. Is it Independence of the country as a whole or only of the British Indian Provinces? If it is Independence of the country as a whole, does it or does it not involve the States and the idea of Federation? If it involves the idea of Federation, Mr. Jinnah says he will not have a Federation, at any rate, of the type that has been embodied in the Act. How is it then possible to declare anything even on the subject of Independence? And how about the States? Or do you want Independence only for British India? Then again, the question comes—has this Independence that we have been thinking of nothing to do with democracy? Which is the more fundamental issue—Independence or Democracy? Have there not been and are there no national States independent but not democratic? Congress thinks that democracy is a necessary condition of Independence and ties up two different concepts in an indissoluble union in which democracy is the major partner, i.e., its idea of democracy. Here is a double fallacy. Independence can exist without democracy; and its idea of democracy is not the only type in existence.

If we have not abandoned Federation as the only framework in which an integral and independent India can be conceived of and if further we have not definitely said, as Mr. Jinnah wants us to say, that parliamentary democracy is not a panacea for our country, how can you turn round and say these other issues have nothing to do with Independence? I want you to consider whether you can have a statement on Independence without any reference whatsoever to the dimensions of the geography to be comprised and the inclusion or exclusion of the States, and the type of Government that would be installed under Independence. The

position of the Government seems to be this : Things have come to such a pass that they must either join with the Congress and coerce the Muslim League or join the League and the Minorities to coerce the Congress. Naturally they do not wish to make a choice. It is not only a difficult choice but it will be a dangerous choice for any Government to make, and therefore Government have left matters in the present curious condition, of nothing doing anywhere. Again, we have to note that in all these discussions no representatives of the Indian States had taken part. I say this merely to point out that even the idea of some declaration of Independence in respect of the British Indian Provinces has become difficult, and for the time impossible ; and if you take this big factor —the Indian States—also into consideration, you can see how yet more difficult the problem is and how it is not easy for any Government which takes a long view of things to make a hasty commitment.

This charge of bad faith against the Government is an illustration of how tempers, moods and ideas change quickly. I may draw your attention to the statement of Mahatma Gandhi during the Rajkot affair when he declared that because the Congress had accepted Office they must be treated as being in alliance with the Government ! I suppose if any ordinary person like me had said that, his patriotism would not be worth a day's purchase. Alliance with the Government :—obviously the Congress wanted the assistance of Government in order to bring Rajkot to what they considered reason. Again, after the outbreak of the War, Gandhiji appealed to Europeans in India 'to range themselves alongside the Congress'. So till very recently the Congress leaders had no reason to doubt the good faith of the Government or the Britishers but one of the results of the breakdown of the Delhi conversations has been reversion to their older attitude towards the Government and questioning its good faith. I mention this merely to show that in politics we must deal with situations as they arise and we must not think that any situation will persist very long. The mistrust may disappear, yielding place to renewed faith in the Government, if that is considered to be the better tactics.

The next question I wish to take up is this : Has the communal situation—I now use the term only in respect of

Hindus and Muslims—become worse since the Congress accepted office or has it become better? I believe there can be only one answer. The other day a Professor of Political Science from the North visited us at Waltair and we naturally asked him to tell us about the Hindu-Muslim problem as the North is the storm centre of communal troubles—a barometer. He told us the situation had become definitely worse. But we need not go by the impressions of any individual, however high he may be. We can collect data for ourselves, test them and see what conclusions they involve. Consider the number of communal riots that have occurred during the last $2\frac{1}{2}$ years and compare them with any previous period of five years and see which period for quantity and quality is superior. That is an objective test. Then consider also this other fact, namely, the Muslim League's refusal to deal with the Congress unless it concedes to the League the right of being regarded as the sole representative of the Muslim community. Analyse, and you will find there are two implications. The first is that the Congress claim to represent the whole country and to be the only deliverer of political, economic and cultural goods is not accepted by the Muslim League; in other words, the right of the Congress to be the only spokesman of the country is no longer, if it ever was, admitted today but openly denied. The second is, the Muslim League enunciates the principle of separate existence for the Muslims. Let me give an analogy. Supposing you are dealing, after you have acquired Swaraj, with a foreign Government, say Japan. The Japanese Government will not allow you to deal with the people of Japan behind the back of the Government. It will say 'I am the only person with whom you can deal and if you try to deal with our people behind our back, we will give your ambassador pass-ports and bundle him into the next boat leaving for India and we will take care to see that the boat is leaky'. (*Laughter*). So it is this principle of separate existence, a national status, that is implied in this contention.

Now, the next question is what are the causes that have led to this increased bitterness, granting that there has been increased bitterness, because in an assembly of intellectuals we should not be dogmatic, and I have not come here to deliver messages. In the Andhra University I do not allow

anybody to come in to deliver messages unless it be the telegraph peon. (*Loud laughter.*) I just want you to think over. You will have noticed two days ago that the Nawab of Chaatari declared that the Congress lost a good opportunity of producing inter-communal unity two and a half years ago at the time when it accepted office. Now, what was that opportunity? Did the Congress lose it? It marks in my opinion one of the big events that have affected our contemporary politics whether for good or for evil. The problem is this: There were separate electorates for Muslims; of course for others too. But I am concentrating only on one problem. The Congress came in an overwhelming majority and for its power in the Council and continuance in office, it was independent of all other groups. The Congress, under the circumstances, and because it had sometimes denounced Coalitions as impure, as wrong in principle, and as inadmissible for pure Satyagrahis, went in for a purely Party Cabinet. That was the Congress view or profession, though before the elections it had called upon all to vote for it irrespective of their opinions as a broad-based nationalist organization with room for all and intent only on winning Swaraj: regarding which it held that Muslims also had the same aspiration. But the Muslim contention is that the very principle of separate electorates rests on the idea of mistrust of arithmetical majorities and that, therefore, they should be given their own man in the Government. Now, under the Constitution, the Governors have to see that the interests of the Minorities are properly safeguarded in their Governments. Therefore, the question arises: will the interests of Muslims be safeguarded by a Congress Muslim being appointed to the Cabinet or should Muslims be allowed to choose their own men by their own majority vote? All are agreed that there should be representation of Muslims interests in the Cabinet. That is conceded and there is no dispute about that. To put it in the concrete, without being personal—because Mr. Yakub Hasan is one of my oldest friends—is Mr. Yakub Hasan the best representative of the Muslim interests or one chosen by the Muslims themselves? The Muslims hold and Mr. Jinnah has held from the very beginning that they should be given their own representation of one or whatever the fair number in the Cabinet. The Congress has denied. Furthermore, the Congress made it

clear by their agitation regarding assurances from the Governors about the use of their Special Powers that they would not tolerate any interference by the Governor and if he dared to interfere there would be a deadlock, they being in an absolute majority.

When I was leader of the Congress members in the Council I strongly pleaded that until the Indo-British problem was solved, we must regard ourselves as being in a state of war, active or passive, and must have Cabinets of national concentration. In Europe, whenever a great crisis occurs they do not have Party Cabinets; they have Cabinets of national concentration. The other day Mr. Neville Chamberlain reconstituted his Cabinet. He offered seats to the Labour Party but they said, 'We do not want seats but we will co-operate.' It is all the same. The very offer was enough.

The Congress took a different attitude altogether. I sometimes feel that though a theory requires to be checked by practice, a good analysis of the theory itself sometimes suffices to show up the latent fallacies. Here is a case. Supposing there are twenty-five seats reserved to the Muslims; the Congress contests twenty-five, wins five and loses twenty. Are the five Congress Muslims better representatives or as good representatives of the Muslim interests on any democratic theory as the twenty others who defeated the Congress? Granting that special interests must be safeguarded, none of us hold that they could be safeguarded by nomination. Nomination is undemocratic. All of us objected to the nomination by Governors for such purpose in the old days. In the case of the Congress Muslim, does it not come to Congress nomination of Muslim Ministers? Now, either the special electorates are to be honoured or they are to be reduced to a sham. Politically speaking either course is just as good as the other, if it does not lead to discontent and disorder. I am only pointing out how a certain situation has risen resulting in the present impasse. I was told by a Congress friend of mine that in one Province they had not even a single Muslim returned on the Congress ticket but they caught hold of an independent and induced him to sign the Congress pledge. This political rebirth elevated him to a Ministership.

The Congress turns round now and says, 'We will give you any amount of safeguards in the new Constitution that is going to be framed.' Mr. Jinnah naturally rejoins : 'What is the good of your safeguards? In this parliamentary democracy you have already reduced our safeguards to dust and ashes. Governors are invested with power to safeguard us but you told the Governor, "If you exercise that power, there will be a deadlock"' and now you say in the new Constitution you are going to give us safeguards and at the same time prescribe parliamentary democracy—the source of all our woes, as the only type of constitution to be enacted.'

Now the question for analysis is this : Are safeguards necessarily operable in Parliamentary Democracy?—I say necessarily, because with commonsense and courteous consideration and a spirit of constitutionalism, any constitution can function. Obviously no ; unless you have that spirit of accommodation which distinguishes the British race. The Cabinet is supposed to possess the confidence of the Governor and when it possesses the confidence of the Governor, how can he exercise safeguards against men in whom he has full confidence? And so special electorates do not possess now the charm they had two and a half years ago. It is that which explains the lengths to which Mr. Jinnah has been obliged to go under stress of painful experience, the logic of which is more than plausible theory.

Before the elections the Congress was a national platform and all men, whatever their views, were invited to join for council-entry purposes and vote for Congress candidates. Yet this big, universal national platform refused to accommodate a national cabinet !

To what extent are safeguards necessarily operable in Parliamentary Democracy? Consider.

Another point is this : All concede, and Congress leaders more than anybody else, that safeguards must be there. Mr. Jinnah's proposition is Parliamentary Democracy does not suit our country. Analytically speaking, does not the introduction of safeguards really imply that if the safeguards are to be effective the first condition is that Parliamentary Democracy in the form in which we have known it cannot function in India, and should not be allowed.

Therefore, who can turn round and throw up his hands in horror and say, 'Here is Mr. Jinnah saying democracy does not suit us that have been always such excellent democrats?' You cannot concede effective safeguards and at the same time deny the proposition that Parliamentary Democracy cannot function, though other types might. Now, analysing safeguards further, safeguards are to be operated upon by some power outside the Cabinet because they are meant to be employed against the Cabinet. What is that power to be? It cannot be the judiciary. Suppose a Muslim says his religious sentiment is offended by the Wardha Scheme, is Sir Maurice Gwyer to sit in judgment on this matter and give a verdict? It is or may become a political issue and therefore the only other person to be entrusted is the Governor or the Governor-General or the Secretary of State. But what will be the result if you have not got a spirit of accommodation and consideration and courtesy for others but are fanatically bent on introducing a new world order and a new life order? Can personal, religious and communal rights be always separated from political? And is not political power a better defence and less costly than recourse to law?

If the Governor exercises these powers, you will turn round and say—'You are trying to divide and rule'. Supposing safeguards imply an umpire as at a foot-ball match, whose decisions will be accepted implicitly by all parties without question, if the Ministry said they would not be bound by him and took it as an offence or ground for resignation, what becomes of safeguards? If the Ministry abides, then where is Parliamentary Democracy? So I hope you will understand that Mr. Jinnah's proposition is not so palpably absurd as orthodox Congressites aver.

A Cabinet of national concentration will have this advantage, namely, in a crisis there would not be other parties speaking with different voices to the ultimate Government or Sovereign Power. If the Congress had said, 'We have a big majority. And being strong we will be generous and not vindictive. Whatever our electoral and other squabbles we have always said we are a national platform. Come, Muslims, choose your men. Come, Scheduled Castes, choose your men', would we be in this impasse? In 90 questions out of 100, no difficulties would arise. For

confidence begets confidence and sympathy, sympathy. In ten there may be and we should see whether compromise is possible. They reply to my idea of a cabinet of national concentration, by saying that that would make a united cabinet with a single policy impossible. My answer is this : Our criticism of the present Constitution, when it was formulated, was that it did not make such a Government, the Party Cabinet type, possible. The law, the spirit, and the intention of the Act is that you must have Government by general consent and not Government by Party majorities. We had always been saying that Parliament had not given us Cabinet Government, but we tried to extract out of this stone, the oil of pure Democracy, as we understood it. We, no doubt, wrecked the Constitution but we wrecked it against our own Minorities and fellow citizens, creating this bitter feeling. Our wrecking took a wrong direction, as is now seen. From some speeches it looks as though the Congress would gladly reconstitute Ministries and take in some members of the Muslim League in their Governments if Mr. Jinnah would now propose or agree. But just as we accuse the British Government of giving concessions 'too late', there is 'too late' written on some of our concessions also. Mr. Jinnah has moved, I think, further away and we must now see what turn events will take. Recently, three or four attempts have been made by the Congress to placate the Muslims. In fact I would like some of my young friends to write a thesis on 'Congressional reactions to the Muslim problem'. They ranged from the blank cheque promised by Gandhiji some years ago to the blank negation which Mr. Nehru has adopted. At one time it was said, 'We will give you a blank cheque. Take all you want ; only let us have Independence'. But curiously enough nothing has been inscribed on the blank cheque, and it remains blank still. I do not personally believe that blank cheques will ever succeed—they often lead to prospects equally blank.

Now we are overflowing with the milk of human kindness ! Quite right. Congress might have committed mistakes but not I am sure, out of ill-will to the Muslims. If there is one thing on which one could be as certain as one's own existence it is this :—The Congress had always the best of wills towards the Muslims ; and if it is then asked how

these mistakes came about with such direful results, I attribute it to two causes. Firstly, errors of judgment to which all are liable, though some Congress people believe they are infallible. Secondly, the Congress proceeded on a certain philosophy which rendered toleration, in the best sense of the term, and accommodation of different views, difficult, if not impossible. One feels sorry that professions made while in opposition were not carried while in office even by the Congress. Undoubtedly the Congress is under high moral leadership ; but I do not suppose even that is above criticism and above opportunism. Without exhausting the list I can give a few instances in which the Congress, at any rate *prima facie*, does not appear to have proved true to its own principles and professions. Gandhiji says, 'do not put the national flag even if there is one single dissident'. But I ask my Congress friends,—'Has this been observed in practice? Have not your public bodies, like District Boards and Municipalities, been hoisting them on the vote of the majority in spite of protests?' The result is the Muslim League has a flag of its own and they ask in certain Provinces if the Congress flag is to be flown, the Muslim League flag should also be flown. Has the advice from the dictator of the Congress been honoured in the breach or in the fulfilment? Similarly regarding the *Vande Mataram* song and the question of Compulsory Hindi. Mr. Mahadev Desai wrote an article in the *Harijan* to the effect that consistently with the philosophy of non-violence, attendance at these classes should not be made compulsory but should be left to the option of the students to attend or be absent. If there were no students attending, then the teacher must be transferred to some other locality to open Hindi classes! Apparently, the Hindi teachers must be in a fluid condition and go from place to place! (*Laughter*). But we have adopted another device in Madras ; that is, attendance to be compulsory but not study! Physical attendance and not mental attention! For Hindi should not count for examination and promotion, which is a novel contribution to educational theory and practice. But then Truth is various and elastic!

Well, what about the Congress attitude towards the Criminal Law Amendment Act and towards the separation of the Judiciary from the Executive? What has become of

the Civil Liberties Unions during the past two and a half years? Their papers in certain places refused to publish the names of people arrested by the Congress Government under special laws, the Lawless Laws of their pre-election denunciation.

Now, I do not want you to say, 'How bad this Congress is'; but I only point out to you the contrast between the high professions and promises with which the Congress started and the excellently human level to which it has quickly descended. The angels have dropped their wings, though I for one never believed that the wings were composed of anything but wax.

I must say, incidentally, that we have not heard of this 'soul force' for the past two and a half years. I expect it will start to be heard again if this impasse continues. On the contrary, in connection with the Criminal Law Amendment Act we heard a good deal about the police force which is a more effective weapon than soul force!

It may therefore be held that the mere assurances of any Party, however truthful, could not be accepted as an adequate substitute for operable safeguards. The Congress objected to Coalition Governments as wrong in principle. But what has been the subsequent history? Have they not tried in Assam and succeeded, and also in Sind? Having thus made a departure from the original principle, how did it come about that they did not immediately turn round to the Muslims and say:—'We shall re-constitute our Cabinets' before the situation reached the present acute condition in which accommodation of that kind has the ugly aspect of surrender whereas formerly it would have been magnanimity.

Now, the Muslims want something more effective than assurances and good wishes. But the most vital blunder the Congress committed from the point of view of the Muslim League has been the attack on the Muslim League made by the Congress. This took several shapes. Firstly, under 'Mass contact', the Congress tried to set up candidates against the League candidates. They won the first election and that led them to contest some more, all of which they

lost. Thereafter, the 'Mass contact' was dropped. Then they took over men who had come on the League ticket into their ranks on signing the Congress pledge without asking them to undergo re-election as Congress candidates, a practice which it had condemned in other parties as immoral. If any party acts on the idea that what is wrong in others is right for it and what is right for it is wrong for others, it may get votes, it may even form governments, but credit in any Court of impartial justice it can have none. How long can a Party continue in this manner? It depends on the level of character in the party itself and ultimately in the people.

But let us be just even when we are critical. I do not think any party in India has been under the leadership of such really noble and great persons as the Congress. I do not think there are many parties in the world that can boast of more spiritual leadership. And when a person like myself who suffers from the disadvantage of thinking for himself finds many things done which disgust one's sense of fairness but condoned by its saintly leaders, I sometimes wonder whether there may not be a good explanation of which I am at present in full ignorance. A certain principle or philosophy had made the Congress adopt this attitude towards the Muslim League and such other organisations condemning them sweepingly as 'communal'. Only three weeks ago a Congress leader, who is a personal friend of mine, referring specifically to the Muslim League, said it was not patriotic and he would not touch it with poker. The idea that we are the only party, that we are the only people who can deliver the goods, that we are the only spokesmen in India, has led to the consequence that the Congress should do its best to disrupt these communal organizations as political bodies while perhaps allowing them to exist for cultural or economic purposes. And even here not fully or securely. For the Congress has also a spiritual mission to fulfil. It must impart or impose a new order of life. This naturally alarms men of other faiths.

How can you expect the Muslim community with its historical traditions to dissolve itself in an arithmetical mass in the name of democracy? Are numbers more sacred and

more effective than race, religion and history? The Congress is now in a reflective mood. That is why I am engaged in this stock-taking of the political situation in order to get my Congress friends to reflect and change and get back for some years at any rate to the principle of national concentration in their governments so that by day-to-day contact and habits of colleagueship, we may overcome these differences and inaugurate a happier era. But so long as they hold the doctrine that the political salvation of India can come only through Nirvana in the Congress, I do not think improvement is possible.

There is fear amongst a large mass of Muslims that the nationalistic revival of the Congress means the revivalistic nationalism of the Hindus. I do not think there is much ground for this fear. If Gandhiji is very rightly for Temple Entry, it is no doubt to safeguard Hinduism and not in any way to attack any other religion. But the Muslims point out that the Vidya Mandir Scheme is likely to introduce un-Islamic ideals amongst the youths of the Central Provinces. Then there is also the Wardha Scheme. Gandhiji himself has said that the scheme was intended to be the educational introduction to a new world order very different from that of Mr. Nehru's, one in which all would lead a simple life, with rural self-sufficiency, no big factories, all handwork, wants few and easily satisfiable—what I would call *charkaisation* of the world in place of civilisation. Now why should we blame Gandhiji for such an ideal? It may be possible or may not be possible. He means it to be a gospel for the entire world though, no doubt, occasionally he adjusts himself to the force of events as when he said Polish violence was equal to non-violence. (*Laughter.*) But that was for two days only. (*Laughter.*) Then he went back to his original philosophy. But Mr. E. V. Ramaswami Naicker's non-violence is violence. The Congress Ministers have been using their power and trying to propagate the Gandhian philosophy of life which the Muslims consider Buddhistic and Jainistic. It seems to me that when a great man who honestly feels that the whole of Western civilisation has been a curse to the human race, preaches a different gospel, we cannot say that he means to revive either

Hinduism or any other religion though he uses terms familiar to us, but rather a new dispensation. All the same it is bound to breed suspicion on the part of the Muslims that the flank of Islam is being turned.

Now, what are the contentions of Mr. Jinnah in the light of these experiences or in the wake of these events? He says Muslims will not be regarded any longer as a Minority. In point of fact, we did always blunder when we referred to them as a Minority. Supposing they had been a Minority like other Minorities, would there have been a Lucknow Pact between Hindus and Muslims? Then how are the Muslims differentiated? The Scheduled Castes are spread all over India and they can be absorbed in Hindu Society. But the Muslims are territorially compact, for example, in the Punjab, Sind, the North-West Frontier Province, and Baluchistan. It is this territorial unity which they refer to as a possible Pakistan which may one day secede from India and set up as a separate State. The Muslims' position is certainly very different from that of the Scheduled Castes. The Muslims seem to have struck upon this new idea of the possibilities of a Muslim State after Burma was hived off. Another idea is a Federation of Muslim Indian States and the Muslim Provinces and a Federation of the rest with a Confederation of the two; or a Muslim State only in the North-West federating with the rest with or without the right to secede. We may agree or not with Mr. Jinnah. But it is a factor to be taken into account particularly when Gandhiji referred three days ago to the possibility of a 'vivisection' of India. For the past one and a half years I have been talking about the possibility of the integrity of our country being jeopardised by these conflicts. The Muslims contend that taking their history and their territorial compactness, they could form a State which might federate with the rest of India and they must be treated as a distinct and separable nation. Now if Muslim provinces could form a State, and either the whole of the rest of India or other parts of India another State, then there is only one way in which Federation between the two States could be formed, namely, on the basis of perfect equality, as between two independent nations.

None of us are called upon to agree with Mr. Jinnah but surely it behoves us Hindus to understand the Muslim

position and that is what I have been trying to do. As a result of a premature drive at unitary nationalism and towards absorption by one Party or a totalitarian agency and the hostile attitude adopted towards these communal organisations and the terrible consequences that have followed, Federation and Democracy have to be re-examined. Princely complications are another factor. The integrity of the country is a matter to be safeguarded and in this respect I want to request my friends to reflect whether it is a safe and sound attitude to adopt to go about as though the present frontiers of India had always been there and would always be there, simply because they have been there for the past few generations ; that they are so much a part of nature's dowry to our country that no force in the world, internal or external, could alter them to our disadvantage. Frontiers are made by history and could be unmade.

The other day a friend of mine was telling me how he wanted Indian States like Hyderabad, Travancore and Mysore to be liquidated. I said, 'Excellent ; but I am afraid the country itself is being liquidated.' When people talk glibly of conditional co-operation, while I understand the national urge or desire to have Swaraj, I sometimes wonder whether they have seriously thought about the possible consequences to India of British disaster in this War, which God forbid. Let us remember that towards the end of the last War, Afghanistan invaded India. Let us remember the internal situation. After all, the British have been trying, to preserve our frontiers for us and we should not forget that our frontiers never were so firmly fixed as under the British regime.

Let me recall the contention of the Muslims that the residuary powers in the Constitution should vest in the Provinces and not in the Centre. The significance of this contention is that the Provinces are the Sovereign States and the Centre should possess only such powers as are specially delegated to it. A sovereign state may secede, I suppose. The Congress was for a blank cheque in this matter also. Some of us were aghast because in a country of Castes and Communities and many religions, unless there was a strong Centre, the integrity of the country will become problematical

and thought it was a risk which should never have been taken. And what did the Government do? Unable to get the support of our friends for a strong Centre with the Provinces as highly developed local bodies, unable to vest full sovereign power in the Federation, they at any rate left the question open. They left the allocation of new powers to be decided as and when the questions arose. They thus postponed the solution. Now, all these subjects have been thrown into the melting-pot, and I do not know what kind of Constitution will emerge. Let us hope for the best.

LECTURE II

(Delivered on the 15th November, 1939 at the Law College, Madras).

CONGRESS VERSUS MUSLIM LEAGUE

We have met in stormy weather today. The situation in the country too is stormy. Let us hope that out of this storm, the refreshment, of which the country is in need, may be forthcoming.

The present is a paradoxical situation, paradoxical in this way. Every one irrespective of party or personal feelings expected that with the advent of Congress Governments, national solidarity would be promoted and increased in every way. But strangely, and to our surprise and sorrow, the effect has been the contrary of what was expected.

This is an unforeseen tendency or event. I am perfectly certain that this tragic communal situation in the country aggravated by things that have happened in the last two and a half years and breaking out in so many forms and ways is an unforeseen, unintended calamity. It may be due to many causes. But here I am trying to look at the question from the point of view of Minorities, for they are the people who have been more or less voiceless and it is to the poor defendant that the State must supply a counsel. Therefore, if I stress that point of view, it is with the object that we Hindus as the majority community, should understand their position, and if possible appreciate.

Perhaps it is due to errors of judgment on the part of the Congress and the Congress Ministers ; but all of us are liable to errors of judgment and none is infallible. But to a certain extent, it may be due to the particular philosophy of life and politics that the Congress pursued which entailed that it should be the one and only spokesman of the country, the one party that should negotiate with the Government and the one organisation that alone could deliver the goods and reform the country from top to toe, reversing in the process the movement of history as a false turn to be rectified.

The first result of this idea is that Congressmen are compelled by their conduct to render nugatory the consequences of special electorates and safeguards for the Minorities, the object being to strengthen nationalism by smashing what were regarded as institutions and measures conceived in embodiment of separatist rights and tendencies. But the smashing up has produced just the opposite of the effect intended ; it has not bridged but widened the gulf.

An analysis will show that special electorates to be significant carried with them the right to have their own representatives for the Minorities in the Cabinet, that safeguards carried with them acquiescence in the right of the Governors to exercise their special powers in furtherance of the guardianship imposed on them by the Act. On the contrary there was the opposite view held not merely by the Congress, but by other schools of thought as well, that we should try to work this Composite Constitution in the Parliamentary Cabinet Government manner as per the British standard specifications. Cabinet unity and responsibility allied with the view that the Congress should be the one and only political institution in the country produced the results above mentioned. They would not admit Muslims to the Cabinet unless they signed the Congress pledge, no matter on what ticket they might have been elected, nor would they permit, as far as we understand, the Governors to exercise their special powers.

What is the result? The wreckage witnessed recently at Delhi, the impossibility, the apparent impossibility I should say, because hope seems to be there still, of the Congress and the Muslim League joining hearts or hands. Today even the Congress will admit that it is not in a position to function

as the only spokesman of the country. Otherwise, why telegraph to Mr. Jinnah to come to Wardha or to proceed to Delhi and why confer with him before the Congress leaders met the Viceroy? It was because you could not get him to agree with you, and matters could not progress without him, you had to submit to the present stalemate in the country.

The Minorities' problem, therefore, always a chronic problem, has today reached the dimensions of an acute crisis which, if not speedily solved, will ruin the prospects of India.

'Minorities' is a genus comprising a number of species ! Take the Parsis, for instance. They are a minority, but they do not desire political influence beyond what they can get by their merit and moral influence. So politically, of their own accord, they have gone out of court.¹

Take the Scheduled Castes. They are spread all over India. They are not a compact body and are poor and helpless and all are agreed in saying they are a minority, whoever else is or is not, meaning a weak and helpless people. In fact, recently the Congress theory has been that they are the only Minority whose interests deserve to be safeguarded.

Then there are the Anglo-Indians and others. I shall refer only to two of them, the Sikhs and the Muslims.

The Sikhs are a factor to be reckoned with. By their history, their power, union and strength, they will not be relegated to the background. The Muslim position is different again. Today they are no longer a Minority, no longer even a Community. (*Laughter.*) They are a nation. (*Laughter.*) Why should you laugh? After all, you are not to judge the status the Muslims think they have a right to occupy. They are the best judges of what their claims as men, race and religion are. Just as you will not allow the British to lay down the status you should occupy and the conditions in which you should work out your political future, so I am putting it to you, why should not the Muslim claim his right of self-determination without in any way being ordered

¹ Since this was said, the Parsis are reported to have taken prominent part in the observation of the Deliverance Day—more especially in Bombay—an ominous reaction !

about by the Hindus on the ground that they are more numerous?

To summarise, the Muslim position is this :—

'On account of our history, traditions, unity of language and the power of religion which we possess and the whole bent and aim of Islam, both inside and outside India, and above all by reason of the fact that we enjoy territorial compactness in the North-West which is not enjoyed by any other community, added to this the fact that in four Provinces we are now in a majority and if the Congress had not gone out of its way to create coalitions in violation of its past principles or professions, we would have been in a majority in one more Province, furthermore on the application of the democratic theory of self-determination to our Provinces which says that the majority shall determine their political destiny, we say we must be treated as a nation. Whether we are going to be a State or not is a matter to be determined later ; meanwhile we have the right to be treated as a nation and not as a mere community to which the Hindus will give protection and safeguards. We are not in need of your patronage.'

I do not wish to enter into the series of events which have gradually made some of the Muslim leaders, who would have been satisfied with weightage and safeguards at one time, take up the present position which is so ominous to the future of an integral India. The consequences of this idea of a Muslim nation are clear.

If you are a nation, you may be a democracy within yourself ; but there is no call on you to agree to be ruled by some other democracy because it happens to be more numerous than yourself. For, a nation has the right to govern itself under any form of Government it chooses to adopt. It may prefer a democratic form or may not ; but even the smallest nation is under no moral obligation to be governed by another simply because it is blessed by a more numerous population. Therefore it is that Mr. Jinnah says that democracy will not do in the present circumstances of India. Nor will he accept arithmetic as the only or the final gospel of politics.

Secondly, a nation even though small, when it federates with another nation, always does so on a footing of equality. Federation between sovereign states can only be on a footing of equality, and Mr. Jinnah has been stressing the principle of equality in his utterances.

The other thing that flows from this theory or if you like, hypothesis, of a nation is that what are called residuary powers should vest in the Provinces and not in the Centre. The whole Muslim world has been consistently asking that the residuary powers should be vested in the Provinces, that the Centre should be rather weak. I can understand their feeling, though, as an Indian nationalist, it may not be possible for me to view such a prospect without serious concern. If sovereign rights are vested in the Provinces, ultimately it may be made to carry with it the right to secede. Though the question of secession has not been specifically raised, it is there in solution in the contention that the Provinces shall be sovereign states and the Centre shall be a Federation with only delegated powers, a weak Confederation at best.

As a corollary to this position, in regard to the constitutional advance of India, Mr. Jinnah says that the communal issue should be settled first before we take up the constitutional question. The Congress rejoins that the constitutional question shall be settled first before we take up the communal ; at all events, a declaration about Independence should come before we proceed to frame a Constitution. The Congress is willing to give assurances to the Minorities that they will do everything to act in agreement with the Minorities, that no Constitution will be accepted if it was not agreeable to the Minorities.

But Mr. Jinnah as a businessman says :—‘I want your cash and not your credit notes’. That is the position, so far as the Muslims are concerned. ‘We are a nation and therefore no Federation except on terms of equality and no Federation which will carry with it the subordination of the Muslims to the Hindu majority in the Centre. No democracy of the Parliamentary Cabinet type either, because it has already rendered the safeguards and the consequences of separate electorates nugatory. For if safeguards and separate electorates are to be relied upon, then Parliamentary Cabinet system

cannot be allowed to continue in India without serious modifications which will change the present system out of all recognition introducing the system of Composite, irremovable Cabinets and Separation of Powers. The dangerous proposal is held in reserve, namely, 'why should we not, where we are in a majority in the Provinces, vote ourselves as a separate Province or State—*Pakistan* and go out of the Indian system altogether? Where we are in a majority, why should we not invoke arithmetic? Arithmetic is no monopoly of the Hindus or the Congress'. That is why Bhai Paramanand is willing to accept British Raj's insurance against disruption.

I do not think the *Pakistan* proposal has reached the dimensions of a serious demand; but there is no doubt some such thing as that is somewhere in the background. Probably it has reached a more advanced stage now than before, because from recent press messages we know that Mr. Gandhi is referring to the 'vivisection' of India and Mr. Bhulabhai Desai is talking of the 'inviolable unity' of the country 'as one and indivisible'. Why should big leaders talk of the country being indivisible if there was no idea of division anywhere? I submit that you should read between the lines the utterances of these leaders and realise the possibilities ahead.

We have to examine the reaction to this. The reaction of the Hindu Mahasabha is simple and straight and contemplates an excellent Civil War. They say 'in view of the intransigent attitude of the Muslims, we should not go on harping on Independence and Swaraj. We must join with the British Government who are most anxious to preserve the present frontiers of the country, because it is the frontier created by them and is an accident of British history and as such is 'their property' in preserving which they are more interested and earnest than we, and ask the Mahommedans to do their worst!' As a corollary to this they say, 'let us develop the physique of the Hindu race which seems to be below par (*Laughter*) and also capacity for unity which seems to be on a par with their physique. (*Renewed laughter.*) But I do not think that the Hindu Mahasabha has a big hold on the country for us to take its reaction seriously.

What of the reaction of the Congress? The Congress is a powerful body, though it is not so strong today as before,

which is clear from the confessions of the Congress leaders themselves. The Congress is assuring the Minorities of its abundant good will. But unfortunately, the assurances of the Congress today cannot carry the weight they did two and a half years ago. I do not blame them. Mutation is the law of human nature, more especially in politics and success in elections changes policies. It has been so everywhere and you can judge for yourself how far the Congress attitude has changed towards many things including the Criminal Law Amendment Act and the separation of the Executive from the Judiciary and various other measures. Mr. C. Rajagopalachariar has told us that Government by non-violence has not yet been discovered or invented. I will go further and say—it will not be discovered by parties in office ; it will only be discovered perhaps by those in Opposition. Mr. Gandhi himself in reply to the various criticisms in regard to its application roundly rejoined with a tremendous statement that we must not treat Congress resolutions as fetishes ! Of course, Muslims go further and say they will not treat Congress leaders either as fetishes. Therefore, mere assurance, by a Party, however good and well-intentioned, cannot be accepted in politics which is business and not a religion resting on faith.

The other thing that the Congress proposes is the Constituent Assembly with the widest possible franchise. What is the good of offering Mr. Jinnah exactly the thing he does not want? Translate the widest possible franchise ; it will mean that the arithmetical superiority of the Hindus will be greater than it is in the present electorates.

Has the nature of this Constituent Assembly been defined? Will it meet as one body elected on universal franchise and decide by, say, two-thirds or other special majority? If so, the whole principle that the Muslims are a nation goes by the board. If the Muslims can come into the Constituent Assembly on that basis, they can easily come into the present Federation.

The Muslim League has been opposed to Federation much more sincerely than the Congress, but for a different reason, namely, that it would put the Muslims under a

predominant and permanent Hindu majority in the Centre and ultimately dissolve Islamic solidarity and individuality.

Or will the Constituent Assembly meet under Separate Estates or Orders, Muslims in one Chamber, the Scheduled Castes in another, etc.? Or again, will it meet under the principle of voluntary Federation newly adumbrated by Mr. Gandhi but not pressed and perhaps abandoned? Then what sort of decision would be binding? If the decision is to be by any kind of majority, the Muslim League will not agree. Therefore, the Congress must define the composition of the Constituent Assembly.

If therefore the Constituent Assembly is no improvement on the present situation, why not negotiate with the Muslim League and see where matters are tending? I am glad that Mr. Jinnah and Mr. Jawaharlal Nehru will be in conference very soon and hope that the Conference will result in a solution. I do not mind whether it is consistent with democracy or not, provided it is consistent with the integrity of India as it is today. That integrity is much more important to me than democracy of the British pattern which may be secured more leisurely if feasible. Once integrity is jeopardised, it is not going to be restored, without, I dare not think, trials and tribulations that will have to be gone through and may be without success.

The third thing that the Congress promises is safeguards. The Congress is now daily asserting its readiness to give any amount of safeguards. No doubt it is a very good idea. But the respect which the Congress has shown in the matter of the present constitutional provisions is not such as will induce confidence in the efficacy of safeguards in the future Constitution. Safeguards imply power to over-rule the Ministry, because it is against the Ministry that they must be exercised.

Supposing a Ministry which has a majority behind it refuses to be over-ruled, and if over-ruled, threatens to resign and create a deadlock. Is the Governor to face a breakdown of the Constitution? I am sure students of political science have analysed the nature of this incompatibility between a Cabinet system of Government and effective

safeguards against the Cabinet. Of course, you can have them on paper. Under the Cabinet system, Ministers are supposed to enjoy the full confidence of the Governor. Is he to say that they possess full confidence in all matters excepting those relating to the Muslims, Scheduled Castes, etc.? If he cannot have full confidence in them in regard to these, is he personally to administer these subjects or is he to have Scheduled Castes Advisers and Muslim Advisers to guide him? If so, where is the unity of government? Furthermore, has any safeguarding been done these two and a half years? To my knowledge, I know of no safeguardings by the constitutional guardians of these Minorities.

The reply is sometimes given that the Governors had no doubt safeguarded on many occasions, but 'as it was a matter of confidence between the Ministers and Ourselves, they could not give publicity to the transactions'. What a Masonic secret! Then I confront them with this question. 'If you say on the principle of Cabinet confidence, you cannot reveal in which cases you have over-ruled your Ministers, then how are the Minorities to feel confident that you have been safeguarding them? Safeguarding is a constitutional provision and is intended to give the Minorities the assurance that their interests will not suffer under the present system of government. How are they to have that knowledge without which moral confidence is impossible? Is it a favour or a right? Should not rights be openly and freely exercised?

It seems to me therefore that the whole provision of safeguards has been rendered a travesty by the wrong mode of working the Constitution. Mr. Jinnah is right when he says that Unitary Parliamentary Government and these particular provisions cannot go together. If safeguards are to be real, the Governor must not only veto measures, but do it openly so that Minorities may know that he is discharging his functions and gather heart and strength. Or there must be an Umpire to whom the Minorities must have the right of appealing and his decisions must be binding upon the Ministry and they must not treat any adverse verdict as ground for resigning or creating deadlocks. And there should be a regular procedure for invoking the special powers as, say, by a two-thirds vote of the Legislative members of the community concerned.

What kind of Umpire should there be? It cannot be the Governor because he must have full confidence in the Ministry. It cannot be a Judicial Officer, for many political questions may have to be decided. Even according to Congressmen, Sir Maurice Gwyer must be made a permanent part of the Constitution. Then where is the Parliamentary Cabinet Unitary Democracy? Then why not openly recast our system on other principles.

Therefore it comes to this that if the safeguards are to be real, some drastic mitigation of the Cabinet system will have to be introduced. And also Separation of Powers.

Finally, I challenge the Governors to publish a list of the safeguarding acts they perpetrated within the last two and a half years. It is no use telling me that it has been done secretly. Constitutionalism is not a secret. The point is : if the safeguards are to be real, we cannot operate the Constitution as it has been operated till now. To that extent Mr. Jinnah's contention is unassailable.

There are other solutions to the problem. One is Mr. S. Srinivasa Ayyangar's brilliant idea of Composite Non-Party Cabinets. Of course, the difficulty here for the Congress is that it goes against the fundamental principle of the Congress that it is the 'one and the only' political, social, economic and individual redeemer.

The situation is complex. Part of the complexity is due to the principles, professions and the talk of the Congress ; but they are innate in the complexity of the country itself. With separate electorates and safeguarding, you cannot run a Unitary system of Government. The result is this violent explosion of the Muslims against the Congress and probably against Indian nationalism itself. I hope that the latter is not true. But a Unitary nationalism appears to be impossible ; we must be content with a united.

The principle of separate electorates is based on the frank feeling of the Muslims and Minorities that they have no faith in rule by the Hindu majority. Similarly in the Provinces where the Muslims form a majority, the Hindus have no faith in the Muslim majority. In Burma the Hindus and other Indians asked for safeguards and weightage. But separate electorates by themselves cannot guarantee protection of the

interests concerned, until you establish a rule or convention by which members possessing the confidence of the separate electorates would be taken into the Cabinet, no matter whether they belong to the majority party or not. And this leads to other constitutional consequences and the idea of irremovable cabinets or in Lord Rosebery's phrase a cabinet of businessmen instead of busy bodies !

In concrete terms, suppose the Congress contests twenty seats allotted to the Muslims and wins five. If the Congress goes on the principle that one of the five should be put in the Cabinet and treated as protector of the Muslim interests, then I say it is not consistent with democratic theory as applied to Muslims. In a certain Province the Congress did not have a single Muslim returned on the Congress ticket. But there was an independent, who was made to sign the Congress pledge and given a seat in the Cabinet. Is this democracy? Does it carry out the purpose of separate electorates?

It is now perfectly clear that both safeguards and special electorates have been rendered nugatory. What is the reaction? When the status that the Muslims sought is rendered nugatory, do you expect them to be pleased with the result? Naturally their temper has risen and they want in the future constitution something much more effective than these—an assured share of power.

Let me, before I conclude, tell you of a reaction I apprehend. I was one of the advocates of joint electorates with reservation of seats. But now I do not mind telling you that unless something very unforeseen happens, there is absolutely no future for the idea of joint electorates in our country.

Muslims will now turn round and say, 'With even special electorates made nugatory, do you expect joint electorates to function better as regards our rights and interests? It is one of the unfortunate consequences of the present position and I do hope I am a false prophet in this matter, that joint electorates will not be agreeable to all. In the present atmosphere they will probably generate more friction than separate electorates. I am afraid that the Harijans may want the present Poona Pact to be annulled. The simple fact is, the Congress tried to operate this measure for the protection of the Minorities by nominating any Musalman or any Scheduled

Caste gentleman of its own Party without reference to the question whether such members of the Cabinet commanded the confidence of the representatives concerned. The old bureaucratic government also used to nominate for such purposes. The Congress nomination is not less objectionable than the bureaucratic.

The very term 'safeguard' which was once used with such fervour seems to hurt the self-respect of some of the Muslims now. They say 'Why do we want to be safeguarded? Have we not strength to safeguard ourselves? What we want is not protection of any kind ; but a position in which as of right and constitutional law, we shall be able, even as a Minority in some Provinces, though not to give a positive direction to legislation or administration, at least to prevent by a veto, measures which we regard as hurtful. If we have an assured share of power and government by consent, there won't be need for safeguards.'

The safeguarding of interests is not the whole problem. Man does not live by bread alone. Status, self-respect, honour and racial pride—all these are involved in the question of the position of the Muslims and Sikhs. On all grounds the Muslims are of special importance. I have told you of their compactness. From the international point of view they are much more important than any other community in India because there are Muslim States all round. You remember what happened sometime ago. The Muslim League passed a resolution that its attitude to the War should be determined after consulting Afghanistan, Iran, Egypt and so on. I am not justifying it. I am only telling you that they have an international status and Pan-Islamic feeling. For these reasons, it is not possible to expect the Government to take an anti-Muslim attitude or coerce them to submit to a settlement to which they are not a party. I am also glad to think that nobody wants them to take such an attitude. The Congress has no animus against the Muslims ; it does not want to injure them. But its policies and philosophies have acted as a boomerang, from the recoil of which the country is suffering.

Mr. Gandhi is so worried that he does not know what lead to give. Mr. C. Rajagopalachariar, if he has been

reported correctly, seems to have told an audience which met to congratulate the Mayor of Madras, that he was glad there was a communal rotation for the mayoral office, because it had in a large measure assuaged communal rivalries. It is a big confession for Mr. C. Rajagopalachariar to make, and I am glad he made it boldly. If communal rotation can make for peace in Madras, why not have a similar rotation to produce peace in the other spheres? For one belonging to an organisation that has been denouncing communalism to make a statement like that, viz., that communal rotation has been of use in the conditions and circumstances of Madras, is a big concession.

Mr. Gandhi has gone further. Today he almost says 'Let us go into the wilderness'. I do not know why he should consider the wilderness as anything but the natural habitat of true Congressmen seeing they had always decried office acceptance. However, that is a small point. I am one of those who pleaded that Congress should accept office. Even today, I want the Congress to be in office, but with its views drastically, radically altered. I do not want to see a big organisation break up. It is more easy to change ideas than to rebuild an organisation which has been broken up. In the interests of the country I am for a change of heart, this time from the apostles of the philosophy of the heart itself.

Now Mr. Gandhi says, 'I leave everything to Mr. Jinnah and let us go into the wilderness'. He started his efforts years ago at the solution of the Hindu-Muslim problem by offering a blank cheque. Unfortunately, the cheque has remained blank. Today it is a reversion to the blank cheque policy. Did it require all this tragic experience to go back to this conclusion? Moreover, can we get from Mr. Jinnah the same terms he offered 15 years ago or even those that were considered as sufficient and ample at the time of the Round Table Conference? When the Muslims were a community, we denounced communalism; when they are a nation, we say, 'Leave it to Mr. Jinnah'. That is the paradox and the tragedy of the present situation. I do hope that good will come out of this. Out of darkness comes light. May a bright dawn break on the present unfortunate gloom surrounding India!

LECTURE III

(Delivered on the 16th November, 1939, at the Presidency College Union Society, Madras).

CONGRESS VERSUS MUSLIM LEAGUE

There is nothing lost by there being two sets of public men, the thinkers and the actors. I am sure those of us who have understood the richness and variety of public life in Europe realize that there is as good and honoured a place for the thinker as for the party man. We are after all men of the University and let us, in as large a measure as possible, preserve the academic mind, temper, thoroughness and impartiality of inquiry.

I was reading with much interest this morning in the *Indian Express* the speech of Mr. C. Rajagopalachariar yesterday at the Congress House.

It contains some weighty statements and as I want to get into my subject through the door of intimate touch with living thought and living policy, the points mentioned in that speech may serve as an introduction for this discourse.

There is one unfortunate point in it to which I wish to make a passing reference. Mr. C. Rajagopalachariar consigns his critics to two classes, the weak and the wicked. (*Cheers.*) *'Argumentum ad hominum* is not the highest level of debate and if other people also descend to the same level and employ similar arguments, it would only serve to embitter discussion and cloud the issues in passion. What I like to see is light without heat and above all without smoke (*Cheers*). However, the harsh epithets might not have been meant seriously and we need not linger therefore any more on them. I shall expect Satyagrahis as well as Gentlemen to base their case on its own merits instead of on the follies and frailties of the critics—a poor basis for one's own virtues and excellence.

I am pleased to find that Mr. C. Rajagopalachariar has a very high appreciation of the British Parliamentary system. But the British Parliamentary system, which has proved a sublime success in England, rests on British manners, chivalry and charity in criticism and the spirit of constitutionalism, moderation and equity. It is this spirit of justice

charity and moderation in dealing with matters personal as well as public that has created this atmosphere which has enabled England to progress without a single revolution for centuries past, while other countries also enjoying democratic governments have had to face crisis after crisis. I do therefore hope that those who admire the British Parliamentary system would cultivate the British manners and modes of government and criticism.

Unfortunately for the country a certain *contretemps* has been occurring in the recent past, which I trust is over now. Some of us, especially Congressmen, have been employing towards the Muslim League and its leader, Mr. Jinnah, language which is not going to be helpful. I trust in these days words will be carefully weighed, and anything savouring of personal animus, bitterness, discourtesy, rudeness and crudeness of manners would be avoided.

Now to the points in Mr. C. Rajagopalachariar's speech which have filled me with some satisfaction—I say 'some' because unreserved agreement is not easy. I am glad to hear that he expects the present deadlock to be resolved very soon, in three months. I am sure he is speaking with inside knowledge of what is taking place.

When I read the first part of his speech in which he talked about armies on the march and asked us to be prepared for eventualities and not be caught napping, I shuddered, being a weak man (*laughter*); but towards the end, I found it was only a three months' holiday march that was contemplated and not a manœuvre preliminary to break through attack. I am a lover of peace and order and I am glad that the country is not likely to be exposed to the ordeal of serious disorders. In the present atmosphere, as Mr. Gandhi has pointed out, peace is essential from the point of view of internal conditions and also from the point of view of securing a satisfactory solution of the Indo-British as well as the communal problem. If, as I gather, the conclusion has already been reached that peaceful settlement will somehow be secured within three months, our Congress Ministers will resume office. If this object has become a firm and settled fact, I think it is a good augury that the means which would be employed to bring about this consummation will

be moderate and far-sighted and would not be of a provocative, dogmatic or impossible nature. It is exactly the lesson which I have been trying to impress in the series of talks I have been giving, the need for compromise, accommodation and the equities which are higher than technical law and dogmatic politics.

I was at one time afraid that moderate counsels may fail and that the ideas of Mr. Subash Chandra Bose and Pandit Jawaharlal Nehru would prevail. The speech of Mr. C. Rajagopalachariar leads me to think or hope that the moderate guidance of what are called the Rightists will prevail and see us through our present difficulties.

But obviously such a settlement implies not only agreement with the British Government, but as Mr. C. Rajagopalachariar himself has pointed out, agreement with the Muslim League. He has said more than once that if there had been complete agreement with the League and the Congress we could have had what we wanted from the British Government. So arguing on the premises he has himself supplied, I come to the conclusion that he has hopes that within three months a settlement between the Muslim League and the Congress would be effected. I wish God speed to any such course.

What I am perturbed about is the other statements that follow, which seem to make this accommodation with the League difficult, if not impossible.

Mr. Jinnah has approved the Declaration of the Viceroy. In my own small way, I have pointed out that there are no justifiable grounds for suspecting the *bona fides* of the British Government on this occasion, that if only Mr. Jinnah and Mr. Gandhi had come to a settlement at Delhi, things would have taken a different course. Ask yourself if the Congress would have issued its recent statements if the League and the Congress had agreed to act jointly in Delhi. Then the debate whether Independence declaration should be given priority over the communal solution or the communal solution should precede and pave the way for an Independence declaration would not have arisen. If that did not arise, there would have been no point or sense in questioning the good faith of the Government and there would have been

no occasion to distrust its *bona fides*. Having thus created the cause of the occasion ourselves, I hold that it is not fair to blame another party. The blame lies nearer to home, at our own door steps.

Mr. C. Rajagopalachariar seems to think that there is justification for suspecting the good faith of Government. Mr. C. Rajagopalachariar's disagreement with me is not a matter even of academic interest ; but if this means disagreement with Mr. Jinnah on the nature of the present troubles, do you expect a man of Mr. Jinnah's chivalry and of his straight dealing to be pleased? Could he feel obliged to endorse that suspicion? When he has approved and you still continue or rather start to question the good faith underlying that statement of the Viceroy, are not we perpetuating the differences that have arisen?

Moreover, what is the practical good to be derived by questioning the good faith of the Government when all are agreed that negotiations with the League should commence and that unless they are brought to a fruitful conclusion, further progress with the Government is not possible? Nothing is gained ; and what is the good of making a statement from which no practical advantage is derived?

Then again I was glad to note that the lineaments of the Constituent Assembly, of which we have heard so much, but about which we knew so little in detail, are now beginning to emerge. Two statements of value have been made. The first is that no solution which is not acceptable to the Minorities would be enforced by the majority. I have dealt with the point before. I have no doubt that the statement will have some amount of reassuring effect. But politics is business and one does not altogether depend on another man's word if one could depend on one's own strength. Whether Minorities will prefer this assurance to constitutional provisions in which their own voice would be effective remains to be seen.

Another point in the statement is that the representatives of the Minorities excepting Muslims would be elected on the basis of joint electorates, the Muslims alone being allowed to send their representatives through their own separate electorates. This raises an issue of some impor-

tance. Will not the Sikhs claim a similar right? If the idea underlying the concession of separate electorates to Muslims is to enable them to send men in whom they have full confidence without interference by outside bodies and thereby get at their true, sincere and permanent bent and meaning, is it not reasonable to hold that similar procedure is not only desirable but necessary in the case of other big racial Minorities? If the Muslim can speak with his own voice from his own electorates, why not give the same privilege to the Sikh?

What I am trying to drive at is that we must have a final settlement without giving room for further controversies. Tomorrow, if you ask the Sikhs to send up their representatives through joint electorates or a double distilled election as in the case of the Scheduled Classes, they might turn round and say that they were not true representatives and the controversy would begin again or go on. If, on the other hand, any settlement, even though it be imperfect in some respects, be arrived at by asking people to speak in their own authentic voice, then you have a moral ground for hoping that that settlement will be permanent and could be enforced, if need be, with all the power that the State could muster. In making the suggestion therefore I am trying to secure immunity from future squabbles and controversies. How many of the Minorities should be given the privilege and who should not be given is a matter for further consideration. I do not know if the Muslims will agree to a Constituent Assembly. They certainly won't agree to joint electorates. Nor am I sure that joint electorates will function better than separate, unless racial differences cool down greatly.

One other point requires to be cleared up in regard to the Constituent Assembly. When it is said that the majority would not force its views against the will of a Minority, it must be made plain which Minority, for there are so many Minorities.

I hold it to be sufficient for practical politics if an agreement between the Congress, the Muslims and the Sikhs could be secured. Such an agreed settlement would also, I think, be fair for all Minorities and do substantial justice all round. I ask why not the Congress and the Muslim League come to an agreement here and now? Both are

organized bodies. Why then try this experiment, this speculation of a Constituent Assembly?

Mr. C. Rajagopalachariar has said that even if there has been an oral agreement between the Congress and the Muslim League, we could have had what we wanted from the Government. By suggesting a Constituent Assembly, are we not stirring up new problems and creating new difficulties? The composition of this Assembly would be questioned and debated in all moods and tempers; and there would be deputations and representations against its constitution and procedure. Are the Minorities to sit in Separate Orders and Chambers? Is it by a certain proportion of the votes by the different Estates that you come to an agreement? Should there be absolute unanimity or is it to be by bare majority? An immediate agreement with the Muslim League will pave the way for the larger measures and methods contemplated.

There is another difference between Mr. C. Rajagopalachariar and Mr. Jinnah. The very person who is looking forward to a solution within three months is opening out grounds of differences or is persisting in those already existing. I do not mean to say that modifications cannot be made in the views of either. I hope they will change, each in the direction of the other.

Mr. Jinnah says that he does not want the British type of Parliamentary Unitary Cabinet System. Mr. C. Rajagopalachariar says that the British system, including the Party Government, is the best. What is taboo to one is regarded as best by the other; yet I hope they will come to an agreement. (*Laughter.*)

It is not a new discovery of Mr. C. Rajagopalachariar that the British system is a great success. Everybody knows it and also knows that the British system, while it has been a sublime success in Great Britain, has not been quite a success in so many other countries. The fact of its success in one place is therefore no proof of its being fated to succeed in every other place.

What are the reasons for this and are they to be found in the present Indian conditions? In England there is a

Unitary Legislature and not a Composite one as in India. There are no special electorates for Catholics, Protestants or for those who wear spectacles and those who don't. (*Laughter.*)

Is it not reasonable to hold that a Composite Legislaturg should at least in some stages of development have a Composite Cabinet as its natural and inevitable corollary, if the Constitution is to work in the manner in which it was designed to work and fulfil its purpose properly? How can you have a Constitution embodying the principle of communal compromises with a single Party Government which won't tolerate compromise?

Then again, in England, at every crisis they form Cabinets of national concentration. India has been, as Congress orators have been telling us every day for the last twenty years, in a state of perpetual crisis. Why then should we not show the same spirit of broad-minded, large-hearted accommodation and try to concentrate all political power and influence in the country and confront the British unitedly? You want a united front; yet when the opportunity came for effecting Governments of national concentration, you refused to take it.

I do not wish to go into the reasons for this. It may be partly due to a wrong notion regarding the manner in which our particular parliamentary system should be worked in imitation of the British; or it may be due to the philosophy of life and politics which dictated that there should be one Party and one organization only and that the rest should be abolished or absorbed. Whether it is the totalitarian principle of not having rivals in the field, or a desire for blind imitation of the British system, there is no particular purpose served by enquiring now. If it has been due to the philosophy of life and politics, which may be logical and legitimate in its own way, but which in actual experience and analysis has been shown to be a failure, the Congress must in justice to its own ideals revise its views and operate differently in the future. It should reconsider the relationships it should build up with the Muslim League and other organizations. Or it may continue in dogmatic obstinacy, hoping to wreck others and not caring if the country is wrecked in the process.

\ The third thing which distinguishes the British Parliamentary system is the spirit of constitutionalism. It is a great mistake to think that democracy is a kind of self-acting machine which is fool proof and knave proof; that it will automatically produce good and nothing but good. It is not only the gun that is important but the man behind the gun. Political systems depend on the character of the people, more especially the spirit of consideration for others.

\ The Liberal Government of Asquith passed a law by which the powers of the House of Lords were considerably cut down. Now for the last quarter of a century the Conservative Party which was dead opposed to that measure has been in power. Did it try to have that legislation repealed? I want you to reflect for a moment on that power of self-control which is the secret of self-government in England. I have already mentioned the decorous way in which they refer to political opponents. No party assumes to itself the monopoly of all the wisdom of this world and the next, but is willing to grant that however erroneous the other man may be, he should be tolerated at least for the moment. (*Cheers.*) It is this character, these manners, that lend sweetness and grace which are such wonderful elements in British political life of which the late Mr. Gokhale was an ardent admirer. How often has he said that we must spiritualise public life, meaning thereby, not that we should import religion or mysticism, but that we should bring to bear on the construction of men and things a sense of justice, charity and chivalry and should not abuse power or opportunity. \

Mr. C. Rajagopalachariar has said that he was thoroughly pleased with the way his government functioned in Madras. There is nothing wrong in that. Why should not a Prime Minister be thoroughly pleased with himself if he is thoroughly displeased with people like me? (*Laughter.*)

However, I was amused at one thing in the speech of Mr. C. Rajagopalachariar. The House of Commons, it seems, is the grand and glorious Taj Mahal, but a miniature Taj Mahal had been erected by him on the banks of the Cooum. (*Laughter.*) From my little reading of Indian History, I understand that the Taj Mahal was built as the mausoleum of a dear, departed, favourite wife—favourite of an Emperor

—enshrining the remains of one of the finest women in Indian History. I ask which favourite principle of the Congress is interred in the local Taj Mahal? (*Laughter*). I know one principle, which whether enshrined or not, has been buried—Non-violence in thought, word and deed, shrouded in the Criminal Law Amendment Act of foreign manufacture! (*Laughter and Cheers*). I do hope in these Congressional Taj Mahals, whatever else may be buried, there will never be interred Hindu-Muslim unity though she is a tempestuous lady. If that is kept safe and alive, the position of India could be advanced. (*Cheers*.)

Coming to the main theme, Mr. Jinnah's views are exactly the opposite of Mr. C. Rajagopalachariar's. We must consider on what grounds Mr. Jinnah's views can be sustained, if not as absolutely valid, at any rate, as sufficiently reasonable for purposes of political adjustments. He is of the opinion that the Unitary Parliamentary Cabinet type of Government is impossible and unworkable in India, if you want to give reality to the two provisions of the Government of India Act, safeguards and separate electorates. If the Unitary system is to be a reality, these provisions will vanish into thin air and if the provisions are to be a reality, the Unitary system of Government will have to be modified beyond recognition.

How are safeguards consistent with the omnipotence of the Cabinet which is the principle of the British Parliamentary system? If the safeguards are to be employed against the Ministers, they would resign and create a deadlock. Governors, being what they are, will forsake their guardianship of Minorities rather than face the consequences of a deadlock which is too much of a responsibility for a single individual even with the help of Advisers. Who is to exercise the safeguards? If it is the Governor, what becomes of the full confidence between the Governor and the Ministers? In other words, safeguards in a Unitary system are inoperable and inoperative.

The whole philosophy of separate electorates is that the Minority has no confidence in the majority and it therefore wants its own spokesmen in the legislature. But in the legislature, so long as you are in a Minority, the majority can carry through all the legislative, and administrative

measures. What difference does it make whether the views of the Minority are defeated by five votes or fifty?

Weightage sometime ago had some attraction. But I do not think in the light of recent experience, weightage will figure largely in future, unless it is so great as to turn the scales in a division, in which case it also is a negation of arithmetical democracy.

I think the whole intention of the Act was this. It was expected that there would not be Party Cabinets. As a matter of fact, that was the criticism that some of us levelled against the Constitution, viz., that it would not enable Party Cabinets to be formed. The idea was that the Muslims and possibly the Scheduled Classes would be given each at least one seat in the Cabinet to be filled by persons possessing the confidence of the members representing those separate electorates.

Supposing there are twenty-five seats—Muslim seats—and the Congress contests all and wins five, losing the rest. Are the five to be regarded as the proper representatives of the Muslim interests? How can separate electorates function as the real guardians of the community interests, if either by law, custom or convention of the Constitution, they are not given seats in the Cabinet?

The rejoinder to this is sometimes given 'how can we have united responsibility in the Cabinet?' Our criticism was and is that the Constitution was not intended to make such responsibility possible.

By using their big majorities, the Congress was able to nullify the substance of these two provisions in the Act. I do not mean to say that it did it with any bad intention, for the only body whose *bona fides* we are under obligation to question is the Government. (*Laughter.*)

But seriously, I do not believe there was any bad intention. The Congress was acting on two principles. Firstly, they wanted a united Cabinet in order to drive fast and furious at the reconstruction policies associated with the name of Mr. Gandhi. He has a certain dispensation which he regards to be absolutely important for the moral and material reformation of the world in general and India in particular.

If you feel that you have a mission to fulfil and enforce, naturally you want to have an instrument which will mechanically respond to your will. Every prophet is an absolutist—he cannot help. In other words, it was a totalitarian feeling, from the point of politics, as well as the moral and social re-ordering of life; and it required an organisation pliant and prone to absolute obedience.

That explains why the Congress was prepared to take even Muslims returned on the League ticket provided they signed the pledge. The consequences of this attitude of the Congress have been most tragic.

Is there no way out of the tangle? I believe, if there is sufficient spirit of accommodation both in the Muslim League and the Congress, a way out could be found, by means of Composite Cabinets. No doubt, in that case it would not be possible for any one Party to carry out schemes without discussion, question or demur. You will have government by discussion and for that reason the parliamentary system would be more real. But policies cannot be carried through quickly and unquestioningly. It may even necessitate Government by general agreement in place of government by majority dictation. But is this not an advantage? For, as a matter of fact, when you sit down to practical administration, in ninety-nine cases out of a hundred there will be agreement between those who differ in theory or on the platform on general politics; and in the residuary few, it would be wiser to compromise or drop than risk disruptive bitterness.

What were the views of Congressmen about the police and Europeans before they accepted office; and how has there been no change? They sat with them at the table, got them to share with them the common burdens of Government and you see the wonderful fraternity and brotherhood that now subsists between the old enemies. The lion and the lamb will sit together if they begin to work together. (*laughter*). I therefore feel that we are exaggerating the difficulties of composite co-operation. At any rate, the lion swallowing the lamb and establishing itself as the one and only Party is neither principle nor policy in India. The Muslims and Sikhs are neither lambs nor sheep.

It may be asked whether such a Cabinet should be non-Party. In one sense 'yes', and in another 'no'. Mr. S. Srinivasa Ayyangar, in many respects one of our most brilliant thinkers, has been pleading for non-party Cabinets. My own views are near enough to his, but not quite the same.

What I am thinking of is, there will be Parties to contest the elections. Where separate electorates are given, the majority of the representatives returned by them will choose the person who should be their member in the Cabinet. If that majority is the same as the general majority, then naturally they will elect a man belonging to the same political affinity. It may be that for some time separate electorates may send up representatives who do not see eye to eye with the Congress or the Hindus, but there is no impossibility either now or in a better developed and more forward future, of a majority of those returned by such separate electorates being members of general political parties. That must be left to the growth of opinion and not intrigued for or manœuvred.

Has such a system been tried anywhere else in the world? Is there any other country with the same conditions as India? Is there only one type of democracy in the world? There are many varieties of democracy. In the United States, you have an irremovable executive. The idea that the British standard specification is the only one admissible must be abandoned.

The system of government in Switzerland affords the nearest parallel to what I have suggested. No country can imitate the institutions of another country wholesale. Institutions require for their nourishment, maintenance and growth, a congenial soil. They must be adjusted to racial and social character, historical antecedents and other conditions.

The House of Commons is not a manufacture, it is a growth. It is not the result of theory; it grew up natural to England. What is the good of saying that we will uproot it from the banks of the Thames and plant it on the odorous Cooum (*laughter*). It cannot thrive here unless you provide it with gas masks (*renewed laughter*). We have to think in

terms of our own life and must have a candid mind which will recognise facts.

There in Switzerland, the Executive is practically a non-Party body. Lord Roseberry once pleaded for Cabinets of Businessmen, who would efficiently carry on the ordinary administration and also the policies of the Legislature without being hampered by the intrigues and influence of legislators. Switzerland suggested the idea to him. There are three different racial groups in that country; the Germans, the French and the Italians. By the custom of the constitution they have representatives of all the three races in the Executive. The Executive does not interfere actively with the Legislature, though it suggests legislation and presents the budget. It acts as a Board of Directors. To lay down policy and find the finance is the function of the legislature. Execution is the function of this Executive Board. The same men are re-elected again and again to the Board. Not to hurt the self-respect of any one race and to avoid any unseemly competition, it would appear they have again the convention of making the Presidentship rotational just like the Mayoral Chair of Madras which in this one respect is modelled on the Swiss pattern. (*Laughter.*)

Why should we think that a Composite Cabinet functioning in this manner is impossible? Let us grant Mr. C. Rajagopalachariar's proposition that the British system is the best. But the British system is best in England and while it is worked by the Britishers. The largest number of constitutions in the world are based on the principle of the great French Philosopher, Montesquieu, the principle of the Separation of Executive, Legislative and Judicial functions. One consequence of this is that the Executive is not removable by the Legislature; another that there is separation of executive and judicial powers.

When Mr. Jinnah denounces the Unitary Cabinet type for India, why should we throw up our hands in horror and exclaim, 'How sinful! what an absurdity!' Mr. Jinnah has the credit of having stood by the principles he has enunciated right from 1924. No doubt he did not adopt this particular attitude then. Then he would have been satisfied with far less, fourteen points and such other requirements. At the Round Table Conference he even toyed with the

idea of joint electorates ; at any rate he did not oppose it, though he felt it was not workable.

Therefore let us treat the views of others with the respect due to them, though they have not behind them the big battalions in the shape of numbers. Are numbers the final category in historical evolution? 'Numbers' is a factor but every one knows that it is not the only or the most decisive factor. Is reason the monopoly of numbers—or truth? Cannot an idea be held to be true unless it can catch votes?

Mr. C. Rajagopalachariar himself, while speaking at a function got up to congratulate the new Mayor, justified the communal rotation thereby making an admission that undiluted unitary Cabinet system is not the only possibility for India. If a Mayoral rotation of crops is necessary so as not to exhaust the peace of the Madras soil, I ask what is absurd in the ideas of Mr. Jinnah or Mr. S. Srinivasa Ayyangar? We have already a municipal precedent of what deserves to be made a national provision.

The most important pronouncement however which proves that Congress leaders are alive to the dimensions of the Minorities' problem is contained in the statement of Mr. Gandhi in the *Harijan* wherein he lays down certain propositions which make rule by the majority possible without detriment to the Minorities. Where the majority is weak and divided and is afraid of the Minorities, then it will not ride roughshod ; and the Hindus are weak and divided. If the strength of the Minorities is a necessary factor in the fair working of Indian democracy, does it not amount to an admission that communal organisations have a right to exist in full power and must be recognised? If today the Congress has taken the Muslim League as a serious factor to be reckoned with, it is because its endeavours to smash that body as a political power by the mass contact campaign and other means have failed and the Congress has come to recognise the Muslim League as a factor which can neither be dissolved nor mastered. If the argument is that the majority would be obliged to take a fair and proper attitude on account of their fear of strong minorities like the Muslims and the Sikhs, is it not an admission that communal organisations have the

right of existence and recognition at least in the present strained state of the country?

I hope I have succeeded in showing that if safeguards are to be real, a Unitary system is impossible. If separate electorates are to be retained as a matter of present necessity, then surely they must have a defined position in the constitution of the country far more important than what they have been allowed to enjoy. Then if we want as balancing and rectifying features in the Indian democracy the power of the Minorities to make their voice felt by the majority (that is the admission of Mr. Gandhi), then the so-called communal organisations have a natural function to fulfil and have a right to exist in the fullest possible strength and to be recognised by the Congress. If that is the case, why say that the Muslims alone shall have separate electorates and the rest can come in by joint electorates to the Constituent Assembly?

If, in some of these ways our great national organisation would reconsider the basic principles alike of politics and the general philosophy of life and constitutionalism on which it has been acting, it would conduct to the peace of the country.

After all, Constitutions are machines; man is more important than the machine and with good will a theoretically defective Constitution could be made a success. The British Constitution rests on British character. It is our character that will determine whether our Constitutions will be a success or failure, will be a cement unifying the different races in the country into one strong body politic or will act either openly or insidiously as a disruptive influence.

In Ancient Rome, they had a most curious Constitution. They had two Consuls, each with the power of vetoing the other. Yet the Romans built up an Empire which endured for centuries. If we had two Managers, each with the right of vetoing the other, we would not be able to run even a Coffee Hotel for a week! (*Laughter.*)

In the United States of America, the Senate is given the right of approving the appointments to the Executive Government made by the President and the appointment of Ambassadors, one of the few departures from the principle of Montesquieu. When the Senate meets for that purpose,

it is said to meet in Executive Session. Have we known of many cases or even one in which the Senate, whatever the party majority, overruled the President in the exercise of this power, even when the party to which the President belonged was in a minority? In 1905, New York elected a Republican as Governor; but the other Executives and a majority of the Legislature belonged to the Democratic Party. But they got through their term all right. If you have self-control, power of accommodation, and the spirit of conciliation, and if you are not guided by narrow ideals and fanatical propensities, even in the present situation we could have done better. A composite cabinet is not a priori impossibility, still less absurdity.

It serves no purpose for me to examine what the Congress has achieved in office just now. It is immaterial so long as the local Taj Mahals do not become the burial places of Hindu-Muslim unity. But character and the spirit of constitutionalism is the thing; otherwise as Aristotle has said, any Constitution would degenerate into a perversion, even the Unitary Cabinet.

Let our friends, no matter to which Party they belong, reflect and give accommodation to the Muslims, Sikhs and other communities. I hope that realising where things had come to, if not driven to, the Congress leaders will now strike the right attitude. Whatever my other differences with them I sincerely hope with Mr. C. Rajagopalachariar that this deadlock will be resolved within three months. Mr. C. Rajagopalachariar spoke of the Congress having gone on a holiday. I wish they had not taken a holiday. A good deal could have been accomplished by continuing in office at this time, co-operating with the Government in the prosecution of the War and securing the necessary preliminaries for a final solution consistent with the integrity of the country and the right type of Government. (*Cheers.*)

VI. DR. C. R. REDDY'S INTERVIEWS IN 'THE MAIL' OF NOVEMBER 18, 1939 and DECEMBER 1, 1939.

Interviewed on the eve of his departure for Waltair, Dr. C. R. Reddy, who has given, during this week, a series of talks on constitutional problems, said :—

SAFEGUARDS

As regards the constitutional problems I have been dealing with, I do not wish to say more, except to frame, so to speak, the main issues for consideration by publicists of all parties in India.

1. The point of universal agreement is that Minorities, amongst whom Muslims also appear to be included, must be safeguarded, and that those safeguards must be real as well as ample on paper.

2. Has not the Parliamentary Unitary Cabinet system of Government rendered them illusory so far? If so, how can Congress leaders insist on that system, as Mr. C. Rajagopalachariar has done, as the best for India, and at the same time offer safeguards *ad libitum* which, under that system, appear to be inoperable and in fact have never been operative so far as our knowledge goes?

3. Did not the Congress make up its mind to nullify the safeguards from the beginning, and what then is the good of offering what they had refused to countenance?

4. Does it mean that Congress has revised its ideas regarding the unitary system of Government? If so, how and in what ways?

5. If it has not, then a new kind of procedure etc., by which the safeguards could be made effective will have to be devised. Has this been done, and will the details be published?

In the absence of some such adjustment, either by modification of the Governmental system or by providing safeguards for safeguards (!) I am bound to conclude that Gandhiji's present offer of liberal safeguards, with the unitary system kept intact, can only mean that the Congress hopes to have the bread for itself while giving the Minorities stones to break their teeth upon. We cannot go on treating the Minorities eternally to a Barmecide feast of shadows.

SPECIAL ELECTORATES AND COMPOSITE CABINETS

(a) Mr. Jinnah and the Muslim League claimed it as their right under the constitution that the Muslims should have representatives in the Cabinets possessing the confidence of the majority of the Muslim legislators, to safeguard their interests, and

(b) they accused the Governors of failing to exercise their powers under the Constitution to safeguard Muslim interests in law as well as in spirit. The Governors gave a reply which they considered lame and tame.

(c) The issue is, did the Congress take note of this contention? What reply did it give? Did it hold that any Muslim by birth was qualified, as per the spirit or letter of the Act, to represent Muslims, even if such a Muslim was far from possessing the confidence of the Muslim legislators? If it did, how does it reconcile this with democratic principles? If unitary Legislatures and unitary Cabinets go together, should not composite cabinets go with composite legislatures?

Pending a satisfactory reply to the criticisms on the way the Congress Ministries set about (a) their cabinet construction and (b) their governmental functioning, I am of opinion that the charge that they worked the constitution on fundamentally wrong lines, which has resulted in the present impasse between the League and the Congress, is a true and valid charge.

CONSTITUENT ASSEMBLY

1. It has been authoritatively stated, (a) that Muslim representatives will be elected by their own separate elector-

ates and (b) darkly hinted that other minorities must come in by the diluted door of joint electorates, or may be a double election like the scheduled castes.

2. (a) Why is not the same sauce applied to all these birds? (b) And is there no risk of the second variety being treated as a second class variety, with voices lacking in authenticity and authority? And what then is the good of saying that minorities would be allowed to decide their views by their own majorities when the whole lot of them—the second category, I mean—will be accused of not possessing an undiluted representative character.

Analytically speaking,

How can a member of the second type be regarded as a representative of a community or minority, when he, having been elected by a composite constituency, is responsible to that composite body? A constituency that elects has the right to demand the resignation of its member (though the member generally refuses to comply). The Minority, not being either a constituency, or the sole constituency as in double elections, has no right to demand the recall of its so-called representatives even when they betray its interests. Every representative his specific constituency; every specific constituency its member elected by itself;—is that not the right principle and one which will not give room to question the credentials of the delegates?

Finally I do wish the Congress Ministries had not taken this holiday,' which is evidently as embarrassing to them as to the country, and may the hope of Mr. C. Rajagopalachariar that it will be cut short be realised. \ A caretaker government, and he has warned the Governors that it should be nothing else, is the worst form of government, because weakest. In fact it is no government at all. As Congress leaders have very rightly said, a Government must govern or else go; it must have both the capacity and the will to govern. \ War time is no time for an interregnum. It should either not have been allowed to occur, or it should be cut

' By this time the Congress Ministries resigned, openly hoping to come back in three months.

short. And whatever happens may internal order and the integrity of the country be fully maintained.

Supplementing his recent statement on the incompatibility of the unitary party cabinet type of government with special electorates and safeguards for minorities, Dr. C. R. Reddy, sets forth the following issues :

WEIGHTAGE AND SAFEGUARDS INEFFECTIVE

1. Have the members returned by the special electorates been able to achieve anything for the interests they were returned to represent, during the last two and a half years or ever since the Unitary Party system of Government had come to prevail under the Congress? To give a concrete instance, have the Muslims of the United Provinces, the Central Provinces, Bombay, and other Provinces, been able, even by an almost solid vote, to get all or any of their views accepted by the Ministries? If not, what is the good of weightage?

It matters very little whether a proposition is defeated by a majority of 10 or 20. Weightage may reduce the majority against the community. But that reduction, unless it is carried to somewhere near the establishment of equality, cannot guarantee the effectiveness of members of special electorates. That is why I have been emphasising the fact that in the coming constitutional discussion, publicists who have studied the recent events carefully would not attach the same importance to weightage and safeguards as was done at the Round Table Conferences, but would seek remedies in a new type of Government.

PARTY SYSTEM

2. Secondly, Mr. C. Rajagopalachariar says that the Party system of Government has been found best in England and similarly it has been found best in Madras. Leaving alone the similarities and dissimilarities between England and Madras, can he not be convicted of an inconsistency out of his own mouth, as it were?

The Congress has been declaring for years past that it is or ought to be the one and only Party in India. If it is the one and only Party, how can there be Party Government in the English sense, where more than one party has an effective existence and no Party claims to itself all the sanctity and the sanity in the universe, classifying the rest as either weak or wicked or both? How can the advocates of the Congress as the one and only Party claim that the paper Parliamentarism current here is the same as the genuine one in England where national coalitions as well as alternating Party Governments are such a feature of the wholesome constitutional spirit in which the actual working of democratic institutions is conducted?

VII. A REPLY BY DR. C. R. REDDY TO SOME CONGRESS LEADERS ON THE INDIAN CONSTITUTIONAL PROBLEM.

(This appeared in the January Number of the 'Twentieth Century' and is reproduced here with kind permission of the Editor).

It is gratifying to note that Congress leaders are now giving laborious explanations almost amounting to apologies, of the fundamental principles on which they based their policies with respect to the composition of their Ministries and the policies they pursued, which have been the subject matter of criticism from publicists belonging to more than one party in India. From the speeches of the Congressmen themselves and the articles appearing in some of the leading Congress papers, the Congress leaders appear to be in a reflective mood. And I shall be happy if as a result of these reflections and revaluations they undergo a change of heart which they prescribe so liberally and constantly to others.

VALUE OF CONGRESSIONAL ASSURANCE

Mahatma Gandhi has been assuring Minorities that their interests would be perfectly safe in the hands of the Congress. He avers that the Congress is more interested in their welfare than the British Government. But surely it cannot be denied that the Minorities themselves are far more interested in themselves than either the Congress or the Government. And when Lord Linlithgow had asked all these communities and Minorities to come together, it obviously implies that the Government had withdrawn not merely from interference but from participation, so far as this problem is concerned. Under the circumstances, to drag in the 'third party' and to say that the second party is better than the third, is not only meaningless, but it does not dispose of the proposition that the first party is better than either, and should be allowed self-expression, free, undiluted and efficient. To talk of the third party as the villain of the piece, after the terrible tale, in frequency

and magnitude, of communal riots and border raids and abductions during the democratic era of Provincial Autonomy, the reality of which has been openly acknowledged by leaders like Mr. C. Rajagopalachariar and the Governors commended for having become figure heads, i.e., figures without heads, is to continue in this one respect to talk of ancient history in place of relevant modern.

SEPARATE ELECTORATES

The Congress attitude on Separate Electorates is not yet clear. It is speaking with two voices, conceding Separate Electorates at one time and pleading hard and almost prescribing Joint Electorates at another. On one point alone they seem to be united, namely, in acknowledging the right of the Muslims to have their own electorate. But this is the unity of surrender to a powerful body which they cannot override and not conscientious conviction that such Separate Electorates should be regarded at least as a right of the Minorities concerned, though not an absolute good in the judgment of the Congress.

EVALUATION OF THE MAHATMA'S ASSURANCE

With respect to the assurances that Mahatma Gandhi has been giving, one asks: 'Is not politics business? And should not business be conducted on business lines? And therefore, should not the Congress state the measures, the institutions or the procedure by which it desires to make its assurances operative and effective?' Gandhiji should realize that general assurances will not wash.

Should not the Congress explain how a Unitary Party Cabinet type of Government, beloved of Congress Premiers intent to rule absolutely, is consistent with safeguards and special representation of Minorities? Are they in favour of composite Cabinets and Government by general agreement in supersession of Unitary Party Cabinets and Government by Wardha decrees? Would they have an independent umpire to whom the special representatives of Minorities by their majority votes amongst themselves could appeal as a matter of constitutional right and whose decisions would be final and binding? Or would they allow the majority

of special representatives to exercise a veto, suspensory or absolute on measures thought to affect their interest until a referendum of the community is taken? What exactly does Congress propose to do beyond the sweet pledges given in the hour of weakness which may become fetishes to be flung aside in the days of power as has been the case with the Criminal Law Amendment Act.

Mere verbal sweets will not go down because the record of the Congress in this respect is clear but not clean. First, we shall examine the moral assurances given. Gandhiji has stated that the Congress Flag, referred to as the National Flag, though national flags are statutory institutions, should not be hoisted on District Boards and other Public Buildings, even if there is a single dissident. He has further declared that its National Song or Vande Mataram should not be sung even if a single member of the audience objects. Have either of these pledges of Mahatmaji been honoured by his followers? What happened at Allahabad a few days ago and that too in the University, is illustrative of the impossibility of having such assurances carried out in practice in spite of the perfect sincerity with which they are given. Furthermore, has not Gandhiji himself gone back on a series of resolutions of the Congress itself when he defended the retention and employment of the Criminal Law Amendment Act at Madras? In that connection, he laid down the dangerous doctrine, so destructive of the confidence of Minorities, that Congress resolutions should not be treated as fetishes. What is there to prevent the present assurances becoming in their time and season fetishes themselves?

SEPARATE ELECTORATES AND TOTALITARIAN POLICIES

But the greatest blunder of the Congress has been in refusing members returned by the Separate Electorate of such important communities as the Muslims and the Scheduled Castes, to have representatives in the Government commanding the confidence of the majority of the 'communal' members concerned. There can be no denying that the Congress in this respect pursued a totalitarian programme. A Muslim returned on any non-Congress ticket, if he signed the pledge, was treated as a convert to the new faith, and the old ethical principle that the Congress itself applied to other Parties,

namely, that under such happenings the new convert should be forced to undergo re-election on the new ticket, was conveniently forgotten. The Congress claimed, though it may have lost the majority of the Muslim Separate seats, and in one Province though it did not have even a single Muslim elected on the Congress ticket, that any isolated Muslim who joined the Congress was a proper representative of all the Muslims. In other words, the Congress sought to serve Muslim interests by its own nominations, just as the bureaucratic Governments used to do in the old days. But Congressional nomination cannot be regarded as more justifiable than bureaucratic.

With respect to the double elections provided for the Scheduled Castes, the Gandhian pledge that they would be allowed to choose their own candidates without interference from the Congress, was honoured by organised violation after it had served its purpose.

ORIGIN OF TOTALITARIAN POLICY

Can it be said that these acts by which they tried to absorb or destroy the Muslim League and other parties, were due to thoughtlessness or to momentary aberrations of judgment? Such a construction, if permissible, would brand the Congress Party as wanting in goodsense. But in point of fact, this policy towards the other Parties was based on a principle of Life and Politics, namely, that the other Parties should cease to have political significance if they were to be allowed to exist. They employed unscrupulously as well as ruthlessly their doctrine that political salvation was possible only through *Nirvana* in the Congress. Only to the Congressmen should the sanctuaries remain open.

In the pursuit of this idea, they went back on their original pledge made before the elections that they would not enter into Coalitions with other groups. They intrigued for Coalitions in Bengal and in Sind. In Assam and the Frontier, they succeeded. And in Assam, in order to strengthen the Ministry, they increased the number of Ministers by two—tactics which if employed by any other Party, would have brought upon their heads the moral thunder of Wardha.

And through all these tergiversations the Mahatmaji remained either silent or if he spoke, spoke excusing, palliating, forgiving. What was right for the Congress was treated as wrong for others. What was wrong in others became right for the Congress. The Congress which appealed to all persons irrespective of their differences to support it in the elections on a broad, all-embracing Nationalist platform, became a sect after it got into power. The *Indian Express*, a Congress daily which has not prostituted its integrity of thought, tone and character to Office Retention as the chief good to be pursued, has in several leaders pointed out how the advancement of the material interests of the masses and communal unity were sacrificed on the altar of the moral drive for enforcing by legislation and administration the Gandhian remedies for individual and social ills.

One need not be shocked by this kind of evolution under office acceptance and the influence of secular power. It has ever been the case in human history that when spiritual leaders acquire earthly superiority, they naturally try to use their powers ruthlessly and unscrupulously, because they are obsessed by the deep moral conviction that what they are doing is necessary for human salvation. I do not think it is easy to overcome this very natural tendency. Given a party that believes that the world has taken a wrong course, that a new prescription and a new diet is necessary to restore it to health, peace and order, given further that after 20 years of teaching in the wilderness and finding it fairly ineffective, it got into a position from which it could employ secular engines of coercion, power and influence—is it any wonder that it employed them in the authoritarian and totalitarian manner? This is not the first time in history that prophets have turned into policemen, and proved that they were far more efficient as policemen than they ever were as prophets. It seems to me, therefore, clear that the intolerant attitude of the Congress towards what it denounces as communal parties and even non-Congressmen generally, has had its root and being in their own settled principles. And on moral grounds, no fault could be found with them. In their sincere pursuit of their gospel, in objective, agency and machinery, they had to wreck the possibility of a united national front and they did it unwittingly.

DEFLECTION OF DISCIPLINE FROM EXTERNAL TO INTERNAL PROBLEMS

Originally the iron discipline of Congress was forged and justified on the ground that it was an army fighting a foreign foe and that all its soldiers should therefore obey without asking the reason why. Under office acceptance it was extended and enforced on Congress legislators with reference to the entire range of Ministerial activity though 99 per cent. of this covered only the field of India's internal problems including the communal. Legislatures were converted into guard rooms ; and taxes, bills, tenancy legislation, launching of prosecutions, withdrawal of prosecutions of Congressmen, educational schemes, etc., a fair field for differences even amongst the orthodox, were rushed through to the quick march of the silenced Congressites. Naturally authority unquestioned by those that put it in power, viz., the party--and such questioning is the essence of responsible government--was bound to lead to irresponsible government and corruption.

I think there is now a change in the Congress mentality, and a change for the better. In one of his articles published about a month ago in the *Harijan*, Mahatmaji has stated that the majority community in India would not do any injustice to the Muslims and the Sikhs, etc., because it was afraid of them. If the fear of their strength is a guarantee and deterrent on any tendency to tyrannise, it is a proposition that carries with it the corollary that communal organisations have not only a right to exist but are necessary in the present condition of the country at least as defensive organisations preventing the possibility of injustice. Add to this negative, the need for giving them power and position to promote a positive policy of fairness all round, it will go a long way to induce the mentality of a truer nationalism than the present totalitarian aberration—an unfortunate off-shoot of sudden unchecked power.

MR. C. RAJAGOPALACHARIAR'S BOMBAY SPEECH

And now they have re-stated their assurances to the Minorities after having done their best to nullify the safeguards provided in the present Constitution, they look like righting the wrong done. As this again has a promising tendency, I would like to examine Mr. C. Rajagopalachariar's

defence of the previous conduct of Congressional Ministries, which he made in his recent speech in Bombay. He stated—'Some argued that because the Congress had taken an assurance that the Governors would not interfere with the Ministries' administration, the former were helpless. 'I challenge the Viceroy', he said, 'or any Governor to say that, at any time, they found it necessary to raise objection or interfere with the Ministries in order to protect the minorities. It is not a question of 'assurance' but of fact.'

GOVERNORS AS WITNESSES

It seems to me it is not even a question of fact but of fits and fancies. Do not 'assurances' taken or given naturally reduce Governors to helplessness? Otherwise, why want them? In the first place, is it true that the Congress had *taken* an assurance to the effect mentioned? No doubt, they asked for it. Government made statements in interpretation of the Act, but not in reply to their specific demand. Gandhiji complained that while he wanted the Government to talk *to* him, they were talking *at* him. The '*at*' continued unchanged. Then after three months of speeches everywhere by Congress leaders, they came to the conclusion that the interpretation put by the Government was an assurance in substance and, treating their own specific demand as a shadow, undertook office. But granting that they did have such an assurance, or in any event, that the practical result was as though an assurance in terms had been given, what is the position? You disarmed the Governors. The Governors had, either through your action or their own, become divested of the power to safeguard. And now you turn round and say—'Let the Governor be summoned to tell the world whether he ever found it necessary to safeguard', when he had no power to safeguard on your own statement. Would any Governor be such a fool as to even think of safeguarding, when he had not the power and competence to safeguard? Furthermore, what would be the value of the evidence of a handicapped Governor? Having no power to safeguard, he would naturally say—'No occasion arose for me to exercise a power which I did not possess.' Or is he expected to confess—'Though I wanted to safeguard, I was so terribly afraid of the Congress Ministries and the consequences of their resignations that I did not have the courage to do my duty under

the Constitution. I was chokeful of good wishes but did not possess will or power'? To disarm a man and then call upon him to swear that he had never need to use arms, is to add insult to injury.

The other point in the Bombay speech that deserves notice is the lyric about the Constituent Assembly. And what does it all come to? On the subject of Separate Electorates for the communities, an open 'Yes' with a private 'No'. On the subject of the procedure, etc., the leaders should first come to an arrangement before the constitution of the Constituent Assembly could be determined. Surely, if so much could be determined by the leaders and the intelligentsia, why not go a step further and get the whole of the new constitution settled in a similar way? It looks to me the Congress is swayed in this matter by two considerations. (1) That in the general *melee* of an election, in a country full of ignorant people, illiterates and those amenable to personal appeals, influence and corruption, a widespread organization would be always able to tackle mere numbers and get the type of representatives it desires, knocking out a good many of the intellectuals and intelligent leaders. (2) And in such an Assembly, it will be able to pull the threads of the Separate Electorates, even where for the sake of appearance it would not openly seek to prevail. Congress chiefs have had experience of Congress sessions attended by thousands and also of legislatures under the new democratic franchise. And as these have been nothing more than bodies come or called together to register the decrees arrived at in the conclaves of the leaders, there could be very little doubt that a Constituent Assembly would be equally docile. And it will discharge the one important function of giving national validity, so to speak, to the conclusions of the caucus.

NUMBERS VERSUS LEADERS

Such tactics are perfectly fair in politics. But the point still remains. How long will conclusions arrived at by such means stand the test of time? Are there not people who, though they do not represent numbers, represent ideas? And by excluding them, can you exclude once for all and for all time to come the ideas as well? In other words, what is it that the Congress is after? Moral conviction of the best in India or the mere votes of numbers? And it is a Party which

has ever proclaimed that quality was more important than quantity ; that one single *Satyagrahi* would bring salvation to the world provided he was really perfect, while the multitude would be no good ; that Truth was not a function of numbers. And why is it they now hesitate to apply these doctrines to the solution of our political problems? The other day I read in a paper the speech of a Congress leader who attributed the hostility to the Constituent Assembly to the fear of intellectuals that they would be wiped off in the elections and would not be able to find a seat. Granting this to be true, and probably it is a sad truth, is the objective of the Congress, numbers without quality? And when did this cult of numbers to the exclusion of quality become the official religion of Wardha? Can permanence be achieved by such tactics? And a constitution, if it is not to generate revolutions and civil war, should satisfy the best minds and be durable.

As regards the national validity, is it going to be of any higher order than the resolutions of the full sessions of the Congress or the A. I. C. C. or of our Legislatures under the new regime, which merely register the decrees of the few arrived at in the calm thought of closed doors? And since, in any case, the All-India Legislature and the British Parliament have to pass the New Act, why not follow the more rational method of evolving a constitution by the better means, qualitatively speaking, of a conference of the leaders, and present them for enactment to the Statutory Powers? Why, till the other day, Mahatmaji was for giving a blank cheque to the Muslims. And within the last year or two, he and the Congress made attempts to come to terms with the Muslim League. So this method as such could not be wrong. The Motilal Constitution which, with Mr. Jinnah's amendments so moderate compared to his new demands made as a result of the office exploits of the Congress, deserved to be the Constitution of India today, was shaped by four or five of our intellectual giants. And the Congress did not repudiate that procedure. Is it therefore due to the fact that it has not succeeded in arriving at a settlement by the method of consultations with leaders, the Congress leaders have now started an agitation for determining, i.e., dittoing by numbers? I am glad some Congress papers view this method with grave suspicion.

**VIII. A PRESS COMMUNIQUE BY
DR. C. R. REDDY, WHICH APPEARED IN
'THE MAIL' ON JANUARY 6, 1940.**

(In this Dr. C. R. Reddy deals with the explanation given by some Congress Leaders of their Refusal to admit Muslim Leaguers into Congress Cabinets).

An ingenious explanation, belated and unconvincing, has been at last given by some Congress Leaders of their conduct in refusing Muslim leaguers seats in their Cabinets, though they had claimed it as a right to be fulfilled, if need be, by the exercise of the safeguarding powers of the Governors.

The explanation is that if they had admitted Leaguers it would have caused differences in the Cabinet requiring the exercise of the special powers of Governors which they were determined to nullify. Hence their Objection to Coalitions.

My observations on this are as follows :

(1) Why was not this explanation given two and a half years ago?

(2) Did they realise then, as they profess to do now, that in attacking the Governor's power they were deliberately attacking the position of the Minorities also and killing two birds with one stone, the powerful Gubernatorial bird and also the powerless Minorities bird depriving it of the help provided for it in the Constitution?

THE PATH OF FAIRNESS

(3) If so, was it not the path of fairness as well as wisdom not to have undermined the position of Muslims etc. in this subtle manner or done so only after explaining the matter to them and getting their consent thus avoiding the imputation of highhandedness as well as underhandedness?

(4) If the present point is that it was a move against the Governors and not against Muslims, then what is the

explanation of their sustained attempts to smash up the League?

(5) If on the ground now stated they had really refused admission to Leaguers in provinces where the Congress had absolute majorities, why did they form or try to form coalitions in Provinces where they were in a minority relatively to non-Congressites and where therefore cabinet differences would be more likely to occur, and be more acute when they occurred, giving more and freer scope for the intervention of Governors? Does it mean that while the lure of power led them to abandon their professed principles, ethical and constitutional, assured power rendered them incapable of magnanimity in the National interest?

(6) Now that Mahatmaji and others admit that strongly organised minorities are a preventive of the tyranny of majorities and would guarantee the equitable working of our democracy, have they given up their totalitarian drive against communal organisations which is probably the true explanation of their conduct hitherto, and adopted a new policy? One would like to have a detailed exposition.

**IX. JUBILEE MEMORIAL ADDRESS
DELIVERED BY DR. C. R. REDDY, AT THE
MAHARAJAH'S COLLEGE, ERNAKULAM
ON JANUARY 9, 1940.**

*(Congress in Office and Some Aspects of the Constitutional
Problems that have arisen).*

RETROSPECT

The Congress Movement has affected the Indian States both directly and indirectly—directly because the Congress is attempting to democratize the State Governments, and, in furtherance of this object, has organised, encouraged, or guided agitation, including the despatch of jathas to conduct Civil Disobedience. Prominent Congressmen have identified themselves with State peoples' organisations aiming at securing responsible government. Indirectly, by acting as the inspiration and model, both in organisation and policy, of indigenous Congress movements in the States. Politics is a practical art. And though abstract analysis has its place in it, our judgment whether a certain policy or form of government is good or bad is determined by the results produced. Human nature is too various to permit of the application of abstract propositions without reference to the habits, history, social tendencies, economic factors and other realistic considerations. As Bacon put it, 'the same sun which melts wax hardens clay.' 'By thy fruits thou shalt be judged.' That is the maxim to be applied. And it is necessary for the peoples of Indian States to take stock of British happenings so that they may know what to adopt and what and how to avoid. \ Blind imitation will lead you into the ditch. /

CONGRESS NOT AN UNQUALIFIED SUCCESS

The present time seems to be a compelling moment for such stock-taking. Mr. S. Srinivasa Iyengar has made notable pronouncements, \inlaid with wisdom and scholarship, \provocative of serious thought. My recent

speeches in Madras, so well reported in the *Mail*, appear to have caught the mind or the fancy of the country. The Congress leaders themselves, after two and a half years of the fury of blind intolerance, are in a reflective mood. They have now condescended to take notice of criticism and are attempting replies. It is refreshing to notice, in evidence of this sobered-mind, some statements of Congressional leaders. At a meeting held in Madras, apparently to reply to my speeches, Mr. Ramdas Pantulu was of opinion that the Congress should reconsider the principles on which it acted for the last two and a half years, which was exactly my plea. He advocated composite cabinets as suggested by Mr. Srinivasa Iyengar and myself. In a recent speech Mr. Gopala Reddi expressed himself in favour of non-party cabinets as a way out of the present impasse and gave good constitutional reasons. The *Indian Express*, straight and sincere and too often still a voice of the old Satyagrahic wilderness, has consistently criticised the Congress ministries as having gone on wrong lines altogether by neglecting the promotion of measures of economic prosperity and in other ways. One of the ablest of our younger publicists, Mr. T. T. Krishnamachari, an Independent, has pointed out that during the Congress regime people did not feel that they were under a popular government, and that under the Advisory Government they do not feel that they are under an unpopular government. He has made some profound observations on the incompatibility between profession and conduct involved by an organisation claiming to include politically the entire nation but functioning governmentally as an exclusive party—and not even as a party but a sect. \

UNFORESEEN TENDENCIES OF CONGRESS GOVERNMENTS

A review of recent events is also likely to serve as a further proof of the great truth of history that good intentions are not enough ; that a good judgment is more important ; and that, in actual operation, parties and constitutions display unforeseen tendencies and often bring about unintended or unforeseen results ; that character is more important than constitutions ; and that without the spirit of constitutionalism no mere form of government would be productive of peace and harmony in the land.

ASSURANCE REGARDING SAFEGUARDS

When the Congress won the elections by overwhelming majorities, the first thing attempted was to get an assurance from the Government that the gubernatorial special powers would not be used. Though no specific assurance in terms demanded was given by Government and though Gandhiji complained that Government were talking *at* him instead of *to* him, still, after a period of daily agitation, the Congress leaders prudently concluded that the general statements made by the Viceroy and the Secretary of State in exposition of the relative provisions of the Constitution Act were sufficiently satisfactory for them to embark upon office, with a warning announced that, if they were interfered with, they would resign and create deadlocks. The object of the Congress was to deprive the Governors of their special powers and to establish full provincial autonomy—a democratic object undoubtedly. But they did not foresee that this would be interpreted by the minorities concerned as the abolition of the safeguards provided for their protection, and would create in them resentment and revolt against what they felt was a violation of their right to be openly and fully safeguarded by the Governors. What was democracy for the Congress became autocracy over defenceless minorities. In the event, what was wrecked, as we now know, was not the constitution which they worked in a sufficiently accommodating spirit, but the possibility of a united national front. Wrecking did take place—in a disastrously wrong direction.

UNITARY CABINETS

Years ago, Gandhiji and other Congress leaders were of opinion that the British standard pattern constitution was not suited to the genius—that is to say, the peculiarities—of India and talked of Hind Swaraj. Today their thought is otherwise. It is the British parliamentary unitary cabinet type of government that is their standard and motive. This was sought to be achieved by insisting on unitary party cabinets. The intention was to secure democracy. True that the British is not the only type of democracy in the world. But it certainly is a type that gives a strong united government with direct control over

legislation. It is a type in which legislative and executive powers are practically concentrated in the same hands in contrast to the doctrine of the French Revolution which prescribed separation of executive, legislative and judicial powers as the condition of democratic freedom. As the British type of concentrated power makes for swift decisions and strong administration, and it is further consonant with one of the forms of democracy, the Congress favoured it. But they favoured it in theory as a principle of democracy ; in practice they found it handy as an instrument of totalitarian absolutism. But here, again, with what results?

MR. JINNAH'S CONTENTION

Mr. Jinnah and the Muslim League claimed then, and they claim now, that under the Constitution Act Government had a duty to appoint, in safeguard of their interests, a minister possessing the confidence of the majority of the Muslim legislators. They held that a Governor failing to do this was not performing one of his most important constitutional duties. The Governors were on the horns of a dilemma. If they over-ruled the prime minister called to form the cabinet and insisted on a non-Congress Mussalman being included—the non-Congress Muslims being in a majority over the Congress Muslims—the prime minister might throw up his commission. The non-Congress combinations could not form a stable government. And so, as between a stable ministry and safeguarding the Muslims, they naturally preferred the course that avoided a deadlock. The constitutional issues involved in this have been examined by a large number of publicists recently. And so I may briefly summarise the points. The Congress view is the necessity or desirability of a unitary party cabinet as the right democracy which has the advantages of quick legislation and unfettered administration. The point of view of Muslims and the scheduled classes was this—that the Congress had thereby nullified the very meaning and significance of separate electorates ; that it was not democratic to have as a Muslim minister a Muslim who did not possess the confidence of the Muslim legislators ; that a Congress Muslim minister, bound as he was by Congress discipline, could not possibly represent Muslim interests, which could be defended or promoted only

by a minister possessing their confidence and charged with that obligation.

The other grounds that the Congress appears to have adduced are that since a Muslim was included it practically sufficed for the purposes of the Act ; and, furthermore, that it itself, the one and only party, was the best representative of one and all, and no separate representatives would be tolerated ; a good argument for rejecting separate electorates, but not for circumventing them.

It will be recalled that the Muslim League raised this point formally with the Government. Some Governors issued statements in reply, their main argument being that they had to be guided in the choice of the cabinet by the prime minister, and that they had followed this principle of democratic action ; and, if the Muslims had a grievance, the party responsible for it was not they, but the Congress.

DEFENCE OF UNITARY CABINETS

To my knowledge, the first time that an authoritative attempt to meet the Muslim contention made by the Congress is in Mr. C. Rajagopalachariar's recent pronouncement at Delhi. Summarised, the argument appears to be as follows : A coalition with a communal party, or taking into the cabinet a representative, say, for instance, of the Muslims in the manner demanded by the League, would lead to differences in the cabinet which will then have to be referred to the Governor who would thus become arbitrator and employ his special powers ; which it was the purpose of the Congress to deprive him of and reduce him to a constitutional figurehead ; therefore, we could not give representation to the Muslim League in our cabinets or depart from the idea of unitary party cabinets.

From which it follows that separate electorates are wrong in principle and should be rejected and only joint electorates should, if necessary, be permitted : conclusions which Mr. C. Rajagopalachariar himself draws. I wish it had been stated in this clear form two and a half years ago so that Mr. Jinnah might have had an opportunity of analysing the implications of this statement and making a reply. But the question is—will such a view satisfy the Muslims and the

minorities concerned? Was it wise to have adopted a procedure which in effect nullified the operability of safeguards and the significance of separate electorates? If the latter have to be eliminated, then why does the Congress offer safeguards, as it is now doing, and agree to Muslims and minorities coming in by separate electorates to the constituent assembly and deciding on their special interests themselves without reference to the majority? How will these safeguards be made effective in the new constitution, unless power is vested either in the minority representatives themselves or in some outside authority to exercise a veto or to effect redress? Is not either remedy a departure from the doctrine of arithmetical democracy? Did the Congress realise that, when it tried to deprive Governors of their special powers, it was from another point of view violating the constitutional rights and position of the Muslims? If the Governor as arbitrator should be abolished, is it not curious that we are proposing to have one in connection with the constituent assembly which is to frame the new constitution? Is not this a lesson learnt after the futility of forcing the pace of Indian nationalism has been realised? And is it fair to extinguish safeguards and separate electorates *de facto* in this indirect manner without the express consent of the communities concerned?

And yet it is hard to resist the feeling that even the Congress could not and did not completely ignore communal claims. They took a Muslim, a member from the scheduled classes, some non-Brahmins, etc., and, where they could not find these in their own ranks, bargained hard to procure a convert. The question might well be asked whether overt communalism would not have been better than covert. Instead of courting shadows, might they not have installed the substance?

COMPOSITE CABINETS

Mr. C. Rajagopalachariar, in one of his recent statements issued from Delhi, is rather unjust to some of his critics when he says that some persons are taking advantage of the present difficulties to have coalitional cabinets in the provinces instead of the unitary party cabinets that he favours. He ignores that nearly two years ago Sardar Sardul Singh Caveeshar wrote a long letter to Mahatma Gandhi strongly

advocating composite cabinets, to which Gandhiji replied stating that it was very convincing. Unfortunately, though Mahatmaji found it convincing, he did not find it convenient to take action. The idea of composite cabinets is not a new one. Neither has it been advanced by people who had not held high office and commanded high esteem in the Congress.

Here we may note with satisfaction the change that seems to be coming over some Congress leaders in respect of composite cabinets, as evidenced by a recent speech of Mr. B. Gopala Reddi. When opening the 10th Anantapur District Congress Conference held at Gangavaram, he is reported to have said as follows :

‘Separate electorates and the Communal G. O. in the matter of appointments are a negation of democracy, but the Congress, having accepted them as its policy in the matter of administration of provinces, should give due weight to the legitimate grievances of the minorities. Congressmen should approach the minorities problem with a spirit of goodwill and not spurn demands lightly. Though the party system has failed in some countries and proved a great success in India, Congressmen should try an all-party cabinet system to solve all the minorities problems which are now a hindrance in the attainment of freedom.’

Surely this is commonsense as well as constitutionalism. A composite legislature involves a composite cabinet. And the administration of the Communal G. O.’s cannot produce confidence when it is wholly in the hands of those who daily and hourly denounce communalism as the original sin from which India must be redeemed.

POSSIBILITIES OF THE CONSTITUTION ACT

The Constitution Act gave us an All-India State, or the possibility of one, for the first time in our history, with good-will and the avoidance of extreme truculence on all sides. The All-India State, federal of course, since the unitary is out of question, had it been brought into being and worked in the right spirit of mutual accommodation and much give and little take on all hands, may have produced in due course an Indian nation, a united people in a common State.

But by pursuing hastily and without forethought a certain type of democracy, consequences have been brought about by which a united nation has receded farther off than ever and the chance of an All-India State is almost wrecked.

I fondly expected that, in view of the tragical reactions it has provoked, the Congress would draw back, reflect and try other modes of approach. But, instead, it seems to be attacking with more fury than before the Princes, the Muslims and all those who do not see eye to eye and go hand in hand with it, and pursuing its totalitarian bent and making the possibility of a union of Hindus, Muslims, minorities and Princes more difficult, more distant.

CONGRESSIONAL INTOLERANCE

I may here interrupt and digress into a trivial matter. Because trivialities, like straws, sometimes indicate the direction of the breeze. Congressmen have a way of decrying dissentients in a manner indicative of religious or totalitarian intolerance. Their *motto* seems to be—'Those who are not with us are against us. And those who are against us are not merely wrong but sinful.' / The other day a leader of real worth and good standing in the Congress queried: 'Whom does Mr. S. Srinivasa Iyengar represent?' Could not Mr. S. Srinivasa Iyengar retort: 'I represent brains?' Another gentleman hinted that only the weak and those fishing in troubled waters disapproved of what the Congress had done. A third, referring to a critic of Congress' ways, wanted to know why he spoke and gave unwanted advice when nobody asked him for it. Apparently, Congress leaders are waited upon by a deputation consisting of the majority of their audiences, and speak only in response to their humble prayers for enlightenment! Their critics are disgruntled; their followers have only one right—that of grunting satisfaction. ✽ I suppose you can abolish critics; in some countries they do it by chopping off heads; in others, addicted to Non-violence, by chopping off reputations. Can you thereby abolish the criticism as well? History is evidence how ideas can live even after the heads that engendered them have fallen under the sword of authority or the decree of time. Should not a great party trading on truth take more account of reason and less of the frailty of its opponents? \

Of course, all this is part of the stuff and nonsense of politics, which nobody need take seriously or does. \But when a party professing unique devotion to truth and non-violence descends to such levels, it does impair the tone of public life. If a defeated leader is regarded as having no title to speak, how is he to function as an opposition and appeal to the country? / Without a bath in the purifying waters of the Congress, none may enter the temple of politics. The minority may not speak because they are a minority and did not win the elections. And the majority may not speak because they must be bound by party discipline. If men without a political following may not speak, philosophers and professors in Universities must be consigned to contemplation without expression. The whole idea of the political field being contested by *Suras* and *Asuras*, with the Charka-armed Congress as the Vishnu protecting the righteous, who are invariably its devotees, is irritating mythology and not constitutional politics. And sometimes we are told that the Congress leaders are guided by the inner voice. When asked why such and such a gentleman in real or apparent violation of Congress principles was admitted into the cabinet, a prime minister is supposed to have replied that it was divine inspiration. With the inner voice and the divine inspiration allied to mute majorities in the legislatures, our democracy, I am glad to say, is after all functioning, not as the British House of Commons, but as our particular Hind Swaraj! Parties and persons undergo, whatever the rigidity of their professions, changes as a result of translation from irresponsible criticism and profession to responsible office. This is a law of human mutability to which even the Congress is no exception. A few instances of the influence of office on the psychology of the Congress may be cited in illustration.

INFLUENCE OF OFFICE ON THE PSYCHOLOGY OF THE CONGRESS

The old zeal for the separation of executive and judicial functions disappeared. The Civil Liberties Unions ceased to function. A certain paper of this organisation would not even publish the names of those arrested by the Congress under special laws. In connection with the property tax and the prohibition agitations, the press was

gagged in Bombay. The Criminal Law Amendment Act was freely employed. Mr. Mahadev Desai's dictum, and I take it he expressed the views of Mahatmaji, that compulsion at Hindi classes was inconsistent with non-violence was not acted upon. Those who condemned previous ministries and administrations as trying to strengthen themselves by immoral traffic in jobs did not hesitate, in order to stabilise a certain ministry, to make an addition of two to their number. A certain prime minister declared that the technique of government without violence had not yet been discovered or invented. And the same prime minister, in addressing a gathering of labourers, admonished them not to go into politics or allow outsiders to lead them. At one time, every policeman was to have been a teacher. More recently, it almost looked as though every teacher would be required to be a policeman! A criminal case against a party man was withdrawn without the advice of the district and legal officers. High officials were shamelessly used to canvass votes at elections! Poland's violence was given the status of non-violence for a few days. Communalism was first fought by soul force, and, let me add, with much success. But, after acquisition of power, threats of secular force were freely uttered against the press and persons fomenting communalism. In fact, nothing was heard of soul force during the days when brute force was freely available. This is not the first time nor will it be the last in history that sacred organisations have departed from the obligations of scruple, of honour and of love that they used to preach, on ascending secular thrones. It need neither shock nor surprise us to find that we in India are not too much of an exception to this iron law of history.

I for one welcome this change. After all, it is not to the good of the country that any party should be like the Bourbons, of whom it was said that they learnt nothing and forgot nothing. One thing for which we ought to be grateful to the Congress ministries is that, to the pleased surprise of the country, they supported the principle of strong government both by precept and by practice. Mere mechanical consistency is not the sole test of conduct. There is the higher consistency of purpose. On the whole, Congressional

aberrations, however regrettable and disillusioning in some cases, were due to the attraction of their big objectives.

GANDHISM AND POLITICS

The Gandhian leaven very naturally affected the policies of the ministries. As the *Indian Express* has pointed out, precedence was given to measures of moral reform over those of material advancement. And in the pursuit of this, before the country was made richer and materially better off, taxes were freely imposed. Bounties were given for *khaddar*. Competition of mill goods was sought to be lessened by special taxes. Sumptuary legislation became the dominant note. And history has always been very sceptical about the efficacy of such legislation, though it undoubtedly makes a popular appeal and sounds grand and good. What I have called 'Charkaisation' in place of Civilisation was attempted. Prohibition 'at whatever cost' may also be credited to this passion for moral reform more than to the desire to promote economic efficiency. The Wardha scheme was to be the educational introduction to a new non-violent world order. The Congress showed how true and even reckless of consequences it was to its semi-religious mission of nationalism by such measures as temple entry and the sustained movement for the abolition of caste disabilities—noble attempts which, under the favouring atmosphere of a strong feeling of racial unity, would have produced great results without friction. I am reminded of the great reforms of Akbar, who too tried to create a unitary nation out of our divergent, discordant elements and in the process felt it necessary to propound a new religion, even as Mahatmaji is propounding a new gospel. He took little account of the persistent obstacles placed by racial, religious, and historical differences. Great Akbar failed. But Akbar remains Great.

Opinions are bound to differ even in Congress ranks regarding these policies. They are a part of Mahatmaji's philosophy of life, his prescription for the material and moral salvation, not merely of India, but of the whole world. We may agree or we may differ. But none can question the whole-hearted, single-minded sincerity of purpose with which

he preaches his gospel. Like all preachers of gospels, he naturally tries to use such secular power as he has conquered to force what he considers to be the universal good on the universe, or that part of it that is under his sway. So much so that in defending Hindi propaganda by compulsion, including the employment of the Criminal Law Amendment Act, he declared that we should not make a fetish of Congress resolutions! But the big purpose is there, and it is pursued steadily. And, in fact, he himself has said again and again that with him Swaraj was only a means to these large spiritual ends, that in itself and apart from these purposes Swaraj had no meaning. I do not think that without an understanding of this point of view, the centre from which all the activities of the Gandhian Congress radiate, it would be possible to understand the undemocratic and totalitarian tendencies so much in evidence in the Congress organisation, and the way in which the Congress ministries were both constructed and set to function. But to understand is not necessarily to endorse. While on the one side democracy—British standard pattern—is invoked as the saviour guaranteeing perpetual salvation, aberrations from the perfect orbit have also been brought about in the actual working. Our legislatures have been reduced to guard-rooms in which the battalions march to order, their's being not to question why or understand the wherefore. \Government by discussion gave way to government by dictation. \The disciplinary rod descended on every one who dared to differ. \Discipline, of course, must be strictly maintained in the fight against a common enemy; but has it the same place when questions of domestic import, like the Sales Tax, Property Tax, Prohibition, Estates Land Act Amendment, Education Reform, etc., are under discussion? One of the most honoured of our publicists told me that \the Congress ministries refused even the most reasonable amendments proposed to their measures because they wanted by a display of strength to crush the heart out of their critics and drive them despairing out of the field. \The opposition leaders were treated in anything but the House of Commons' manner. Those who joined the Congress were honest converts; those who left—perverts. \What was objectionable in others became commendable in themselves. \The Governors patted the ministries and gave certificates of excellence to them. Imagine the King of England praising a Conserva-

tive, or a Liberal or a Labour cabinet and bearing testimony to its excellence! He would be called to order by the very party thus advertised. And ministers have recently been calling on the Governors to bear testimony that they never had any need to use special powers, of which they claim they had deprived them. To disarm a man and then to summon him to declare that he never had occasion to use arms sounds like adding insult to injury. Governors summon opposition leaders to form ministries, telling them at the same time that a dissolution would not be granted! The Willingdonian happy family of dyarchy seems to have left a progeny before dying! With the object of putting the bureaucracy under popular control, and doubtless with the knowledge that such a course would make their party more powerful, orders were issued to local officials that they should be in touch with the Congress bosses around them—a measure which on all accounts has served both to vulgarise and to corrupt administration. Does this accord with the British pattern of parliamentary government, or is it a caricature?

FAILURE OF OPPOSITIONS

The fitness of a country to democracy or to any form of constitutional government is proved, not only by the wise restraint and equitable constitutional spirit in which the rulers conduct affairs, but by the strength of character displayed by the oppositions as well. It cannot be said that the Justices fare well under this test. One disastrous defeat, and their leaders seem to have disappeared in all directions. True that Periyar E. V. Ramaswami Naicker is keeping the Justice flag flying. But the conduct of many of the leaders who had held high office under its banner is bound to have produced demoralisation. This is not the way in which, in countries capable of effective democracy, parties react under defeat. I am reminded of a saying that in Indian history there are only battles but no wars. One single battle finishes off the business completely. Until the Sikh Period is reached, there is not much evidence of defeated powers retreating, re-forming and keeping up the fight. I wonder if our electoral politics are going to reproduce this aspect of our military history.

THREE-FOLD ROOT OF CONGRESS POLICIES

The mood and measures of the Congress spring from a three-fold root :

- (1) Its nature as an army fighting British Imperialism ;
- (2) Its nature as a Salvation Army redeeming India and mankind ;
- (3) Its passion acquired since office acceptance for an arithmetical democracy as opposed to the ethnic federalism demanded by the Muslims, seeing that it gives full power to impose its will and policies on the country.

There was a time when it extolled quality and decried the value of numbers and quantity. Today it is otherwise. There would have been no objection to the rule of arithmetic if the country had been racially more united. Our divisions require a new treatment ; and it must be found if we are to continue as a single State and evolve into a united, if not unitary, nation.

But the arithmetical democracy is only one of form with them. In substance it functions as an authoritarian heirarchical organisation.

TESTS OF SWARAJ

The Congress had set up tests for our fitness for Swaraj. They are varied and, I suppose, of varying importance. *Khaddar* is one of them. I remember a distinguished leader of the Congress saying in all solemnity years ago in revelation of the revolutionary powers of *khaddar* that the British Empire hung on a thread ! But, on all accounts, the most important have been these two : (1) the Removal of Untouchability and (2) Hindu-Muslim Unity.

For the last twenty years we have been told that, unless these pre-requisites and conditions precedent were secured, no Swaraj would be possible. With respect to the removal of untouchability, both the Congress and the Hindu Mahasabha have done epoch-making service. The achievements of the Congress in this field will ever be honoured as among the greatest achievements in the socio-religious field of a political organisation. True, it has evoked discontent and opposition

from some quarters. But all Governments, Congressional no less than Princely, have to reckon with such consequences. And no Government can be condemned merely on the ground that its measures had produced a certain amount of discontent.

TRI-UNITY OF HINDUS, MUSLIMS AND STATES

It is in respect of the Hindu-Muslim unity and communal problems generally and relationship with Indian States that the Congress has failed. The Indian situation from this point of view has worsened. Is it not a paradox that the party which claimed to be the greatest advocate and promoter of Hindu-Muslim unity should have produced disruption, while other parties less heroic or sentimental in their professions managed to keep the various communities sufficiently close together? Our Federation was to have been a tri-unity of States, Hindus and Muslims. The three are there, indestructible, but clashing or moving away from each other.

THE OLD POLICY OF THE CONGRESS IS THE BETTER

May I appeal to the Congress to resume the principles which it held before office acceptance? : national concentration ; a united front ; non-intervention in the States ; equitable settlements between zamindar and tenant and between capital and labour ; reconciliation between conflicting groups and interests ; concessions to Muslims even to the extent of the blank cheque ; in one word, maximum solidarity, minimum antagonisms, and internal class struggles to be postponed till after the Indo-British problem was satisfactorily solved. After office, a big change which, whatever its theoretical justification, has not given satisfactory results : the dissolution of communal parties and their absorption into its own substance and discipline ; intervention in Indian States ; rejection of the Muslim claim for genuine Muslim representation in the cabinets ; and, generally speaking, a totalitarian drive towards a unitary nationalism. I think the situation calls for a revival of the pre-general-election spirit.

SECULARISATION OF POLITICS

In my recent speeches I have dealt with the causes of Hindu-Muslim disruption, and I therefore do not propose

to deal with them here at length. But a certain point, well emphasised by Mr. S. Srinivasa Iyengar, deserves to be particularly noticed. There is no doubt that the Muslims feel that their culture has been endangered by the Congress movement and Governments. It does not matter whether this is a fact or fancy. In politics impressions are also facts to be reckoned with. Mr. S. Srinivasa Iyengar has analysed the factors that have produced such an impression, namely, the semi-religious tone and pose obtaining in Congress politics, such as *Satyagraha*, *Ahimsa* and the whole philosophy of the simple life preached by Congress leaders. Is there no tendency at a Revivalistic Nationalism in the Congress? The very name—Vidya Mandir Scheme—seems to inflame Muslim suspicions of an attempt at Hinduisation. The following quotation from a recent speech of Mr. Abdul Hameed Khan bear out this point (*The Hindu*, dated 18th December, 1939):

‘Mr. Abdul Hameed Khan said that if Gandhism did not pervade the activities of the Congress ministries and if Gandhiji had not given Indian politics that religious outlook which they saw manifested in every action of Congressmen, perhaps it would have been possible for Congress ministries, even though controlled by the High Command, to have acted in a just and equitable manner without remembering that they were trying to revive the political domination of a particular community or of a particular culture or a particular religion.’

Such objections have been met by an appeal to the fundamental unity of all religions. But eclectic explanations, though they sometimes soothe, sometimes irritate religious susceptibilities. Devotees of universalistic religions who believe in the sacred duty of converting people to their own faith do not like to be told that their religion is only as good as any other, while the hypothesis of their whole life is that it is not only better but the only good. Commentaries by outsiders are sometimes welcomed and sometimes resented as unauthorised interference. Interpretations, however well-intentioned, cannot always avoid the interjection of innovation. Mr. S. Srinivasa Iyengar, therefore, pleads that we should terminate religio-politics and restrict ourselves to secular aims and methods.

There are some difficulties in the way of the Congress adopting secularisation. It is neither right nor possible to expect Mahatmaji to abandon the spiritual content and significance of his propaganda. Nor can the Congress continue to have the same hold on the Indian masses generally, and more especially the Hindu masses, were its politics entirely divorced from spiritual incentives. Furthermore, so far as Hinduism is concerned, it is so largely mixed up with social regulations that it is impossible to touch social reform without also touching religion. Did we not ourselves criticise the British Government for having allowed our abuses to remain unremedied on the ground or excuse of religious neutrality? While I thus see the point and force of Mr. S. Srinivasa Iyengar's contention and would certainly condemn revivalistic nationalisms, I do not see how it can be completely avoided in matters relative to Hindus. And can one be sure that the reforms conceived in sheer secular spirit will not also indirectly antagonise religious sensitiveness, as, for instance, prohibition of infant marriages? Religion and the inner voice are both very difficult to conciliate or control.

MUSLIM LEAGUE'S STANDPOINT

It is necessary to summarise the position of the Muslim League before the prospects of Indian constitutional advancement are considered.

(1) The Muslims claim to be a nation. On account of their history and their territorial compactness, more especially in the North-West, and their right, on the democratic principle of self-determination, to secede and create, if they so desire, a separate State there, they think that they are not a minority or community like others, but a people entitled to the status of nationhood.

(2) Since a nation must be approached by outside nations only through its constituted authorities. Mr. Jinnah claims that all dealings respecting the Muslims shall be only with the Muslim League. It is obvious that one nation cannot appeal directly to the people of another nation, but could deal only with its constituted authorities.

(3) The Muslims will not be satisfied with what is called safeguarding of their special interests. A nation federating with another has interests co-extensive with the entire political field, legislative and administrative. For instance, the

Muslims, as Mr. Jinnah has specifically pointed out, must have an equal voice with the rest in determining such matters as whether India shall be under a uni-cameral or a bi-cameral type of legislature. The general features of the constitution, such as whether it should be a federation or whether we should have removable or irremovable cabinets, are not matters in which the Muslims could afford to disinterest themselves.

(4) Arrangements made on the mere calculation of numbers and proportion of populations cannot be accepted. Because even a small nation in its dealings with another nation, however big, proceeds on the footing of equality. There is no call on a small nation to merge itself in another simply because the latter outnumbers the former. Arithmetical democracy and arrangements based on numbers will not do.

Such, in broad outlines, appear to be the principles on which Mr. Jinnah takes his stand.

The Congress, and more especially Mr. Vallabhai Patel, refuses to recognise the Muslim League as the sole representative of the Muslim people of India. From the point of view of unitary nationalism, I do not see what other attitude the Congress could take. And from the point of view of Muslim nationalism I do not see what other attitude Mr. Jinnah could take. The impasse has come. Shall we be able to resolve it? Otherwise there is the risk of the disruption of India as we have known it for the last 100 years and more.

A SUGGESTED WAY OUT

If there is a doubt whether the League is regarded as the ruling organisation, can it not be decided by a general vote of the Muslim representatives in the various legislatures? If they prefer the Jamiat-ul-Ulema or the Ahrars or any other body, then the Congress could refuse to negotiate with Mr. Jinnah on any terms. But if they regard the League as their best and truest spokesman, why not accept Mr. Jinnah's condition for negotiations? Are not Muslim M.L.A.'s and M.L.C.'s entitled to decide this question?*

* Since this was delivered some Congress Leaders have stated that the present M.L.A.'s and M.L.C.'s might be regarded as a substitute for the Constituent Assembly!

CAUSES OF THE LEAGUE-CONGRESS DIFFERENCES

It is necessary to relate in brief the causes that have led to this.

(1) The attempt of the Congress to bring about the dissolution of all communal parties, a necessary corollary of its claim to be the one and only political organisation possessing the right to deal or negotiate with British Imperialism.

(2) In pursuit of this policy, the Congress adopted the following measures in respect of Muslims :

- (a) Mass contact, which means an appeal to the Muslim masses to repudiate Mr. Jinnah and other leaders ;
- (b) Opposing Muslim League candidates by Congress Muslim candidates ;
- (c) Refusing the claim of the Muslim League to have in the cabinets of the provinces Muslims possessing the confidence of the majority of Muslim legislators to safeguard their interests ;
- (d) Influencing the Muslims returned either as Independents or as Leaguers to sign the Congress pledge and admitting them into the Congress fold and even ministries without obliging them to undergo re-election on their new political affiliation ;
- (e) Taking advantage of divisions amongst the Muslims to upset Muslim ministries by forming or encouraging coalitions in disregard of their previous declarations on the subject of coalitions ;
- (f) Nullifying the safeguards, installing unitary party cabinets and by other ways repudiating the more truly democratic principle of government by discussion and general agreement ; in other words, what Mr. Jinnah calls, the fascistic nature of the Congress.

These grounds based on large fundamental constitutional principles have been to some extent intensified by apprehension regarding the future of their culture, which they think is menaced by the revivalistic Hindu ideology and policies of the Congress.

PROSPECT

MR. JINNAH'S ROYAL COMMISSION

Several ways have been suggested to overcome the impasse and advance to a higher stage of political development. Mr. Jinnah desires that a Royal Commission should be appointed to go into the whole question of the future constitution. I do not see how his view could be dismissed as *a priori* unreasonable. He has from the outset opposed with more sincerity than the Congress the federation sought to be established by the present Act. His grounds are clear and have been consistent—that federation involves the subordination, in the centre, of Muslims to the Hindus, and that this jeopardises the autonomy of the 'Muslim provinces' as well, and reduces their status as States and nation. Furthermore, in the provincial sphere, the unitary party cabinet type of government has reduced the Muslims and other minorities to a position of helplessness. The constitutional significance of separate electorates and safeguards had been nullified with the connivance, active or passive, of the British Government. So tinkering with the present constitution and making this amendment or that will not do. What is required is a new type of Government—a *de novo* constitution. And it has been customary to appoint Royal Commissions when distinctive stages of constitutional advancement are contemplated. *A fortiori*, when a new type of government is necessary, should not an independent Royal Commission be charged with the task of enquiry and recommendation? True, the Royal Commission will enquire into the grievances tabled by the Muslim League and the minorities. But that is because no constitution worth the name or possessing reality and power of growth is possible without a concrete examination of conditions and the manner in which the constitutions to be superseded have actually functioned. Mr. Jinnah, apparently and probably with good reason, distrusts the ability of the present Government of India and the Governors to act as independent judges and arbitrators. They had betrayed the Muslims two and a half years ago and have never listened to them, but have been rather anxious to conciliate the party of numerical power, namely, the Congress.

And so he asks for a Royal Commission, unassailable and inaccessible to hypnotism by numbers.

We may approve or disapprove of Mr. Jinnah's contention. But it would be foolish to refuse to recognise the weight of his argument.

CONSTITUENT ASSEMBLY

The Congress has made several approaches to the solution of the impasse.

(1) It has given and is giving liberal assurances to Muslims and minorities. But politics is business. And, in view of the influence of office acceptance on the psychology of the Congress as illustrated by these two and a half years, the Muslims naturally demand something more substantial than the word of the Congress—namely, measure, constitutional provision and procedure by which these provisions could be made effective. I do not think the Muslims, for instance, would agree to leave safeguarding in the hands of Governors. They would demand that their own representatives shall meet and by a majority resolve on the representations to be made right up to the highest authority. This will involve the right of that authority to exercise immediately a suspensory veto and to impose its decision on the ministry; also an obligation on the part of the ministry to accept that decision. If it refuses and resigns, the constitution should provide for other forms of government. Or it may be that, rather than face these risks and interregna, the new constitution will provide for democracies of a popular without being a party type, as Mr. Jinnah would have it, with an irremovable executive, whether *de facto* or *de jure*, as in America and Switzerland. There is no need to go into the niceties of speculative constitutions before the Congress and League agree on the fundamentals.

(2) The Congress has approached Mr. Jinnah and the Muslim League directly for a settlement. It is our misfortune that this has not fructified. The grounds of failure have already been stated. As my old teacher, Professor Pittendrigh, used to say, 'When there is much to be said on both sides, it is best to say nothing.'

(3) Failing to reach a direct settlement with the Muslim League, the Congress now advances as its official proposition the constituent assembly. The old order changeth, yielding place to new. For twenty years it was Hindu-Muslim unity first and Swaraj to follow automatically. Now the values and precedence are reversed. Declaration of Independence first and then Hindu-Muslim unity will be fabricated by the constituent assembly. The Muslims and the Hindus will be obliged to come to terms, once the British bayonets and *Pax Britannica* are removed, in fear though not in love of each other. I wonder, if after a fight or without.

It will be recalled that this idea of a constituent assembly was first thrown out by Mr. Jawaharlal Nehru years ago. But Gandhiji's adoption of this appears to be subsequent to the breakdown of the Delhi negotiations. If those had succeeded, the constituent assembly would not have been thought of as immediate or practical politics.

The constituent assembly has gone through many phases already. And it is difficult to keep in touch with the changes that authoritative Congress leaders have been ringing.

As regards its composition, some hold that all the minorities as well as the Muslims shall be elected by separate electorates ; others that only the Muslims should be given the privilege ; still others that, if necessary, other minorities also might enter by their own door of special electorates. Who is to be judge of this necessity?

The phrase has also been employed, namely, 'real interests' of 'genuine minorities'—adjectives that easily lead to arguments, differences and, possibly, arbitration. Who is to judge which minority is genuine and which fictitious? Who is to judge what the real interests of a minority are and when they over-step the bounds?

In regard to the functioning, it has been declared that as far as possible the minorities would be left to decide their special interests themselves and that the decisions would be accepted. The majority will not impose its will on the minorities. Here, again, the field of possible friction appears to be extensive. Each minority is apparently a constituent

assembly for its own interests. There may be a clash of interests between the different minorities, as in the Punjab. How to resolve them?

If no agreement is possible in this chamber, divided within itself though not against itself, recourse should be had to arbitration. A constituent assembly having recourse to arbitration is a novel type of body. But the Indian conditions are a novelty too.

How will this arbitrator be chosen? Mahatma Gandhi, who despairs to find twelve wise men in the country, concludes that final wisdom could be found only in the constituent multitude. But will this multitude appoint the arbitrator? But the arbitrator would be required because the minorities and the majority do not agree. And how can one of the parties appoint the judge? If, therefore, the multitude cannot appoint the judge, surely somebody will have to discover the all-wise, all-impartial arbitrator. Why not then proceed to discover twelve wise men here and now and attempt a way out? This is the proposal of Sir Maurice Gwyer and Sir Sikander Hyat Khan. It is difficult to see any other way than negotiations between party leaders.

After all, numbers, though much, are not everything. Ideas, though submerged now, may reappear later. And the desire to stampede the country and the minorities by the numerical power of a party, though it may produce results of a kind in the immediate present, may sow the seeds of future trouble. Moral convictions should not be ignored. And is there a better way of arriving at heart to heart settlements excepting negotiations with the leaders that have created the ideas now rampant in the country? The distrust of the intellectuals is, I suppose, a wholesome feeling within measure and limit. But is it not a virtue that can be easily carried to excess?

Incidentally, the speeches of some Congress leaders on this idea of the constituent assembly have revealed some unforeseen aspects. One of them asks the Government to help in arriving at a solution. That the Government, which has been accused as the third party fermenting divisions in order that it might rule, should be looked upon as a possible help, is notable evidence of the lack of self-confidence in the

Congress in these troubled times. The party which declared that it was there to solve the Hindu-Muslim problem and bring about unity, the pre-requisite of Swaraj, evidently finds that it is no longer within its power to achieve that divine consummation. And there are hints and open statements that Government should prevent unreasonable, recalcitrant minorities wrecking the possibility of settlement. In other words, coercion may have to be employed by the Government.

The constituent assembly which started in full-moon glory appears to be fast dwindling into new moon. One of the leaders declares that the constituent assembly will be elected by adult franchise; that it would work through sub-committees and produce a constitution. Mr. C. Rajagopalachariar, speaking with more practical wisdom, is of opinion that a small number of people would meet and devise an agreed constitution and that the constituent assembly would serve mainly as a ratifying authority. Under such circumstances, it would not be able even to amend the constitution presented for its ratification. The following is an extract from the editorial of the *Hindu* dated 25th December, 1939 :

'There is, of course, the larger question whether the idea of a constituent assembly must be taken to exclude the possibility of the essentials of a constitutional scheme being hammered out by a small number of delegates—which is what Sir Sikander Hyat Khan apparently favours and which, as Sir Maurice Gwyer points out, was the method adopted in Canada, South America and Australia. We do not see why a constituent assembly should preclude the doing of the preliminary exploratory work by a relatively small body of representatives of important parties'.

I am glad that the constituent assembly has thus receded in its functional importance. Should we not then avoid quarrelling over its composition and functions and start the exploratory and constructive work by means of a conference like the one recommended by Dr. Paranjpye, or even a smaller body?

SOME CONSTRUCTIVE IDEAS

I must now pass on to one or two observations of a general nature before concluding my address.

Are there no types of democracy other than the British standard pattern? Montesquieu declared that unless there was separation of executive, legislative, and judicial powers, the liberty of the subject and democracy could not be guaranteed. It is on this principle of separation of powers that a large number of constitutions in the world, perhaps the majority, are based; notably the United States of America, which has served as the model for all the South American Republics. The unitary party cabinet type and the unitary House of Commons with hardly ever more than two effective parties are a peculiarity of the British atmosphere. That atmosphere cannot obtain on the banks of the Ganges or of the Cauvery. No country has been able to reproduce the Mother of Parliaments. Even the daughters born of her have a physiognomy all their own. Switzerland is a type that has been often alluded to as more fitted to serve for our model than England. An irremovable executive lends itself more easily to a composite structure than the removable. And being apart from the legislature, as in America, it has a better chance of cultivating the spirit of agreed solutions than party cabinets subject to no-confidence motions. It is more stable. And the legislature too, as it would not be subject to dissolution by such a Government, would not feel it necessary to obey the party whip with dumb docility.

The Indian system may have to be far more composite than other federations. It must be a federation of provinces which ultimately may be formed on a linguistic basis, that is to say, geographical federation. It will have also to embody the principle of ethnic federalism and provide a sufficiently important place to Muslims and minorities. The Order of the Princes has to be included. Recent experience, I am afraid, has not promoted in them a desire to join. Except under a system of irremovable executives, it may not be possible to bring these elements to co-operate with each other. Fissiparous tendencies will have to be overcome. As the position of defenceless nations is fraught with danger to their integrity and independence, it would be necessary to accept the membership of the British Empire with necessary adjustments. Every form of federalism necessitates a limitation of numerical democracy, since even a small unit joining must be given in some shape or another

a place of equality. For instance, in the American constitution the Lower House is constituted on a population basis. But in the Senate every State of the Union, irrespective of its area, population or contribution in taxes, is given an equal membership. Since this equality should also be functionally effective, the Senate is endowed with very real power, though not co-extensively with the House of Representatives. It is far more powerful, for instance, than the House of Lords. Whether in the Upper Chambers in India we should not adopt a similar principle of construction and function and see that no one community is allowed to have a majority over all other communities is a matter for consideration.

I suspect there is a battle of tactics going on between Mr. Jinnah and Gandhiji. The Mahatma wants to force a solution by the power of numbers which he is confident of commanding in the constituent assembly. Mr. Jinnah, not being in a position to command numbers, wants to have the controversy removed to the field of calm judgment by a Royal Commission.

Until the League and the Congress come together in sincere co-operation, it would be idle to speculate on the future of our political progress. I believe that the country's interests will be best served by the Congress abandoning the constituent assembly and the League the Royal Commission and getting into direct touch with each other. Let us hope and pray that a new era of communal unity in common patriotic aims and co-operation will dawn and dispel the gloom that now unhappily surrounds the prospects of our Motherland.

**X. DR. C. R. REDDY'S SPEECH DELIVERED
ON THE OCCASION OF THE UNVEILING OF
THE STATUE OF HIS HIGHNESS THE
MAHARAJAH OF COCHIN AT TRICHUR
JANUARY 10, 1940**

**THE POSITION OF PRINCES IN THE LIFE
AND CONSTITUTION OF INDIA**

Ladies and Gentlemen,—Though the honour of this occasion is great and unique in my life, still what I feel most is the pressure of the task involved. To unveil is to reveal—to reveal the significance of the person whose auspicious being we are met here to commemorate and the significance of the principle or the institution of which he is the illustrious embodiment.

Monarchy is one of the most ancient Hindu institutions—older than the *Rig Veda*—and held sacred by the people. The King is a ray of Vishnu. And kingship has persisted through all the vicissitudes of our history. At a certain epoch, the Buddhistic, a number of republics arose in Northern India. But they proved to be bubbles in the current of our history, which burst soon, leaving no trace. Nor did they assume dimensions more extensive than City States. The present democratic movements of our country owe nothing to our past, but everything to European influences.

Monarchy commands the good-will, respect and reverence of the people in a degree not to be found in Western countries.

When Japan found it necessary to reconstruct herself so as to hold her own against the menace of European aggression, it revived the Mikado or Emperorship, its ancient and sacred monarchical tradition, though it had been eclipsed for centuries before that by the Shogunate, in the same way that the Mahratta Emperors had been overshadowed by the Peshwas. The Meiji Revolution made use of the goodwill and reverence centred in the Mikado. Today in Japan,

which is as modern and progressive as any Western country, there is one Supreme Centre of power and influence to which all Japanese, whether Buddhists or Shintos, Radicals or Conservatives, owe religious as well as secular allegiance. Round this Imperial Temple, Japan has built up parliamentary institutions and big universities and administrative departments. I sometimes wonder whether we in India are making the wisest and best possible use of our kingly inheritance.

In the conditions of our country, as I have shown in my Jubilee Address, the All-India State has to come first and then the All-India nation, meaning thereby a sufficient feeling of racial unity; and finally, if necessary, democracy. To try democracy, especially of the British pattern first, may easily lead to the breaking away of Muslims and Princes. Doubtless there have been bad Princes. But have there not been bad ministers in democracies? Are not some of our organisations, democratic in form, being accused by their own leaders of corruption? Is not every form of government liable to perversion? Are not the local bodies in the Madras Presidency, on the ground of their inefficiency and corruption, being deprived of some of their powers and put under bureaucratic control?

Have there not been progressive States—progressive not merely relatively to other States more backward than themselves, but relatively to British India, the implied standard of comparison? Has not Baroda led the way in industrial development and social reform? Is not Mysore one of the best administered parts of India? One hears so much of the Harijan movement. How many have heard that as early as 1918 Mysore adopted a policy for the uplift of the Panchamas, as they were then called, which has revolutionised their educational, economic and citizenship status, more effectively and extensively than elsewhere in India, though Baroda has the credit of being the first in this field of service? There is talk of planned economy. Mysore did not talk, but planned. Has not Travancore advanced educationally? Has it not given the lead in some respects to the other Governments? And as for Cochin, judged by quality, are there many States capable of standing comparison with its excellence? The world may learn a lesson or two in racial and religious toleration from the example of the Maharajas of Cochin who

have treated Jews, Christians, Muslims and all alike. If Mysore is a model state, Cochin is the miracle state of India. In size, about a third of a British district—total area 1,500 square miles, habitable part about 800; in density of population next to Belgium; industrially and in economic welfare, well ahead and leading; choke-full of schools; every aspect of culture, modern as well as ancient, well attended to—how shall we explain this wonder of the West Coast? Ethnically British Malabar is about the same as Travancore and Cochin; in other respects it is different, and, perhaps, worse. As, for instance, education, in which the Cochin figures are staggering—one first-grade college, co-educational; one for boys; and one for girls; thirty-five Government high schools, and some aided ones to boot. Those who talk of over-education out there from where I come might pay Cochin and Travancore a visit and realise to their hearts' discontent but not envy their condition of under-education. Has the salt of the Arabian Sea lost its saving, progressive power on the British coast, or is it that its forms of government in all their changes have been too costly and wasteful and too negligent of the good of the people?

In the old days British India used to be held out as example to the States; the States may have started on their modernistic developments later; but something in them has enabled them to overtake and, in some respects, outrun Anglo-India; and is not the time fast approaching, if it has not already arrived, when the States will be the standards of comparative judgment? It is a narrow view which regards the installation of democratic political institutions, and that, too, of a particular type, the British with the removable executive, as the only test of progress. In a country ruled by foreigners, rights attract more attention than good government. And the slogan that good government is no substitute for self-government becomes easily current. But can self-government last if it results in bad government? In the language of ethics, Right is only a means to the Good. Good is the supreme regulation and object. People that are in the enjoyment of good government would be well-advised to be cautious and conservative in their pursuit of theoretical innovations.

The Indian States have been performing the glorious function of preserving and promoting our culture. They have not been swamped by Western modes to the same extent as their brothers in British India. Not a little of the varied colour and richness of our country's life is due to the encouragement given by our States of the Hindu, the Moghul and Indo-Islamic arts. In them the grand old world yet lives. This is not inconsistent with modernism, as Japan illustrates. The States have been adjusting themselves to the changing environment. Kashmir has introduced reforms. Hyderabad, which is spending lakhs and lakhs over the caves of Ajanta, the remains of Warangal and other monuments of the greatest periods of Indian and Andhra history, is striking out a new line all her own, which may be watched with sympathy. The Maharaja of Cochin has taken a step in the closer association of the people's representatives with his Government. In the field of education, arts and architecture, music, industrial development and patronage of Sanskrit, Arabic and other classical languages, they have had few equals outside their ranks and no superiors.

The newer political developments envisaged by the Government and peoples in the British territories are not, in my opinion, going to diminish the importance of States. There cannot be a Federation or an All-India State of any kind without the co-operation of a large number of Princes. At its fullest, the All-India Federal State would comprise all the Indian States. I doubt if it would be to the good of the country if the same form of government is imposed everywhere. Up to a limit uniformity is good. But not, if it becomes a deadly monotony allowing no room for variations. If there is oneness of purpose, variation of means is an advantage.

Is there any justification for holding that all the component parts of a federation should have the same type of government? In the old Germanic Federation, of which Prussia was the leader, States with different constitutions took part. Several of the States were more liberal than Prussia. There were also some republican towns, the towns of the Hansa League, and they also sent representatives. Bavaria continued to have foreign embassies accredited to her king. Furthermore, in the Upper House of the Federal Legislature,

there was a preponderant representation of Prussia ; and yet, again, the entire Upper House was composed of delegates nominated by the different States forming the Federation who were bound to vote according to the instructions given by their Governments. The *Bundesrath* contained no elected element. It was not in any way democratic. Yet such was the strong patriotic unity of the German States that that constitution not merely worked well, but stood the test of the Great War.

After all, need the States' Governments fear comparison with the British Indian democratic governments, of which we have had experience? Strikes, internal disorders, communal riots—have not these been more numerous in British than in non-British India? In education and industrial policies, have not the States been better off? Has the system of unitary party type of cabinets been a success? Is not the conviction that irremovable executives and separation of powers would be better suited to Indian conditions gaining ground? Without some such modification of the present system of government, would it be possible for the Muslims to co-operate? If the irremovable executive is becoming a necessity of a foreign-governed British India, would it not be quite the natural expedient in the States where there is no conflict on racial or patriotic grounds between the sovereign and his people? Our sovereign constituent assembly has to contemplate arbitration against itself, if it is to be guaranteed against going into liquidation! Safeguards involve an umpire. Won't arbitrators, as between executive and legislative bodies or as between minorities and majorities, be required in the States also? And if they are, who could be better fitted for the function than the Prince? The principle of composite cabinets may possibly present in British India a problem of some difficulty, though by no means insurmountable—namely, who should choose the members or how should they be chosen. In the States this problem does not arise—the Prince is there to choose and he can be trusted to choose well and fairly. If the different political parties in Japan, however much they differ from each other, unite in their perfect reverence, deep devotion and willing obedience to the Emperor, might not a similar spirit be found fruitful of good in our ancient States also? As your able Diwan, who has made a big mark both as publicist

and administrator, has put it in his own telling phrase, what the present times, especially in a country so divided internally as India, require is, not constitutional checks on monarchy, an 18th century interest, but constitutional checks on democracy. From some educational tendencies noticed elsewhere, it looks as though the States are going to be the arks in which the sciences and modern culture will escape the flood. It may be a paradox, but these ancient States with their traditional forms of government may become the refuge of Westernistic modernism.

In connection with the present war, the order of Indian Princes has proved its practical wisdom and patriotic duty by its ready and whole-hearted offer of unconditional co-operation to Great Britain and her allies, a service for which not merely India and the Empire but the whole world must be profoundly grateful. This is not the time for bargaining, whether political bargaining or moral bargaining, nor will the idea of exploiting the difficulties of England as opportunities for India be found to be consistent with the security and integrity of our motherland. I am firmly convinced, and I have said this again and again, that, if England goes down, there is small chance of India going up and a big one of going 'burst'.

What happened towards the end of the Great War in the North-West? The present troubled condition of the Frontier, the inter-communal relationship strained to the breaking point, if not already broken—for is not the declaration that no negotiations with the Muslim League would be possible unless Mr. Jinnah was cast out as good as breaking off?—the exasperation of the Princes at the revolutionary interference in their affairs—all these make me tremble for our integral future.

I hope I am a false prophet, and no one would be gladder than myself if I am wrong in this apprehension. What with the talk of a Hindu militia, Muslim League volunteers, the fear of the Muslims of Hindu imperialism over them, and the fear of the Hindus of Muslim separation, if not also imperialism—is this the time for hoping that, out of the added difficulties of England, the independence of India could be bargained for or forced? It is

my firm conviction that the Indian Princes have acted wisely, both as patriotic citizens of India and true promoters of the world's good.

Is there no lesson for us in the sight of General Smuts, who once fought against Britain, now fighting for Britain and opposing the movement for South African independence as impolitic and dangerous on the ground that the safety of a small, relatively weak country like his lies in the membership of the British Empire? Are we better placed internally or externally than South Africa?

Not long ago Mahatma Gandhi hailed a neighbouring State as Rama Rajya. I, therefore, hope that the Congress will desist from playing the part of Kaikeyi and demanding from the British Dasaradha the exclusion of the Princes from their legitimate thrones as part of the price of its co-operation in the present war or of refraining from active non-cooperation.

It is the good fortune of Cochin and the glory of India that we have in His Highness the Maharaja Sir Sree Rama Varma, G. C. I. E., a Prince who has maintained the highest traditions of Hindu kingship in unimpaired splendour. In what direction has he not excelled? His fine taste in music and drama are well-known. He has encouraged the indigenous theatre. Your wonderful *Kathakali*, the affiliations of which extend to the *Veedhi Nataka* of Andhras, and, crossing the seas, the sacred Hindu dances of Bali, finds in him a hearty patron. A great lover of books, he has an impressive collection of literature and valuable manuscripts relating to the legends, folklore and ballads of Kerala. Nor is his a negligible name in the records of authorship. He is the embodiment of the Hindu tradition of perfect cultural and religious toleration. And not merely toleration, but reverence for every faith and encouragement of every form of spiritual sincerity. The soul's freedom has never been so well guaranteed—no, not even in Western democracies—as in the Hindu kingdoms.

It has often struck me as an inexplicable wonder that, while Nature on the Coast of Malabar is so luxuriant and gorgeous, the people are in life and dress so simple. Perhaps

this simplicity itself by contrast is so attractive that adornment of any kind would but mar the effect.

To the gifts of birth and upbringing, His Highness the Maharaja has added the fruits of culture gathered in wide observant travels. Mysore has been the Mecca of progressive Rajahs and Yuvarajahs intent on learning the arts of good government. Baroda, under the illustrious Sayaji Rao Gaekwar, afforded a spectacle of such unique individuality that fellow-Princes naturally desired to have a closer look. His Highness's range of travels has extended over Baroda, Mysore, Travancore, and many other parts of India. And he did not travel for pleasure, but for education and enlightenment, the benefits of which went to his people. I wish the travels of all our Princes were similarly investments for the good of their States.

Of the many measures adopted by His Highness for relieving distress or for improving the condition of his subjects might be mentioned the following :

- (1) the starting of a kuri or chit fund system ;
- (2) the initiation of a special loans scheme of Rs. 20 lakhs, at cheap rates of interest, to help the agriculturists to redeem their debts ;
- (3) the establishment of a Land Mortgage Bank with the Government subscribing 50,000 rupees worth of shares and undertaking to defray the establishment charges and guaranteeing its debentures ;
- (4) the institution of a Staff Selection Board with a view to secure adequate representation to all communities in the public service ;
- (5) the appointment of a Law Commission to bring the laws in the State on a line with the enactments in British India ;
- (6) the extension of the franchise and other measures of political reform culminating in—
 - (a) the constitution of Advisory Committees consisting of members of the Legislature to collaborate

with departmental heads in the working of some of the departments—a procedure adopted in America, where there is separation of legislative and executive powers and an irremovable executive; and

(b) the Constitution Act of 1937, according to which a Minister for Rural Development is appointed from amongst the elected legislators.

(7) introduction of electricity, not only in Ernakulam and Trichur, but also in rural areas like Chittur, Nemmara and Thiruvilwamala, so useful for developing cottage industries.

The educational statistics of Cochin are amongst its star features. There are over 650 educational institutions of all kinds in an area of about 800 square miles of habitable territory. Over 173,000 pupils are attending schools, of whom 73,000 are girls and 71,000 belong to the backward and depressed classes. In other words, even without compulsion it has been possible in the State to bring to school a very high percentage of children of school-going age.

In particular, His Highness is deeply interested in the welfare of the depressed classes, and there is a special department to look after their interests.

Apply any tests you like—educational advancement, social service and the uplift of the depressed classes, religious toleration, promotion of arts and of our ancient culture, industrial development, encouragement of foreign trade by the magnificent Cochin harbour which is under completion, a simple personal life, austere and dignified, the alert mind ever adjusting itself to the growing needs of the times—our Maharaja, Sir Sree Rama Varma, stands out pre-eminent, a worthy descendant of his immortal ancestors and an inspiring example to future generations. No sculptured figure in marble or in bronze can mirror the image graven in the hearts of men by his life's abundant grace. It is not as an aid to our fadeless memory that this statue is set up here, but rather as the heart's tribute to a soul's greatness, and as symbol and token—a full expression is out of the question—of our

eternal regard, affection and gratitude to one of whom it can be truly said—

‘Far may we search before we find
A heart so noble and so kind.’

And now, ladies and gentlemen, permit me to have the honour as well as the pleasure of unveiling this statue of His Highness the Maharaja, Sir Sree Rama Varma, of Cochin. May he live long and continue to enjoy a prosperous reign !

**XI. DR. C. R. REDDY'S SPEECH MADE AT
THE GARDEN PARTY GIVEN TO HIM AT THE
'WOODLANDS', ROYAPETTAH, BY THE
MUSLIMS ON JANUARY 15, 1940.**

*(On the constitutional right of Muslim M.L.A.'s and
M.L.C.'s to decide which organisation is their spokes-
man of Muslims and the urgent need of composite
governments.)*

Addressing the gathering after tea, Mr. Abdul Hameed Khan said that Muslims in South India had always regarded Dr. C. R. Reddy as their 'friend, philosopher and guide' and said that the message that Dr. C. R. Reddy had delivered recently constituted a great service not only to Muslims but to the country as a whole. Dr. C. R. Reddy had seen that the future of the country lay in securing amity between 'the two great nations, Hindus and Muslims'. Congressmen would sooner or later have to recognise and come to an understanding with the Muslim League as the only representative organisation of Muslims. Otherwise the Congress would be making itself responsible for an unfortunate state of affairs. He hoped that the British Government would not let themselves be stampeded into accepting the terms of the Congress and forget their own assurances to the Muslims and other minorities.

'Dr. C. R. Reddy referred to 'the fiery speech' of Mr. Abdul Hameed Khan and suggested that in discussing such matters, they should never utter a word that would irritate others. However much they were divided in opinions, they were all anxious for a re-union, not merely a mechanical union but a union of hearts; and in considering matters involving the lives, the future and the culture of Muslims and other communities, they should bring to bear a reasoning mind and an equable temper and try to touch the hearts and heads of those who were at variance with them. Mr. Abdul Hameed Khan had made it clear that Muslims were whole-hearted in friendship and in enmity and knew no half measures,

Continuing, Dr. C. R. Reddy said that the lines on which Provincial Autonomy had operated during the last two years and a half were fundamentally and entirely wrong. Secondly, unless the principle of composite cabinets was immediately conceded and adopted, he did not see the way to a peaceful solution of the problem now facing them. With 'the excellent understanding' that might be established under a system of composite cabinets, it would be possible to take up the question of devising a new type of Constitution for India. The future constitution would have to be fashioned on lines very different from, but no less democratic than, the present. Part of the problems of today was due to ignorance of the different types of democracy that were not merely possible but were actually in operation in different countries. It was fairly obvious that until a unitary or at any rate more united nationality was produced in India, the particular type of government they had been trying to imitate with imperfect internal preparation could not work. In this work of refashioning, he hoped all communities and parties would sincerely collaborate.

CONSTITUTIONAL METHOD

The only reason why the Congress refused to recognise the Muslim League, so far as he understood, Dr. C. R. Reddy continued, was that there were other organisations like the Majlis-i-Ahrar, the Jamait-Ulema and the organisation of the Shias and it was not quite sure which of them was entitled to consideration as the best and only spokesman of the Muslims. If that be the only reason, he could then and there suggest a perfectly constitutional way of arriving at some understanding. The other day Mr. C. Rajagopalachariar, dealing with Sir Maurice Gwyer's address, said that if the Constituent Assembly proposed by them be regarded as too large for any effective purpose, he had no objection to have a smaller body constituted to make all the preliminary arrangements, carry on the necessary negotiations and formulate the draft constitution to be submitted to the Constituent Assembly, which would then become a body to ratify it, and that he would have no objection to a smaller body being constituted by indirect election from the present representatives of the people in the various Provincial Assemblies and Councils. The moral of that was that the present M.L.A.'s

and M.L.C.'s were regarded as constitutionally competent to represent the whole country and from amongst themselves to create a committee, which would act as the preparatory body for this ratifying authority. If this logic was applied to the Muslims, the puzzle which seemed to disturb the minds of Congress friends would be easily solved. His suggestion, therefore, would be to leave it to the Muslim M.L.A.'s and M.L.C.'s in the Provinces and the Centre by their vote to say which body they considered to be the sole and sufficing spokesman of Muslims. The decision of the majority of the Muslim members of the Legislatures, in this respect, must be accepted. They should leave it to them to decide which was the authority the Congress should negotiate with. He suggested this not with a view to scoring in debate. The matter was too serious and too much fraught with tragic consequences to the country to be made the subject matter of subtleties and commentaries or mere debating skill. On the same principle that a committee of the Constituent Assembly could be formed by the present M.L.A.'s and M.L.C.'s, could they not leave it to the entire Muslim representatives to say which body, whether it was the Majlis, the Jamait, the Shia organisation or the League, they considered to be the authoritative one to speak on behalf of the Muslims? Here was, he thought, a logical, constitutional way out of the impasse if people were really desirous of getting out of it. If the Muslim League proved to be the authority recognised by the Muslims—for this purpose he suggested a vote should be taken—then, whatever be the sins and shortcomings of Mr. Jinnah—none, he thought among them was free from sins and shortcomings—the Congress should open negotiations with the League.

If communal feeling could be put to its proper uses, Dr. C. R. Reddy said, the life of the country would be richer and more varied. He did not see why India should not set an example of different religions and races living in harmony, and working for common political aspirations, each unit at the same time developing according to its own genius and contributing to the wealth and glory of their civilisation. It was harmony and not mechanical unity that was wanted, but the trouble was that people seemed to force unity where harmony was to be achieved. For thirteen days after his coming to

Madras he had considered fully whether he should speak out what he felt. He feared things were 'drifting badly' and they were heading to 'that worst of chaos, internal chaos', and he thought it imperative he should obey the call of conscience and duty to the country. He had always dealt with the several questions to which he had addressed himself from an objective and scientific point of view. He hoped that there was a place in the country for the academic mind'.

XII. ON THE IDEA OF CONFEDERATION IN ITS APPLICATION TO THE STRUCTURE OF THE CENTRAL GOVERNMENT

OR

THE ESSENTIALS OF A NEW CONSTITUTION FOR INDIA.

by

Dr. C. R. Reddy.

In the light of the fundamental differences that have arisen now the following reconciliatory conclusions appear to be irresistible :—

1. The Constitution Act of 1935 has to be replaced both in its Central and Provincial parts by a New type.

2. The Central Government will have to be a confederation with sovereign status vesting in the States and Provinces joining. The Confederation idea advocated all along by Muslims has to be accepted if worse is to be avoided viz., if both unity and independence are not to be risked.

3. Composite Governments with a fixed tenure and irremovable by votes of the Legislature should take the place of the present Unitary party Cabinets.

Because otherwise :—

(a) Princes can't come in. They can't be party-wallahs nor can they be subjected to dismissal by legislative votes of no-confidence.

(b) Nor can Muslims and Minorities ; since to expose them to no-confidence motions is to force them to abandon their special character or to quit.

4. The Irremovable cabinet lends itself to a composite character. As Unitary cabinets have destroyed the unity of the country, the composite must be adopted—or at any rate given a trial. We cannot continue wrecking the country further, however honestly and unwittingly.

5. Naturally in a confederation of States and Provinces, Government can't be based wholly on population. The Provincial basis must supplant population basis—at least in the executive which must represent the confederate Governments and not populations. I don't see why political motives should be provided for increase of population in our country or for conversions from one religion to another. The need is the other way about.

6. If these principles are applied, the Central Executive would be somewhat as follows :—

A. States.

- (a) Hyderabad will have a permanent seat to be filled according to its constitution or by nomination by His Exalted Highness.
- (b) Baroda, Mysore, Kashmir and Travancore to have two seats between themselves by rotation.
- (c) One representative of Minor States to be elected by the Princes' Chamber.

B. Provinces.

- (d) One member from each Province to be appointed by the Viceroy on the recommendation of the Provincial Government concerned.

The above scheme is geographical. It will not result in an unwieldy cabinet.

PROVINCES

The case of Provinces must be modelled on similar lines so far as the nature of the Executive is concerned. As regards its composition, statutory places must be given to Muslims and scheduled classes. Here geography being out of the question etymology has to come in. 1/6th of the executive seats may be allotted to each of the above factors ; the other 2/3rds may be filled differently. Such Muslims and Scheduled class members must be appointed on the recommendation of the Legislative groups concerned.

The implication of an irremovable executive, which can and should be composite—is that the executives need not

necessarily be members of the Legislature. And in the Centre, they being representatives of the Confederate Governments, their irremovability by the Legislature follows as a logical result.

Needless to add that I, being no prophet, don't claim infallibility for this recipe. But, I think it will have a soothing and perhaps curative effect. In view of the various interpretations now given to Independence and the absence of insistence on the Constituent Assembly, I am in hopes that a small representative body will be appointed to go into the question of the New Constitution. Let us all present our several views without dogmatism and obstinacy to such a body and submit to its decision.

XIII. ON THE PRINCIPLE OF SEPARATION OF POWERS AND OTHER IDEAS ON THE INDIAN CONSTITUTIONAL PROBLEM

by

Dr. C. R. Reddy.

(Article in 'The Mail', Madras—5-2-1940)

The Congress is in full-blast opposition, openly at long last, to Composite Cabinets or the principle of sharing power with the League and other factors composing the Indian nation. Nor can they on their principle of Unitary party Cabinets, give seats to Princes. For Princes cannot be party politicians.

Unitary Party Cabinets exclude minorities, whatever their importance, even Muslims.

In the All-India Government envisaged by the Congress there cannot be a place as of right to Princes, or to Muslims commanding the confidence of the Muslim legislators.

But can we have, unless composite Governments are conceded, an All-India State on the voluntary Federation principle which Gandhiji once advanced but has now probably abandoned? Of course, force may decide, but force is not necessarily a property of numbers.

If the principle of Separation of Powers is adopted, it would be feasible to have a Central Government based on some such lines as the following without which the possibility of a stable All-India State cannot be assured.

(1) The Dominion of Hyderabad to have a permanent seat to be filled by nomination by His Exalted Highness the Nizam or as per its Constitution ;

(2) Mysore, Baroda, Kashmir and Travancore to have two seats by rotation, since they may find it impossible to subject themselves to election ;

(3) The Minor States to have one seat by election by the Princes' Chamber ;

Considering the area covered by the States, this can't be regarded as excessive. And these will be Non-Party elements.

(4) One member from each of the Provinces appointed by the Provincial Government concerned.

A Scheme of this kind can be made fully effective under Separation of Powers.

ADVANTAGES OF SEPARATION OF EXECUTIVE AND LEGISLATIVE POWERS

(1) The administration will be purer than if the Executives have to depend for their existence on the votes of the Legislature. Under the Cabinet system, such a dependance is inevitable, which is neither always desirable nor altogether healthy ;

(2) As the Legislature would not be liable to dissolution by the Executive, it also will be more independent than now ;

(3) The Budget, legislation and general policies will be determined by the Legislature ;

Generally speaking, recommendations respecting these matters will be placed by the Executive ; and a Composite Executive will not lend itself to rash, fanatical objects and methods. And the Legislature also, being independent with an assured tenure, might be expected to act better than under a system in which Party being both legislative and executive, tends to be rampant as well as docile.

(4) The Legislature will be in contact with the Executive as in the United States of America by means of Committees, one Committee for each Department. The Composition of these Committees will be in the hands of the Speaker who will see to it that all the different Parties and Interests are fairly represented. Fair does not necessarily mean in proportion to numbers, though numbers must be taken into account.

It is not proposed to go into greater detail at this stage on Separation of Powers. The great principle of Montesquieu

and the French Revolution will undoubtedly suit a country like India better than the Unitary Cabinet type of Government with its concentration of both legislative and executive powers in the same hands. The British system is a natural growth and it has not flourished in other atmospheres.

SPECIAL POWERS

I fail to see why the Congress leaders make so much of the Special powers of the Governors while ignoring the more formidable weapon of legislative veto. Special powers apply to non-legislative measures, that is to say, generally speaking, administrative actions. Veto obviously refers to legislation. Are we to consider that in the estimate of the Congress legislative freedom is of less importance than administrative? If so, it is a strange piece of democracy. Why should those who do not object to the veto which also may be exercised on the representation or in defence of a minority, get perturbed over the Special Powers? Under the Scheme adumbrated above, Special Powers would hardly be required, because the Cabinets would function like the Panchayats of old, the original genuine panchayats, by general agreement, instead of the tyranny of Majorities. So administrative protection of minorities may not be necessary, and the Special Powers will fall into disuse. As the legislative veto remains, party tyranny by legislation would continue to be impossible.

One or two points have been advanced in reply to some of my criticisms, which I shall briefly notice :—

The first is that when the Congress demanded assurances abrogative *de facto* of Special Powers, they were not asking for any special privilege to the Congress Governments but to possible Government by other Parties as well. Surely when did the Congress, which always claimed to be the one and only Party, concede the possibility of non-Congress Governments? This appears to me to be a belated and insincere plea.

The second is that these Special Powers governed other fields than the interests of minorities, such as European interests, and that therefore in requiring their *de facto* abrogation, the Congress was not injuring the minorities. Rather a strange deduction. If the Europeans also were injured, it

cannot mean that the Muslims and the Scheduled Classes were not. If, as is sought to be now implied, the real or only objective were the Europeans, then should not the Congress in common-sense as well as in fulfilment of its profession of an all-embracing national character, have taken the Muslims and the Scheduled Classes into its confidence and explained to them the limited scope of their contention and get them to agree either (a) by explicitly limiting the scope, as apparently it is now sought to be made out or (b) by providing a specific procedure by which the Muslims and the Scheduled Classes might still, if they so desired, invoke constitutionally the safeguards?

There is a furious drive, for the first time open, against both Composite Cabinets and Separate Electorates, which at any rate, sustains my proposition that Separate Electorates do involve Composite Cabinets, and that they must either go together or go out together. If both disappear, how are the safeguards for Minorities, even now plentifully offered, to be operated?

Lastly, the recent defences of the old Congressional conduct in demanding assurances and in excluding non-Congressmen from their Cabinets while professing to be the all-embracing national platform, openly assert that if the non-Congress elements had been taken in, it would have led to irreconcilable communal Cabinet differences, which would have led to Gubernatorial intervention and the exercise of Safeguards and Special Powers. Surely, if it is utterly hopeless to expect communal reconciliation and amity, are they not giving up the very basis of all their politics, namely, that the Indians are a nation, actual or possible? If we cannot base our attitudes on possible and probable inter-communal harmony, and if we continue to base political conduct on the feeling that no two communities could work together in the same Government, how is the Indian problem to be solved? Does the Congress seriously mean to swallow up the Princes and Muslims and all other organisations? I fear even its appetite whetted by ascetism will not be found equal to the task of digesting. In a recent statement, Mahatmaji has said in partial reversal of the new-fangled doctrine of freedom without unity, that without Hindu-Muslim unity, Swaraj could not be had *without Violence*. Does it mean that the Congress is now prepared,

in its anxiety to have freedom before unity, to have recourse to violence either direct or through the British Government? Or is it going back to its 25 years old doctrine of unity first with freedom to follow as an assured and peaceful consequence?

My endeavour, now as always, has been for compromise, adjustment and the preservation of unity at all costs, without which freedom could neither be won nor retained. The Muslims of Hyderabad have started an Independence Movement for the Dominion, and adopting the principle of Mr. Prakasam's Revenue policy, they want the frontiers of 1802 to be restored! I pray to God that there will not be Independences Days, in the plural, in addition to the singular Independence Day celebrated by the Congress.

XIV. CONCLUDING SUMMARY AND SEQUENCE OF IDEAS

by

Dr. C. R. Reddy.

A

- I. Constitutional unity of the country.
- II. That is to say the All-India State—First in the order of possibilities.
- III. In the present condition of the country and on account of the recognition due to Princes and Muslims—a Confederate State is the only possibility if civil commotion or partition is to be avoided.
- IV. The Central Government should be formed on the basis of Provinces and States—not populations.
- V. Composite, irremovable cabinets follow as a consequence.
- VI. And separation of Executive and Legislative powers as the right and only workable basis.

B

Negatively, theory and experience have shown :—

- I. That Parliamentary Unitary Party type of Government has created disunion bordering on civil war ; and apart from this
- II. it has frustrated the significance of separate Electorates and safeguards and
- III. by enabling totalitarian Governments to be formed and totalitarian policies to be enforced on the strength of regimented parties and pseudo-religious appeals, has alarmed Muslims and other elements of the Indian nation in respect of their cultural and material future, failing to give due weight to the comprehensive nature of interests involved in the idea of racial or credal communities and treating them as entitled

merely to personal and private rights with no general or political significance, a dream or illusion from which the Congress should free itself. Race is a political factor because it is ethnic. Why then not community? Communal and political are not self-contradictory terms as is sought to be made out.

IV. And consequently no solution based on numbers and arithmetic is possible ; but one based on communal agreements on a footing of fairness if not absolute equality.

V. As all federalism involves a mitigation of the principle of numbers, this political demise of arithmetic in India need not be mourned as the end of cosmos and nationalism.

The Congress has in sentiment always stood for Hindu-Muslim unity though it has unfortunately failed to promote it by its conduct. Understanding should precede the promotion of a cause. This is an effort at understanding without underestimating.

Independence has been subjected to the usual metaphysical treatment by the Congress and has evaporated in the crucible of subtle interpretations. With one leader it is Dominion Status ; with another it is interdependence with England ; with a third it is the *ultimate* goal of the *Nation* but proximately it is for the politicians to decide whether they will go in for it or for some species of Dominion Status or whatever they can get from England without putting their threats into action, a contention that makes it undesirable or unnecessary to call a Constituent Assembly until the goal becomes the immediate field of practical politics, and meanwhile allows politicians to play the part of judges in regard to measure, method and attainment ; and there are I doubt not other shades, which Subhash Chandra Bose would call shadows, amongst the Gandhian exponents or is it guides? My sympathies are with the Rightists and I wish them success.

There can be no more telling illustration of the co-equal or almost co-equal position of Muslims with Hindus or even the rest of Indians than this :—

that while their population is about $\frac{1}{4}$ of the whole, in a British-India Confederation they can be expected

to have 5 out of 11 seats in the Central Government, and in an All-India Confederation not less than 6 out of 15. Is there any other Minority Community of which this can be said to be actual or ever possible? The same calculus will give the Congress or the rest 6 out of 11 seats in a British-Indian and 6 out of 15 seats in an All-India Confederation. The Geographical or Provincial arithmetic thus cancels the population arithmetic ; and the one calculation is as non-communal as the other.

I hope the wise men of Wardha will wake up to this portentous fact and re-adjust their views to the vital requirements of the country.

Note by Dr. C. R. Reddy :—

In a Non-Party Cabinet, Party Leaders can't have a place and it will lack some amount of influence ; in a Coalition, all the ministers will be Party men and the academic mind and Princes can't have a place ; in the Composite, Party and Non-Party may be combined. If Party is Thesis ; Non-Party Anti-Thesis ; their Composite is the Synthesis !

Federal or Unitary Constitution is Thesis ; Partition of the Country Anti-Thesis ; and Confederation the only available Synthesis !

