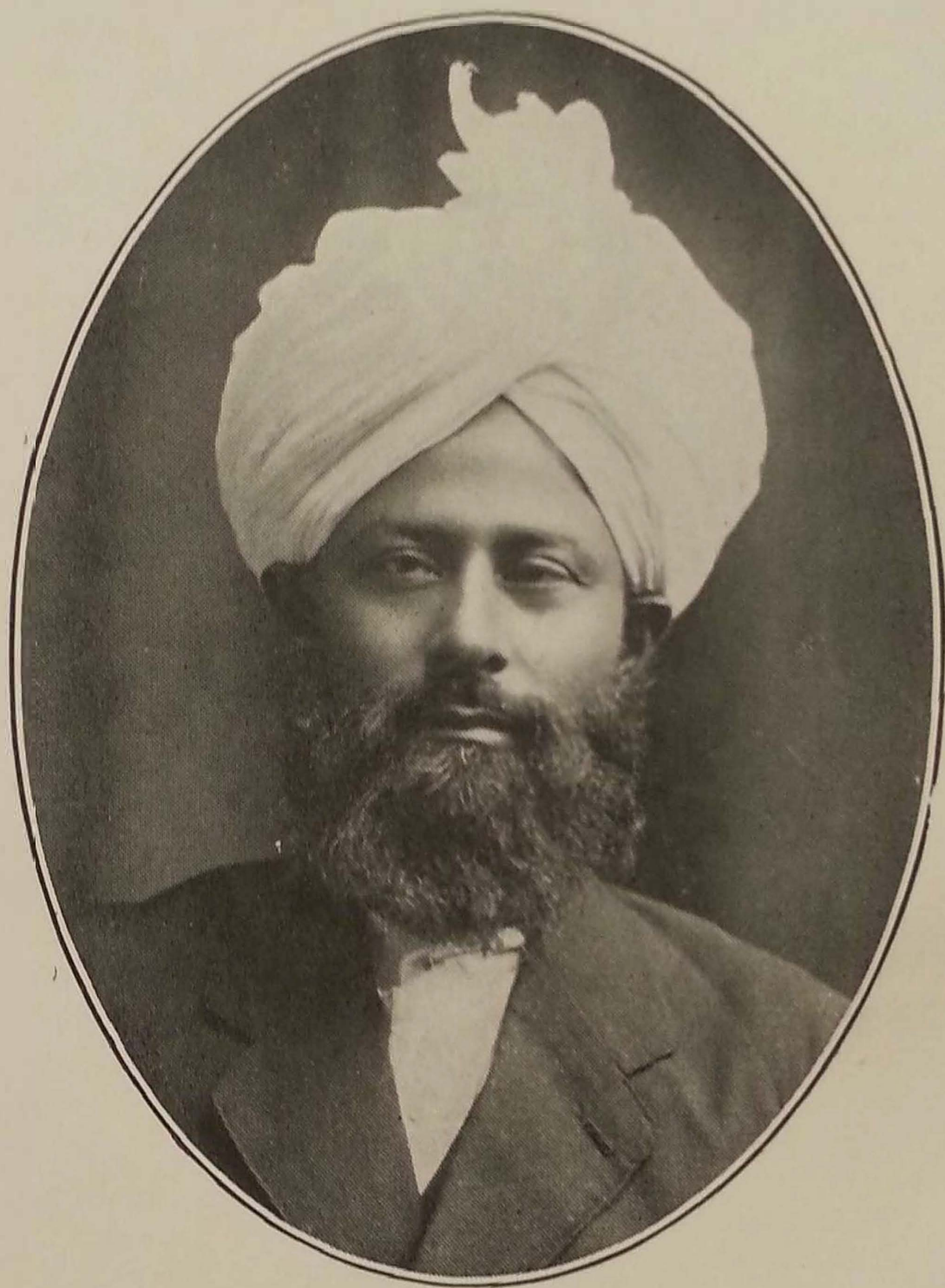


The Nehru-Report and
Muslim Rights



His Holiness Hazrat
Mirza Bashir-ud-Din Mahmud Ahmad,
Khalifatul-Masih II, and
Imam of the Ahmadiyya Community.

*“Home-rule can never be of benefit to India
unless it be of a federal type”*

(p. 16).

The Nehru-Report and Muslim Rights.

BY

His Holiness Hazrat
Mirza Bashir-ud-Din Mahmud Ahmad.
KHALIFATUL-MASIH II, AND
IMAM OF THE AHMADIYYA COMMUNITY.

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FOREWORD.

This review of the Nehru-Report by His Holiness Hazrat Mirza Bashir-ud-Din Mahmud Ahmad, the Khalifatul-Masih II, and Imam of the Ahmadiyya Community, Qadian, was originally written and published in Urdu immediately after the publication of the Nehru-Report. An English translation of the review is now being placed before the public for the first time.

This may appear to be uncalled for in view of the fact that by the adoption of the Independence Resolution, the Congress has apparently shelved the Nehru-Report for good. But unless the principles underlying the Nehru-Report are repudiated and the report rejected on its merits, there can be no real prospect of peace in the future history of India. And that is what this review principally aims at.

His Holiness the Khalifatul-Masih has also recently written a Supplement to his original Review which is included at the end of this book.

SHER ALI,

*Secretary to His Holiness the
Khalifatul-Masih II
for Literature and Research Work.*

QADIAN,
5-3-1930.

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ERRATUM.

For the word "there" at page 74 in line 10 read "later on"

The Nehru-Report and Muslim Rights

*In the name of Allah, the Beneficent, the Merciful.
He alone is the Helper.*

CHAPTER I.

Did the Nehru Committee Represent All-India?

THE first question we have to ask in dealing with the Report is "Was the Nehru Committee a representative body and are its deliberations entitled to the same consideration as the report of an All-India Committee?" And the answer is furnished by the Report itself. It is abundantly clear from the Report that the aforesaid committee is not in any sense entitled to be regarded as a body representative of the country.

From the Report it appears that All-Parties Conference at Bombay appointed this Committee on May 19, 1928; and what this self-styled All-Parties Conference was, and how it came into being, may be further read in the Report itself.

The Report says that in view of the increasing difference between the Hindus and the Muslims, the National Congress which met in Gauhati in December, 1926, passed a resolution calling upon "the Working Committee to take immediate steps in consultation with Hindu and Mussalman leaders to devise means for the removal of the present deplorable differences between Hindus

and Mussalmans, and to submit their report to the All-India Congress Committee not later than the 31st March, 1927."

In compliance with these directions the Working Committee held conferences with Hindu and Muslim leaders. On the 20th March, 1927, some prominent Muslim leaders met together in Delhi and put forward certain proposals for the solution of the Hindu-Muslim differences, the sum and substance of which was that the Mussalmans were prepared to agree to joint electorates, provided :

- (i) Sind was made into a separate province.
- (ii) The N. W. F. Provinces and Baluchistan were treated on the same footing as the other provinces.
- (iii) In the Punjab and Bengal the proportion of representation was in accordance with the population.
- (iv) In the Central Legislature Muslim representation was not to be less than one-third.

Immediately after the publication of these proposals, the Congress Working Committee in one of its meetings recorded its appreciation of the conciliatory attitude of the Mussalmans towards the system of joint electorate and expressed the hope that on the basis of the Delhi proposals, a *rapprochement* between the communities might be effected. Later in May, 1927, the Congress Working Committee met again, and on the basis of the proposals of the Muslim leaders passed another resolution in a rather amplified form, and almost simultaneously the Congress Committee adopted the Working Committee's resolution with slight modifications. The All-India Congress Committee during the same sitting also resolved that the Working Committee should, in conjunc-

tion with other political parties and councillors, draft a Swaraj Constitution and that in the preparation thereof it should invite suggestions from all the political, labour, commercial, and communal organisations. The Congress was shortly followed by the Liberal Federation which in a resolution, in addition to expressing its approval of the Moslem proposals, proposed a joint conference of the representatives of all communities to be called immediately in order to arrive at a settlement in the light of the Moslem proposals. After this the Muslim League also in a meeting resolved that the League Council should appoint a sub-committee to co-operate with the Congress Working Committee in drafting a constitution for India in which the interest of the Muslim community will have been adequately safeguarded.

While the Liberal Federation and the Muslim League passed the aforesaid resolutions, the Congress Working Committee, as directed by the Congress, invited to a conference various bodies, of which the All-India Muslim League and the Khilafat Committee were the only two Muslim organisations as against four Parsee Associations and three States' Subjects' Conferences. According to the Nehru-Report, most of these bodies sent their delegates and the conference which was held at Delhi, lasted from 12th February till the 22nd of the same month. The Muslim League Council hastened to signify its disapproval of the resolutions passed at the Joint Conference, and thus the All-Parties Conference ceased to be representative of India and became a purely Hindu body. The League Council went a step further. In another resolution it insisted that its delegates should press the representatives of various organisations to accept the Calcutta League Resolutions, and it explicitly laid down that the delegates should, before taking part in the framing of the constitution, report to the Council the progress

made in this direction. Thus, the League in a plain manner debarred its representatives from taking part in the committee that had undertaken to frame a constitution for India. The Nehru-Report admits that this decision of the Muslim League Council placed the Nehru Committee in a difficult position inasmuch as the delegates of the League, in view of the resolutions, could not take part in the deliberation upon the report unless and until the resolutions of the League had been accepted in full, or unless the Council itself had issued instructions anew. Under the circumstances, the All-Parties Conference had to re-assemble on March 8,—the persons attending the meeting have not been mentioned in the report and two sub-committees were formed,—one to consider the question of the separation of Sindh, and the other to investigate the question of representation.

The report of the committee appointed on the 22nd February could not be taken up for consideration because the delegates of the Muslim League refused point-blank to discuss it. The conference, thereupon, ordered its publication and adjourned its sitting till 19th May, 1928. During this time the Hindu Mahasabha met in April and vehemently opposed certain demands of the Muslim League.

The All-Parties Conference again met in Bombay on May 19, but as the conditions prevailing hardly warranted a unanimous decision, it was proposed to form a small sub-committee to investigate the problems. Accordingly a sub-committee, consisting of Sir Ali Imam and Mr. Shuaib Kureishy (Muslims), Messrs. Annie and Jayakar (Hindu Mahasabha), Mr. Pardhan (Brahmins), Sardar Mangal Singh (Sikhs), Sir Tej Bahadur Sapru (Liberals), Mr. Joshi (Labour), Mr. S. C. Bose and Pandit Motilal Nehru, (nine in all—7 Hindus and 2 Muslims) was duly constituted. From the report it appears that

Sir Ali Imam for reasons of health could not be present at more than one sitting. Thus, Mr. Shuaib Kureishy was left alone to represent the Moslem interests.

The facts related above have been quoted from the Nehru-Report itself. As regards others of a more secret nature, I need take no notice. They are receiving due publicity at the hands of some Muslim Leaders. The facts I have chosen to advert to are sufficient for my purpose. They are sufficient to prove that the Nehru Committee did not represent the whole of India. It consisted merely of a handful of men assembled at their own sweet will, most of them self-styled leaders. Neither were all the provinces represented, nor all the different communities. As an instance I might easily cite the case of our own community. Throughout these negotiations our community was never consulted although our community though small in number yet far exceeds the Parsees in numerical strength, and commands an All-India status. We possess powerful organisations in at least three provinces, namely, Bengal, the Punjab and N. W. F. Provinces, in addition to a fairly big population in Behar, the U. P., Madras, and Sindh; while smaller numbers may be found all over the country. Above all, we are an organised people, and yield not even to the foremost Hindu Associations in India in the matter of registered membership and organisation. The members of the All-Parties Conference will in vain plead that we are only a religious community. True, our community has the same platform both for religion and politics, and finds the arrangement more effective, but that is no reason why we should have been deprived of our legitimate rights. But for the time, let us leave alone the case of our community.

The actual work of the Nehru Committee began somewhere in 1928, some time after the Muslim League had

split up into two divisions—the Lahore, and the Calcutta Sections. From the Nehru-Report, it does not appear that efforts were made to secure the representation of the Lahore Section, nor is it in evidence anywhere that any attempt was made to seek the co-operation of the provincial branches of the League, while as a matter of fact the communal problem assumes hideous proportions only in questions relating to the provinces and not to the country as a whole. Therefore, the participation even of both the sections of the League could not have been deemed adequate. The conclusion is obvious. The so-called All-Parties Conference could not justify its name, so long as all view-points were not fully represented on it.

The Nehru Scheme proposes two Houses of Parliament for India, one chamber to consist of representatives elected by the people directly and the other, the Senate, to consist, after that of the United States of America, of members representing the different Provincial Councils. Strange that the committee while upholding the principle of having two such representative bodies for the enactment of laws affecting transitory and minor interests, should in the matter of formulating a constitution for the country overlook the need for consulting the representatives of the Provincial Moslem Leagues so as to give them an opportunity to present their respective view-points. The All-Parties Conference could not pretend ignorance of the fact that the majority of several of the Provincial Leagues was at variance with the majority of the Central Body of the League in matters of vital importance. How could then the inclusion of the representatives of the Central Body alone be reasonably regarded as adequate to help to formulate the draft constitution? Take, for example, the case of any of these provinces, the Punjab, the United Province, Bengal, the

N. W. F. Provinces or Sindh, in each of which the Moslems hold view relating to the system of joint electorate contrary to those of the Calcutta League. How could then the Calcutta League be considered, under the circumstances, to serve as their representative? The All-Parties Conference, if it at all meant to justify its bonafides, should have invited all the different Provincial Committees asking them in unequivocal terms to send not only such members as represented the opinions of the majority but as well as those, who had to urge the minority view-points, so as to enable the conference to dispassionately arrive at some decisions after having taken a full consensus of public opinion. But the conveners of this Conference—a handful of gentlemen pledged to proportionate representation—chose out for invitation the few bodies already agreed to the Hindu view-point, i.e., the principles of joint representation. Of all the various associations whose names appear on pages 20 and 21 of the Nehru-Report, there is not one body belonging to the opposite camp.

It may be declared without fear of contradiction that the quaint procedure adopted, namely, that of leaving severally alone an overwhelming majority of the Mussalmans, amply proves that the All-Parties Conference, if it at all represented any people, represented only that section of the population which was in favour of joint electorate system.

ALL-MUSLIM PARTIES CONFERENCE AT SIMLA.

The All-Muslim Parties Conference, held last year at Simla—a fact conveniently glossed over by the Nehru Committee,—throws additional side-light on this important issue. That committee preferred to take notice only of

the Muslim Leaders' Conference held at Delhi, as a result of which the memorable Delhi proposals accepting joint electorates subject to certain reservations, were tentatively formulated. But it very conveniently omitted to refer to what transpired at Simla where the Muslim Leaders called an All-India Muslim Conference to place the Delhi proposals before the community. The facts, however, were that when the Delhi proposals, that accepted the joint electorate subject to certain reservations, provoked a good deal of adverse criticism in the country, our leaders realised that the bulk of the Moslem opinion was against such overtures. About this time was held a meeting of the Hindu Mahasabha at Nagpur, and Mr. Kelkar as President delivered a speech so bitterly hostile to Muslim demands that it made many of the Muslim leaders realise their mistake. Thereupon the Moslem League convened, in September, 1927, at Simla, a meeting of the representatives of all the Muslim Parties, whether members of the League or not. I too received an invitation and although, as a rule, I keep aloof from such gatherings, but happening at this instance to be on the spot in connection with the Anti-Blasphemy Bill, I attended the conference. From what I gathered from the discussions that ranged for full two days in support of the separate electorate, I can safely say that if votes were taken, a clear majority of 70 per cent. would have carried the day in favour of communal representation. Of those, favouring the joint electorate system, most agreed that although their personal inclinations were for it, their community, no doubt, stood solidly for the other system. All Mr. Jinnah's efforts failed to persuade the representatives of different provinces and associations to abandon the system of separate representation. Mr. Jinnah (who was the president of the meeting) at last declined to put the matter to vote saying

that the assembly was no regular association, but he assured the members that though personally he was in favour of joint representation, he was now fully aware that his community viewed the matter quite differently, and that when the time to arrive at a settlement with the Hindus comes, he would not omit to present to them the majority view. The scene was not without its moral.

This conference, which was composed of people representing all shades of thought, sat to deliberate upon the Delhi proposals which were, by far the least objectionable, and the nearest as a compromise, to the general Muslim opinion, as compared to the Madras Congress resolutions or the Nehru-Report, both of which came into being much later; and yet a powerful majority of the representatives of different Muslim bodies would have nothing to do with them. Nay, even from among the authors of the proposals persons like Sir Muhammad Shafi turned to discountenance them. It may now be pertinently asked that when it had become evident that a clear majority of the Muslim community disfavoured the system of joint representation, why the All-Parties Conference chose to shut them out of its deliberations? If it failed to invite them, its pretensions to represent all shades of opinion held no ground. And if it invited them and its invitation evoked no response, then it was evident that the major sections of an important Indian community had no confidence in the conference and would not care even to attend its sitting. No sane person would, under the circumstances, consider this All-Parties Conference to be the representative of All-India.

But from the facts, quoted above from the Nehru-Report, it would appear that the All-Parties Conference did not properly represent even that section of the Muslim opinion which found utterance in the Calcutta

Muslim League ; for this Report has confessed that the Calcutta League had issued instructions to its members that unless its resolutions had been first accepted, they were not to join the Committee's deliberations. The question arises, did the Calcutta League ever revoke this decision? From the Report it does not appear that it ever did. Does it not follow then that the Leaguers served on the sub-committee, formed in pursuance of the Bombay Conference Resolution, not in conformity to but in defiance of the same instructions, which laid strong emphasis on an unqualified acceptance of the Calcutta Resolutions by the Nehru Committee, as a condition precedent to their participation in any deliberation connected with the constitutional question?

No meeting of the League was held to reverse the decision during or after the Bombay Conference. How could then the members of the League go out of their way and act contrary to their explicit instructions? Here again the question arises,—did the Nehru Committee fully accept the Calcutta League proposals? They have themselves admitted that they did not (*vide the Nehru-Report, p. 25*). The Muslim delegates also admit the same. How could then the representatives of the League in justice to the League's decision, sit and work conjointly with the committee? And if inspite of the League's instructions they did not withdraw from the Nehru Committee after it had given its verdict against the Calcutta proposals they had *ipso facto* ceased to be delegates of the League. The inference is clear that the Nehru Committee did not represent even that section of the League which is under the presidency of Mr. Jinnah, and hence it remained all the more unrepresented by the Muslims. And this is perhaps what led Messrs. Muhammad Yakub, Shaukat Ali, Hasrat Mohani, Shafi

Daudi, and so many other prominent Muslim leaders and Khilafatists to oppose the Nehru Committee.

The reason, why I choose to dwell on the point in detail, is because I feel pained to see millions of Indians being driven in this matter like so many dumb cattle. A handful of people assembles here or there and publishes their decisions in glaring headlines as the pronouncements of the Leaders of the Nation. No one steps out and raises his little finger in protest and asks "Who made you our leaders?" Perhaps nowhere under the sun are the people at large treated with so much humiliation, indignity and contempt. It is assumed that the country is the property of a noisy few, at liberty to deal with it as they like to do. My astonishment knew no bounds when at the last Unity Conference I noticed some of the gentlemen assembled there, actually upbraiding the rest for their not showing due regard to their leaders meaning their own worthy-selves. Several times I felt impelled to ask, "Well sir, who made those gentlemen the leaders of the rest?" But the dictates of propriety restrained me. I, however, did avail myself of the occasion and delivered in Simla a lecture on the subject and drew attention to the deplorable conditions obtaining in our country. These attributed not to a lack of leaders but to a dearth of followers. I said that in our country every body who dabbles in politics, assumes the role of a leader, whether or not, there is a following to be counted upon. Prior to this on the occasion of the arrival of the Simon Commission, I had suggested the formation of Moslem Associations in every town and village, comprising of members of every shade of opinion, in order to serve as media for the ventilation of collective views and prevent the noisy few from passing off their own views as the public opinion of the Mussalmans.

But to revert to the subject, I once again challenge the pretensions both of the All-Parties Conference and of the Nehru Committee, and assert that neither the former was the representative of All-India Muslim public nor the latter of any section of it. The first was a conference of men of a particular shade of opinion and it appointed a committee from which Moslem representatives were practically excluded. It was this committee which published a report which now passes by the name of an All-India Committee Report. It may, however, be urged that it is immaterial whether the conference or the committee or both were representative bodies or not, and that what it really matters is the report itself. If the report pays due regard to the legitimate rights of all communities, there is no reason why it should be rejected. Certainly not. I would gladly accept it if it would answer that description. But before entering into a consideration of the merits of the Report I cannot help saying that the mutual distrust, which has been the main cause of the present Hindu-Muslim tension, is not likely to abate and would rather be aggravated at the thought that while, in framing a constitution for the country, no regard has been paid to the question of Moslem representation, what chance is there of Moslem feelings being respected, when local laws will come to be enacted in future.

Now as the report is before us, let us proceed to examine both its merits and its demerits. Its perusal, however, I am grieved to confess, leaves me sorely disappointed. I am led to the conclusion that the scheme, expounded by the committee, cannot be of any benefit to the country. At any rate, it spells disaster for the Mussalmans.

CHAPTER II.

MUSLIM DEMANDS.

Demands of the Lahore Muslim League.

BEFORE discussing the proposals made in the Nehru-Report I propose to deal with the demands of the Muslim community—what these are and why they are made. I have already stated that there are from the political point of view two parties among the Muslims. Of these two groups, the party consisting mostly of the Punjab and U. P. Muslims holds, as their fundamental demands, that, in framing a future constitution for India, the following essentials must be kept in view :—

I.—A FEDERAL GOVERNMENT.

Their first demand is that the Government of the country should be of the federal type, *i.e.*, the provinces should enjoy complete autonomy. Whenever and to whatever extent Britain waives her authority, the same should be given over to the various provinces. But since it is necessary to have a central organisation for the general administration of the country, subjects of common interest should be delegated to the Central Indian Government by the provinces. This will mean that the Central Government shall not delegate certain powers to the Provinces but on the contrary, in order to run an organised Government, the Provinces shall delegate certain powers to the Central Government. If this principle be accepted and adopted in India as it has been successfully

tried and followed in the United States of America, Switzerland, South Africa, and Australia, it will give us a Central Indian Government administering foreign affairs, national defence, posts, telegraphs and customs departments only, the rest being dealt with by the Provincial Councils according to local needs, the Central Government having neither the power nor the right to interfere in such matters.

The reason why the Mussalmans advocate a federal type of Government, is that they want every community to have full scope for progress, and that the Mussalmans where they are in a majority, should not be the victims of intervention by the Central Indian Government in which the Hindu element is bound to preponderate.

Supposing that a federal type of Government did not exist in India, the progress of Bengal, or the Punjab, or Sindh for instance, where the Mussalmans are in a majority, will always be liable to be interfered with by the Central Indian Government who may at any time find fault with the internal administration of those provinces and in consequence withdraw certain privileges, supersede certain laws, and thus render the majority impotent and powerless. This is not a baseless fear for even the Nehru-Report itself has aggravated it. For the committee in discussing the question of the separation of Sindh, observes :—

“ We suspect that the real opposition to separation is not due to any high national considerations but to grosser economic considerations ; to the fear of the Hindus that their economic position might suffer if Muslims had

the charge of affairs in a separated area. We are sure that this fear is baseless. Among all the people of India the Hindus of Sindh are perhaps the most enterprising and adventurous. The traveller meets them in the four quarters of the world, carrying on prosperous businesses and enriching their people at home by their earnings abroad. No one can take away this spirit of adventure and enterprise from the Hindus of Sind and so long as they have it their future is assured. It must be remembered also that the powers of a Provincial Government are limited and there is the central Government which has power in all important departments." (*Nehru-Report, page 32.*)

From a comparison of the observations quoted above with the remarks made by the Nehru Committee in dealing with similar fear on the part of the Moslems, one can easily imagine what sort of sympathy will be accorded to the Mussalmans. For while it has betrayed so much solicitude and regard in respect of the Hindu misapprehension, it had dealt with the Muslim fear in the same report in the following strain:—

“ A new comer to India looking at these figures and the strength of the Muslim community, would probably imagine that it was strong enough to look after itself and required no special protection or spoon feeding.”

In other words while the susceptibilities of the Mussalmans hardly deserved any consideration at the hands of compilers of this report, an injury to the feelings of the Hindus was a colossal sin. Apart from this, the authors of the report, as is clear from the above-quoted

text, assure the Hindus that their fears regarding Muslim majority, are absolutely unfounded when they (the Nehruites) will be there to overlord it in the Central Government, and ready to intervene whenever the economic supremacy of the Hindus is placed in danger. Though the words are guarded, yet reading between the lines, the presumption grows clear that the Central Government has reserved for itself powers simply in order to safeguard Hindu interests. We ourselves do not favour the idea of trampling upon other people's rights, but we suspect that the Central Government will not be content with merely intervening when Hindu interests are actually jeopardised in Muslim Provinces, but that by its undue interference it will hamper the progress of those provinces, and prevent them from adopting measures conducive to a healthy development, just as in the past certain European Powers stood in the way of the Turks' progress. But this is not the only reason. Commonsense suggests that the vastness of India, its diversity of religious persuasions, tongues and culture, make it essential that each province should progress independently. Home rule can never be of benefit to India unless it be of a federal type. Such a type of Government is by no means a novel experiment. It has been successfully adopted by the United States of America, the wealthiest and most formidable power in the world. So much, however, must be guaranteed by enactment that no province shall have the right to break off from the Central Body. When an understanding to the effect has been given by each province, there will no longer exist for India that fear of being partitioned into divisions as faced the United States once upon a time.

II.—SPECIAL REPRESENTATION.

In its second demand this Muslim party urges the acceptance of the principle that in apportioning representation to the various communities, the weak minorities should in their respective provinces be allotted seats more than they would be entitled to on the basis of population so as to embrace the various opinions and interests; while in provinces where minorities are strong enough to hold their own, their representation should be restricted to their proportion in the population and thus preclude the possibility of a majority being rendered into a minority. Accordingly in the Punjab and Bengal the representation of each community will be proportionate to its numerical strength, because if the Muslim majority which is only 55 and 54 per cent. respectively, were made to forego some of its seats for the Hindus or the Sikhs, it is liable to be reduced into a minority, with the result that the Hindu element will preponderate in the administration. On the contrary in the U. P., Behar, Bombay, Madras, and C. P. where the population is predominantly Hindu and minorities form a very small proportion, they should, according to the principle enunciated above get more seats than they are entitled to by virtue of their numbers, so that their different sections may have opportunities for representation. The Hindus by this arrangement do not lose anything at all, their preponderating majority remaining unaltered. In the same way in the N.W.F. Provinces, Baluchistan and Sindh, where Mussalmans have an overwhelming majority, the Hindus should be given more seats than they are entitled to according to their numerical strength so that all their interests might be fully represented.

Alongside of this, another demand relates to the representation of Muslims on the Central Legislature. It is urged that the Muslims who constitute one-fourth of the population should, so long as their numerical strength does not increase to one-third of the population, be given one-third of seats in the Central Legislature, but when their population grows to or exceeds one-third of the whole, then seats should be allotted to them on population basis.

III.—SEPARATE ELECTORATE.

The third demand is that until mutual confidence between the Hindus and the Muslims has been restored, separate electorate system should be retained in all the provinces, or at least in Bengal and the Punjab, where Muslims are only in a small majority, so that representatives of the Muslims should be such in the truest sense of the word, and not mere puppets working against Moslem interests under the influence of the Hindus.

IV.—N. W. F. PROVINCES AND BALUCHISTAN.

The fourth demand relates to the extension of Representative Government to the N. W. F. Provinces and Baluchistan, and the constitution of Sindh into a separate province with a legislature responsible to the people.

V.—MINORITY'S LANGUAGE.

The fifth demand stresses the necessity of complete non-intervention on the part of the majority community in respect of the language or the script of the minority, and when a minority desires to keep its tongue alive, to make

it obligatory on the part of Government to provide facilities for the teaching of the same in local educational institutions.

VI.—FREEDOM OF RELIGIOUS BELIEF AND PROPAGANDA.

The sixth demand emphasises the necessity of Government's scrupulous non-interference in matters pertaining to religion and the propagation thereof. It should neither impose restrictions on conversions nor should it have any right to pass such legislation as is likely to adversely affect the culture or economic position of any community, as for instance, a law regulating cow-slaughter must be passed only when three-fifths of the members of the community affected by it are in support of the same.

VII.—THE CONSTITUTION AND AMENDMENT THEREOF.

In addition to the above I have been repeatedly urging a seventh demand namely that the above-mentioned rights should be embodied in the constitution, and it should be provided that the constitutional law should not undergo any alteration unless and until two-thirds of the elected members should vote in support of the proposed change. Nor should this be considered sufficient. The same majority of elected members must support such a proposal in three consecutive councils before it is passed into law. And when the proposed changes directly affect any particular community at least two-thirds of the members representing the same must in three consecutive councils approve of the proposed changes before the same should be placed on the statute.

Further more, the enacted measures should be enforced only in the province or provinces, two-thirds of the representatives whereof had voted for such enactment. Unless such safeguards were provided the Hindus will be at any time in a position, by virtue of their overwhelming majority, to amend, modify or alter the laws and repeal all the protective measures which, while framing a constitution for India, they would adopt in order to win over their Muslim partners.

Demands of the Calcutta Muslim League.

The Calcutta Muslim League, which the Nehru Committee claims to represent while favouring the idea of its delegates working conjointly with the Congress in drafting a constitution for India enjoined upon them to keep in view :

(1) that Sindh should be constituted into a separate and autonomous province ;

(2) that the Reforms should be introduced in the N. W. F. Provinces and Baluchistan and they should be given the same rights as the other provinces ;

(3) that under the present circumstances, the retention of separate electorate system in the different provinces is imperative for the protection of Muslim rights, and Muslims cannot forego the same until Sindh is constituted into a separate and autonomous province and the Reforms are introduced in Baluchistan and the N. W. F. Provinces. And only after the fulfilment of these conditions, the Muslims would be prepared to replace the separate electorate by the joint-electorate system provided that the

representation of the different communities is fixed on the basis of population excepting in the following cases :—

(a) Muslims in N. W. F. Provinces, Baluchistan, and Sindh, will concede to the Hindus representation over and above their legitimate number in exactly the same way as the Hindus will concede to the Muslims in provinces where they are in a majority.

(b) In the Central Government, Mussalmans will not have representation less than they have at present.

In addition to this the League accepted the Madras resolution of the Congress regarding freedom of opinion, laws affecting religion, cow and music, and incorporated the same in its above-mentioned resolution.

It is true that some of the points which find prominence in the demands of the other party of the Muslims have been omitted by the Calcutta League. This however does not prove that the Calcutta League is opposed to these demands. For example, the demand for a federal type of Government is not to be found in the Calcutta League resolution. A glance over the speeches delivered on the occasion is, however, sufficient to convince one of the fact that the members of the Calcutta League, were proceeding on the assumption that provinces will be completely autonomous. This will be clear from the following words of Maulana Abul Kalam Azad :—

“ There would now be nine Hindu Provinces against five Muslim Provinces, and whatever treatment Hindus accorded in the nine Provinces, Muslim would accord the

same treatment to Hindus in five provinces. Was not this a great gain? Was not a new weapon gained for the assertion of Muslim rights?" (*Civil & Military Gazette*, 2nd Jan., 1928, p. 3, Col. 4).

The above passage shows that Maulana Abul Kalam Azad had clearly in his mind that the provinces would enjoy complete autonomy, or else, how could the Muslims be said to have a new weapon in their hands if complete control rested with the Central Government having full power to interfere in matters provincial. A Central Government with a Hindu element preponderating, could at any time interfere with the affairs of the Moslem provinces; an indication of which might be found in the tacit assurance given by the compilers of the report to the Sindh Hindus.

Similarly, the question of language is another point not touched by the Calcutta League. Its silence should not be taken to mean that it attached no weight to the question. It was silent because the Congress had once finally settled the question and accepted Hindustani or Urdu as the national tongue, both Persian and Nagri scripts being permissible. The Calcutta League had assumed that what the Congress had once decided and agreed to, the Nehru Committee would not overrule.

In short, although the Calcutta League in its resolution had omitted certain points, yet this fact should not at all lead one to conclude that it was opposed to the Lahore League in respect thereof. The difference existed only over the demand of the Lahore League (1) for the separation of certain provinces *as a matter of right*, and (2) for the retention of separate electorates *so long as the Muslims*

could not trust the Hindus and were not convinced that the latter would not use their wealth and influence for the destruction of the former. Save this, there is hardly any fundamental difference of opinion between the two sections of the League. Mr. Jinnah, the central figure in the Calcutta League and who was also its moving spirit, had gauged Muslim opinion on the occasion of the All Muslim Conference held in Simla, and was conscious of the fact that the bulk of his community was opposed to his viewpoint, and was in favour of the Lahore section. In his speech he made the following remarks:—

“ We have got a majority in this house but shall we be able to carry a majority in the country? (Voices—“ Yes ”). Nothing will please me more but at the same time it will be fair to say that I am not so sure that I am satisfied that the majority of Mussalmans throughout the country are in favour of it.” (*Civil & Military Gazette*, 2nd Jan., 1928, p. 3, Col. 4).

CHAPTER III.

MUSLIM DEMANDS IN THE NEHRU-REPORT.

I have stated the demands of the Muslim community and have also shown wherein lies the differences between the two Moslem groups over the constitutional issue. I have also shown that of the two Muslim parties the Calcutta section of the League is more disposed towards the Hindu viewpoint. But even this group has stated in clear words that unless the Muslim demands have been satisfied in full, the Muslims cannot co-operate in framing any Swaraj scheme. This plainly means that these demands are not to be considered as the basis for Hindu-Muslim unity, but their acceptance is a condition precedent to negotiations for unity. The Lahore section of the League is entirely in agreement with the other group in these demands, and in fact it cannot be expected to be content with anything less, when it actually insists on something more.

Now I proceed to elucidate the findings of the Nehru Report with regard to the Muslim demands :—

I.—FORM OF GOVERNMENT.

The first question relates to the constitution of the Government, which, most Mussalmans think, should be of the federal type. As already explained, this is the most important question without which, no safeguard whatever could prove of any avail.

It is evident from the quotation of Maulana Abul Kalam Azad's speech, that the Calcutta section of the

League under the leadership of Mr. Jinnah is also for a federal type of Indian Government. But the Nehru-Report instead of a federal type of Government, proposes a unitarian type of Government of a centralised pattern, which will be considered as the real ruler of the country—the rights of the Provincial Government being derivative. There is no doubt that the astute compilers of the Report could not frankly deal with this question for fear of provoking Muslim opposition, which it would be difficult to suppress. Neither could they ignore this grave issue without being accused either of ignorance of politics, or of having not prepared the report with due care. Therefore, they very cleverly inserted the following words in the beginning of the seventh chapter of the Report where they have formulated their recommendations:—“ We have made no attempt to draft the constitution as a whole.”

No sensible person, however, can plead that the compilers of a constitution could with impunity ignore the question what was to be the future form of Government of the country. The Nehru Committee has done so. But as such, an important question cannot be detached from the constitutional issue. So what has been concealed by omitting a definite enunciation, the details have made it only too clear. Different passages of the Report show that the committee has proposed an all-powerful central Government of a unitarian model. Article 34 under the heading, “ The Provincial Legislature ” in the chapter on “ Recommendations ” reads:—“ The legislative authority of every provincial council extends to all matters coming within the class of subjects hereinafter enumerated and specified in Schedule II, attached hereto.”

Similarly in the same chapter and under the heading “Parliament shall have power to make laws for the peace,

order and good Government of the Commonwealth in relation to all matters not coming in the classes of subjects by this Act assigned to the legislatures of provinces.”

From the above passages it is clear that in the future Government of India the provinces will derive their power from the Central Government, and not the latter from the former. Similarly in Article 30 under heading “The Provincial Legislatures” it is stated:—“There shall be payable to the King out of the revenues of the province for the salary of the Governor an annual sum of, which, until Parliament of the Commonwealth otherwise provides shall be as in Schedule hereof provided.” It is apparent from this rule that the Provincial Legislature will be subordinate to the Central Parliament. A still more clear reference is to be found under the head “Civil Service” where under Article 81 is to be found:—“Parliament may also, to such extent and in respect of such matters as it may prescribe, delegate the power of making rules under the said laws to the Governor-General in Council or to local governments.”

It is amply clear from the above references that the constitution proposed by the Nehru Committee is one entirely opposed to the united Muslim demand. The Muslims demand a federal type of Government with fully autonomous Provincial Governments, only residuary powers vesting in the Central Government which should administer subjects, transferred to it by the provinces of their own accord, liable under no circumstances to intervention on the part of the Central Body. It can hardly be gainsaid that without such a form of Government, security for Muslim in India is an impossible dream. The sole consideration underlying the Muslims’ demand of

autonomy for Sindh, N. W. F. Provinces, and Baluchistan, is that, because of the existence of a Hindu minority in these Muslim provinces, the Hindu majority in other provinces will not be tempted to oppress the Muslim minorities in those provinces. But if all powers were to vest in the Central Government, this safeguard would be rendered absolutely useless. For, with the power to intervene at any time, the Central Government will interfere in the affairs of the Muslim provinces whenever it chooses. If it is contended why it will do so,—well, that is the crux of the whole problem. Because there is lack of mutual trust between the two communities. If there is no such distrust then all these restrictions are superfluous; and it could be frankly stated that we should have full faith in our Hindu brethren. They could rule as they like. We could have expected nothing but good of them. With such a frame of mind the whole controversy would have ended at once, but where is that mutual trust?

II.—SPECIAL REPRESENTATION.

The second demand of the Muslim community relates to affording protection for minorities by giving a minority where it is weak, representation in excess of its legitimate share, and where it can hold its own, to give it not more than its legitimate right. The Nehru-Report has however decided that in no case should the minority enjoy any extra rights, neither where the minority is weak, nor where it is strong. The Report says:—“Representation in excess of their proportion in the population fixed for Moslems in a number of provinces—under the sanctioned pact as well as the Montagu-Chelmsford Reforms, will disappear under our scheme.” In other words this united demand of both the Lahore and Calcutta sections of the

League has also been rejected, which means that, because the Muslim in the Punjab and Bengal, on the ground of being a majority, have refused to be ruled by the Hindu minority, the concession of small extra representation enjoyed by the Moslems in other provinces, should be withheld from them, although such extra representation did not give the Moslems any dominating position in the councils, but merely made possible the representation in the councils of their various groups and associations.

In the same connection the Muslims demanded that they should be granted 33% of seats on the central legislature, so that their representation from different provinces might be facilitated. The Calcutta and Lahore sections are uniformly at one in this demand. But this demand also has been rejected by the Nehru Committee. The Report says:—"The Moslems are a little less than one-fourth of the total population of British India and they cannot be allowed reservation over and above that proportion in the central legislature."

At present, though the number of Muslim seats in the legislative Assembly is not quite 33%, yet it exceeds 25% in any case. The Nehru Committee recognises that 30% of the seats in the Legislative Assembly are at present occupied by Muslim representatives; but it is not willing to give the Mussalmans even this proportion of seats in the future constitution. In other words, while the inadequacy of 25% of seats to represent the different Muslim interests, impelled the Muslim League to demand an increase in the present proportion of Muslim seats, or at least to maintain *status quo*, the Nehru Committee would, on the other hand, reduce the existing Muslim representation to one-fourth, i.e., 25%;—although such demand would in no way adversely affect the position of the Hindu majority.

III.—SEPARATE ELECTORATE.

Over the third demand the Muslim opinion has differed. The Lahore League is not prepared to give up separate electorates so long as *mutual confidence has not been restored between the two communities, and the Mussalmans themselves are not willing to dispense with the system.* In the opinion of the Calcutta League however, there was no objection to the Muslims' dispensing with separate electorates provided that Sindh was constituted into a separate province, and Reforms were extended to the N. W. F. Provinces, and Baluchistan. Of these two demands neither has been accepted by the Nehru-Report.

The Nehru Committee admits as well that according to the League council decision, this was the irreducible minimum demand of the Moslem community. The resolution of the Calcutta League also points to the same intention. The resolution runs:—"The Muslims will not abandon this right unless and until Sindh is constituted into a separate and autonomous province, and Reforms are introduced in the N. W. F. Provinces, and Baluchistan." But the Nehru Committee accepts only one of the three demands, viz., extension of Reforms to the N. W. F. Provinces. The question of the separation of Sindh is hedged in with various conditions and limitations, and the question of Baluchistan again is dealt with in very ambiguous terms. The Report says:—"As regards non-Moslem minorities the only provinces which deserve consideration are the N. W. F. Provinces and Baluchistan." The words indicate that the compilers of the Report had in mind that the question of the rights of the Hindus in Baluchistan will crop up. Yet, still further on page 124, while discussing communal representation under Article 7 it says:—"The N. W. F. Provinces, and

all newly formed provinces, by separation from other provinces, shall have the same form of government as the other provinces in India."

From the above quotation it will appear that while dealing with the question of constitution all reference to Baluchistan has been omitted. May be, this was due to oversight. Nevertheless, the matter is left doubtful. At any rate, we are justified to hold that the Nehru Committee has failed to fulfil those conditions upon which depended the Calcutta League's decision to abandon the system of separate electorate, and quite independently of which, the Lahore League had decided to stick to the system for sometime to come. But the matter does not end there. The wordings of the Calcutta League resolution clearly signify that the League does not only demand that the Hindus should agree to fulfil these conditions before dispensing with separate electorates, but it makes two further provisos also, namely (1) that these conditions should be practically acted upon, and (2) that Muslims should also satisfy themselves as regards the results of the working thereof. It says "When these conditions have been fully complied with the Mussalmans will be prepared to abandon the separate electorate system for the joint electorate."

The Nehru Committee without accepting these conditions, simply upon its own recommendation, dispensed with the separate electorate system. On the contrary according to the reservation made by the Muslim League, it should have stated in unequivocal terms that joint electorate system would come into operation only when the three preliminary conditions had been complied with. Similarly in the Muslim League Resolution, the words used are:—"then the Mussalmans will be prepared to abandon." According to the wording of the resolution

the decision in this matter was left with the Muslims. Though it is by no means suggested here that the Muslims might or might not abandon the system, yet the words do certainly signify that the Muslims would first satisfy themselves as regards the fulfilment of their conditions before deciding finally to do away with the separate electorate system. But the Nehru-Report has altogether ignored these terms.

I remember it definitely that when it was again and again urged on the All-Party Muslim Conference that if the Hindus at first agreed to our terms, but later on pleaded that owing to certain obstacles, the terms, so agreed to, could not be put into practice, then how the Muslims would be able to force their hands; Mr. Jinnah emphatically said that the wordings of the resolutions had not been fully comprehended. Those wordings definitely meant that the joint electorate system would be introduced only after those conditions had been *practically fulfilled*. Separate representation would not be given up merely on the Hindus accepting the conditions. But hardly a year has elapsed that Mr. Jinnah has been disillusioned. The Nehru-Report, without so much as accepting them *in toto*, not to say of practically conforming to them, has rather rejected the separate electorate system. It does not even refer to these proposals.

One section of the Muslim community notwithstanding grave dangers ahead, with the sole desire to see peace established in India, was prepared to forego communal electorates and even to incur the displeasure of their own community, yet the fate which has been meted out to their proposals by the Nehru Committee has been already related. When such is the state of things at the very beginning, and at a time when in the enthusiasm for the attainment of Swaraj the Hindus are earnestly desirous of winning over the Muslims, what will be the

state of affairs, when India will grow free and Hindus will have all powers in their own hands, may better be imagined than described.

IV.—N. W. F. PROVINCES, BALUCHISTAN AND SINDH.

The fourth Muslim proposal related to the introduction of Reforms in the N. W. F. Provinces and Baluchistan, and the constitution of Sindh into a separate province with representative government. The Nehru Committee has acceded to the extension of Reforms in the N. W. F. Provinces. Its intention is not clear with regard to Baluchistan. With regard to Sindh it stipulates that so long as the province cannot shoulder its financial responsibility or its inhabitants do not undertake to bear the charges, the province should not be made autonomous. Apparently these conditions are reasonable; for when a province is financially incompetent how can it be constituted into an autonomous territory? They will leave the Muslims free to urge that when Sindh because of financial incompetency cannot be made autonomous, separate representation also cannot be dispensed with, for which the separation of Sindh was a precedent condition. I, however, propose to bring to light what is between the lines of this apparent simple recommendations of the Nehru-Report. The word 'responsibility' is so comprehensive that by a mere specification of it, Sindh could be perpetually kept out of autonomy. By 'responsibility', it may mean a simple system of administration, which I am sure Sindh is financially competent enough to adopt. Or, it may mean some such expensive system as may be impossible for a small province like Sindh to manage, and then the possibility of its growing into a separate province will be precluded for ever. I have grounds to suspect that by responsibility is here meant something

more than the need or the competence of the province. The Nehru-Report mentions that it received a combined memorial from the Hindu, Parsee and Muslim communities of Sind urging the necessity of constituting the province into a separate entity. With regard to the financial question it had suggested that "the coat should be cut according to the cloth," *i.e.*, they should be given an administration compatible with their financial strength, and the matter should not be postponed for long pending economic betterment. But the committee observes that it could not take the declaration as the final solution of the financial problem (*vide p. 69 of the Nehru Report*). The inference is clear that what is intended is to recommend an administrative machinery for Sindh which it is unequal to bear. And since the people of Sindh could not agree to shoulder such an administration because that would mean for them in its present status an economic loss instead of an economic advancement, the question of separation would naturally have to be dropped altogether. This view is further strengthened by the attitude of Pandit Nehru when, in regard to the motion for the separation of Sindh proposed to have been moved in the Bombay Legislative Council, he advised the Congress party to oppose such a motion in case the Muslim members insisted upon moving the same.

V.—THE LANGUAGE QUESTION.

The fifth demand related to language. This demand has been altogether ignored by the Nehru Committee. It cannot, of course, contend that it is a minor matter. That certainly it is not. The future advance or fall of the Muslims lies linked with it. If the future Government of India were to discard Urdu, within a few years the few places which the Muslims still fill at present will be taken away from them, and their peculiar culture will be

lost. Even assuming that it was an unimportant matter, the importance attached to it by the party interested cannot be lost sight of. If the Muslims attach to the question of Urdu so serious an importance and consider it to be a question of life and death for the community it does not behove others to treat it lightly. Elsewhere I propose to show that the question of language is not a minor question and that it is not peculiar to India, also that in other countries a very great importance has been attached to this question and special laws have been enacted relating to it which have been incorporated in the constitution of the land.

VI.—FREEDOM OF RELIGIOUS BELIEF AND PROPAGANDA.

The sixth demand relates to non-interference in matters both religious and economic. The Nehru-Report is not clear on this point also. The importance and magnitude of this question have been obscured in a mass of words. The Report states under the heading "Fundamental Rights" :—"Freedom of conscience and the free profession and practice of religion are, subject to public order or morality, hereby guaranteed to every person." These words hardly embrace the Muslim demand. The Hindus always create disturbance over cow-slaughter. According to this rule their disturbance may provide justification to prohibit cow-sacrifice.

Similarly nothing occurs in the Report about 'Tabligh, *i.e.*, preaching of religion. This law gives every citizen a right to proclaim his religion but it does not give him the right to preach it to others with freedom. The law may at any time be interpreted to mean that, as 'Tabligh' leads to a disturbance of the country's

peace, it is therefore banned. You may proclaim your religion but cannot invite others to accept it. Similarly the law could be held to mean that as conversion leads to a disturbance of the peace, it is henceforth prohibited. The law of the liberty of conscience cannot prevent such an interpretation, because it is solely concerned with belief. Conversion means abandoning one community and joining the rank of another. Even if it were not so interpreted, at least a law may be enacted to the effect that no person can change his religion without a certificate from the Magistrate. It may be argued in favour of such action that in this way the chance of compulsion and the use of force will be prevented. Such a procedure is bound to stop religious conversions as is the case at present in several States. Firstly, because the people cannot undergo such a tedious procedure. If they apply for such permit then they are subjected to such questions as, who was the preacher, what was the manner of his preaching, whether force was applied, and similar other questions, under the stress of which they are compelled to give up the idea of changing their religion. Instances are not wanting, and I am prepared to prove them. In short, the Article relating to religion has several loopholes which can serve to unduly restrict religious freedom. Thus the Nehru-Report fails to meet the Muslim demand from this view-point also. To my mind it actually runs counter to that demand. For in the chapter on " Fundamental Rights " in Article 12 it says:—" No person attending any school, receiving state aid or other public money shall be compelled to attend the religious instruction that may be given in the school."

If the above article be read in the light of the fact that it is quite possible that under the future Government of India, a law may be enacted to the effect that no private school will be permitted which refuse to accept

Government aid and to conform to Government rules,—the constitutional law does in no way forbid its enactment,—if such a legislation is passed, then it will mean that the Muslims will be gradually estranged from their religion. Every religion and every religious institution is entitled to make religious education compulsory for its own followers, and this does by no means amount to compulsion. It would be compulsion if one were to compel people of other persuasions to follow instructions in one's religion. In fact, this law could in several respects be made an instrument for hampering Muslim religious education. To say that it will operate equally against the Hindus would amount to a betrayal of utter ignorance of religions. Islam, unlike Hinduism, is a religion that has definite restrictions, a knowledge of which can be obtained only through proper education. Hinduism, on the other hand, is a political religion. A man altogether unfamiliar even with the A. B. C. of the Vedas and its teachings, and following some peculiar views of his own, may claim to be as good a Hindu as the most erudite master of the Vedas.

VII.—AMENDMENT OF THE CONSTITUTION.

The seventh demand is that questions growing out of mutual communal distrust, and solution whereof is essential in the interest of the minorities should be incorporated in the constitutional laws, so that their revision might not be easily effected. I am not aware whether any community other than our own has urged this demand. Nevertheless it is a most important demand. But the Nehru Committee has chosen to ignore it. The demand was implied in the Lucknow Pact but was not embodied in legal language. The wordings were rather vague.

From the above it is clear that not one of the seven points of the Muslims has the Nehru Committee acceded to in full. Some of them it has wholly rejected, while a few have been accepted only partially. It is strange that in the latter instances the modifications have in every case defeated the very object of the demand, and both its acceptance and non-acceptance have thus grown equally ineffective. The question now arises that when the Nehru Committee has rejected even those terms which the moderate section of the Muslim community considered to be their minimum demands, can its findings be regarded to be just and fair? Can the Muslims hope to live in peace in India by accepting the same? I have given my most anxious thought to the question, and come to the conclusion that they cannot. I propose to discuss it in the chapters that follow. In order to make it easily intelligible I have divided the subject under different heads.

CHAPTER IV

CAN DETAILS BE LEFT OVER TILL THE ATTAINMENT OF DOMINION STATUS ?

BEFORE saying a word in justification of Muslim demands, let me disabuse the Muslim mind of a dangerous idea, lest it should lead them to take such a step as it may not be possible for them to retrace and nothing but heart-burning may be the consequence thereof. It is urged to come to some decision now to be modified later on, if any injurious aspect issues out of it. I understand that most of the Mussalmans feel in the same strain, and as a result of this, there prevails among them a false, and, I would say, a dangerous sense of security. If the Muslims only realised that it would be beyond their power to alter any decision they might make to-day about Swaraj, they would not be so hasty, and before taking a step fraught with so many dangers, they would try to answer a thousand questions and discover various means of retreat. But it is most deplorable that some people have knowingly or unknowingly given the community an assurance that in case the present decision prove injurious in any respect, it will be possible to alter it in future. The Mussalmans are thus under this impression that the proposed changes will be nothing more than an experiment, that in case of defects coming to light, a new scheme will have to be devised. But I would tell them with all emphasis at my command that things stand quite the other way. When a step has been taken to-day, there will be no going back to-morrow. It will be far easier for them to get all their demands acceded to now; but after Swaraj has once been attained it will be simply impossible.

What is Dominion Status ?

The Moslems should well understand that what the Nehru Committee and every Indian demand to-day is Dominion Status, *i.e.*, a sort of semi-independent Government. It is worth their while to know what Dominion Status signifies, because without such a knowledge Muslims will not be able to realise that by their half-hearted efforts to get their demands accepted, they are not only ruining their future generations but are also cutting at the very root of Islam, and preparing the ground for the Spanish tragedy in India. Heaven protect us!

Dominion Self-Government is a very recent phrase, meaning that form of independent Government as obtains in Canada, Australia, South Africa, Newzealand and from the last five years in South Ireland. After various disputes, and agreements up till the outbreak of the War the Dominions had acquired the following rights:—

The British Parliament shall enact no legislation relating to the internal administration of the Dominions, the Dominions reserving to themselves the right to legislate in matters internal. A Dominion may at any time deprive its own citizens of the right of appeal to the British Privy Council, *i.e.*, it can declare the judgment of its own Supreme Court to be final. Every Dominion has the right to maintain its own military, naval forces for the protection of its own territories. It may also alter its constitution by a majority decision of its own parliament, even if such constitution was passed by the British Parliament. The British Government has the right to veto any law enacted by a Dominion Government, but this privilege is not to be exercised except in matters which concern not exclusively that particular Dominion but affects other parts of the British Empire.

It was decided in the Imperial Conference held in 1911 that British Policy in respect of Dominions will in future be, that they will enjoy complete independence in local administration without any limitation, and Great Britain will not interfere unless a Dominion has done something prejudicial to its loyal relations with the Imperial Government (*vide Law of Constitution*). But in this interval fresh developments have taken place and Dominions have been given further privileges. Though formally Great Britain still possesses the right to veto any law passed by a Dominion, this privilege has been practically surrendered. In 1920, the Queensland Government passed a certain law against which the local landholders as well as the British landholders registered their protests, declaring the law to be a transgression of the law of the constitution involving their forced ejection from lands by the Government. The British Government, however, refused to intervene, as it could not interfere in the internal affairs of the Dominions.

In one thing alone Dominions entirely depend upon Great Britain and that is territorial expansion.

Regarding foreign relations also, since the Great War, the Dominions have achieved a good deal of freedom and subject to Great Britain's sanction. A Dominion can make treaties with other countries. In the Anglo-Irish treaty of 1924, Great Britain recognised the right of the Dominions to remain neutral in any war that Britain might declare against any other people, their obligation to join being confined only to cases when another nation had initiated the offensive. In the former case the Dominion Parliaments would have the right to decide whether to take an active part in the war or to keep aloof. With regard to treaties also it was mutually agreed that if the Dominions were not consulted in respect of any treaty with a foreign nation and they were not signatories to the

same, such treaties would not be binding upon the Dominions. In 1924, the late Mr. Bonar Law, a former prime minister, addressing the Imperial conference, recognised the right of the Dominions to sever the imperial connection any moment they chose. The Government of South Africa and Canada too have declared their right to break off from Great Britain (*Encyclopædia Britannica, XIII Edition—Supplementary List Vol I under British Empire*).

The above-mentioned sketch of the constitution of Dominion Governments indicates that the Dominion form of Government is a sort of independent Government with the only difference that for the time being they recognise the sovereignty of the British Crown, and by acknowledging to be component parts of the British Empire, add to its prestige and derive benefit from such a connection. Nevertheless, the decision is a matter of its own sweet will whether a Dominion would maintain or break the Imperial connection. Secondly, the other limitation to its complete independence is, that, although in internal matters, it enjoys perfect independence having the power not only to make ordinary laws but also to alter its constitution, a Dominion, so long as it maintains the imperial connection, is bound to transact all important foreign affairs through the intermediary of the British Government.

This is the kind of independent Government demanded by the Nehru Committee, and the whole of the Indian people barring a negligible few, joins in the demand. The question now arises how is it possible to effect an alteration in the laws of such a Government? For, the problem before us is that if the decisions of the Nehru Committee do not prove favourable to us, will it be possible for us to get it modified? And if so, how?

It should be borne in mind that under such a kind of Government, there are only three ways to change a law :

- (1) By the votes of a majority in the Councils.
- (2) By forcing the hands of Government by opposition.
- (3) By overthrowing it with the help of foreign powers.

I see that those who have endorsed the views of the Nehru Committee have placed their reliance upon one or other of these three alternative means for the removal of their future grievances. Some are of opinion that if the rights which they are going to waive to-day, should in future be found indispensable for the community's welfare, they would be able to regain the same through the legislature by getting the laws changed. Another group while admitting its inability to carry the houses with them, believes that if a necessity arises for a change in the law they would be able to set up an effective opposition to Government and force it to change the law according to the wish of the community. There is yet a third group which admits that the Indian Moslems can do nothing of themselves, but with the help of the neighbouring Muslim kingdoms they would be able to upset any Government that would deprive them of their rights. I shall take up the three alternatives severally and show that under the conditions of a Dominion form of Government it will be impossible for the Moslems to regain their lost rights by any of these three courses.

THE MUSSALMANS AND THE COUNCILS.

With regard to the first suggestion that the Muslims will be able to secure their rights through the Councils, it must be borne in mind, that according to the Nehru-Report, the powers to decide the Muslims' rights

are vested in the Central Government, where their representation, as apportioned by the Nehru Committee, will be less than what it is now. When our present experience shows that in spite of our thirty per cent. representation in the Assembly, we fail to have our way even by joining hands with Government members, what may we expect to achieve in future, when we shall be reduced to 25% only, and when the British element will be completely absent; particularly when the question will be not one of general policy but of strengthening the present weak position of the Muslim community by effecting changes in the constitution. Can any sensible person even for a moment conceive that a single Hindu vote will go in favour of the Muslims over such a proposal? Again, can any sensible man conceive that 25% Muslims will be able to force the hands of 25% non-Muslims and get the law passed in their favour? Specially when it is a question appertaining to a change not of the ordinary law but of the constitutional law, which it is still more difficult to bring about. The Nehru Committee in their report lays down the following procedure in respect of future alterations in the constitutional law: —“Parliament may, by law, repeal or alter any of the provisions of the constitution, provided that the bill embodying such repeal or alteration shall be passed by both Houses of Parliament sitting together and at the third reading shall be agreed to by not less than two-thirds of the total number of both Houses. A bill so passed at such a joint sitting shall be taken to have been duly passed by both Houses of Parliaments.”

In accordance with the above rule if the Muslims should in future find that they committed a blunder in accepting the Nehru Committee's recommendations and were rather hasty in relinquishing their demands, then in

order to get their present demands restored, they would have not only to attend the meeting of the Legislature in their full strength but also to win the support of at least 42% that is 234 of the Hindu members to vote in favour of their demand. Not even a crack brain will venture to hope that so many Hindu members will be prepared to support the demand of the Muslims for the restoration of certain rights which the Hindus themselves have usurped. In fact, I have under-estimated the difficulty. For, it is absolutely wrong to assume that all the members of the Legislative Body will be present on any occasion. That is never so even in European Parliaments. Of the 700 members, some will be ill, some will have sick relatives, and others will be detained owing to urgent business. Thus a margin of 20% should be left for absentees. Under the circumstances the Muslims shall have to secure the support of 60% of the Hindu members attending. I ask again is there any Muslim, however blind in his support of the Nehru Report, who will be bold to say that if after a lapse of ten years it appears that the joint electorate system has proved detrimental to Moslem interests, which in other words would mean that the Hindus had captured more seats than their numbers would justify, or that such Mussalmans had been returned as instead of serving Muslim interests, serve the ends of the Hindus, then will 60% of the Hindu members of the Parliament vote with the Muslim members in order that the Hindu community should be deprived of this advantage and Muslims be restored the right of separate representation, or that complete internal autonomy should be conferred upon the provincial Government? If not, and every sensible man will think such an eventuality to be impossible, then I say, when it will be impossible to regain your rights in future, then why should you not press for the same now?

THE USE OF FORCE.

The second alternative is that the Muslims should get their wrongs redressed by force. With regard to this I would simply ask whether the Muslims feel that strength in themselves. To-day the Britishers are ruling in India and their number hardly exceeds a few lakhs. Both the Hindus and Muslims are agreed that power should be wrested from the English, but nevertheless, has our united strength so far proved effective in changing the Government? If it has not, then what show of power will the Mussalmans be able to make when India will be governed by Indians and the advantages of keeping intact the existing fabric of its Government will accrue not to a few lakhs but to a population numbering as many as 26 crores?

Further it should also be borne in mind that the army will be under the control of the Central Government. To imagine that Muslim soldiers will desert the Government that pays them and support their community is unthinkable. Even at present one can easily see that they stand for the British Government and not for the Indians. In fact, it is the sentiment of loyalty that upholds the soldier's spirit, and he is never easily persuaded to revolt against his Government. Besides, the modern organisation of the army is such that it is impossible for any one unit to break out into revolt, because no one unit is complete in itself. The army, as a matter of fact, is composed of six or seven parts, all of which during an operation are mutually inter-dependent and each, fully aware of the fact that in the event of desertion it will meet sure annihilation. Apart from this, aeroplanes, tanks and guns of modern types, have altogether changed the form of wars, a single aeroplane being capable of devastating a

whole country, and a single tank able to challenge a whole army. In short, war to-day depends not so much on man's personal strength and bravery as on the mechanisms of war. And very naturally chivalry and courage without the mechanisms of war cannot now give the same advantage as they did in the past. Thus revolts in these days are not the affairs of a particular section of people but of the country as a whole. Men carry on their activities in secret, inciting the whole country; and the army, the office-bearers, and the civil population, all rise simultaneously against the Government. Only a few high officials are left to deal with the revolt. But the Mussalmans can never expect to bring about such a state of things in India for the obvious reason that the major part of the population is Hindu, and naturally their sympathy will go with the Government. Moreover, the Mussalmans should bear in mind that the Hindus are not all what they call the *Baniyas*. The Punjab Mussalmans have been labouring under the false impression that these *Baniyas* can never put up a fight against them. While as a matter of fact the Sikhs also socially form a part of the Hindus, though from religious standpoint they are nearer to the Moslems than to the Hindus. Besides, on account of certain other political considerations, the Sikhs, unless and until some leader of exceptional ability should rise among them, are compelled in political matters to join hands with the Hindus. Their population is confined to the Punjab, where they have relatively the same status as the Muslims have in the whole of India. But under the special conditions of the Punjab where the Muslims form only a very narrow majority, the Sikhs cannot be granted any special concessions. And it happens that the Moslems have become an obstacle in the path of the Sikhs. Hence it is that they are obliged to come to an understanding with the Hindus, and notwithstanding all

overtures from the part of the Moslems and their support, and Hindu opposition in the matter relating to Gurdwaras, the Sikhs are keeping hand-in-glove with the latter. Besides the Sikhs, among the Hindus themselves, there are martial classes, such as the Jats, the Rajputs, the Dogras, the Poorbees, the Mahrattas and many other tribes of Southern India. Even the Gurkhas who follow Buddhism, consider themselves a part of the Hindu religious community. In face of these facts, it is simply suicidal to deceive ourselves by entertaining the idea that the Hindu population preponderates, it is only natural that pride in the fact that Muslim element is prepondering in the army. This is nothing but a diplomatic move on the part of the British Government. In a country where the Hindu population preponderates, it is only natural that the Government should in order to strengthen themselves follow the policy of enlisting a comparatively large number of the smaller communities in their army. But in a free India there will be no such necessity. On the contrary the majority community in order to strengthen their position will think of enlisting in the army a larger number of their own co-religionists. The Sikhs, the Dogras, the Rajputs the Mahrattas, the Gurkhas, the Poorbees and the Southerners number from 50 to 60 millions. These could easily furnish men for the army. The idea that we could secure our rights by force is a devilish misconception of which the sooner we disabuse our minds the better.

One section of the Mussalmans is of opinion that the Moslems will win their object by non-co-operation. But it must be remembered that non-co-operation is a weapon, which only a big community can with advantage use against a smaller community, but not a small community against a larger body. A small community of men speci-

ally of such, whose activities contribute little towards the civic or political life of the country, can hardly make any impression when pitched against a large population. In Bardoli, the strength of the non-co-operators' position consisted in their having the country behind them. The Britishers could not come over to purchase their lands in India. But if it ever comes to a conflict between the Hindus and the Muslims, the former will not suffer any of the disadvantages which Englishmen had to experience. They will be able to put in three Hindus for every Mussalman. Thus the idea of fighting the Hindus through non-co-operation is also not worth consideration.

THE HELP OF FOREIGN POWERS.

The third alternative is that the Moslems should seek the co-operation of foreign powers in order to regain their lost rights. That too is hardly feasible. Firstly, no foreign country could be expected for their sake to enter into hostilities with a neighbouring power. Is there in the near past any example of any Muslim power coming to the help of another? How then should we persuade ourselves to believe that the adjoining powers will hasten to our aid? Again it is a sheer madness to expect that an outside power will sacrifice lakhs of men and crores of rupees, and in the event of a victory will withdraw in favour of the Indian Mussalmans. The invading power will either demand the whole of the conquered territory or a portion thereof; and I am sure that a section of the Indian Muslims themselves would oppose such a demand and refuse to admit the foreigners into their country. Thirdly, even assuming that some foreign power would feel disposed to make such an adventure, what power is there prepared to launch an attack against a vast country like India, thoroughly equipped with all the modern impli-

ments of war? Afghanistan has a population of barely one crore, Persia of one crore and a half, while Indian population exceeds 33 crores. Fourthly, the fact must be remembered that India will be given dominion status and not complete independence. As such, it will form a part of the British Empire and in the event of a foreign power launching an offensive against India, the whole Empire will be at its back. Thus judging by the material aspect of the question, even the third alternative is an impossible dream. Moreover, it is highly immoral to wish for such a foreign intervention, an act of high treason to the nation.

BRITISH INTERVENTION NOT POSSIBLE.

Possibly there are some who think that as India will not be completely independent we will appeal to England for a restoration of our rights. From what I have stated elsewhere regarding the rights of the Dominions, it will appear that no such thing would be possible. Firstly, because here the question would be not the Hindus encroaching upon our rights, but the question would be how to persuade the Hindus to restore us our rights which we, of our own free will, would have given away only to discover our mistake later on. Now, from the legal point of view it is evident that although Britain will have the formal right to veto the decision made by the Dominions, it will not have even the formal right to force anything new upon the dominions. Legally, therefore, Great Britain shall have no right to interfere in such matters, and even if it had, it does not stand to sense that Britain would care to exercise the right. I have a very high opinion of Great Britain, but nevertheless, I cannot

persuade myself to think for a moment that Britain will incur national loss for the sake of another party. Every sensible man can well understand that the ties that bind Britain and the Dominions together are those of sentiments, and no worldly force unites them. A Dominion has its own army, its own navy, its own administration, there being only a solitary Governor coming from Great Britain who also is a mere figure-head. And further, when the Dominions have the right to break away from Britain at any time they choose, how is it possible that Great Britain will offend, for the sake of a minority, a powerful Dominion which is the star of its diadem. Britain's justice is limited by her national interests. When her national interests are at stake, Great Britain will not decide its policy on the merits of the case, but from the imperial viewpoint. It must not be forgotten that no one will befriend a minority unless there is something material to be gained. A minority must trust to itself to safeguard its interests. In support of my contention that the minorities are faced with utmost difficulty in obtaining justice for themselves, I would quote the views of one, who is at present the greatest authority on the subject. I mean Prof. Gilbert Murray, who accompanied the British Delegation to the Peace Conference as an expert, and subsequently worked under the League of Nations. He is interested specially in the welfare of the minorities, and has, in this connection, made several useful suggestions to the League." In his introduction to "*The Protection of Minorities*" by Miss L. P. Mair, M.A., Prof. Gilbert Murray writes,—“The duty laid upon the Council has proved somewhat alarming to the timid virtue of that eminent body. To intervene on behalf of oppressed minorities is to court unpopularity and certainly no member of the Council has shown alacrity either to listen to complaints or to remedy injustice.”

From the above it is clear that even the appeals of minorities fail to be effective because espousing the cause of minorities means war with majorities, and no body likes to get into trouble for the sake of others. The Muslims should, therefore, consider this door as also closed upon them. Do not the Muslims perceive that, from the days the Reforms have been introduced, an increasing number of Britishers is daily becoming the partisans of the Hindus? Of the British-owned papers, with a few exceptions, all are in favour of the Hindus. The speeches of British statesmen one and all support the Hindu viewpoint. And if you mark the British officials, you will find them patting the Hindus on the back. What is the reason behind all these? Do the Muslims think that this is because the Hindus are in the right, and they in the wrong? If such is their conviction then all they should do is to give up this position and adopt the right attitude. But if it is not so, then they should attribute this sudden change to the introduction of the Reforms. As the foundation of the representative form of Government has been laid in India, the Britishers are day by day leaning towards the Hindus. But this is only the beginning. When India will attain to full responsible Government, and the Hindus will dominate in the Assembly, then it will be the most cherished object of the Britishers to win the Hindus' goodwill and favour. When we see that in Ireland the English ignored the opposition of men of their own race and religion, and acceded to the wishes of people of South Ireland, how can we then expect them to support the Indian Muslims against their own best national interests? Let the Muslims then wake up and safeguard their own interests, for what they surrender to-day, they are sure by no means to get back to-morrow. Only two alternatives will be open to them either to give up their religion and merge in the Hindus, or to allow themselves to be gradu-

ally obliterated. Does either of the two alternatives appeal to the Muslims? If not, then I discharge my duty by warning them to-day that now is their opportunity to secure their rights. A mistake now made is sure to bring irreparable disaster. They must not be hasty, and must not risk their present freedom in the hope of winning full independence. They must not help to repeat the scenes enacted in Spain; for, one Spain is enough to make us miserable.

I do not mean to say that you must not make efforts for the freedom of India. Now when Great Britain herself has decided that India is entitled to representative Government, I fully associate myself with my countrymen in every legitimate effort made for its attainment. But what weighs heavy upon my mind and saddens my heart is the thought, that the Muslims should agree to constitutional reforms without safeguarding their own interests. The consequences of such action are bound to be most bitter and disastrous. The Muslim ought not to agree to any settlement until the proposals of both the sections of the League have been accepted, otherwise it will result in so serious a situation that the very thought of it makes one shudder. This also should be borne in mind that if the above-mentioned proposals of the opponents of the Nehru-Report,—whether Leaguers, Khilafatists or others, are made a basis of any agreement, then the Mussalmans will have little to fear regarding future alteration of the present decisions. In that case their rights will be adequately protected. Thereafter if the safeguards are found superfluous, it will not be difficult to amend the laws, because it will be the Hindus, and not the Muslims, who will benefit by such amendment, and the Hindus will not therefore oppose such change.

CHAPTER V.

Do Minorities Need Special Laws ?

THIS question has long engaged public attention. We have instances of such protective laws under the Roman Empire for the benefit of the Jews—provisionally for a few years; and under Islamic rule from the very outset for the benefit of the non-Muslims. After the conquest of Constantinople, Muhammad II enacted special laws for the protection of Christian subjects, most of which remained in vogue until February, 1926, when the Turkish Government replaced Islamic Laws by the Swiss Civil Code, in their country. But the question of minorities was recognised as an international problem for the first time in 1814 when the Congress of Vienna established the new Government of the United Netherlands. As there existed in this country two different languages and two different religions, a document was drafted in the interest of minorities known in history as the “*Eight Articles.*”

Article, 2, was to the effect that “there shall be no change in the articles of the Fundamental Law which assure to all religious cults equal protection and privileges, and guarantee the admissibility of all citizens, whatever be their religious creed, to public offices and dignities.” (*The Protection of Minorities*, p. 36).

Article 4—“All the inhabitants of the Netherlands thus having equal claim to all commercial and other rights of which their circumstances allow without any hindrance or obstruction being imposed on any to the profits of others.” (*Ibid.* p. 30). In as much as up to

that time the diversity of religions was considered to be the sole cause of conflicts, the reference in the treaty is confined to religion only. Later on, it appeared that majorities in order to crush minorities could invent other means also. For instance, in the Netherlands the destruction of the minority was attempted by the suppression of its tongue. Accordingly, in 1830 at the time of the establishment of the kingdom of Greece; in 1853 at the time of the separation of the Ionian islands; in 1856 at the time of separation of Rumania; and in 1878 at the Congress of Berlin, regarding Servia, Montenegro, and Bulgaria, the need for the protection of minorities was recognised and laws were formulated to safeguard their interests.

After the Great War when fresh changes took place in Europe, special undertakings were obtained from Poland, Lithuania, Latvia, Estonia, Austria, Hungary, Rumania, Czechoslovakia, and Jugoslavia. Every effort was made in these treaties to safeguard the rights of the minorities from encroachment by the majorities.

From the facts narrated above, it is clear that the question of protection of minorities has for centuries past engaged public attention, and nations all over the world have acknowledged its importance. At present it is universally admitted that minorities, particularly important minorities, require special safeguards. The only difference of views on the subject, that now prevails, is that some nations contend that in their country there is no conflict between the majorities and the minorities, and that therefore no discriminatory laws should be introduced there, while others urge that when such laws have been introduced in their countries, they must be adopted by all nations. In this connection, the following observations of Miss L. P. Mair may be read with interest:—

“ But President Wilson did not answer the claim that the same obligations should be imposed on all States which possess minorities. That still remains unanswered and the inequality that which results from the Treaties is resented far more strongly than the interference with domestic affairs which their provisions involve.” (*Ibid.* p. 35).

Among those countries to which new minorities have been added after the war, one is Italy. No undertaking has been taken from this country regarding minorities. But the plight of minorities there is enough to indicate the importance of the need for their protection. (The case may well serve as an object lesson to the Mussalmans to see what is likely to be their end in case they agree to a settlement with their Hindu compatriots without adequately safeguarding their own interests.) In the newly ceded Italian territory there are parts inhabited by Germans, and parts inhabited by Serbs and Croats. How Italy, a country far more advanced than India, has treated those people will be clear from an interview given by Signor Mussolini to a French journalist in February, 1926. Miss Mair writes this as under:—

“ When I visited the South Tyrol, (Austrian territory which Italy has obtained now wherein German population predominates), I noticed that everything there was German:—Church, Schools, public functionaries, railway and post officials. Every where nothing but the German language was heard and people sang songs such as in Rome would have caused their immediate arrest. Now in all the schools of this Province the teaching of the Italian language is obligatory, all post and railway officials are Italians, and we are just now about to settle there a large number of Italian families. One thousand families of ex-combatants will be sent to South Tyrol with a view to

promoting the amelioration of the soil. In this way we shall succeed in Italianising the country." (*Ibid.* p. 209).

The detail of this Italianisation is as follows :—

" All laws and regulations are published in Italian only. The decree of October 15, 1925, making Italian compulsory in the Courts effectively deprives the minorities of all rights at law. This decree forbids the use of any language other than Italian in all civil and criminal procedure, written and oral. Persons who cannot understand Italian cannot be empanelled. All documents, evidence, etc., in other languages than Italian are null and void." (*Ibid.* pp. 212, 213 & 214).

After enumerating these facts the able authoress of "*The Protection of Minorities*" observes :—

" Only the existence of the Treaties * * * has protected other minorities from a similar fate. This illustration of what rampant nationalism can do shows how essential the treaties were and how mistaken it was to make an exception in deference to the " Sovereignty of Italy."

I have nothing to add to the above quotations. The necessity for protecting minorities has been universally recognised. Their plight in Italy where the question of their protection was not taken into consideration is a grim warning to other countries. It now lies with the Mussalmans to benefit by these lessons.

NEHRU COMMITTEE RECOMMENDS NO PROTECTIVE LAW FOR MUSLIMS.

When I have explained at length the position, it is needless to refute the suggestions made by the Nehru Committee. But as details may help to make it still

clearer I think it desirable to point out that the Nehru Committee has supported the Congress and the Mahasabha view that when equitable laws will be formulated, the minorities will not stand in the fear of harm at the hands of majorities, and there shall be no need to afford them special protection. The argument has all along been advanced by the Hindu community, and even in the Nehru-Report the same may be read between the lines. In fact, the Report has advanced a queer new argument. It says :—“ If communal protection was necessary for any group in India it was not for two major communities, the Hindus and the Moslems. It might have been necessary for the small communities which together form 10% of the total.” (*Nehru-Report*, p. 28).

Thus according to the Nehru Committee, minorities as a rule require no protective laws. If such laws are necessary, they are necessary for very small communities, and not for the Mussalmans. I am unable to follow the logic of this argument. The finding appears to me to be wholly contrary to reason. It may be held to be correct only if we assume the correctness of the following propositions which is far from being the case :—

- (i) Between the large minority and the majority there are chances of friction less than those between the small minorities and the majority.
- (ii) Uniform laws always lead to due administration of justice.

On my part I am not prepared to accept the correctness of either of the two propositions, and I do not think any wise man will accept them to be correct. The first of the two propositions is incorrect, because the fact, that brings a majority and a minority into conflict, is not the difference of their numbers, but the presence of some

such causes as create in the two parties mutual rivalry and animosity, and when such causes are present it is immaterial whether the minority is big or small, the majority tries to bring it to grief.

CAUSES OF FRICTION BETWEEN MAJORITIES AND MINORITIES.

Of the different causes that make for a clash between minorities and majorities, the following are the most potent :—

(1) In case the minority had held its sway over the majority in the near past and oppressed it, or created an impression in the mind of the majority that it had been so oppressed; in both these cases the majority is obsessed with the idea of avenging itself.

(2) If the minority has a culture and social order which is superior to and predominant over that of the majority, then the majority feels impelled to destroy the minority because of its constant fear that, given the opportunity to progress the, minority will obliterate its own culture and social order.

(3) When there is something peculiar in the minority which prevents it from being absorbed in the majority, the latter feels ill at ease over the prospect of the country being always divided into two parties with no hope of the minority merging in the majority, nor even of its being so reconciled to the majority that its distinctive features might disappear and there might be at least an outward appearance of unity.

(4) When a minority has such potentialities as to make the majority apprehensive that, if not curbed, the minority will one day become the majority.

(5) When the minority does not consider itself to belong to the country and has its eyes fixed upon its brethren beyond the country, then the majority feels apprehensive lest the minority should some day deal with it treacherously, and therefore it tries to suppress it.

(6) When the majority is benefitted materially by the economic backwardness of the minority, it is afraid lest it should lose by an awakening among the minority.

These are the six important causes, the existence of some or all of which makes the majorities resort to a policy of aggression against the minorities, and the minorities distrustful of the majorities. A consideration of these factors will lead every sensible man to the conclusion that there is no reason why bigger minorities should be less in danger than smaller ones. On the contrary, it is apparent that whether the minority be big or small, it will be equally in danger whenever there are present the above-mentioned conditions. In fact, a very small minority which forms only one or two per cent. of the entire population, or less, has practically nothing to fear, because the majority is fully confident that its position is in no danger. It is therefore that the Christians, the Buddhists, and the Parsees, who together form only one-tenth of the whole population, are in no danger at all. If there is any class that is in a real danger, it is the Mussalmans, regarding whom the Hindus might feel apprehensive that they might one day increase and overwhelm them.

PROTECTION OF MINORITIES IN EUROPE.

In other countries too we find no discriminative procedures adopted between big and small minorities. In Europe, for instance, in dealing with the protection of

minorities no differentiation was made between big and small minorities. In Poland, for example, where the minorities exceed 28% of the population, their rights have been protected. In Czechoslovakia, the Germans alone number about 25% of the total inhabitants. In their case too, safeguards have been provided. To say that only small minorities require to be protected is therefore not only unwise but also contrary to a practice universally observed. I am, therefore, surprised to see the Nehru Committee boldly putting forward a theory, opposed alike to sense and precedent.

In this connection, I cannot help remarking that to the powerful anything might suffice for an argument. For it is strange that here we find in India the major community viz., the Hindus, trying in the Nehru-Report to persuade us to the doctrine that only small minorities and not large ones stand in need of protective laws. The Report says:—"It (protection) might have been necessary for the small communities which together form 10% of the total." (P. 28).

On the other hand, we find the Government of Estonia, a small State formed out of the old Russian Empire, where the minorities form only 10% of the population, in reply to the demand of the League of Nations that some legislative measure should be introduced to ensure the protection of minorities' rights, observes that "the minority in their country is numerically so small that no need is felt for the protection of its rights." (*Vide, The Protection of Minorities, p. 114*). It is paradoxical indeed that while the Indian majority should be unwilling to accede to the Muslim demand for protective laws on the ground that they are not so small in number as to require any protection, and that such a demand can be entertain-

ed only on behalf of a minority numbering, say 10% of the total, the majority in Esthunia should plead that the minorities in their country are too few to need any protection, being 10% only. One fact, however, is apparent in both cases. The motive is the same. That irrespective of the minorities being small or large, the majority is unwilling to concede to them their rights, and is bent upon their destruction on some pretext or others.

MERE UNIFORMITY OF LAWS IS NO SUFFICIENT
SAFEGUARD FOR MINORITIES.

Having proved the falsity of the doctrine that the need for protection depends upon the size of the minority, I now turn to the other proposition, namely, that the mere enactment of uniform laws ensures the due administration of justice. I have used the word 'uniform' to signify both justice and equality. The two possible significances of the proposition are that—

(1) when the same laws apply to all, justice becomes established, and there is no occasion for anyone to grumble, and

(2) when both parties are treated on a basis of equality, and the laws are such as give due consideration to the need of both parties, then also there is nothing to complain about.

To my mind the doctrine is fallacious in both of its interpretations. For, it is wrong that the formulation of one and the same law for all communities gives no occasion for grievances because it leads to the establishment of justice. Nor is it right to assert that when laws are framed in fairness with a view to secure the respective rights of different communities according to their needs, their rights are safeguarded, and there

remains no further grievance. The first argument, that when one and the same law applies to a whole country, nobody should have occasion to complain because justice demands that all should be treated equitably, is erroneous, because in the first place men happen to differ from one another in their conditions. As such, the effect of the laws is not the same in all cases. Some they affect more than others. When, therefore, a particular law affects a certain community most, and does not either affect another at all or affects it nominally, such a law cannot be said to be equitable. For instance, if a law prohibiting cow-slaughter were enacted for the whole of India as is even now being done by certain municipalities, will it be held equitable merely for its being applicable to the Hindus and the Muslims alike? Not at all. Such a law will be judged not by the fact that it applies equally to all communities, but it will have to be seen which community does it affect adversely. As a people the Hindus are opposed to cow-slaughter, it is evident that even if the law applies equally to both the Hindus and the Muslims, the latter alone stand to suffer. To take another example: if the Government of the Punjab were to pass a law declaring that all lands should be Government property, or if such a law were passed in Sindh, then the consequent loss to the Hindus will be only slight compared to the loss suffered by the Muslim community. Similarly, if heavy taxes were imposed upon trade with the ultimate intention of destroying it, no one will say that the tax will affect the Muslim community equally with the Hindus. Every intelligent man will understand that the tax is intended to hit the Hindus. It is thus a mistake to think that the enactment of uniform laws will dispose of all complaints. If victuals, suitable for adults alone were provided in a house where there are both children and adults, it will certainly not be justice. Similarly, if a

child were forced to move in a crowd of men in a fair, it would never be right. In order to ensure fairness and justice, conditions must be made suitable to the strength of the child. To give him justice he should be carried on the shoulder, and given diet suitable to his age.

Having now proved that uniform laws do not necessarily lead to justice, and that very often they actually defeat the ends of justice, I would now proceed to show that such a contingency is not merely imaginary, but that in the world we have actual instances of men trying to injure particular communities by the enactment of ostensibly equal laws. For instance, the enactment of the East African Immigration Laws created quite a stir in India, when it was urged that though the law was ostensibly meant to apply uniformly to all, it was actually intended to harm the Indians. Similarly, when the new Government of Czechoslovakia legislated that landed property of any individual owner exceeding 500 acres should be confiscated and should change hands, it appeared on the surface to be an equitable law, but it really aimed at the ejection of the pre-war big German property owners. The Czecks themselves were mostly factory owners, and therefore there was little danger of any loss to them arising from the new law. The Germans raised a loud protest but their protest fell on deaf ears. The Government contended that the law was just inasmuch as it affected the Germans and the non-Germans alike. (*Vide the Protection of Minorities, p. 120*). Similar action was taken by the Rumanian Government in Transylvania where the Magayrs were in possession of the land. (*Vide, Ibid p. 144*).

Thus, it is clear from historical examples also that ostensibly uniform laws have often a definite purpose behind them,—that of harming a particular community or

preventing it from enjoying its legitimate rights. The authoress of "*The Protection of Minorities*" also shares the same view. She writes:—

"The ill-treatments of minorities may range from the crude forms of massacre and mass expulsion to more refined methods, of which the most popular is the restriction of the free use of the mother tongue. Education, laws and regulations for the administration of justice are the most obvious means to this end." (*Ibid.* p. 29).

From the above it is abundantly clear that in our times majorities oppress the minorities through the refined process of enacting laws, which are ostensibly uniform, but which result in the annihilation of a particular community.

It is thus clear that in framing a constitution for India it is not sufficient to see that the laws are the same for the Hindus and the Muslims, but what is important is to know how the laws will affect each of the two communities. If it is proved that laws ostensibly uniform are actually disastrous to the Moslems by either directly injuring their interests, or preventing them from enjoying their legitimate rights, then it will be necessary by all means to alter the same.

The other aspect of this question is that if laws are framed with a view to satisfy the needs of different parties, would that not suffice to meet the ends of justice? My answer to this question also is the same, an emphatic no. No nation can be safe by the mere passing of equitable laws, rather it needs two more necessary conditions; namely:—

(1) That adequate provision shall be made to see that the law in question is administered according to its spirit. Most excellent laws are but dead letters when

they are not enforced according to the intentions of the framers. A physician may have in stock any amount of quinine pills but the whole lot is of no use if it is not administered to the patients. A law in itself is absolutely nothing; it is essential that a good law should also be enforced in the right spirit. Its result depends upon its proper enforcement. Even if the rights of minorities are protected by means of legislative action, but a proper enforcement of such a legislation is not provided for, there is no prospect of peace for the minorities. The League of Nations, in dealing with the question of protection for minorities, has also admitted that law alone is hardly worth while unless its operation in the manner intended can be properly watched. As an example, there is the case of Esthonia. When the League demanded an evidence of its treatment of the minorities, the Esthonian Government at first refused to produce such evidence and contended that the League was entitled to interfere only in the case of an infringement of the laws for the protection of the minorities. In his note on the reply of the Esthonian Government, the representative of the League, who was appointed to deal with the case, observed that the views of the Esthonian Government, if accepted, "would give the Council no power" to interfere with their actions until they proceeded to modify the constitution affecting the Minority. But if, without making any such change, the Esthonian Government continued to oppress the minorities, there would be no remedy open to the League. (*Vide, Official Journal of the League of Nations, for November, 1922.*) The League supported the views expressed by its agent, and rejected Esthonia's reply with the remark that it did not ensure the safety of the minorities.

The incident shows that all reasonable people the world over are agreed that the mere justness of a parti-

cular law does not constitute a sufficient guarantee; it is equally important that provision should be made for its due enforcement. The Rajpal case* is of recent occurrence. All the newspapers that are now united in their support of the Nehru-Report, agreed that the object of the law in this case had been defeated. The same door is open still; and it is essential that it should be closed.

(2) The second essential is that the law in question should be made safe against future alteration for the obvious reason, that it is quite easy for a majority at first to frame laws desired by a minority in order to win their confidence, and later on to repeal the same when Self-Government has been attained; for, those who can make a law can also unmake it.

In the new States, that were formed in Europe after the war, a two-fold provision has been made to protect the rights of minorities. Firstly, that the laws shall be properly enforced, and secondly, that the laws shall remain inviolate. To secure the first end, the League of Nations has been empowered to hear appeals of cases relating to minorities. In the event of the minorities making any complaint to the League, it is empowered to appoint a commission to investigate the truth of the allegations. Further, the minorities have been given an effective share in the Government in order to enable them to watch their own interests. In Czechoslovakia, for example, Rothunians who come of the Russian stock and possess their own culture, tongue and religion, have been granted full administrative powers in their own part of the country, though they are no doubt subject to the

*This is a well-known case in the Lahore High Court in which Rajpal, the author of a scurrilous tract on the life of the Prophet of Islam, was acquitted on the ground that there was no provision in law to deal with such offences.

Czechoslovakian Government in the matters of general laws and foreign policy. This arrangement has been made in a predominantly Rothunian province. In other parts, however, where they are nowhere in a majority their privileges have been protected in other ways. In order that their national tongue, religion, and civilisation might be adequately protected, it has been provided by means of statutory laws that Government shall give grants-in-aid to their national committees to run their own schools and religious societies. Secondly, it has been arranged for the minorities to reserve Government appointments in proportion to their numerical strength, and thus a reasonable proportion of the minorities is always to be found in the Government offices, who always take care to see that their communal rights are nowhere ignored. Provisions have also been made to ensure that the laws shall remain inviolate. It has been stipulated that no Government shall alter, or annul laws pertaining to minorities without the consent of the League of Nations. Under these conditions, no Government even if its majority should wish to change the laws, finds itself competent to do so in view of its constitution, and international obligations; and in case it tries by force to break those laws, the other powers are there to see that it does not do so. (*Vide, the Protection of Minorities*).

NO PROTECTION OF MINORITIES IN THE NEHRU-REPORT.

In contrast to the above, strangely enough, the Nehru Committee makes no suggestion with regards to the protection of minorities. The Nehru-Report does not recommend an autonomous Muslim Government in predominantly Muslim provinces similar to that granted to the Russians in Rothunia, nor in areas where Muslims are in minority has it been provided that it shall be left to their

own committees to solve their educational, religious and cultural problems, nor even has it been guaranteed that a re-distribution of provinces shall not take place in such a way as to adversely affect the majority position of the Muslims in any of the provinces. Again, nowhere has assurance been given that the few Muslim demands, that have been partially accepted now, shall remain intact even in the future. It has been laid down that "Parliament may, by law, repeal, or alter any of the provisions of the constitution. Provided that the bill embodying such repeal or alteration shall be passed by both Houses of Parliament sitting together and at the third reading shall be agreed to by not less than two-thirds of the total number of the members of both Houses." (*Vide Nehru-Report. p. 123*); while in the same law it has been recommended that Muslims should get only one-fourth of the seats in the Central Legislature (*Ibid. p. 54*).

Under these conditions even if no Muslim vote were to go over to the Hindus, and in addition even if five or six per cent. of the Hindu members were to pitch themselves against their co-religionists, even then, the Hindus can at any time withhold the rights that they are now conceding to the Mussalmans; and it is in no way impossible for the Hindus to command two-thirds of the total votes. According to the Report, only $66\frac{3}{4}$ per cent. votes are required to effect a change in the constitutional law, and the Hindus are proposed to have 75% of the seats. Will it then be difficult for the Hindus to effect a change in the constitution at any time they like, and leave the Muslims disillusioned?

I think it has now been made abundantly clear that it makes no difference whether a majority is big or small, if there is a danger to its rights being infringed then there is always the need for protective measures. And I have

also explained the causes which lead a majority to oppress a minority. I have also shown that mere laws are not enough. Two other conditions are essential. First to ensure that the laws should be properly enforced, and one of the means to this end is that, in areas where the minorities preponderate in the population, the Government should be left entirely in their hands, and where they do not so preponderate there they should at least have the right to appeal, and matters affecting their communal life should be left to be dealt with by their communal committees; and in Government appointments they should be represented in proportion to their number. Secondly, it should be provided that the constitutional laws relating to minorities shall not be altered except under conditions which will ensure the consent of the minority concerned to such alteration.

CHAPTER VI.

Muslim Demands and the Nehru-Report.

DETAILED STUDY.

IN the light of my criticism of the Nehru-Report, the politically minded section of the public cannot but agree that the Report is not at all a satisfactory solution of our present problems; nor can the Muslims accept it without vitally endangering their future. But as people at large are not, generally, so well acquainted with, or interested in political matters that they might be expected to apply principles to facts, I consider it necessary to review, in detail, the whole position with regard to Muslim demands and the Nehru-Report.

As already stated, the Muslim demands are, as follows :—

(1) The future Government of India shall be of a federal type, *i.e.*, the Central Government should derive its powers from the provinces, and not the latter from the former. With the exception of those subjects, regarding which, for the purpose of joint administration, the provinces might delegate their powers to a central authority, the residual powers should vest in the provinces.

(2) Reforms shall be extended to the N. W. F. Provinces; and, Sindh and Baluchistan shall be constituted into separate and independent provinces.

(3) All communities shall be allotted seats, in local bodies, according to their respective numerical strength, except in the case of very small minorities who may be given a few extra seats.

(4) In the central legislature, Muslim representation shall in no case be less than what they are entitled to now; in fact, in order to safeguard their interests adequately, it should be increased to one-third of the total number of seats.

(5) Communal electorate system shall continue, that is, every community shall choose its own representatives.

In the event of the afore-mentioned four demands being satisfied, one group from among the Muslims will be prepared to substitute separate electorate by joint electorate system with reservation of seats.

(6) Government shall not interfere with religion, religious propaganda and conversions, and further it shall enact no law relating to religion, social life or culture, as would affect wholly or mainly any particular religious community.

In order to ensure the strict enforcement of the above-mentioned conditions, it has been urged by the Mussalmans that,

(i) each community shall be allotted governmental posts on population basis; and that,

(ii) for introducing changes in the constitution of the Indian Government, it shall be provided that in the matter of the laws pertaining to the rights of minorities and protection thereof, no changes shall be introduced without the consent of the minorities themselves.

From what I have studied of the constitutional law of the Czechoslovakian Republic, where the situation is more or less the same as it is in India, and further, from what I have seen of the Hindu activities during the past few weeks, I have decided to urge a further point, namely, that it should be definitely laid down that the Central Government shall have no power to modify the terri-

terial limits of any province, the decision in such matter resting with the province concerned.

Having enumerated these demands, I now proceed to discuss them severally, to see if they are *legitimate*, and if so, whether they are also *essential*. For, when deciding between rival claims, one has first to see, whether or not, a claim has its basis in right; for, no one is justified, for the sake of his own interest, to force another to forego his right. In the second place, it is equally important to see if the exercise of the right is also necessary; for, it is not easy to decide a claim, unless the extent of damage to the disputing parties, both in the event of its acceptance or rejection, has been properly ascertained. As often as not, a sacrifice may be demanded of one to his disaster, while another person, already master of the position, may be benefitted by it.

THE NEED FOR SPECIAL SAFEGUARDS.

I think it wise to examine, at the very outset, if the conditions in India are such, as necessitate special protective measures for the Moslems, and if their continuance as an isolated minority is a necessity. I believe that it is a fact admitted by every Muslim, that under the present conditions, the community cannot do without special safeguards. I have already stated that, of the many causes which tempt a majority to oppress a minority, there are six main ones. Let us now examine if any of the same exists in our country.

A minority stands vitally in need of protective measures under the following circumstances:—

(i) Where the minority community held sway over the country in the near or remote past, and the majority community believe, or are led to believe, that the minority had been oppressing it

during its regime, it has been often found that the majority community upon its coming into power has invariably tried to settle its old scores, whether real or imaginary, with the minority. Illustrations are not wanting in history. The Buddhists, as past records show, were completely annihilated by the Hindus in India, and so were the Muslims by Christians in Spain. In our own days similar scenes have been repeated in Greece, Servia, Rumania and Bulgaria, where the Turks particularly, and the Muslims generally, have fallen victims to the reprisals of the Christians, merely on the imaginary ground of their past oppression over their fore-fathers. Again, Germans are being harassed in Poland, part of which was for a long time under German domination. For the same reason, the German land-holders are being oppressed also in Czechoslovakia; Magayrs are being maltreated in Rumania; Magayrs and Austrians in Yugoslavia; and Austrians in Italy.

These instances are before us. They warn us that one community does often harass another on account of imaginary or real grievances. We may now see that the same dangerous mentality prevails among the Hindus. To begin with, the Britishers in order to consolidate their own domination had to paint the Muslim Emperors in very dark colours, so that Indians might forget their memories and attach themselves to the British Government; and now, following them, the Hindus with a view to strengthen the bonds of their nationality have, with very few exceptions, most vigorously taken up the work of concocting stories of alleged oppression by Muslim Emperors. They have been trying to instil into the minds of their younger generations, that it was the Muslim conquerors who destroyed the religion, culture, civilisation and intellectual life of the Hindus, and that were it not for them, the Hindus would have been one of the

foremost people of the present time. Most of the Hindus, both men and women, are to-day burning with a spirit of vengeance against the Muslims on account of the imaginary wrongs committed by them. They most sincerely believe, that the Muslims alone were responsible for their national downfall, and are convinced of the justice of rearing the foundation of their national progress upon the Muslims' ruin. The following incident would give an indication of the extent of this dangerous attitude. A relative of mine employed a Hindu lady, there a convert to Christianity, to coach his children. She hailed from remote Mysore and was a highly educated woman. She was so much prejudiced against the Moslems that while teaching history to her pupils whenever she came across the story of any Moslem King she would skip over the pages, and when pressed by the boys, she would curtly say that she knew best which part was to be taught first and which was to be taught last.

The present mentality of most of the Hindus can be best gauged by that of this woman who was a highly educated lady and had been to England several times. Why are they so much wroth against our dead kings? For no other purpose than to awaken their own people. And can the Mussalmans afford to shut their eyes to the dangerous awakening that will result from such mentality? Certainly not. They are quite justified to demand such special measures as will save their national existence from destruction? And no doubt, the responsibility for such a state of things lies in part with the Britishers, although not to the same extent as with the Hindus.

(ii) The second reason which leads a majority to attempt to destroy a minority is cultural and social superiority of the latter, which leads the majority to fear the minority. The present day Hindu-Muslim problem is not

without this aspect. It is needless to investigate the why and wherefore of the existing state of things, but it can hardly be gainsaid that the Muslims do happen to hold a position of real cultural and social superiority in India. There is a total absence of untouchability. A general feeling of social equality does exist among them to an appreciable extent. Also unlike the Hindus, remarriage of widows is more or less still in vogue among them, and they have comparatively few ceremonies to observe on occasions of marriage. In short, the cultural and social systems of the Muslims are based on a radically different standard, and the Hindus are fully conscious of the fact that neither can they destroy the Muslim culture and social system, nor can themselves go ahead with their ancient traditions in the presence of such factors. This is another reason for our apprehension that the Hindus might stand in the way of our free social and cultural development.

(iii) The third reason that serves as an incentive to the majority to oppress a minority is an element of permanency in the latter, *i.e.*, the presence in it of some such quality as prevents it from losing its identity. Under such circumstances the majority, finding it impossible to absorb the minority, finally decides to wipe it out. This factor also does exist in the present situation. Islam enjoys a pre-eminence among the religions, inasmuch as it has laid down for its followers a special line of conduct relating to politics, society, manners and dealings. The Muslims, therefore, unlike the followers of other religions, cannot make any compromise in these matters and absorb themselves in any other culture. As a general rule, when the majority feels sure that there is nothing in the minority to make for its permanance, it cherishes the hope that in course of time the minority will either merge itself in the majority or otherwise lose its identity, *i.e.*, will aban-

don some of its own peculiarities, and adopt some of the ways and customs of the majority, as it was the case with the ancient invaders of India. They accepted some of the deities of the Hindus, and the Hindus in turn bowed down before some of theirs. Similarly these invaders of ancient India themselves adopted a most destructive feature of the Hindu social system, viz., they entered the fold of one or other of the four castes. The Muslims, however, cannot do so, so long as Islam lives among them, and the Hindus know full well that so long as Islam flourishes in India, there is no chance of the Muslims becoming a prey to the influence of Hindu civilisation and culture. And hence the campaign either to oust the Muslim population from India or to convert them to Hinduism.

(iv) The fourth reason that tends to make the majority inimical to the minority is the presence in it of such potentialities as go to make it a progressive community, threatening the position of the majority and making it afraid lest the minority should some day be converted into the majority. It, therefore, takes to repressive measures in order to bring about the annihilation of the minority. Such a condition also does exist in India. Islam being a powerful missionary religion, it has been making spiritual conquests even during the days of its decline. The last few censuses bear testimony to the fact that Islam has been gaining in numbers not only by birth but also by conversion. It can, therefore, be easily realised that the Hindus cannot suffer this state of affairs to continue unchecked. In the event of the Hindu community coming to power, it will do its best to achieve by force what it could not do by religious propaganda, and no doubt, hundreds of measures could be devised, as would appear ostensibly just but would really aim at stopping conversion to Islam. Hence arises the necessity

for safeguarding the Muslims. It may be argued here, that the party system has always its basis in the mutual opposition of the majority and the minority, and the majority has never been found to destroy the opposing minority. True, but this is due to the fact that those minorities and majorities are liable to change places. A majority of to-day may be the minority of to-morrow and vice-versa. As a result of this change of positions, there is hardly any room for mutual animosities. In India the conditions are radically different. Our party system is not based on political differences. Its origin is in religious diversity. Among such parties there can be no immediate change of positions. Although it is quite probable that a powerful religion may effectively reduce the majority to a minority and then dominate the country for good.

(v) The fifth reason for a majority to oppress a minority is the latter's attachment towards foreigners. What the majority wishes to see is that all its countrymen should be attached to itself. It cannot brook the sight of any community extending a friendly hand to outsiders. But on account of its peculiar circumstances, a minority is sometimes obliged to keep in touch with foreigners. This makes the majority grow suspicious of its movements, and fear that it might some time harm the majority with the help of the foreigners. In consequence, the majority feels always disposed to weaken the minority. There is no lack of precedents of such events. The Bulgarians were maltreated in Greece on the same grounds, and in our times the Poles in Lithuania and the Lithuanians in Poland have been suffering for the same reason. The same conditions are prevalent also in India. The Indian Muslims, in conformity with their religious traditions, consider the Muslims all over the world as their brethren, and feel most strongly moved by their woes and

sufferings. These brotherly sentiments are reciprocated by the foreign Muslims, and even if they are not in a position to actively help one another, there is no doubt that they feel grieved to learn of their misfortunes. Under the circumstances the majority community in India is sure always to remain suspicious of the Muslims and obstruct their progress. This is not an imaginary fear. Do not the Hindus complain that Muslims do not regard themselves as the sons of the soil! and are inclined to keep relations with foreigners? The Hindus may not be asking it in so many words, but the question, no doubt, arises in their minds—what will be the attitude of the Indian Muslims in the event of a war between India and Afghanistan, Persia or Arabia? Will they not support their brethren across the border? If they do, then certainly there will always be present an element of weakness in the Government of India. God alone knows, what the Muslims will do if such a contingency arises; but the suspicion which has more than once found expression from the Hindu leaders will, no doubt, continue to obsess the Hindu minds, and they will naturally think it to be a service to the motherland to hamper the progress of the Mussalmans. I am at one with my Hindu compatriot in the opinion that the development of patriotic sentiments within limits of justice and reason is essential for the purpose of Self-Government. But at the same time, I cannot understand how the Muslims could suppress their broader sentiments of affectionate attachment towards the Muslims all over the world. They have acquired this mentality through centuries, and it has practically become their second nature. Nor should it be overlooked that I have qualified the sentiment of patriotism by *justice and reason*. If, in near or remote future, India resolves to hoist the flag of 'Om' on the Holy Kaba, as the Arya leaders have already declared it to

be their aim, the Muslims shall most undoubtedly not sacrifice their higher obligations to patriotic considerations.

(vi) The sixth cause of this suppression of a minority lies in the exploitation by the majority of the economic backwardness of the minority. The majority under such circumstances is naturally afraid of losing its advantages in the event of an awakening among the minority community. It is anxious, therefore, to keep the minority backward. This factor also does no doubt exist now in India. Just as most of the wealth of Europe is due to the backwardness of Asia, so is most of the wealth of the Hindus due, directly or indirectly, to the backwardness of the Muslims. The Muslims are not traders, the Hindus, therefore, monopolise all the advantages of trade. Muslims are not factory-owners, as a result, the whole profit of industry is being enjoyed by the Hindus. Muslims are few in the higher professions, for example, law, medicine and engineering. Therefore, the Hindus are reaping the whole benefit of these professions. Muslims are neither financiers nor bankers. The banks, therefore, add only to the Hindu wealth. There are few Muslim contractors, the profit of this business also, therefore, goes to the Hindus. Muslims are backward in education. As a result, the Government posts mostly go to the Hindus, and they alone derive most of the advantages of the Universities. In short, in every economic field, Muslims are lagging behind, and the result is that Hindus are growing richer at their expense. The Hindus are, therefore, aware that an awakening among the Muslims will mean loss to them as a portion of the country's wealth will then be appropriated by the Mussalmans. Under the circumstances, it is foolish to think that the Hindus will willingly and gladly allow the Muslims to go ahead. Would the Muslims give away their property to

the Hindus? If they would not, can they expect the Hindus to give up their property to the Muslims? When matters stand like this, it may be feared, and rightly feared, that the Hindus in the event of coming to power, will make every effort to perpetuate the backwardness of the Muslims. It is, therefore, indispensable that the Moslems should, from the very beginning, adopt such precautionary measures as may effectively prevent the Hindus from fulfilling their design, and may keep the avenues of work and progress open to the Muslims.

Certain people, either foolishly or in order to lull the Muslims to a sense of false security, argue that there are innumerable lines of progress before the country, and therefore the ways for the Muslims' progress are not barred. This is sheer nonsense. There are innumerable ways of progress before the world, but is it not a fact that European interests are obstructing the development of Indian industries? When the English industrialists, thousands of miles remote from India, cannot view with equanimity the industrial development of India, fearing lest it should affect their interests adversely,—will the Hindu traders living in India suffer to see their Muslim compatriots going ahead in the commercial field? Can they, again I ask, view with equanimity the replacement in Government offices, of their Hindu brethren by Muslim recruits, who no doubt cannot step in unless vacancies are made in the Hindu ranks? No Government, Indian or non-Indian, will create new posts, merely to accommodate the Mussalmans. Is it not, therefore, important that rules should be made from the beginning in order to secure the rights of the Mussalmans?

From hypothesis, let us now come to facts. A study of the actual situation in India convinces us of the necessity for special measures for the protection of Muslim rights. I do not think any Mussalman will deny the fact

that the Hindu-Muslim relations are not to-day what they ought to be, and also that communal prejudices have been influencing both the parties. Take up, for an instance, Government employment. It is a veritable Hindu monopoly throughout, to the prejudice of the rights of the Muslims. A Muslim, who somehow or other manages to enter an office, finds his Hindu colleagues bent upon his removal. Recently, a Muslim member of the Bengal Legislative Council, put it very nicely that he wondered why a Muslim grows incompetent as soon as he is placed under a Hindu officer, while he grows efficient if placed under an Englishman. We have hundreds of such instances also in the Punjab of capable Muslims, whose sterling worth had been recognised by English officers, suddenly turning grossly incompetent as soon as placed under Hindu seniors. Some Hindus explain it away by saying that these are the tactics of Englishmen to keep the two communities hostile to each other. This does not, however, appeal to me. The point that has to be considered is whether the Hindus or the Englishmen stand to benefit by these so-called tactics. If the former are the gainers, then it is foolish to impute motives to the Englishmen. And moreover, does it stand to reason that for this purpose the Englishmen should make only the Hindus their tools and never persuade the Muslims to run down the Hindu subordinates and expel them from offices? Yet a third point is that, none of the many Government officials who subsequently became national leaders, ever admitted that he had ever been asked to run down his Muslim subordinates and to patronise the Hindus. The communal prejudice has outgrown all proportions and there are facts in my possession to show how Hindu officers have openly asked their Muslim subordinates whether they would tender their resignations voluntarily

or await the institution of cases against them. Unfortunately I have no remedy to suggest for such cases.

Similar conditions prevail in the Education Department. The doors of education are being shut against the Muslims. They are freely plucked in the examinations. Heads of certain departments openly tell the Muslim candidates that they will not let them pass and will cut them down in the viva-voce. A Government scholar on reaching the final stage finds his career completely ruined. Hindus do not make purchases from Muslim shops, while untouchability in the matter of food and drink is too well-known to need repetition. It is little use glibly calling each other brethren on the platforms. Just witness the plight of those labouring Muslim millions whose homes echo the cry of want. The Hindu Baniyas have been sucking the blood of the Muslim peasant. Though the Hindu cultivators are also sharing the same fate still the ultimate result of the system being the annihilation of the Mussalmans, the Hindus oppose any legislation for the prevention of such a state of things. They allow the Hindu cultivators to suffer with the Mussalmans in the hope that they will be able ultimately to redress the condition of the Hindus. Muslim papers with far larger circulation than Hindu papers do not receive Government advertisements, while inferior Hindu papers are full of court notices which, in fact, are the chief source of their income. Questions relating to Muslim interest are denied attention in the Councils, while everything pertaining to Hindu interests is pressed forward. A telegram to-day brings the news that the question of separation of Sindh was not even allowed to be put before the Bombay Council. In view of these circumstances, can any one make bold to say that the Muslims do not require measures of protection, and again, any Mussalman in his

senses, afford to leave Muslim rights undefined and without reliable guarantees? Any body so doing, will be execrated by the posterity and will appear before his Lord as a criminal.

CHAPTER VII.

Demand for a Federal Government.

DETAILED STUDY—(*Continued*).

I HAVE already stated, the Muslims demand a federal type of Government for India, with fully autonomous provinces; only such powers being delegated to the Central Government as the Provincial Governments may deem essential for good government. Subjects not mentioned in the constitutional laws, shall be deemed as vested in the provinces, which, in cases of exigencies, may, under special regulations, transfer any subject to the Central Body. The Central Government shall have no power to interfere with the internal affairs of the provinces. So far as I can see, the Muslims in a body support this demand. At any rate, both the sections of the League do. The Nehru Committee has, however, turned down the proposal altogether, and, instead of a federal Government, proposed a unitary type of Government. In other words, under the proposed constitution, the central parliament is the supreme governing body which transfers certain powers to provinces.

Under the first system, the one sponsored by the Muslim League, the Central Government cannot interfere with the internal affairs of the Provincial Governments, nor can it deprive them of any privilege, nor is it, in the event of any new work arising, entitled to undertake the same; the Provincial Governments alone having the right to undertake it, or to transfer it to the Central Government, according to the rules framed for the purpose, by the majority in the Provincial Council. On the other hand, according to the system sponsored by the Nehru

Committee, the Central Government is the supreme authority, with full power to interfere in the internal affairs of provinces, to deprive them of any privileges whenever it chooses to do so, or, to alter the very form of the provincial governments. It can, if it likes, curtail the powers of the Provincial Governments and extend its own. Rights to every new work will belong to the Central Government, which will be competent to transfer it to the Provinces or to retain it by itself.

Let us now examine the effects of these two proposals upon Hindu-Muslim relation. Muslim population in India is about 25% of the whole, and however generously they may be treated, they are sure to remain a very small minority in the Central Government. The Nehru Committee proposes to grant them only 25% of the seats in the Legislature. There will thus be 3 Hindus to 1 Moslem in the Central Parliament. The Muslim League demands a minimum of one-third of the seats for the Muslims. In this case, there will be 2 Hindus to 1 Muslim in the Central Body. In either case it is evident that the Muslim minority can do nothing against the Hindu majority. The Central Government will, therefore, necessarily be dominated by the Hindus. Under the circumstances, with an omnipotent Central Government and the provinces reduced to mere agencies, the only possible result will be that the Government will be run by the Hindus; and even if a few provinces are constituted as predominantly Muslim, it will be in the power of the Hindus to regulate the Government according to their sweet will. The Nehru Committee has thus obviously paralysed the Muslims by rejecting the federal form of Government for India, according to which all provinces stand as equal partners. Even if all the other demands of the Muslims were entertained, but for this alone they will have no voice in the

Government of the country. For further elucidation, let us assume that all other Muslim demands have been acceded to. Let us examine how things will stand under the form of Government proposed by the Nehru Committee.

According to the Muslim demands, of the provinces, Bengal, the Punjab, Sindh, Baluchistan and the N. W. F. Provinces shall be predominantly Muslim, while the U. P., Behar, Bombay, Madras, the Central Province and Assam shall be predominantly Hindu. According to the Nehru Committee's recommendation, the provinces in spite of certain powers and privileges, shall be mere agents of the Central Government, where the Hindu element will preponderate. Under such conditions, it may easily be seen that, there will be nothing to prevent the Hindus from having their way in all matters. For example, the Punjab and Bengal Governments might resolve to give to the Muslims their due share in the University or decide to increase their representation in the services in proportion to their population and thereupon the Central Government might step in and say that the measures were communal in their nature and must not be proceeded with. The two Provincial Governments might refuse to be bullied, and then, as a result, the Central Government might move a bill proposing to deprive the two provinces of certain privileges or to alter their constitution; for, according to it they would have proved themselves unfit to govern. What will then the position of the Muslims be? It is useless to ask why such a contingency should arise. Does not the Government even now supersede Municipalities for some alleged mistakes? With the Central Government as the supreme authority, the provinces would be reduced to the position of mere Municipalities. Whatever powers might be delegated to them, they would be nothing more than agents,

and as such liable to be deprived of their powers by the Central Government—their real master. What then will be left to the Muslims?

FATE OF MUSLIM MAJORITY IN BENGAL AND THE PUNJAB.

Further, according to the Nehru Constitution, the Central Government shall have the power to modify the territorial limits of the provinces. The Punjab and Bengal are at present predominantly Muslim provinces. If the Central Government resolves upon a territorial redistribution of the provinces and incorporate Assam to Bengal, or separate the Oriya districts from Bihar and incorporate them to Bengal (on the plea that Oriyas being a small community cannot have a separate province of their own, and it is, therefore, decided that they should all be brought together under Bengal), the Mussalmans will be left helpless, and by this one single change apparently non-communal, the Muslim majority in Bengal would be reduced to a minority, and all the privileges which the Muslims would have secured, would naturally go over to the Hindus. Similarly changes might be wrought in the Punjab. The U. P. is a very large province with a population almost double that of the Punjab. The people of the districts of the Mianwali, the Rawalpindi and Allock, are more akin to the Afghans than to the people of the other districts of the Punjab in their social life and customs, and similarly Dera Gazikhan has close affinity with Baluchistan. Now, if the Central Government, at any future time, should decide that those districts of the Punjab, which have affinity with the Afghans, should be annexed to the Frontier Provinces, and the district of Dera Gazikhan to Baluchistan, say, what would then be left of the Muslim majority in the province? And further, if the same Government were to direct that the districts of

Meerut, Muzaffernagar, Ambala and Delhi should be annexed to the Punjab, would not the Moslem majority in the province be at once converted into a minority? And with the Muslim majority in these two Muslim provinces completely destroyed, what chance will be left for the fruition of all the hopes of free progress entertained by the Muslims?

Similarly according to the constitution proposed by the Nehru-Report there are many other avenues open for the Central Government either to completely abolish the Muslim provinces of the Punjab and Bengal or to make the Hindus predominant in them. But under the federal form of Government demanded by the Muslims, such eventualities will be altogether impossible, because under a federal system of Government, the provinces will be the real masters and the Central Government will have only delegated authority with power to interfere only in matters transferred to its control by the provinces themselves. As such, it shall have no power to tamper with the territorial limits of any province without its consent, nor to deprive it of any of its powers on the allegation of mis-government.

It cannot be urged here that, when the Central Government is the supreme head alike of the Hindu provinces and the Muslim provinces, what reason have the Muslims for complaint? For, the simple reason is that Hindu-Muslim relations are not cordial, nor is there any likelihood of their improvement in the near future. And even if the mutual relations should show some improvement, the change under the existing conditions can hardly be depended upon, as the history of the last fifteen years shows that they undergo changes several times a year. Further, it is a strange irony of fate that the Muslims are always the losing party, whether their rela-

tions are cordial or strained. It is therefore, natural, that Muslims should be apprehensive of the Central Government and not the Hindus. The Muslims of the Punjab may well fear that the Hindu Central Government might convert the province into a Hindu province, but there is no ground for the Hindus of the U. P. to be afraid of a Central Government in which Hindu element preponderates. To argue, therefore, that the system would affect all uniformly is mere deception.

Neither can it be urged that, in the event of such circumstances arising, the Governor-General of India or the Government of Great Britain will interfere, for the simple reason that the men, who are not prepared to meet the reasonable demands of the Muslims to-day, can hardly be expected to do so in future. Besides, can we afford to leave such an important issue for the Governor-General alone to decide? If we have so much trust in the judgment of a foreigner, what justification is there for this great indignation against the Simon Commission which consists not of one but of seven persons, whereas in future, the Governor-General will be single to decide the issue. It should also be borne in mind in this connection, that under a constitutional Government, the Governor-General will be no more than a mere figure-head.

It may be urged that, in order to dispel the fears of the Mussalmans and to make their position secure, provision may be made in the constitution, that the Central Government shall have no power to interfere with the provincial Governments, nor shall it undertake any territorial redistribution without the consent of the provinces concerned. To this our simple answer is that if the Nehru Committee recommendations be so amended as to remove their defects, we can have little objection to

accept the same. What we contend is that in its present form, the Report is unacceptable to the Muslims. With regard to this particular issue, however, I do not agree that the rights of the Muslims will be secured even by the introduction of the proposed amendments. For even if the proposed amendments are incorporated in the constitution, what guarantee is there that the constitution itself will not be changed in future? When the supreme authority will lie with the Central Government with power to alter the constitution, it will certainly be competent to change these laws in future and arrogate to itself the power to interfere in the affairs of the provinces in case of necessity, and also to alter their territorial limits. Thus so long as the Central Government wields the supreme authority, there will be no real safeguards for Muslim rights. The remedy lies only in vesting the provinces with supreme power.

I wonder how a section of our politicians has sought to magnify the merits of the Nehru-Report, which as it appears to me, has only served unnecessarily to inflame the Muslim opinion by disregarding their rights in some non-essential matters. If the Nehru Committee had simply recommended a Central Government with supreme powers, and then granted to the provinces complete autonomy, and yielded to the Muslim demand for separate electorates, and majority of representation in the Punjab and Bengal, even then the Hindus would not have suffered in the least. For, after the attainment of Dominion Status, they could have easily withdrawn all the privileges of the Muslims whenever they wished to do so. But it seems that a mean spirit of bargaining had swayed them against their better judgment so much so, that they did not feel disposed even by a word of mouth to make any concession to the Muslims. It reminds me of the story of

the Baniya who in good humour used to say to the Afgan Grandee,—“ Well Khan Sahib ! your property is my property and my property, Ha ! Ha ! Ha !.” The Baniya could not even in jest bring himself to say that his property was the Afgan’s property. He therefore broke off with a laugh. Similar has been the case with the Nehru Committee. It could not even in jest offer to the Muslims their just rights. Barring the question of the power of the Central Government, had the Committee conceded to the Muslims all their other demands, then in all likelihood the bulk of the Muslims would have been effectively befooled, and all the efforts of the few intelligent minds among them, who could divine the real purpose, would perhaps have been of no avail to undeceive the Mussalmans.

ADVANTAGES OF FEDERAL GOVERNMENT.

Having exposed the unsoundness of the Nehru Committee’s proposals, I now proceed to describe the form of Government India would have, in the event of the Moslem demand being accepted. The provinces shall form separate autonomous Governments, which, in the best interests of India as a whole and their own, shall as a body delegate to a Central Government certain powers, necessary for the administration of such All-India subjects as All-India national force (the provinces may have forces of their own for local needs), railways, post and telegraphs, customs, foreign affairs, currency, etc. If the Central Government wants to get additional powers or to open any new department of work which was not previously foreseen, it can do so only by the provinces meeting in a conference and deciding in accordance with certain prescribed rules to grant such powers to the Central

Government. Under this arrangement, each province will have the fullest opportunity for development in its own way. The Muslim provinces will have no fear of interference from a Hindu Central Government, and the Hindu provinces will not have their progress retarded. An objection may be raised that under such an arrangement, redress will be impossible in case of oppression of the Muslims in a Hindu province. The answer is plain. In any case the Central Government will be dominated by the Hindus. The Mussalmans can have no hope of redress from such a Government. If the Hindus would be prepared to listen to the complaints of the Mussalmans, then the Government of the province concerned would naturally be the proper body for them to approach. By vesting the real authority in the Central Government, there will be no single province in which the Muslims will have free exercise of power.

Another advantage of this form of free Provincial Governments will be that, it will restrain the Central Government from taking any unjust action. For it will know that the expansion of its powers depends solely on the votes of the Provincial Governments. If it harassed a province where a certain religion preponderated, it would naturally be difficult for it to obtain more powers.

In this connection, it must also be borne in mind that, according to this arrangement, there shall be five Muslim provinces as against eight or nine Hindu provinces, thus securing for the Muslims, rights in excess of their proportion in the population, *i.e.*, more than a third. And as regards the granting of additional powers to the Central Government, it should be provided, as in the case of other Governments, that such extension will depend upon the vote of three-fourths of the provinces. This will make the Muslim position still more effective.

FEDERAL GOVERNMENT NOT DETRIMENTAL
TO ANY COMMUNITY.

After having explained the necessity and the ground of the Muslim demand for federal government, and how without its being conceded, the Muslim rights can never be secure, and also how its rejection by the Nehru Committee amounts to a virtual refusal to protect the Muslim rights, I now proceed to consider the other aspect of the question, viz., the justice of the demand. In order to decide this, we have to consider, firstly, whether the demand involves the infringement of others' rights; and secondly, whether it is detrimental to the progress and development of the country. In the event of the answer to either of these questions being in the affirmative, we shall have to consider whether the advantages accruing to the Muslims outweigh the loss that the acceptance of their demand would entail to the country as a whole, or to any community in particular.

The first point, namely, whether the interests of any other community is likely to suffer, does not arise at all. For under a federal type of Government no community stands to lose. The Hindus, who preponderate in India, shall continue to enjoy such preponderance in the Central Government. As for the provinces, Hindus shall predominate in those provinces where they are in a majority and similarly the Mussalmans in the predominantly Muslim provinces. Thus, under this system, there will be no loss either to the Hindus or to any other community. The acceptance of the Muslim demand will, therefore, lead to no infringement of the rights of any other community. The demand is, in fact, not a prayer for any concession; it is a demand for the mere protection of

their rights. And if the Hindus are not prepared to grant to the Muslims their just rights, which entail no sacrifice on the part of the Hindus, and which are meant merely to afford protection to the minorities, then they should never hope to secure the co-operation of such minorities.

FEDERAL GOVERNMENT NO BAR TO PROGRESS.

As regards the second point that the demand in question may hamper the country's progress, suffice it to say that the federal form of government is not a new experiment in any way. On the contrary, it has been tried long and proved to be the best form of Government. The British Commonwealth of Nations itself is a sort of Federation, in the free working of which, the Central Government does not interfere. The experiment, however, has been made with the best result in the United States of America, where from the beginning the very basis of the constitution was laid on federal lines. This country has had a career of uninterrupted progress and is to-day the wealthiest and foremost power. It is hardly a matter of 25 years, when the British Empire used to build a navy as large as the combined fleets of two major naval powers, but to-day even this vast Empire in the presence of the United States has to recede from the field of competition. Only recently, a Labour leader, in course of a speech declared that, it would be a mad Government that would provoke the United States of America and land itself into difficulty. How can it, therefore, be said, in the face of such a successful experiment, that under a federal system, a government fail to grow in power? This form of Government obtains in South Africa, Australia and Switzerland as well. And although in South Africa and Australia, the British constitution has played an important part in moulding the form of the local governments; and Switzerland, because of the small-

ness of its area, has made certain laws which cannot be operated in bigger countries, the form of government in all these countries is nevertheless on federal lines, and is being successfully worked. Apart from these, there has come into being a new State, namely, that of Czechoslovakia, where a novel experiment is being carried on. The Government of the country as a whole is not on federal basis, but in the province of Ruthenia, the people who were afraid of oppression have been granted a completely autonomous Government with which the Central Government has promised never to interfere. The Mussalmans can have no objection to such an arrangement provided that the Hindus would agree. The five Muslim provinces may then constitute a part of India on a federal basis, with the Hindu provinces under a strong Central Government. In that case also, the Muslims will willingly undertake, on behalf of the representatives of the Muslim provinces, not to interfere in those affairs of other provinces, in respect of which their provinces enjoy full autonomous powers, just as the Ruthenians undertook not to vote in the Central Parliament in those affairs of other provinces, in respect of which the Central Government did not interfere with their own Government. (The Czechoslovakian Government, however, in spite of this undertaking, later on, very generously gave to the Ruthenians, the right to have a say in all affairs of the Central Government).

FORM OF FEDERAL GOVERNMENT IN INDIA.

Though it is hardly the place to discuss the form of federation that might be successfully established in India, yet, since it is possible that the present proposals will be criticised on the ground of absence of such a discussion, I consider it necessary to say that in view of the special circumstances of India, the form of Government

obtaining in the United States of America would be the one best suited to our country. The United States are similar to India, in vastness of size and diversity of races and religions of its population. It may, however, be provided that no province shall have the right to secede from the federation. Also, it may not be necessary, that in the case of India, exactly the same powers should be granted to the Central Government as is the case in the United States. Larger powers may be granted in the case of India. Only, it has to be seen that the powers of the provincial Governments regarding internal administration suffer no demunition.

I believe, I have successfully proved that the question of federation is a question of life and death for the Indian Muslims. I have also made it abundantly clear that in a federal form of government for India, the Hindus will have nothing to lose, and that from a political point of view, there is no harm in accepting such a form of Government. I would now conclude this chapter with this warning to the Moslems that they should bear in mind that of all their demands, this one for a federal government is the most vital. If they secure this, they will have nothing to fear even if their other demands fail to meet with acceptance. But if they fail to secure full acceptance of this demand, their lot is full of misery. God help them.

CHAPTER VIII.

Demand for Three New Muslim Provinces.

DETAILED STUDY—(*Continued*).

THE second demand of the Muslims relates to the formation of three new Muslim provinces, firstly, by extension of the Reforms to the N. W. F. Provinces and Baluchistan, and secondly, by the constitution of Sindh into a separate independent province.

The Nehru Committee recommends extension of the Reforms to the N. W. F. Provinces. Its references to Baluchistan, however, are ambiguous. From some parts of the Report, it appears that the province has been recommended for a separate Government, while elsewhere, where the question of representation has been discussed, no mention has been made of Baluchistan. Whether the omission was unintentional or intentional cannot be ascertained. To forget to mention a whole province is indeed strange on the part of a committee that sat specially to decide grave political issues.

In the matter of Sindh, the Nehru-Report lays down that it shall be constituted into a separate province provided, (i) that its financial condition is such as to enable the province to undertake its burden, or the people undertake to bear the financial charges considered adequate by the Nehru Committee, (ii) that no new difficulty arises which may be found insurmountable, and (iii) that they also hint (though they have tried to conceal it), that the constitution of Sindh into a separate province does not necessarily mean that it shall be a fully independent province. They write :—“ We might add that the separation of an area and the formation of a new province does not neces-

sarily imply a separate economic life. Nor does it mean a duplication of all the organs of government. For instance it is quite possible for one High Court to serve more than one province." (*Nehru-Report*, p. 68.)

As a result of the acceptance of the Muslim demand, the Punjab, Bengal, Sindh, Baluchistan and the N. W. F. Provinces shall form five separate independent provinces. But according to the Nehru-Report, as I will explain later on, the Muslim element at least in Bengal shall be weakened; the N. W. F. Provinces shall get complete independence; regarding Baluchistan the committee is silent, while the independence of Sindh is doubtful, inasmuch as the conditions laid down are such that, I have reasons to suspect that Sindh shall never be made independent, and if it is at all separated, its independence will be merely nominal.

In the first place, the fear of "some insurmountable difficulties," expressed by the committee is in itself a hint to the Hindu agitators to keep quiet for the present inasmuch as the matter lies in the hands of their own kith and kin, who would be able in future to create any amount of "difficulties."

I do not understand this fear of "insurmountable difficulties" in connection with the separation of Sindh, whereas they do not apprehend any such "difficulties" with regard to the separation of Karnatic. And, in fact, throughout their recommendation for future government in India they have nowhere else used such expression. Its use in this particular occasion is, therefore, a clear anticipation of formidable Hindu opposition to the Muslim demand.

An argument of the same type is embodied in the suggestion that, Sindh could be separated provided the country's financial condition permitted such a change.

or the people undertook to bear the burden. Here is another obstacle. For, it is possible that the financial commission deputed to make enquiries might decide that the province is utterly unfit financially for a separate Government. And, if the people volunteered to bear the responsibility, a costly form of Government might be proposed, which it would be beyond their means to carry on. In fact, the Commissioners have already turned down their joint Hindu-Muslim prayer "to cut their coat according to their cloth." (*Ibid.* p. 69.)

From the above, it is clear that every effort will be made to prevent separation of Sindh, and these assurances are a mere eye-wash. Let me not be accused of undue suspicion. As it is not a private affair, but a national settlement, it is of paramount importance to scan and consider every word and phrase. One, who does not do so, is a traitor to his people. Turkey, Arabia, Persia and Egypt have suffered serious losses through their sheer folly of not scrutinising the terms of pacts, and treaties, and it will be really unfortunate if lessons of the past were lost on the Muslims.

The third point, to which the committee has hinted at, is that it is not necessary to grant full autonomy to Sindh; for autonomy does not necessarily imply a separate economic life, nor does it mean a duplication of all the organs of Government. I fail to understand how a province, without fiscal autonomy, can be called independent, while the very object of autonomous Governments is the attainment of economic and civic freedom,—political freedom being only a means to the end. As without the latter, there is neither economic nor civic freedom, people naturally agitate for their political emancipation. To make a province economically dependent on another province means that there is no real autonomy for it.

From what the committee has said about Sindh, it pains me to find that, the province would be refused independence on the ground of financial incapacity, but if the people undertake to bear the burden, then such an unweidly machinery of administration would be recommended that it might not be possible for them to carry on; and when, as a consequence, the people of Sindh would be despaired of an autonomous Government, they would be offered as an alternative the form of Government contemplated in the passage:—"We might add that the separation of an area and the formation of a new province does not necessarily imply a separate economic life. Nor does it mean a duplication of all the organs of Government. For instance, it is quite possible for one High Court to serve more than one province." (*Ibid.* p. 68.) It is clear that, a disappointed people with little hope of getting the whole, will be glad to strike a bargain; and as a result, Sindh will be left with a sort of semi-independent Government.

FATE OF MUSLIM MAJORITY IN BENGAL AND THE PUNJAB.

I have already pointed out that the Nehru Committee has left a door open to reduce the Muslim majority in Bengal into a minority. The following quotation from their Report makes my contention clearer:—

"Our colleague, Mr. Subhas Chandra Bose, is however satisfied that the Oriya speaking areas should be amalgamated and constituted into a separate province, if this is financially possible. He is further of opinion that the demand for the amalgamation of the Bengali speaking tracts in Assam, and Behar and Orissa, is a reasonable and legitimate one." (*Ibid.* p. 63 & 64.)

The committee has, very cleverly, avoided entering into a discussion of the demand, urged by Mr. Subhas

Chandra Bose ; obviously, it was afraid of provoking public protests. But by urging this view, they have simply left the door open for further developments. In the Report they observe that the redistribution of provinces should be made on "linguistic consideration" and according to the wishes of the majority of the people." They have also agreed that the language of these people is Bengali, and also that they desire an amalgamation with Bengal. When we read the above with the opinion of the committee, "that there must be a redistribution of provinces," we may clearly perceive this underlying intention to bring about such a change in Bengal, that would strengthen the Hindu element as against the Muslim population.

This observation of the Report does not exclude even the Punjab. And whether or not, such idea was in the minds of the compilers of the Report, the fact is that a movement in the direction is now already afoot. The Punjab national party has already endorsed this view of the Nehru Committee with the proviso that the western districts should be annexed to the N. W. F. Provinces, and the Meerut division should be annexed to the Punjab. In other words, the nationalist party agrees to the proposal of the Nehru-Report on condition that the Muslim majority in the Punjab should be smashed, and replaced by a Hindu majority. One cannot say if this movement is going to make a headway. At any rate, it has already entered the sphere of practical politics, and if the central Hindu majority feels disposed to effect such a redistribution, there is hardly anything to prevent it from doing so.

It thus comes to this that where the Muslims had pressed for the formation of five independent Muslim provinces, such as, the Punjab, Bengal, Sindh, Baluchistan, and the N. W. F. Provinces, the Nehru-Report pro-

poses to make Sindh a semi-independent province; and indicates its intention of converting the Bengal Muslim majority into a Hindu majority which, according to its own dictum, cannot be rejected. Further in the Punjab there has already been started a movement which, it is not in the power of the Muslims, to check. Thus, what the Report gives to the Mussalmans is, in short, a semi-independent Sindh, a Hindu Bengal, and a Hindu Punjab. There remains the question of the N. W. F. Provinces, and Baluchistan. The case of the latter has been left ambiguous. Even if it is granted independence, the Muslims shall have only two minor provinces, *viz.*, the N. W. F. Provinces, and Baluchistan, which would only serve as a route for a most pathetic retreat reminding the Muslims that, as a punishment for their blindly throwing away what God had given them, they should now withdraw themselves by the same way through which they came.

MUSLIM DEMAND REASONABLE.

Having explained the difference between the Nehru Committee proposals and the Muslim demand, I now proceed to discuss whether the Muslim demand is at all a reasonable one. It is admitted on all hands, that people, with a distinctive religion and culture, should be afforded opportunities for free and unrestricted progress and development, or else, the door is opened for disorder and troubles, and peace becomes impossible. In Europe, wherever there is a diversity of tongue and culture, separate territories have been formed affording the people opportunities for free national development. I have already cited the instance of Czechoslovakia, where, the Rothunians have been allowed to enjoy autonomy in their internal affairs. The component states of the United

States of America are running on the same lines. They began as separate entities with different cultures and religions. It was, therefore, thought wiser to leave them alone than to break them up in order to build a united Government. The Muslim demand is, therefore, quite reasonable, and arises for the necessity of keeping alive their distinctive culture and national traditions, and of saving their national spirit from extinction. The same necessity, which impels India to seek emancipation from British influence, also impels the Muslim to seek at least partial independence in those provinces where they preponderate. If this need is an artificial one in the case of the Muslims, the same is true in the case of India. But I do not intend to enter here into a detailed discussion of this question. I propose to do so in the chapter dealing with reservation of seats, where an almost similar line of argument has been taken.

MUSLIM DEMAND INFRINGES NO-BODY'S RIGHT.

Now the only question, that remains to be considered, is the justice of the demand. To me the claim appears to be just and proper both as a matter of right, and also from the political point of view. As a matter of right, because, the demand involves no infringement of others' rights. In withholding representative Government from the N. W. F. Provinces there is, on the contrary, a denial of the rights of the people of that province. As regards Sindh, the Nehru-Report itself has admitted (1) that the province has a separate language, (2) that its connection with Bombay is artificial, (3) that the distance from Bombay is too great, (4) that its separation will infringe nobody's rights, and (5) that in the event of its not being granted a separate Government, a great injustice will be done to its people. As regards Baluchistan, it is already a

separate province, and as such there is no danger to any community in the event of representative Government being granted to it.

It is groundless to hold that the interest of the Hindus would suffer at the hands of the Muslim majority if Sindh be made a separate independent province. If not, the same objection can be raised in respect of the Muslim minorities in Bombay, Madras, the United Provinces, and Behar, where they are actually in a greater danger. For even under a federal system, the Central Government shall certainly wield an enormous influence, and here the Hindu elements are bound to preponderate. The second objection that Bombay having spent a large amount of money in Sindh, the latter province cannot claim a separate Government. This is also untenable. It is just like the plea of those Englishmen who argue that India cannot be granted self-government as the English traders and capitalists have sunk a vast capital in the country. Had the expenditure upon Sindh been so large, the Hindus of Bombay would have been foremost to demand the separation of Sindh. They are, on the other hand, most anxious to keep the province as a dependency. That clearly goes to show that the money apparently spent in Sindh is bringing in a rich harvest. The fact that Sindh could not grow in prosperity with a port like Karachi leads one to suspect that Bombay was thriving at the expense of Sindh, and so in order to maintain its prosperity jealously stood on the way to the development of Karachi. In short, if Bombay has spent directly one rupee on Sindh it has had indirectly two rupees back from that province, and here lies the secret of the anxiety of Bombay to keep the province under its heels. Both the objections are, therefore, groundless, and nobody's rights will be infringed if Sindh is constituted into a separate province.

POLITICAL ASPECT OF THE DEMAND.

Let us now consider the political aspect of the question. It would be bad politics to keep the two provinces in their present state of bondage, and real statesmanship would be to grant them independence. If the claims of Sindh be ignored, a fierce storm of agitation may well be apprehended. This has been admitted by the Nehru-Report also.

And in the event of the N. W. F. Provinces and Baluchistan being denied a representative form of Government, both the provinces, being situated on the border, are likely to become hot beds of foreign intrigues. A sound policy, therefore, lies in keeping the bordering provinces thoroughly satisfied. Otherwise such provinces afford fertile grounds for enemy's activities, and in consequence, the country is divided against itself, thus weakening the Government. Bordering provinces kept in a position of inferiority would not consent to remain attached to India; and it is not improbable that they might join hands with other powers to secure their freedom. Evidently, therefore, it will be bad politics to deny autonomy to the N. W. F. Provinces and Baluchistan. Such action will not only pave the way for a civil war in India, but will serve to plant in India advance posts of foreign powers.

I think I have conclusively proved that the demand for three new Muslim provinces is just, and no body stands to lose if the same is satisfied, and that from a political point of view also its advisability is unquestionable. The rejection of so reasonable a demand shows that the Nehru-Report is a product of communal bias. So long as the majority continues to be so prejudiced, it cannot inspire the minority with any degree of confidence.

CHAPTER IX.

Reservation of Seats on Population Basis.

DETAILED STUDY—(*Continued*).

THE third demand of the Mussalmans relates to the right of representation in proportion to the numerical strength of each community, except in the case of very small minorities, who should be granted representation somewhat over and above their dues. This concession, if allowed, should be reciprocal, i.e., the Hindus in predominantly Muslim provinces should be granted the same concessions as the Muslims in predominantly Hindu provinces.

In other words, this demand seeks to secure to every important community the right of representation according to its numerical strength, so that one community may not deprive the other of its legitimate rights through underhand tactics.

The Nehru Committee holds it as politically unsound that the rights of any community should be definitely fixed. The most that could be done, in their opinion, was to fix the proportionate rights of very small minorities. But it disapproves of the suggestion of giving to any community more than its due share of representation.

It must be clearly understood that protection of rights in matters connected with elections is effected by the reservation of seats; that is, it is definitely laid down that a certain percentage of the total number of members must go to a certain community, and constituencies are also assigned where no one other than a member of the same community could stand as a candidate for election.

Fixing of rights, in other words, means assignment of constituencies for each community from which none but a member of the same community could stand as a candidate for election.

Thus according to the Nehru-Report, the minorities, in provinces other than the Punjab and Bengal, may have seats reserved in proportion to their numerical strength, if they so desire. According to this rule, there is to be open competition between the Hindus and the Muslims over the seats in the Punjab and Bengal, without any restriction whatsoever. If the N. W. F. Provinces, Baluchistan and Sindh are formed into separate provinces, then in these provinces, the Hindus shall have the option to have seats reserved for themselves on population basis, and to fight for additional seats with the Muslims. In other provinces the Muslims also shall enjoy similar rights.

In other words, according to the above recommendation, not only the demands urged by the Muslim League have been left unsatisfied, but *even their present rights have been taken away from them*. The Muslim League had demanded safeguards for what the Muslims were already enjoying, and for additional seats the League demanded that the Muslims should be left free to fight it out with the Hindus; the same concessions to be granted to the Hindus in provinces where Muslims form an overwhelming majority. But the Nehru Committee would give to the Mussalmans only such representation as they are entitled to on the population basis. The result is that in the United Provinces, the Muslims are occupying at present 30% of the seats in the Council, but according to the Nehru-Report, their representation shall be reduced to 15% with the right to win additional seats in open contest, if they so choose. Similarly in Behar, Madras, Assam and Bombay, the Muslims form less than 10, 6,

21, and 20% respectively of the population but they occupy 20, 12, 30, and about 33% of the seats respectively in the Councils. The community will have in future their membership reduced to the population ratios. In short, according to the recommendations of the Nehru Committee Muslim representation in the different provinces shall be reduced by one-half to one-third of its existing number; and in exchange of this loss, the Muslims in these provinces and in the Punjab and Bengal will be given the right to contest for additional seats in the respective Councils.

The above apportionment reminds me of the story of that prudent Raja who, as the legend goes, was pleased to make a gift to his priest of a cow that had been lost a year before. The Raja's son who excelled his father in caution, suggested that the priest should be given the cow that had died two years before instead of the one lost a year ago.

The Lucknow Pact had aimed at throttling the very life out of the Muslim nation, the Nehru-Report was proceeded to skin the poor community altogether.

I fail to understand the reason why the Muslim supporters of this Report have taken up that attitude, when they can easily see that they have been deprived of something real; and what they have been promised in return, is a mere shadow. In the eight Hindu provinces, Muslim representation has been reduced by nearly one half; that is, of the aggregate 24% of Muslim representation in all the Hindu provinces, their share has been reduced to 14% only. It has been argued in this connection that the right given to the Muslims to contest seats other than those reserved for them has opened a new avenue of progress for them where they can successfully beat their Hindu rivals. The argument is the outcome

either of sheer ignorance, or of lack of commonsense, or of knowledge of past history.

SAFEGUARD IMPOSSIBLE WITHOUT RESERVATION.

(*First Argument*).

The Nehru-Report itself falsifies the principle expounded by it. It has been urged, as already mentioned, that it is advantageous for the Muslims to abandon the system of reservation of seats because in this they, in consequence of open contest, would be in a position to wrest more seats than they could claim on population basis. The Nehru Committee considers it to be a sound argument and thinks that it has been generous to the Muslim, inasmuch as it has opened to them new avenues of progress by conferring on them the right to contest seats with the Hindus. (*Vide the Nehru-Report, p. 52*). It is, however, strange that in the same breath the committee agree that there is a possibility of the minorities being totally deprived of their rights. The Committee say :—“ After the resolution of the informal conference referred to above was passed it was pointed out to us that it would work great hardship on the Muslim minority who in all probability be able to elect no more than 30 or 40 Muslims from the Punjab and Bengal, and perhaps one or two from the U. P., and Behar, to the central legislature of 500 members, and that there was little chance of any of the other provinces with less than 7 per cent. of the population returning a single Muslim. The result, it was argued, would be that the Muslims, who form nearly one-fourth of the total population of British India, would have no more than one-tenth of representation in the central legislature. The same reasoning, it was urged, applied to the legislatures of the provinces where the Moslems are in small minorities. We recognise the

force of this argument and it is here that we feel compelled by force of circumstances to introduce a temporary element of communalism in the electoral system of the country. we must make an exception in favour of Muslim minorities by permitting reservation of seats, if so desired by them, in proportion to their population both in the central and the provincial legislatures." (*Ibid*, pp. 51 and 52).

Evidently, the committee feel that (1) it will not be possible for the Muslims to send more than 40 members both from the Punjab and Bengal to the Central Legislature ; and that (2) the position of minorities is in constant danger under a joint electorate system so much so that a minority of 7% may not succeed in returning even one candidate.

Here is the evidence of a Report that has been made so much of. It admits that a minority's position is by no means secure under a joint electorate system. Nay, it goes further, and admits that there is the possibility of the Muslims of Madras, Bombay, Burma, and Central Provinces not being able to return even one candidate ; and of the Muslims of the U. P. and Behar, where they should elect about 22 representatives, they may be able to return only two or three members.

I do not here mean to discuss the merits or demerits of the joint electorate system. What I am trying to discover is whether the Mussalmans, according to the recommendations of the Nehru Committee, have secured the proportion of representation they wanted, or, at any rate, whether they have been assured of maintaining their present position. I intend to show on the basis of the Report itself that it is altogether out of the question for the Muslims to expect an increased representation. On the contrary, the Muslims cannot hope to maintain even their present proportion of representation.

To understand the matter clearly it must be borne in mind that, at present Muslim representation in the Legislative Assembly is 29 per cent., and in the future Parliament the Nehru Committee propose an aggregate number of 500 seats, of which, the Mussalmans would get 125 only on population basis, while in proportion to their present representation they are entitled to 150 seats. According to the original demand of the Calcutta League, Muslims would have received one-third of the total seats, that is 166 seats. Now I propose to show the proportion of representation the Muslims would command under the Nehru scheme.

The Nehru-Report admits that the Muslim of Bengal and the Punjab would be able to return from thirty to forty members to the Central Legislature. Let us grant that the Muslims would be singularly fortunate in electing what the Report considers to be a maximum number of members for the Punjab and Bengal, i.e., forty. Let us also grant that the Muslims in Sindh, N. W. F. Provinces, and Baluchistan would be able to return the full proportion of members even in the face of Hindu opposition. The total population of these three provinces amounts to 61,26,000, of which only 5% are Hindus. The Muslim population of 58,22,000 will be entitled to eleven seats only. In the U. P., Behar, Assam, Madras, Central Province, and Bombay (excluding Sindh), the Muslims are 71, 35, 15, 25, 5 and 12 lacs respectively. In Burma the actual figure of the present Muslim population is not before me, but judging from the census of 1901 when it was 3 lacs and 46 thousand we may reckon it at 5 lacs at most. These figures make an aggregate of 1 crore and 68 lacs, on the strength of which the Muslims would be entitled to 33 seats; thus giving them a total number of 84 seats. Add to the above calculation the Muslim

population of the Andamans, Coorg, Ajmeer-Marawar, The total is not likely to exceed 1,75,00,000 giving an additional number of two seats only, which means an aggregate of 86 seats. These figures eloquently speak for themselves. The Muslim League had demanded 166 seats. Under the present Government system, the Muslims are already in possession of 150 seats. And on population basis they are entitled to 125 seats. Under the Nehru Scheme it is estimated that their share would be reduced to 86 seats only. The Mussalmans may well ponder over these figures.

It must be remembered that the Nehru-Report has been prepared by those Hindus who are straining every nerve to win over the Mussalmans. When their own estimate of our future position is so hopeless, it is useless to argue further. It is vain to contend that the Muslims in those provinces where they are in minority will be able to win more seats than they are entitled to by their number. The Nehru Committee at any rate do not agree to this view. It says :—“ There was little chance of any of the other provinces with less than 7 per cent. of the population, (meaning—Bombay, Madras, the C. P., Burma, etc.), returning a single Muslim ” to the Central Parliament. (*Ibid.* p. 51). In the U. P. and Behar, the committee was of opinion that the Muslims might succeed in securing one or two seats.

Now does it stand to reason that the Muslims in Bombay, Madras, Burma, and Central Provinces, having little chance of returning even one Muslim candidate from their respective constituencies by their combined voting strength in an open election, will under a system of reservation be able to wrest from the Hindus seats in addition to those reserved for them with the help of their residual votes? For, it is evident that in these provinces,

reserved seats will be allotted to the Muslims in those areas only, where they are most numerous, and the greater part of their voting strength would thus be spent in returning candidates from those reserved constituencies. In the remaining parts of the province there will be left at the most only ten to fifteen per cent. of the total Muslim votes available for participation in open election. No sensible man can believe that where the Muslims with their full voting strength could not return even their legitimate proportion of candidates, they would be able with their residual votes to win seats from the Hindus who would number 93% of the population.

It is thus clear, that according to the Nehru-Report, in those provinces where the Muslims happen to be in a minority, they will never be able to win seats more than their share on the basis of population. With regard to the Punjab and Bengal, the Report itself states that the Muslims will be able to return 30 to 40 candidates only, whereas on a population basis they would be entitled to 74 candidates. In a word, even according to the Nehru-Report there can be no safeguarding of Muslim rights without reservation of seats; and no political school in the world would justify that eighty million of human beings should be deprived of their legitimate rights.

Second Argument.

The second argument in favour of reservation of seats is that in India the division of the population into major and minor communities has, unlike Europe, its basis in religious diversity, while in the West the parties have their origin in political differences and are, therefore, subject to constant changes. In the Indian groups, changes are less frequent. It thus happens that when

one group comes to power, its rule may continue indefinitely, and there is the fear that it may during its long regime injure the interests of the rival community. For example, the party in power might show in the census a decrease in the strength of its rival, as is done in Europe, where a political group on capturing the Governmental offices resorts to tactics such as recording a decrease in population against the vanquished group, or framing such electoral rules as might tend to benefit it at the expenses of the rival group. In order to protect the weaker parties against such tactics, it is necessary to have reservation of seats so as to remove mutual suspicion. For, it is obvious that so long as mutual distrust prevails among the various groups, there can be no peace in India. Thus the system of reservation of seats is conducive, and not inimical to peace. When the Muslims apprehend that their interests are in danger, there is no reason why their seats should not be reserved even in the Punjab and Bengal. It is after all their legitimate share that they demand, and nothing more. To refuse to give them their right is to strengthen their suspicion that there is something more behind, and that the Hindu compatriots do not mean well by them.

It should be borne in mind in this connection that the Nehru-Report has admitted that under a joint electorate system communities are liable to suffer in their interests, and it has cited the instance of England, where the conservatives with comparatively fewer votes defeated the Labour Party that had commanded a large number of votes. The same applies to the Muslims. They have only two provinces where they enjoy a bare majority. They would be confronted with a real danger if the party with fewer votes should come off victorious over the party with larger votes.

Third Argument.

Of the eight major provinces in India, six are predominantly Hindu in population, culture and custom. The Hindu preponderance is so formidable in these provinces that there is absolutely no chance for the Muslims ever to come into power. Only in two provinces, the Muslims command a majority. But the majority is not so large as to warrant a perpetual Muslim domination, and continual progress on the lines of their national traditions. The Mussalmans, therefore, very legitimately desire that they should have opportunities at least in these two provinces to progress according to their own traditions; and the only way to this lies in the reservation of seats.

No doubt, in the absence of a reservation of seats, it is possible for a community to gain more than its legitimate proportion of seats, but it is equally possible that it may not gain even its legitimate proportion. The danger is all the more real, when the margin of difference between the two communities is so small and the minority is so strong, as is the case in the Punjab and Bengal. The Nehru-Report itself has admitted the danger of the Punjab Muslims losing their majority position. It says: "The Muslims being in a minority in India as a whole fear that the majority may harass them, and to meet this difficulty they have made a novel suggestion—that they should at least dominate in some parts of India. We do not here criticise their demand. It may have some justification in the present communal atmosphere but we do feel that it has little to do with the premises we started from, unless indeed the best safeguard that one can have is to occupy a position of domination oneself." (*Nehru-Report*, p. 28—29.) The Muslims contend that as they have only these two provinces where they are in a majority, *they cannot afford to run the risk of their*

majority being converted into "a strong minority just short of a majority." The Nehru-Report too makes a reference to this demand of the Muslims. It says:—"In any event they," (meaning—the Punjab Muslims), "will capture enough seats to make them if not a clear majority at least a strong minority just short of a majority." (*Ibid.* p. 35.)

The Nehru Committee objects to the demand on the ground that it amounts to an admission that it is impossible to safeguard the rights of the minorities without letting them occupy a position of domination, and that such a proposition is unjust on the very face of it. The committee, therefore, summarily dismisses the Muslim demand as an unjust one. So far as I can understand, the committee have put an interpretation on the Muslim demand that at least the intelligent section of the Muslim public has never had this in its mind. I remember having heard, on the occasion of the last Unity Conference at Simla, one Hindu delegate (he was addressed as doctor, and if I am not mistaken, it was Dr. Nandlal, Bar-at-law) deprecating the Muslim proposal on the ground that it did not appeal to him that when a Hindu in the Central Province struck a Muslim, a Muslim in the Punjab should in retaliation strike a Hindu. No Muslim, I believe, had understood the demand in that way. In offences of a national character the whole of the community, to which the culprits belong, is treated as the offender, but it is neither reasonable nor justified to inflict indiscriminate punishment or to retaliate as has been suggested. But I ask the Hindus what would they answer to the Muslims, if they should make to them the following proposals at a time when the country's fate is going to be decided:—"You aspire after the freedom of India and so do we. You are fully aware of the fact that you cannot do without us. You also know that from a fairly long time our

mutual relations are strained. We have a grievance that in every branch of life our rights have been disregarded. Why not try this remedy? India is a large sub-continent with such a diversity in tongues that in some cases the difference is much wider than between those of two independent states of Europe. In certain provinces the Hindus happen to preponderate, and in some the Muslims. Let us agree that in a province where a certain community preponderates it should be allowed to have the larger share in the Government. That would restore mutual confidence. Each community would feel inclined to reciprocate the trust placed on it by the other. And as a consequence all would peacefully co-operate towards promoting the weal of the country."

There is nothing unjust or unwise in such a suggestion. Why should it at all be interpreted to imply a threat that if a Hindu in the C. P. were to beat a Muslim in his province, a brother Hindu shall suffer punishment in the Punjab or *vice versa*, and justice would thus be maintained through fear of retaliation. The demand has, in fact, its origin in the suspicion in the Muslim mind that the Hindus attempt to keep the Muslims under subjection everywhere, and in places where he cannot reasonably do so, to invent such device as would afford him opportunities to come into power. This naturally sets the Muslim at thinking that when India is going to be partitioned into provinces, why are the Muslims denied the opportunity for untrammelled progress in those provinces, where they form the majority of the population. He suspects some ulterior motive behind this denial, and whether his suspicion is right or wrong, nonetheless it stands in the way of mutual understanding.

It cannot be urged in this connection that the avenues of progress for minor communities have been left open

not in the Muslim provinces alone, but that in every province there is scope for any minority to rule the the majority. In reply I may well ask whether there is any major province, except the Punjab and Bengal, where it may be reasonably expected that the majority and the minority communities would alternately come into power. If there is none, there is hardly a point of analogy. In the Punjab and Bengal, we have a minority that could manage through its superiority in wealth, education, and organisation, if not to monopolise the Government for good, at least to change places frequently with the majority. But in Madras and Bombay, the C. P., the U. P., Behar and Burma, the Muslim minority (which nowhere exceeds 15% of the population) is foredoomed to remain a perpetual minority with no effective voice in the Government of the country. Equity, therefore, demands that seats should be reserved for the Muslims in the Punjab and Bengal, and then, they should be exhorted to trust the Hindus in other provinces in the same way as they did trust them in these provinces, and to disabuse their minds of all suspicions.

The Nehru-Report has laid particular stress upon this point. It says:—" We cannot have one community domineering over another. We may not be able to prevent this entirely but the object we should aim at is not to give dominion to one over another but to prevent the harassment and exploitation of any individual or group by another." (*Ibid.* p. 29.) But the question is,—have the committee precluded the chances of class domination? In Madras, Behar, and other places, the committee itself feels apprehension that the Hindu domination will be of a permanent nature, as the Muslims in those provinces are a "negligible" minority. The Report says:—" It will be seen that by making this concession in

favour of Muslim minorities we are not introducing the anomalies arising out of reservation for majorities. A minority must remain a minority whether any seats are reserved for it or not and cannot dominate the majority." (*Vide p. 52.*)

From the above quotation it is clear that the Nehru Committee think that in Bombay, Madras, the U. P., etc., the Mussalmans shall continue in a minority position for all times to come, which in other words means that in those provinces the Hindus shall always hold the reins of Government. This is exactly what is meant by "one community domineering over another." And when such domination of one community over another shall prevail in some of the provinces without causing any harm whatsoever, what reason is there that a similar situation should not be created in the Punjab and Bengal? If the permanent preponderance of representation of a particular community is bad, it is so everywhere; but if it can be tolerated in Bombay and Madras, it can certainly be tolerated in the Punjab and Bengal as well.

It should be noted here that the Nehru Committee has itself been so much obsessed with communal sentiments that it has viewed the Muslim demands through the same communal goggles, and has in consequence committed the blunder of reading in the Muslim demand an ambition to rule in the Punjab and Bengal to the complete exclusion of the non-Muslims. That is not the Muslim demand at all. All that they demand is that whereas in the predominantly Hindu provinces, Hindu representation on the legislative bodies would necessarily remain a permanent majority, similarly the Muslim representation in the Punjab and Bengal, where they form the majority of the population, should exceed that of the other communities; and further as the Muslim majority

in these provinces is not so large as to be secure of its position without special safeguards, it should be so provided by law that this right of the Mussalmans might not be infringed by any other community by any means, fair or foul.

It is clear that here is no question of domination at all. Such a question could, no doubt, arise if the Muslims had demanded that the Hindus should be given the exclusive rule in the predominantly Hindu provinces, and the Muslims in the predominantly Muslim provinces. On the contrary, the Muslims demand, that they should have a majority of representation in the predominantly Muslim provinces in the same way as the Hindus in the predominantly Hindu provinces. A majority of representation does not necessarily signify that the reins of Government should also remain exclusively in their hands. We may see that even now under the system of separate electorates which is so much traduced on all sides, there is no exclusively Muslim party in the Punjab Council. There is a Zemindar's party, which includes both Muslim and Hindu members. There are the Khilafatists who are hand and glove with the Swarajists. Thus in the Punjab and Bengal, it is easy for the Hindus to have a substantial share in the Government of the country by winning to their side only 6 per cent. of the Muslims. It cannot be held that the Muslims and the Hindus will never co-operate so long as representation continues on the lines of religious division. For, religion is not synonymous with politics. Religion is related to civilisation and culture. People of different religions do co-operate with one another in political matters. And if such co-operation is possible under the present circumstances in spite of acute differences, there is no reason why it should not be possible in future. It is foolish to think that all Muslims would agree to one political creed; and when such an

agreement is not possible among them, they cannot evidently form a purely Muslim party to hold sway either in the Punjab, or in Bengal; it will of necessity have to include Hindu elements in its rank. The question of domination, therefore, does not arise at all. This fear of the Nehru Committee is thus a figment of their own imagination caused by their strong communal bias. They have attributed to the Muslims what was by no means signified by their demand. The fact is that there is a possibility,—nay, a certainty of communal domination in the predominantly Hindu provinces, where the Hindu majority is so large that, even if divided into sections, it would still succeed in setting up a Hindu class-rule. I admit that there are similar chances for the Muslims in the N. W. F. Provinces, Sindh, etc. But these provinces are so small that they are not likely to influence the Indian situation to any considerable degree.

Fourth Argument.

There are other cogent reasons for laying so much stress upon a majority representation for the Muslims in the Punjab and Bengal Councils. I have already proved that in the Punjab and Bengal, the Muslims with a bare majority cannot manage to rule the country to the complete exclusion of other communities, even if they are granted a reservation of seats. In both of these provinces, the parties in power are sure to include Hindu elements. In spite of this, there is no doubt that whatever party might be in power, the Government in these provinces, shall have a considerable proportion of the Muslims in its personnel, which no future Government of those provinces under any circumstances would be able to ignore. Having elucidated this point, let us for

a moment leave the communal view-point and consider whether or not it is good for the country that the Muslims should have no voice in its administration, or that their share should be next to nothing. Every student of politics is well aware that a good legal code alone is not enough to run a good government; a proper application of the same is equally necessary. It is clear that the administration of India will be divided into Provincial Governments, and while it will be necessary for the Central Government to have an Executive Council, it will be similarly necessary for the Provincial Governments to confer occasionally in a Council on matters relating to general administration. According to the Nehru Committee it is quite possible that, in the Punjab and Bengal, all the members of Government may at one time be Hindu, and at another time Mussalmans. Now the question will arise how will the Muslim view-point be represented in the deliberations of the Executive Council during the Hindu regime? Of course, no body can expect that small provinces like Sindh, and the N. W. F. Provinces will be able to fulfil this need. Thus, even from a broad national view-point it is imperative to ensure the inclusion of Muslim elements in the Governments of the Punjab and Bengal by means of legislation, and the only way to do so is to grant reservation of seats for the Moslems.

Fifth Argument.

The Nehru Committee also agree that different communities have distinct cultures of their own, and are desirous of national development according to their respective traditions, and that in spite of living together in the same land under the same political organisation, the divergence in culture may continue to exist. The

Report says:—"The only methods of giving a feeling of security are safeguards and guarantees and the grant, as far as possible, of cultural autonomy." (*Vide p. 28.*) Thus, the committee admit that different communities have different cultures, and it is not unreasonable for them to demand guarantees for their preservation. Accordingly the Mussalmans, anxious as they are to restore an atmosphere of mutual confidence, demand that in addition to having a hand in the administration of the country and a proportionate representation in the provinces, they should have opportunities for cultural progress in the Punjab and Bengal in complete accord with their past traditions. This is hardly an occasion to discuss how a community, when making progress, lays the foundation of its culture on a few fundamental principles, and in its tradition and development it assumes a line different from other communities. It gradually develops into a distinct culture of its own, and guards it more jealously than even its liberty. Nations seldom fight so violently for their political interests as they do in defence of their cultures. The latter is of the nature of an abstraction, and therefore admits of no specific definition, although its existence and importance cannot be denied. Every nation, because of its religious beliefs or its environments, develops a particular mentality, which chalks out the lines of its progress. Its philosophy, civilisation, intellectual and economic development,—all move within the same orbit, and culminate in a corporate national self-expression. In other words, metaphorically speaking it is a sort of mental soil, in which the different branches of knowledge like plants of all kinds, manifest their distinctive colours. Just as in different soils, different fruits and flowers manifest distinctive features of their own, so peoples, living under different cultural influences, develop distinctive features and characteristics of their

own. Nations develop such a natural affinity with their own cultures that, if dissociated from them, they wither away and die like plants of a particular country, transplanted in a foreign soil. Science is uniform all the world over. But the Englishmen, the Germans, the French and the Russians,—all of them devote themselves to this in their own particular ways. The Indians' chief complaint against the Englishmen is that the latter have westernised their Eastern culture, and have rendered them degenerated. In short, next to religion, culture is the dearest thing to a nation. It is to the nation as the breath of its life. A community, without a distinct culture of its own, is a life-less group doomed to merge sooner or later with other communities, for its existence brings no benefit to the world. Just as different scientists, working in different laboratories, have been contributing in their respective ways to the world of science, so different peoples, in their distinctive cultural spheres have been experimenting in the philosophy of life, and are thus not only serving humanity at large, but also, by working for the realisation of their own view-points, have been developing their particular cultures. Communities which do not contribute towards augmenting this common treasure-house are morally dead, and bound to die physically sooner or later. It is for the protection of their culture that the Hindus are to-day clamouring for Self-Government. "Good government is no substitute for Self-Government" is an embodiment of the same truth. A good government can indeed make a people increase in wealth and comfort, but it cannot benefit their culture. On the contrary, it would destroy it. Cultural development is possible only when the Government is run by the people themselves. Just as our Hindu brethren are inspired by their study of past history with a desire to have opportunities to develop their distinctive culture in

relation with modern conditions and thus make their contribution to the world civilisation, so they may understand that the hearts of Muslims have been pulsating precisely in the same manner. They too are heirs to glorious traditions, and are the descendents of a race of men, whose enterprise knew no bounds. They too have their aspirations. They too are not strangers. They are Indians and yield to none in their patriotic sentiments. But it can hardly be gainsaid that where the Hindu element would preponderate, the Government would develop on lines of Hindu culture and philosophy. It is, therefore, that the Muslims demand for opportunities in the predominantly Muslim provinces to make progress on their own cultural lines. I do not, here, mean to say that they would enforce the Islamic law in those provinces. Such enforcement of the laws of a particular religion would not be proper, either for the Hindus or for the Muslims under a joint system of Government. But apart from Government, there are many spheres of life other than religion wherein a man should like to develop according to the philosophy of life peculiar to his people, and to sow the seeds and rear the plants of national development suitable to the particular scheme of worldly progress. A legitimate desire, therefore, prompts the Muslims' demand for similar opportunities in two of the bigger provinces to make progress for some-time to come, in accordance with their special traditions without interference and interruption. Is this demand an unreasonable one? Is the desire unnatural? Is it antagonistic to feelings of patriotism? No, not in the least. Free cultural development is not inimical to common national interests, so India with a free dominion Government, while serving as a vast laboratory for the cultural development of Asia, is not likely to cause any injury to England. It is regrettable, therefore, that the Nehru-

Report, whatever its merits may be, has absolutely failed to satisfy this desire of the Muslim community. Even if it leaves the door open for the Muslims to dominate some day in the Punjab and Bengal, yet it does not afford them an opportunity to contribute to the treasures of human civilisation by enabling them to develop for some time in accordance with their past traditions. The culture of a people cannot yield its fruit, unless it is given an uninterrupted series of opportunities for self-expression. But under the Nehru Scheme, there is the possibility of the Muslim element, being totally eliminated from the Government in the Punjab and Bengal.

Sixth Argument.

For full national development a people must be equipped with experience in all lines of work. This serves as an additional argument for reserving Muslim representation in the Punjab and Bengal on the basis of population. Evidently, in predominantly Hindu provinces the Muslims cannot be expected to receive training in higher statecraft. There are only two provinces where the Muslims may get such experience, *viz.*, the Punjab and Bengal, where the Muslims hold a majority position. And if in these two provinces also, the Government be purely Hindu, or comprise of a poor Muslim element, then the opportunities for training in higher statecraft would be practically non-existent for the Muslims, and in consequence they are bound to suffer considerably. The N. W. F. Provinces, Baluchistan and Sindh can hardly serve as training grounds, for the obvious reason, that Baluchistan with a population of 4,25,000 only has at best the status of a municipal corporation, and the other two provinces are, both from

the view-point of population and of economic capacity, too poor to afford a Government machinery on as large a scale as the major provinces. For the all-round training of their talents, it is essential to afford the Mussalmans uninterrupted opportunities for training for such time as they do not make up the deficiency. That could be done only by reserving their places in the Punjab and Bengal. Otherwise, the Muslims will never be able to shoulder the responsibilities of government, and would in consequence, instead of adding to the country's strength, lie like a dead weight upon it.

NEHRU COMMITTEE'S OBJECTIONS.

Having discussed at length the grounds for securing to the Muslims their position in the Punjab and Bengal in exactly the same manner, as would the position of the Hindus be secure in predominantly Hindu provinces, I now proceed to deal with the objections raised by the Nehru Committee against the demand for safeguarding the Muslim interests. The Nehru Committee holds that,

(i) safeguarding the rights of, and Reservation of Seats for majorities lead to an intensification of communal misunderstanding, because the election is held upon the artificial basis of difference of religion ;

(ii) Reservation for majorities with joint electorates retards inter-communal unity, because it makes the majorities independent of the votes of the minorities, and therefore indifferent to them ;

(iii) Responsible Government means a Government in which the Executive is responsible to the Legislature, and the Legislature to the electorates. If the members of the Executive, who have the majority at their back, come to power by virtue of special safeguards, and not

by virtue of open election by the electors, then the Government would be neither Responsible, nor Representative.

(iv) In the Punjab and Bengal, the Muslim population is so distributed that the community does not require any Reservation of Seats. It can easily capture seats equal to or even exceeding its numerical proportion.

(v) I add to these another argument, advanced by a worthy member of the Punjab Legislative Council, that the results of the elections to the district boards, where the Muslims, notwithstanding a minority of voters, captured more seats, encourage one to believe that a free contest would be more advantageous to the Mussalmans than separate election.

(i) As regards the first objection, I fail to understand how, in case of Reservation of Seats for particular communities, the election can be held on the basis of religious differences. For, under such a system it will have already been decided that candidates, belonging to a particular community only, shall be entitled to stand for a particular constituency. In a Muslim constituency it is not possible for a Muslim candidate to ask for votes on the mere ground of his being a Mussalman. Such a question may, of course, arise in non-reserved constituencies, where it is quite possible that a particular seat may be contested by Hindu and Muslim candidates, the former asking for votes on the mere ground of his being a Hindu, and the latter on his being a Muslim. But where the law has already decided, that a particular constituency shall be reserved for a particular community, this question cannot arise. The question, that could arise in such a constituency, may be of a sectarian nature such as, whether the candidate is a Shia, or a Sunni; or regarding the political view-point of each contestant.

And in cases of reserved constituencies, the importance would centre around the question of political views. And if the method of election be that of joint electorates with Reservation of Seats, it is all the more certain, that no other consideration save that of political creed, would be raised inasmuch as the different Muslim candidates would have to capture Hindu votes. They would, therefore, be compelled to eliminate the question of religion altogether, lest their rivals should get the better of them with the votes of non-Muslim communities.

The fact should also be remembered that generally in elections there are more than one candidate standing for a constituency. He has to contest the seat sometime with more than one rival. To say, therefore, that every candidate would urge his claim as a Muslim, and consequently, there would be an increase of communal feeling, is absurd. For all the contestants cannot, claim for votes on one and the same ground of their being Muslims. They shall have to urge other points, and these would be mainly political. And if it is here argued that possibly none of the Muslim candidates in a particular constituency may be in agreement with the Hindu view-point, how can we, then, reasonably expect a Hindu candidate from such constituency to obtain Muslim votes by fair means? I say 'fair means,' because in election affairs voting is done secretly, and so it is quite possible to secure Muslim votes by unfair means. Voters may be persuaded to behave traitorously to their community without the least fear of being exposed. A candidate, who is fraudulently returned, does not represent the country; at best, he represents his sordid ambitions.

(ii) As regards the second objection, it can be argued that Reservation of Seats will rather remove mutual dis-

trust, and restore normal relations between the communities, as, under this arrangement, the constant fear of injury to mutual interest will disappear.

Further, it is no advantage to any individual candidate, A or B, that the Government has reserved a particular seat for the Muslim Community; because such reservation is for the community as a whole, and not for any particular candidate, who must care for every single vote, and in order to beat his rival, must canvass every member. Therefore, the contention, that the majority would no longer care for a minority falls to the ground. It is the candidate, and not the community, who seeks the votes, and therefore, he must in any case remain dependent on the votes of individual electors. Moreover, there will be his supporters, who for his sake, shall have to care for the vote of every elector, and thus indirectly the whole of the majority party shall have to depend, for the success of their candidates, on the votes of the minority. Reservation of Seats, therefore, does not prevent, rather it leads to the removal of communal distrust.

(iii) In its third objection the Committee argue that Reservation of Seats imposes restrictions on the electors; and the majority rules the country not as a result of free and open election, but by virtue of the restrictions imposed on the electors by law. Hence, such a system is "a negation of representative government," and so defeats its end.

In my opinion this is a very important political question. If the conclusion arrived at by the Committee is right, the whole controversy comes to an end. But, I think the committee have made a mistake in its judgment. For, the question to be considered is, whether it could be possible for any Muslim to represent a particular viewpoint which a Hindu could possibly do. If not, then it

is evident that the electorate is opposed to that particular view-point. Under the circumstances, how would the presence of a Hindu candidate increase the weight of the representation, unless it be by resort to unfair means ; and unfair tactics are in any case unfair.

Another answer to the argument is that, under some circumstances, the rights of the electorate are bound to be circumscribed. And the Nehru Committee also has done so, when, for example, it has proposed an age-limit of 21 years for a voter. This is a restriction imposed upon individual liberty, for there are men who attain discretion before they are 21. Why should then such a restriction be upon the electors?

Similarly, the condition of nationality has been passed over by the Committee. It prevails in all other civilised countries, and so it will surely be imposed upon Indians as well. Now, is it not possible that the electorate might wish to elect a non-Indian, who may be a well-wisher of the country, and who may also be willing to be naturalised as an Indian but prevented for the time being by the technicalities of law?

In short, the Nehru Committee, even in its recommendations, has already restricted the rights of the electorates ; and when the details of the constitution will be worked out, the rights are sure to be restricted still further. Restrictions, therefore, are not " a negation of the principle of representative government." It is only unfair restriction that is opposed to such principle. And when the majority community of a province demands such restrictions as a matter of right, and such restrictions do not infringe the rights of any other community, they can by no means be considered unjust ; and hence, they cannot be deemed to negate the principle of representative government. All that we can say is that, in-

stead of the whole country co-operating in electing its representatives, its different parts will elect their own representatives. Representation does exist though in a different form. And in fact, all civilised countries differ from one another in their forms of representation.

(iv) The last, and I should say, the most powerful argument in the opinion of the opponents is, that with reservation of seats the Muslims would get seats only in proportion to their population, but without such reservation, there would be chances for them to secure more, and there is no reason why they should refuse the chance of an increased representation. Any man with a head on his shoulders would see through this argument, and agree that it is playing with the sentiments of the people, and I am really surprised to see that the Nehru Committee did try to exploit the sentiments of the Muslims, without realising that it might produce result, quite contrary to what it expected.

The Nehru Committee is in fact so much enamoured of this argument, that it has stressed it on several occasions. It says:—"We have seen that this superiority has not helped the Hindus of Bengal at the District Board elections and we are sure that the result of Council elections will be even more strikingly in favour of the Moslems." (*Nehru-Report*, p. 48.)

Again:—"Looking at it purely from the Hindu point of view, however, we can well imagine that a reservation of seats for the Muslim majorities in the Punjab and Bengal, may actually benefit the Hindus, and may be the Sikhs also, more than no reservation. The facts and figures we have stated demonstrate that the Muslim position in the Punjab and Bengal is so strong that in all likelihood they will gain in a joint electorate with no reservation more seats than their popu-

lation warrants. Thus the Hindu and the Sikh minorities may find their representation even reduced below their population ratio." (*Ibid*, p. 49.)

Further on, about Bengal it writes:—"The Hindu minority, although it is a very big minority, is highly likely to suffer in numbers in an open general election without reservation. (*Ibid*, p. 47.)

Clearly the Nehru-Report emphasises the point that without Reservation of Seats, the Muslims would be in a specially strong position in the Punjab, and Bengal. When a report prepared by the Hindus proceeds to lay so much stress on the advantages to be derived by the Muslims in the absence of reservation, it naturally arouses misgivings, more specially, when the same report admits elsewhere (on p. 51) that without such reservation the Muslims, in the Punjab and Bengal, "would, in all probability, be able to elect no more than 30 or 40" representatives to the Central Parliament, instead of 72 their proper number according to population. The cat is now out of the bag, and no mask can hide the grim reality.

I would briefly refer here to another important point that, in the opinion of the Nehru Committee as evidenced from the above quotations, elections would continue to be fought on communal lines even under a joint electorate system. For, if, the people's mentality was going to be changed after the introduction of this system, how would it then be possible for the Muslims to command a majority of seats in the Punjab and Bengal?

In my opinion, the distribution of population shall have no special effect upon the elections. According to the Nehru-Report, the Punjab is divided into three divisions, *viz.*, (1) those areas in which the Muslims preponderate; (2) those in which both the Hindus and the Muslims are equally strong; and (3) those in which the

Hindus preponderate. It has further proceeded to show that, as the area, where the Hindu element preponderates, is smaller than the area, where the Muslims preponderate, the Muslims shall be in a position of advantage over the Sikhs and the Hindus. It holds the same view with regard to the position in Bengal. In my opinion it is a mistaken view. The Nehru Committee seems to have assumed that a district will form a constituency, while as a matter of fact a constituency is much smaller in area. According to the Nehru Committee every 1,00,000 inhabitants will select one representative. Accordingly, a population of 2,06,50,000 in the Punjab would elect $7\frac{1}{2}$ candidates from each district, the total number of districts being 28. In many of these divisions the Hindu or the Sikh population would certainly not be so insignificant as it would, otherwise, be in the whole district. The matter will be clearer when seen in the light of the fact that a minority differing with its sister communities, as a rule, settles in towns and cities, instead of in rural areas. The Hindus generally do so. In all those tracts, where Muslims are in majority, the Hindu population lives in towns and not in villages and prefers to live together. And such of them, also, as happen to go to the villages for business, invariably have their property in towns, and do not sever connections with the cities. For illustration, one has not to go far. In the Punjab the Muslim population amounts to 55% of the total, while the Hindu and the Sikh population is only 43%. But in the city elections, where eight Hindu and Sikh members are elected, only six Muslims are returned, i.e., Hindu and Sikh representation from the municipalities amounts to 57%, and that of the Muslim only 43%. No doubt the introduction of adult suffrage would diminish the non-Muslim proportion, and increase the Muslim proportion, but it cannot be gainsaid that from the pre-

sent relative proportion, it is clear that Hindus and the Sikhs are more thickly populated in towns. On the introduction of adult suffrage this tendency would grow stronger, and even in predominantly Muslim areas, the Hindus who will live in towns, shall exercise their right of vote more largely than the Muslims, and thus secure their share even in places where they happen to hold a minority position. The Nehru scheme is thus to all intents and purposes at best but make-belief; for most surely the powerful factor, namely, that of Hindu-Sikh intellectual and economic superiority would assert itself anyhow. The Nehru Committee has fortunately taken cognizance of this fact.

DISTRICT BOARD ELECTIONS.

(v) The only question that now remains to be considered is that of elections to the District Boards in the Punjab and Bengal. It has been stated that in these elections, the Muslims in spite of their economic backwardness, succeeded in capturing more seats than they were entitled to, and the inference has been drawn that with a good organisation which it is hoped they would possess shortly, the community would, by dint of its numerical strength, be able to secure the lion's share.

As this discussion has already occupied longer space than expected, I would cut short by taking up the questions of the Punjab and the Bengal District Board elections under the same head. First, as regards Bengal, the Nehru-Report has taken up the question in detail, and it has sought to establish that the Muslims in some districts captured more seats than their numbers entitled them to. But the point at issue is the gross proportion of seats captured by the Muslims in the District Boards of the province as a whole. Of the total

458 members, the Muslims in proportion to their population are entitled to 247 seats and the Hindus to 211. The results, however, show that the Muslims could capture only 209 seats while the Hindus secured the remaining 249. In other words the Muslim population, which was entitled to a percentage of 54, gained only 45 seats, and the Hindu population with a percentage of 46 only captured 55 per cent. of the seats. If that is the prospect held out to the Mussalmans by the Nehru Committee, it is hardly an occasion for rejoicing.

I admit that the Muslim position in the Punjab apparently seems to be rather strong. The Punjab District Board statistics published by Mr. Afzal Haq Chowdhury, M.L.C., would startle and convince many of the ability of the Muslims to hold their own in spite of educational and economic backwardness. The figures show that in proportion to their population, the Muslims were entitled to 443 seats, and in proportion to their voting strength to 363, but they were able to capture 408 seats, that is in proportion to their voting strength they wrested 45 seats more than their due. The Sikhs, on population basis, were entitled to $186\frac{3}{4}$ seats, and on franchise basis to $184\frac{3}{4}$; but they actually won 185 seats, that is slightly in excess over their right. The Hindus in proportion to their numerical strength were entitled to $275\frac{1}{4}$ seats and on franchise basis 268, but they could capture 221 seats only. It has been accordingly inferred that the Muslim population is strong enough to secure representation over and above its right.

A WRONG STUDY OF FIGURES.

In spite of the above figures, I am not prepared to endorse the conclusion derived from them. I cannot help

putting a straight question. Would any sensible man ever draw general conclusions from the results of a particular occasion? For such conclusions, what is necessary is to have figures of at least ten elections, and to find out from their average, what proportion of seats has been captured by different communities. If the disparity in figures is to be found only in the near past both in the Punjab and Bengal, then we shall be forced to ascribe it not to the adriotness of the Muslims, but to the wave of rabid communalism that reached its climax during the past four or five years. The riots in Multan, Calcutta, Barisal, and Lahore and the sufferings of the Moplas were shocks powerful enough to make any Mussalman's blood boil within him. But this temporary excitement of feelings can hardly be considered a permanent feature. Do the protagonists of non-reservation of seats mean to assure us that they would continue exciting communal passions, and fomenting communal warfare? If not, and their love for the motherland should prompt them to say no, then I ask whether the result of a temporary excitement in the two communities can justly be regarded as the standard of future elections. There is no doubt that a community, which suffers an irreparable loss, becomes indifferent for the time being to other influences, and sets to work free from every kind of restraints, their numbers only adding to its strength. Since the Muslims have been victims of grave inequities in the past, their feelings were excited more than those of any other community. To judge therefore of their future activities by their present efforts is simply unwise. The validity of the figures of the recent elections would be proved only when the average of at least ten consecutive elections approximates the present figures. To a statistician, the inference drawn from the comparison of figures is valid only (1) when circumstances of an extraordinary nature

are absent, (2) the statistics extend over a fairly long period, and (3) when the figures do not go to indicate the underlying presence of any adverse movement or a probability thereof, that is, when it is proved that in the figures for the successive years, there is no gradually developing factor militating against our conclusions. But in the figures noted both by the worthy member and the Nehru Committee, not one of the three conditions has been fulfilled. It has neither been proved that special circumstances did not exist at the time of the elections, (on the contrary I have proved that special circumstances did exist.), nor have the statistics of several elections been quoted, nor again has it been proved that from the figures of the past elections it does not appear that any such factors have been developing as threaten the progress of the Mussalmans. It is consequently foolish to draw any conclusion from these figures. The value of such figures depends on their average. Without such average they are meaningless; while to depend on the figures of one single election is positively mischievous. Even the weakest army may by chance defeat a most formidable host, but such chances are rare indeed.

HINDU INDIFFERENCE TO DISTRICT BOARD ELECTIONS.

Even if statistics showed the continued success of the Mussalmans as against other communities in the District Board elections of the past few years, still it would be erroneous to conclude that the Muslims would prevail against the Hindus in the Council elections also. There is nothing common between the Councils and the District Boards. A seat on the latter is now hardly a matter for pride or prestige. The District Boards are practically unconcerned with the trade of the country. The Hindus, I mean the trading community, therefore,

are not particularly interested in them ; for they take part in something, only when their interest is at stake. If they take part in District Board elections it is invariably for the sake of some friends. The Hindus are interested in the Municipalities and also in the Councils, because the Municipalities are concerned with trade and so are the Councils. There is also the element of prestige. The Hindus see in these bodies the opportunity for the fulfilment of their hopes, *viz.*, that of reviving Hindu culture. We cannot, therefore, safely draw our conclusions from the results of the District Board elections. There is before us the parallel of the British Parliament, and Local Boroughs. We may see that the country may at one time send one party to power in the parliament, and the opposite party to boroughs and municipal committees. Those conversant with politics are therefore agreed, that we cannot judge the results of the one from the figures of the other. I fail to understand how the Nehru Committee and our Punjab Councillors have assumed the two bodies to be similar in character and have thus judged the result of the one from the figures of the other.

But apart from the arguments of reason and the considerations of politics, if we study the figures themselves, it looks clear that the result of these elections is due more to the indifference of the Hindus than to the cleverness of the Muslims. The figures show that all the extra seats, the Mussalmans won, were wrested from the Hindus and not from the Sikhs. If their adroitness had been the real factor in the game they could have wrested seats from the Sikhs also. But from the figures it is clear that only the Hindus lost as many as $46\frac{1}{4}$ seats. As against their loss the increase of the Muslims and the Sikhs was 46 and $\frac{1}{4}$ respectively. Clearly both the Muslims and the Sikhs have encroached upon the rights of the Hindus

alone. Had there been the question of the domination of a majority over a minority, then the Sikhs would have been the larger sufferers being the smaller minority community,—almost half as much as the Hindus. The figures therefore do in no way prove that the Muslims' gain was due to their strength. On the contrary, they prove that the Hindu community is not interested enough in the District Boards. The facts do not therefore warrant the conclusion that in the elections to the councils also, the Hindus would suffer a defeat at the hands of their Muslim rivals.

The fact must not be lost sight of that it is the landholders who are most interested in the District Boards. The traders no doubt purchase landed property, but they dislike turning agriculturists, and do not take such interest in the District Boards as they otherwise might be expected to do. As for the Hindu agriculturist, he is as much oppressed by the *Baniya* as the Mussalman. In government offices, the Hindu agriculturists of Rohtak, Garbaon, Hissar, Kamal and Ambala, will not be found in appreciable number,—in fact they are fewer than the Muslim employees. That is why they co-operate with the Muslims in getting rid of the domination of the *Baniya*. Elections to District Boards are mostly fought out by the members of this class and not by the *Sahukara* and the Hindu trading classes.

Moreover, it must be remembered that neither the central political bodies take active part in elections to District Boards, nor do the wealthy men from cities contest seats in those elections. In the elections to the Councils, on the other hand, central political bodies take active part, and rich men from the cities join the contest. The two elections have, therefore, little resemblance to each other.

In a word in the first place the figures quoted are not such as would justify any scientific conclusion. Secondly, even assuming the correctness of the inference, which has been drawn from the figures, we cannot, with any show of reason, judge the situation in the Council election from the conditions in the District Board elections for the simple reason of want of any analogous features between the two, which alone would justify such comparison.

But let us for a moment admit, for the sake of argument, all the conclusions, which, those who produce the figures, want to infer from them. The question then arises:—Do these figures indicate that the results would always continue favourable to the Mussalmans, or simply that there are chances for the Muslims to come off best? I am sure no reasonable man would conclude from these figures that Muslims would always wrest more seats than they are entitled to. Because there are always the same opportunities for the Hindus to organise themselves as for the Mussalmans. Again, when we take into consideration the fact that Hindus are in a minority, and minorities as a rule are more zealous than majorities, and further that in the Punjab the Muslims are confronted with two minorities each conscious of its minority position and consequently very active, and still further the dangerous reality that the two minorities being combined together would approach the numerical position of the Muslims, the risk increases and we cannot but admit that if the Muslims would secure a position of supremacy at one time, these rival communities would most certainly hold sway at another. These eventualities preclude the possibility of the Muslims enjoying the same opportunity for progress that the Hindus shall enjoy in other provinces. As a result the Muslims would, in a few years, have perforce to submit absolutely to the influence of the

Hindu culture, and lose their own national identity and existence. For the development of culture, a powerful government is not so essential as its continued existence. And this is possible only with a reservation of seats. The Hindu element, under such conditions, would form a part of almost every government, but in my opinion that would help to prevent the development of a communal government, and to bring about inter-communal unity.

CHAPTER X.

Muslim Representation in the Central Government.

DETAILED STUDY—(*Continued.*)

The fourth demand of the Muslims is for one-third of the seats in the Central Government; or at least for a guarantee of their present position. As already stated, this demand also has been rejected by the Nehru Committee, which says:—"We have given our best consideration to the matter but we regret we are unable to recommend reservation of one-third of the total number of seats for Muslims in the central legislature." (*Nehru-Report*, p. 54.) The committee proposes instead that in provinces where the Muslims are in a minority, their rights shall be reserved and in the Punjab and Bengal, there shall be an open contest.

I have already explained that according to the admission of the Nehru Committee itself, in provinces where the Muslims are in a minority, far from being able to secure more than their proper share, they would hardly be able to win seats even in proportion to their population. It is, therefore, sheer madness to expect that, as a result of the arrangement recommended by the Nehru Committee, the Muslims will be able to win seats in excess of their population ratio. The arrangement will, in fact, prove a severe blow to the Muslims. It is, therefore, indispensable that at least a third of the seats in the Central Legislature should be reserved for them.

The arguments put forward by the Nehru Committee against such Reservation of Seats are as follows:—

(1) To grant to any community representation in excess of their population ratio is contrary to the principle of Representative Government.

(2) If the Muslims are granted representation in excess of their population ratio, it would be an injustice to the other minority communities.

(3) If a third of the seats in the Central Legislature be reserved for the Muslims, then it would be difficult to allot the seats to the provinces. Under the circumstances, the Muslims shall have to be granted reservation of seats in the Punjab and Bengal, a suggestion which we have already discarded. Thus apart from such reservation being contrary to principles, it is difficult of practical application.

(1) INCREASED REPRESENTATION NOT WRONG IN PRINCIPLE.

The first argument that it is contrary to the principle of Representative Government to grant to any community representation in excess of their population ratio is altogether wrong. Had it been otherwise, then in all international negotiations the bigger nations would have had a larger number of representatives than the smaller nations. But the fact is that, in the matter of votes, we find the small state of Belgium enjoying the same rights as the vast British Empire with its four hundred millions of population. Thus, in the consideration of national questions, it is not numbers alone that count, but there are also other factors to be taken into consideration.

To my mind, in order to understand the principle of proportion in representation, it is necessary to understand the real significance of Representative Government. The basis of Representative Government lies in the principle

of individual freedom, subject to the limitations that, (1) for the purpose of a successful career, every man is obliged to associate himself with some form of Government, and (2) exercise of freedom is permissible only so long as it does not interfere with the rights of others. In as much as these two objects cannot be attained without some kind of organisation, the necessity arises for the establishment of organised Governments. And since it has been admitted that every man is free, the best form of Government is one which requires the least sacrifice of individual freedom and gives to every man the maximum share in the work of administration. As Governments are always formed of large collection of men, and no large number of men can be expected to entertain the same views on all subjects, and further, as it is not possible to consult all men on every matter, it is so arranged that, instead of consulting the individuals on particular issues, the adult and the wise among them are asked to elect the persons, in whose opinion in affairs of the state they have their confidence, so that these persons might be asked to give their opinion on particular issues, as they come up for consideration. Save these, there is no other reason for the establishment of Representative Government. But the whole chain of reasoning points to one basic principle, namely,—freedom of the individual. Every man is free and has full right to make his own decision in all matters concerning himself. To surrender personal rights for the sake of the government is a matter of necessity. Whoever surrenders such rights, makes a sacrifice for the sake of his country and the people. And what persuades him to make such sacrifice is the knowledge that men have different minds, if they differ from him in one thing, they are likely to agree with him in another. If, therefore, on a certain occasion he surrenders his own opinion for the sake of others, they

are likely, according to the same principle, to follow his opinion on another occasion.

So far as it concerns the individuals, the above reasoning is quite effective, specially in matters relating to politics. But when questions of nationality and religion intervene, the reasoning fails to hold good, for no body is prepared to sacrifice his nationality, or his religion. He is prepared to surrender his individual opinion for the sake of the majority, because, he hopes, that in some other matters the majority would follow his opinion ; but what consideration would induce him to sacrifice his nationality, or his religion? Can he hope that others would likewise be prepared for his sake to sacrifice their nationality, or their religion? And even supposing that some one be so prepared, can any honest man sacrifice his religion, because some one else is prepared to do so? Certainly not. Of sure, in such a situation he would demand that provision should be made for safeguarding his nationality or his religion, and only then, would he be prepared to surrender his birth right of freedom in favour of the community as a whole.

It is this question which is now before the people of India. The question before the Muslims is one of nationality and religion. Had it been merely a question of politics, they might have known that political views are always liable to change. But here are two different communities, and powerful communities living side by side who differ from each other in their religion and culture. How can the Muslims accept to live as a permanent minority in the presence of a permanent majority, so long as provision has not been made for the protection of their rights? Here is no question of political opinion, and therefore, no possibility of a minority changing place with a majority. The question here is one of national

and religious rights. It is meaningless to urge that there should be mutual trust. If that solves the difficulty, then why don't the Hindus trust the Muslims and grant them a majority of the seats as a gesture of confidence? Further, the situation in the States and in Governmental offices has got enough lessons for us. And if in spite of such warning, the Muslims should fail to provide adequate safeguards for their future position, it will be nothing short of national suicide.

In short, the case of a *permanent* minority with another *permanent* majority cannot be decided on the same principles, as that of a changing minority with a changing majority. Its decision should follow the same procedure as is observed in the case of a settlement between two hostile governments. And if under these circumstances, the Mussalmans demand increased representation, their claim cannot be denied. There is no gainsaying the fact that Representative Governments are always run by majorities. When the Muslims are making such a big sacrifice as to entrust the Central Government into the hands of the Hindu majority, are they not entitled to so much as to say that no change in the constitutional law should be made without their consultation? I have already referred to the conditions laid down by the Nehru Committee for changing the constitutional law, namely, that two-thirds of the members must vote for a such an amendment. Now, even if the Muslim representation should be in proportion to their population, they would have only $\frac{1}{4}$ of the total seats. In other words it means that, even if not a single Muslim should vote in favour of an amendment, it may still be passed, for on a population basis not more than 25% of seats would be allotted to the Muslims, while the Hindus would occupy as many as 75%, and for amending the constitutional

law only 66% of the total votes is all that is required. In order, therefore, to give the Muslim element a proper weight in the Government, they should be allotted not 33%, but 34% of the seats in both the houses of Parliament. The Hindus under this arrangement lose nothing, for in any case, they retain the majority position. The Muslims do not demand the right to rule the country. They demand only such rights as would obviate the danger of an infringement of their rights. They can rule India with 34% of seats as little as with 25%. The Hindu contention, that in a Representative Government it is the majority that rules and therefore a minority has no right to demand representation in excess of their numbers, does not hold good, for the simple reason that Representative and elective Governments are originally based on the fundamental principle of individual freedom, and if this principle is unsound and invalid, then Representative Government is altogether a meaningless thing. But if this principle is sound, then 80 millions of Mussalmans are certainly entitled to say that, when Representative and elective Governments are established in order to safeguard individual freedom, how can they reconcile themselves to a form of government that leaves the interests of $\frac{1}{4}$ of the population absolutely undefended? They do not desire for themselves a majority position, but are they not justified to demand even so much power as would be a security for the continued enjoyment of those rights, which an elective and Representative Government is intended to ensure, and for the sake of which, individuals impose limitations upon their own freedom. If a majority, because of its permanent position of vantage, has right to rule, then what is the difference between the Representative and the Despotic forms of Government?

Nor should it be forgotten that the majority, to which

is usually conceded the right to rule, is a political majority. This always changes according to changing circumstances, and is never a permanent body, nor such as is susceptible to religious bias in its decisions. When there is a fear that a particular majority would be susceptible to external influence in its decisions, and such majority is also permanent in nature, then the need arises for affording protection to the community which is likely to be the victim to such biased decisions.

It may be urged that according to the above line of argument it would be necessary under every Government to grant to every religious minority representation in excess of their population ratio, and this would make a Representative Government altogether impossible. In answer, we may say that increased representation is intended only for such minorities regarding which there is the apprehension that communal or religious prejudices would work against them in their relation with the majority. In the absence of such special circumstances, a mere minority requires no special legislative aid. Even when there are more than one minorities whose combined strength is capable of deterring a majority from resorting to oppressive methods, no special protective measure is needed. The difficulty in India is that there is only one important minority; the Sikhs and the Buddhists, though profess to follow a religion different from that of the Hindus, are, nevertheless, a part of the Hindu body politic. Their presence does not work for the protection of the minorities. They actually strengthen the majority's position. Had there been two real minorities in India whose combined strength would have formed an effective minority, India would not have been faced with the problem of protection for Muslim interests. At present the only other minority in India except the Muslims is that

of the Christians. These form only 1% of the total population. So negligible a quantity has on the one hand little to fear from the Hindus, and on the other is hardly strong enough to come to the help of the Muslims.

I take this opportunity to refute the argument put forward by many people in connection with the Hindu-Muslim differences, namely, that in the presence of so acute differences, India should not be granted Self-Government. In my opinion, when there are means available to protect the interests of the minorities, there is no reason why the same should not be adopted and India granted Self-Government. In several European countries acute differences have been admitted to exist between different sections of the population, but even then with adequate safeguards for the interest of the minorities, new governments have been established. There is no reason, that the example of the European countries should not be followed in India.

(2) INCREASED REPRESENTATION NOT INJUSTICE TO OTHERS.

The Nehru Committee further contends that to grant the Muslim demand for increased representation would be doing an injustice to other communities. I do not understand what the committee means by this argument, and I am afraid, nor does the committee itself understand what the argument is meant to convey. For, as a matter of fact, there is no minority community, which is going to suffer as a result of giving increased representation to the Muslims.

In the first place there is practically speaking no minority worth the name other than the Muslim minority. The Buddhists in India are more a section of the Hindu community to-day, than a people independent and apart.

Besides, they are not faced with the same danger as the Muslims. In national questions they, as a rule, join the Hindus. The Sikhs are more or less in the same position. As for the Christian, they form only 1% of the gross population, and most of them being converted from Hinduism, they have no past of their own with which they might justly feel associated; and accordingly, as they have nothing to lose, they have nothing to fear. Besides, the Muslims do not propose to add to their own position at the expense of the Christian population. They contend that the majority community has such a margin of excess that it can afford to accommodate the Mussalmans without undermining its own majority position. Clearly, therefore, when the question of depriving any of the minority communities of its legitimate rights does not arise, the minorities have little to lose from the Muslim demand.

(3) ALLOTMENT OF SEATS NOT DIFFICULT.

The third argument advanced by the Nehru Committee is that in the event of reserving seats for the Muslims, difficulty will be experienced in the matter of allotment of seats, and as a consequence, their right of representation shall have to be reserved both in the Punjab, and Bengal. This is hardly an argument, for the simple reason that it is exactly what the Muslims demand. I have already made it clear that it is only fair and just to grant reservation of seats to the Muslims, both in the Punjab and Bengal. It is simply unreasonable to base an objection on what is already a point at issue. But even if it were supposed that seats for the Muslims could not be reserved in the Punjab and Bengal, the objection hardly carries any weight. For, at the time of election to the Parliament the country would be viewed

as a whole, and it is a fact that the Muslims in relation to the gross population of the country form a weak minority. Therefore, even on the assumption that seats would not be reserved in the provinces, there is hardly any sound argument against such reservation in the Central Legislature. Such reservation could very easily be effected.

Before concluding, I take this opportunity to draw the attention of the Hindus to the fact that if they are really anxious to see India free, they must show some generosity of mind. They should at once disabuse their minds of the false idea that they can trample upon the rights of the Moslems with impunity, and with success in the fight for India's freedom merely by virtue of their numerical superiority of 3 to 1. They must remember that though individually speaking every Indian would be benefitted by Self-Government, yet considered in terms of communities, the benefit will go mostly to the Hindus, who form the overwhelming majority in the population. It is meet, therefore, that they should exercise generosity of mind and abandon their present policy of narrow-mindedness, which should make even a minority blush. They should bear it in mind that it is the duty of the majority community to be generous. They should remember the words of Professor Murray, that both the parties should act not only in a spirit of forbearance but also of generosity; and that in the opinion of the world it is the duty of the majority community to be the first in such generosity. (*Vide Introduction to the Protection of minority by L. P. Mair, p. 5*).

These words of Professor Murray apply to the case of the Hindus. But if the Hindus are not prepared to come to terms with the Muslim minority by conceding to

them what serves to secure their position without endangering the position of the Hindu majority, then they should neither entertain the hope of winning the confidence of the Muslims, nor that the latter would consider the new Government of India as a National Government.

CHAPTER XI.

Separate Electorates.

DETAILED STUDY—(*Continued*)

The fifth demand urged by the Muslim community relates to the retention of separate electorate system, under which the Muslim would elect their own representatives, and the Hindus their own. Muslim opinion itself was, however, divided over this question. Some suggested the retention of the system so long as the Muslims themselves were not prepared to abandon it; while others agreed to its abandonment in favour of the joint electorate system on the fulfilment of their demands as discussed in the fore-going chapters, provided of course, that the rights of the Muslim community had been adequately safeguarded both in the provinces as well as in the Central Government.

The separate electorate system has been supported by a considerable number of Muslims, but so far as I have been able to gauge public opinion on the matter, all are agreed that it is a temporary measure. It is, therefore, superfluous to discuss the respective merits of the two systems. The only point to be considered is, whether separate electorate does really meet the present temporary need of the Muslim community. In fact, its retention is necessary on account of the mutual distrust between the Hindus and the Muslims. I think no body denies the existence of such distrust. The only question now is what should be the system of electorate during this period of mutual distrust. Even the Calcutta League was of opinion that unless certain conditions were fulfilled, separate electorate system should not be dispensed with.

And as those conditions have not been fulfilled, it may safely and logically be concluded, that the League (Calcutta section) is in favour of the retention of this system.

So far as I can understand, separate electorates would be helpful in banishing the present state of warfare between the two communities. It is irrelevant to ask what it has helped to produce so far. For, it could as well be asked, what has the joint electorate system done so far to improve the mutual relations in the District Boards and Municipalities, where it is in force.

The real thing, however, is that if the separate electorate system is at all objectionable, it is objectionable not from the view-point of inter-communal relation, but for its injurious effect upon the community itself. So far as inter-communal relation is concerned, separate electorate works for reduction of acerbity. Its chief defect is that it weakens the spirit of competition in a community. But under the present circumstances, when the Hindu-Muslim relation is so strained, it is simply indispensable. The consequence of its retention would be that the two communities would settle down to work in a spirit of security. Our experience only strengthens the same opinion. We see that inspite of separate electorates, no legislative body has a purely Muslim Party. If the system had helped to foster disunity, it would have naturally led to the formation of separate Muslim and Hindu Parties in the Councils. The very absence of such parties shows, that the evil attributed to the system is in fact not due to it. At any rate, we find that under this system Muslims of all shades of opinion, Swarajists as well as the advocates of joint electorate system, have been able to win seats ; and similarly, those Hindus also who are co-operating with the Muslims. Therefore, in so far as elections

to the councils are concerned, the system does not seem to have produced any undesirable result.

In my opinion, it should be mutually settled that after the satisfaction of the demands of the Muslim League and the attainment of Swaraj, the system of separate electorates should remain in vogue for a period of ten years in those provinces, where either the Hindus or the Muslims should demand such a measure. During this period of ten years, it would be at the option of the community, at whose instance it was introduced, to give it up of its own accord. Otherwise, it would continue to work for the full term of ten years. After the expiry of ten years the system of joint electorates with reservation of seats should be introduced in those provinces where the Hindus or the Muslims are in a weak minority, and should continue to be in force till such time as the minority of its own choice should not forego its right. As for the Punjab and Bengal, the system of joint electorates with reservation of seats should be introduced for a fixed period of time upon the expiry of which, only the system of joint electorate should be retained. *But the preliminary conditions of such an arrangement should be the actual attainment of dominion status, and the redress of Muslim grievances, so that the Muslim might reap full advantages of their opportunities and be able to stand upon their own legs.*

I consider it necessary to add that the above is put forward not as a formal proposal, but only as a suggestion which might form a basis for discussion, and might lead to a solution agreeable to both the Muslim groups. Personally I am of opinion, that if the Muslims should get opportunities under an autonomous Government for a sufficiently long time to secure their own interests and to stand upon their own legs, then there is no reason

why they should not gradually improve their condition, and be able ultimately to face their opponents in the open field. Especially when this arrangement is proposed only for the Punjab and Bengal, where the Muslims are in a majority position, I do not think the Muslims would be running any risk. At any rate, it is a mere suggestion, which might be considered by the Hindus and the Muslims. And it is possible that it may lead to some sort of mutual understanding.

I want also to have it understood that the system of separate electorate is not entirely opposed to the principle of representation, and the mere fact that the system is not in vogue in Europe, is no argument for its unsoundness. In a country where diverse communities with distinct religions and cultures live together, and their mutual relations continue to be strained from a very long time, it is simply indispensable to introduce some form of safeguards, without which the annihilation of the minority would be a foregone conclusion. The responsibility for such annihilation would lie with the majority, for in times of dispute it would be in the power of the majority alone to restore confidence in the minority. Thus, in this case it was only meet that, the Hindus should have suggested to the Muslims that they should elect their own representatives separately, and the Hindus would elect theirs. But the strange thing is that they are not prepared even to accept the remedy when it is proposed by the Muslims.

SEPARATE ELECTORATE NOT A CAUSE OF COMMUNAL TENSION.

It is indeed a deception to say that the system of separate electorates fosters disunity. I have already refuted the argument in principle. I now turn to facts. Did the Hindu-Muslim disunity arise after the introduction of

separate electorates? If the answer is in the affirmative, I ask what was the proportion of Muslims in various Government departments previous to the introduction of the system? If it is a fact that before the introduction of the system, the Muslims enjoyed their full share of Government offices, then no doubt it will have to be admitted that the Hindus had no prejudice against the Muslims before the system was introduced. But if the Muslims' position was worse than it is now, then it shall have to be admitted that the prejudice is not the result of separate electorate, but on the contrary it was in consequence of such prejudice that the Muslims were obliged to make this demand for separate electorates. And if it is proved that there has been an intensification of prejudice in these days, then the fact has to be ascribed not to separate electorates, but to the restlessness among the Hindus at the sight of the Muslims snatching away some of those privileges, which were so long the sole monopoly of the Hindus.

I cannot conclude without adding that the object of representation is a faithful interpretation of the views of a people, and there is no doubt that such interpretation can be best done by a co-religionist. The fact must not be lost sight of that at the time of elections, people secure votes by appealing to matters which are irrelevant but calculated to excite public feelings. But during the council session there arise many such questions, as are completely unknown to the electorate itself. True and faithful representation can be done only by a co-religionist who can faithfully reflect the views of his constituency, even when a new matter comes in for consideration. And this state of things is to continue, till the people learn to separate politics from religion; and mutual tension disappears, and cordial relations grow among the

different communities with the consciousness of a united Indian nationality. Differences do not die out in a day, nor by mere pious wishes. As Professor Murray puts it, they disappear only gradually in several generations by the practice of mutual tolerance.

CHAPTER XII.

Protection of Culture and Religion.

DETAILED STUDY—(*Continued*)

In respect of this demand I need not say much at this place, as I have already dealt at length with this question of safeguard for culture and religion in my various writings. I would only repeat here that religious conversions and religious propaganda should be free from every kind of restrictions. For the better elucidation of the subject, I think a brief list of the various safeguards imposed in Europe for the protection of the minorities would be helpful. I, therefore, give below a summary of those points, considered to be necessary for the protection of their culture and their religion, and I would recommend that these might be kept in view at the time of drafting a constitution for the country and arriving at a Hindu-Muslim understanding.

In the Congress of Berlin in 1878 on the occasion of recognising the independence of Rumania, the following provisions were made in the interests of the Muslim and Jewish minorities :—

(1) No one would be deprived of his civil or military rights on grounds of religion, nor debarred from Government offices, or honours, nor from the assemblies, nor from joining the different professions and arts.

(2) No one would be prevented from organising or forming religious association, or from meeting religious leaders within or without the country.

Among the treaties made under the auspices of the League of Nations for the protection of the minorities,

the undertaking has been tendered in the case of Poland that the Government shall be responsible for introducing primary education among the minorities in their own vernaculars in those districts and towns, where their numbers are considerable. It has also been provided that in such districts, out of any amount voted for educational, charitable, or religious purposes, an adequate share in proportion to their population shall be given to the minority. In Article 9, it has been laid down that these privileges can in no case be abrogated.

Regarding the Jews, it has been provided in Article 10 of the same treaty that the money set apart for their education shall be spent through the medium of committees elected by the Jews. In Article 11, it has been provided that the Jews shall not be asked to do anything derogatory to the sanctity of their *Sabbath*. The only exceptions are matters, concerning the Army and the Police. No elections shall take place on Saturdays.

The undertaking was given by Yugoslavia that the Muslims shall have full liberty to follow their religious law in cases of inheritance. (This should be noted.) Government shall protect mosques, shrines, and other Muslim buildings. *Wakfs* properties shall not be interfered with. (Important to note.) No obstacle shall be put to the establishment of new *wakfs* and allied institutions in the future.

In Czechoslovakia, the teaching of the Vernacular has not been restricted to the primary schools alone.

Albania has undertaken to introduce such a system of electorates as would ensure complete protection of the national, religious and linguistic interests of the minorities.

In respect of Aland Isles, Finland agreed that the people of the Isles shall not be made to contribute funds for the schools, where education is imparted in the Finnish language.

In connection with the Jewish minority, Poland further agreed that education in the religious institutions of the Jews shall be deemed to fulfil the requirements of the law of compulsory Primary Education. (Mussalmans should note). It was also provided that Jewish servants and soldiers shall be given time to offer their prayers, and further that they shall be given rations as sanctioned by their religion. Their religious teachers shall remain exempt from active service. (These points also should be remembered when negotiating a settlement).

The point also should be made clear that no deprecatory and defamatory accounts of the kings of any people should form any part of the courses of school studies, as it tends to ruin the national character. This is done in some European countries. The Hindus seem to have a special aptitude for this most objectionable form of activity.

The points narrated above clearly show that in considering the question of national protection, the immediate importance of a particular matter is not so material; what has to be considered is its effect, great or small, upon the national character of the people concerned. It is, therefore, essential to make complete provision of the protection of the religion, culture and language of the community in question.

PROPER ENFORCEMENT OF LAW.

I have already stated that there should be some guarantee that the laws would be rightly administered, for it

is evident that without their proper enforcement the laws serve no useful purpose. To attain this end two means are generally adopted:—(1) That the minority should be given its due share in all the services; and (2) that there should be some final appellate authority to which appeals might be preferred in case of difference.

The Muslim community has been continuously urging the first demand, but the plea of efficiency has been invariably adopted to keep them out of their rights. The pretext is however altogether without foundation. The Muslims are not at all inefficient. They are only falsely stigmatised as such. Instances are not wanting of a Muslim subordinate being found deserving of every kind of preferment under a European officer, but the moment he comes to be placed under a Hindu officer he is found to be incompetent. Such instances conclusively prove that there is no doubt about the capacity of the Muslim officers, but that there is a plot to suppress their merits, and attempts to poison the minds of the European officers against the Muslims by frequent report of inefficiency. The fact is evident, that the Hindus, being in the office from a longer time and in larger numbers and occupying the higher posts, find opportunities to prejudice the European officers against Muslim subordinates easily enough. As a consequence some Europeans also have been led to believe that Muslims are really inefficient, while as a matter of fact an examination of the past records of their services might easily show that most of the persons now condemned as inefficient, possessed a brilliant record previous to their coming under a Hindu officer. It is, however, much to be regretted that even European officers are apt to rely on hearsays, and do not take the trouble to investigate the truth before passing a condemnation upon a whole nation.

The demand for representation in the services in proportion to the numerical strength of a community should in no way be considered as opposed to current political theories. The demand has been urged on behalf of the European minorities, and its importance has been duly recognised. There is, therefore, no reason to turn it down in India as a foolish and absurd claim. In Poland, for instance, it has been recognised with regard to the Jewish minority that they "were to be admitted in due proportion to the public services, and allowed to hold non-commissioned rank in the army." (*The Protection of Minorities*, p. 97.)

The League Council appointed a commission to report on the Governmental organisation of Letivia. From their report it is evident that the commission attached great importance to this question of services. It said that the Jews were not being fairly treated. They were being given employment under Government much below their proportion in the population. (*Ibid*, p. 113.)

It will thus appear that the question of services cannot be considered as a matter of minor importance. In fact it is essential that every community should receive a share of Government services proportionate to its numerical strength, so that the community may have opportunities to see for itself whether its rights, safeguarded by law, have not been disregarded in their actual application. In short, it is necessary for the progress of every community that it should get a due and reasonable share in the services of the country, and it is important that it should be provided accordingly, in the future constitution of the Government.

FUTURE OF GREAT BRITAIN.

The other means to ensure the due enforcement of the laws of the constitution is that relating to appeals. The situation in India makes their means a little difficult of application. The ultimate goal assigned for India is that of Dominion Status. In my opinion this is a right goal, though some people regard it merely as a transitional stage, and one that has been necessitated by the exigencies of the time. I am, however, of opinion that even intrinsically Dominion Status is the best form of Government, and particularly so for the Mussalmans. At present neither the British people nor the Indians do adequately realise the fact, that *the future of Great Britain is linked with Asia and particularly with Islam*. But God pleasing, the future will vindicate the truth of the fact. Great Britain under the stress of a habit of thought grown for centuries, may or may not admit it, but the fact remains that its hold on Europe has loosened, and its old prestige has disappeared. To-day the United States of America has stepped into its place. Like England of a few centuries ago, the United States to-day are pledged to a policy of non-intervention in European affairs; but like England under the force of circumstances the States shall be obliged in future to change this policy and actively take part in European politics. With a change in its policy the other powers would begin to realise its strength, and Great Britain shall be obliged, in order to maintain its position, to seek for new allies, or better say, to set up new powers to join hands with it. And at that time it will be impossible for her to maintain her position of supremacy among the World Nations except by making common cause with Asia and particularly with Islam, just in the same way as the Roman Empire when it became converted into the Byzantine

Empire had to depend for its power upon Asia. When England will begin to awake to a sense of this reality, the attention of the British nation shall be directed towards Islam. Just as the opposition of the continental powers made Roman Catholic England turn to Protestantism; even so, the new series of opposition would create a new religious outlook, and among the people of Great Britain there would then prevail a new freedom of thought. That will be a unique opportunity for Islam. Any way, when it is clear that the future of England is linked with Asia, England will undoubtedly be most helpful in the advancement of Asia; and its new outlook will entirely change its present policy towards Asia. Accordingly, a connection with England not as a temporary make-shift, but as a permanent arrangement would be most advantageous to India, and especially to the Mussalmans. They should keep in view not so much the present situation, as the changes that are making their appearance now and are going to mould the future in a way likely to upset altogether the present situation.

I am afraid I am a bit off my point, but not so far as it might seem to the superficial observer. What I mean to say is that the best form of connection with Britain is attachment to the English Crown, or in other words Dominion Self-Government, which has been assigned to be the immediate goal of India; and under this form of government there can be suitable means of appeal to an impartial third party. Therefore, it should be provided in the laws of the constitution, that if any person or group of persons find that the constitution is being abused by the Government, then it shall be open to such person or persons to prefer an appeal. The appeal, as has been agreed to in the case of other Dominions

would lie in the Privy Council. I have already stated that in the event of the Hindus being in power, no great weight is likely to be attached to such appeals, but in the event of the provinces being autonomous the Muslim voice is not likely to prove too weak to make such appeals a real deterrent in respect of infringement of the constitution.

AMENDMENT OF THE CONSTITUTION.

In addition to the abuse of the constitution there is, as already mentioned, the question of the amendment of the constitution. If it would lie with the majority community to change or amend it at will, all our postulations and efforts are useless, for the Hindus whenever they choose can deprive the Muslims of all their rights and privileges. It is essential, therefore, to provide that no amendment or alteration of the law would be possible without the consent of the one important minority. It is much to be deplored that there is no such provision in the draft before us. On the contrary, it provides that the law can be amended with only two-thirds of the total votes. As under the Nehru Scheme at least 75% of the members in the Central Legislature would be Hindus, they could manage easily enough to change, amend, and alter the law with the Hindu votes alone. That the constitution of a Government can be amended even against the will of a powerful minority cannot be conducive to the peace of the country. It is, therefore, most important that the Muslim proportion should be raised to at least 34% or 33% so that no change be possible without their consent.

To say that it is against principle to accord increased representation to any community is to betray complete ignorance of the constitutions of the world. In Czechoslo-

vakia the minorities have been accorded representation in excess of their population ratio. This may be seen from a passage in the reply, given by the Czechoslovakian Government to the League of Nations in connection with a representation made to the latter by the German minority regarding their ill-treatment by the Czechoslovakian Government. The reply said that in spite of that, they (the Germans) held more seats in the national assembly than they were entitled to according to their numerical strength, and that if they could win a sufficient majority, they might be able to change even the constitution. (*The Protection of Minorities, p. 120.*)

In a word, one solution of the present difficulty, so far as I can understand, lies in allotting to the Muslim community 34% or at least 33% of the seats both in the Senate and in the Parliament, so that without their consultation it should not be possible to change the laws of the constitution.

The above remedy is proposed only for affairs of general interest. There will, however, be certain matters that affect the Muslims alone, and in my opinion these should not be interfered with without the consent of the community itself. These matters I have already referred to elsewhere. Regarding these, the decision of the Lucknow Pact seems to be the best possible solution. That is, it should be provided that no change shall be made in the laws of the constitution, pertaining to these matters, without two-thirds of the elected Muslim members of the Central Parliament voting for such change, and that such law shall be introduced only in those provinces where two-thirds of the Muslim members of the provincial body agree to the same. Such are the provisions which may help to safeguard the Muslim interests, and there is no reason why they should not be acceptable to the Hindus.

CHAPTER XIII.

Duty Before Us.

I have so far expressed my opinion on those salient features of the Nehru-Report that are related to the Muslim demands. I now propose to chalk out a line of conduct that it is desirable that we should follow.

There might be many among us who, because of its many defects, would wish the Nehru-Report to be destroyed altogether. I am opposed to such a view. From what I have written on the subject, the readers can easily see that I yield to none in my disapproval of the Report, so far as it concerns the protection of the Muslim interests. It cannot, however, be denied that it is the first attempt of its kind on the part of the Indians to present in detail the Indian view-point. As such, the Report deserves to have its defects removed if possible, and to be adopted as the united demand of the country. For, a people, accustomed to begin a task anew every day, never succeeds. The process of opening afresh the national problems is attended with the labour of examining every question anew, and wasting energy and time in fields, where already much has been spent. The new enthusiasm and zeal spends itself by the time one arrives at that very stage where things stood before. The result is that the country after having sacrificed its brain, time and money and even unity, returns, like the famous cattle at the mill, to where it was before the start. A people, undertaking to invent anew the railway and the telegraph with a view not to be under obligations to any other people, can never hope to march abreast with other nations of the world. Accordingly, in my opinion, it should be our endeavour not to destroy the Report but to im-

prove upon it. We should not deny the compilers of this Report the credit of what is good in the Report, and should make patriotism and appreciation of services the motive of our work rather than jealousy and discord. Such a plan, I have every hope, will much facilitate our programme. We must not forget that the compilers of this Report with all their vast experience, and deep love for the country, were members of a particular religion and social circle, and it was natural that they should have leanings towards the same religion and society. We should, therefore, in dealing with them make full allowances for this human weakness, and consider that if the decision had rested with us some of us might have been guilty of similar blunder. In my opinion, it is therefore meet in the interest of the country that we should deal with the Report in a spirit of criticism and not in a spirit of opposition.

It is true that the Nehru Committee has stressed the point that its proposals, if accepted, should be accepted *in toto*. But the injunction is in no way binding upon the country. The Committee worked with the intention of producing something tangible. The task before us is to endorse the useful suggestions and to reject the rest. We have every right to make reasonable changes, and say to our compatriots, that as you have considered the best interests of your community, so we have deliberated over ours, let us now negotiate a settlement.

RIGHT OF FRANCHISE.

In my opinion apart from the demands mentioned above, there are others that deserve similar consideration from an Islamic point of view. One of these is the question of franchise. It is a very complex problem. *I wish that the right of franchise should be extended to the*

female sex also. We cannot deprive a whole section of humanity entirely of its rights. At the same time it cannot be denied that the introduction of adult and women suffrage would mean considerable loss to the Muslim community, on account of the general backwardness in education particularly among the females. Again there is the question of Purdah. If it were made compulsory for every voter, man or woman, to exercise his or her right of vote and punishment attached to default as is the case in Czechoslovakia, then perhaps the Muslim women might be induced to go to the polling station; otherwise it is almost impossible. It is, therefore, important to give our best thought to the question and devise some *via media*.

FOREIGN RELATIONS.

Another question relates to foreign relations. The Nehru-Report contains a brief note on this subject. It has cleverly avoided a discussion of the subject in detail. The hint, however, is sufficient to serve as an eye-opener to the Mussalmans. It purports to suggest that the future Government of India shall deal with the neighbouring Asiatic Powers in the same way as is being done hitherto by Great Britain, through the agency of Government of India. To me it would be an evil day for the Muslim States, when the control of India's foreign policy would fall into the hands of those who have the intention of hoisting the flag of 'Om' in the Hedjaz, and they would control India's relation with Arabia, Afghanistan and Persia. The relations of Great Britain with these Asiatic States are based on an altogether different foundation. The consideration of economic supremacy alone governs their policy. But a free India, which is so early dreaming of political supremacy, will view these relations from a different standpoint. I am, therefore, of opinion that

it would be wiser to let Britain control the foreign policy, excepting the minor subjects such as trade, transit and ports, etc. Left to itself an Indian Government, I am afraid, would interfere rather too much in matters relating to neighbouring Muslim States.

THE JUMAA.

The third question relates to the sanctity of the *Jumaa* (the Muslim Sabath). It is very important in so far as national existence of the community is concerned. Where the Jews, 3,500 years after the establishment of their Law, consider it essential to secure protection for their *Sabath*, and the Christians make stipulations in their treaties in respect of Sundays, there is no reason why the Muslims should not insist on facilities for the *Jumaa* prayers being made an important part of the constitutional law.

THE MUSLIM LAW.

The fourth question relates to the Muslim law. In a mixed government the Muslims cannot enforce and introduce their law of *Shariat*, but there can be no objection to their insisting on the enforcement of Muslim law in their own social and domestic affairs.

HIGH COURT JUDGES.

The fifth question relates to High Court Judges. In view of the autonomy in the provinces, it appears to me to be necessary to leave it to the Provincial Governments to appoint judges of their respective High Courts, and to the decision of the provincial councils to dispense with their services. The Nehru Scheme has left this power to the Governor-General; but as constitutionally the Governor-General shall have to act in consultation with his ministers, most or all of whom in the case of the Central

Government are likely to be Hindus, the arrangement would virtually bring all the Indian High Courts under the influence of the Hindus. There is, however, no objection to the Supreme Court being directly under the Governor-General.

Apart from these questions which have special relation to the Muslims, there are others of a more general nature that deserve attention from the community. The Compilers of the Nehru-Report, do not appear to have made a deep study of the constitutions, which have been adopted by the New States established after the war. I think a better constitution can be drafted if the matter be given more serious consideration.

NATIVE STATES.

The problem of the Indian States has not yet been solved. The solution preferred by the Nehru Committee is neither sound nor acceptable to the States. The British sovereignty over the States has its basis in their superior power. Under the future constitution of India what would be the justification for one part of India to control another? It is, therefore, necessary to devise some such scheme as, on the one hand, would maintain the unity of India as a whole, and on the other, would prevent one part of the country from being subjected to another. To my mind, the institution of a permanent Imperial Conference in place of the proposed Senate, and the recognition of the internal autonomy of the States with adequate safeguards for the interests of their subjects, would afford a solution of the present problem. The Conference might comprise of the representatives of the provinces, of the delegates of the councils and of the States; and it might deal with inter-provincial affairs and other subjects of all-India importance. The body should be

concerned with matters relating to administration and not to legislation. It is also possible that this body should be invested with additional powers, and attached to the Governor-General as a sort of Privy Council. It may also be invested with powers of arbitration in disputes relating to the constitution.

In short, we should give further thought to the subject matter of the Nehru-Report; and in order to do that, we must at once call an All-Muslim Parties Conference to which all sections of the community should be invited to send their representatives. I have been delighted to learn that some Muslim members of the Legislative Assembly have already begun the work in that direction, and it is proposed to hold such a conference in December, 1929. I think I need not, therefore, stress this point any further. I cannot, however, help drawing attention of the conveners of this conference to the fact that it would be useful to make the conference as widely representative as possible; and the more generously the invitations are issued, the surer will be the success of the conference. It is also important that the invitations should be freely extended to the members of the opposite camp. Time for each speaker should be fixed, and the same rule should apply both to proposers and opposers. All parties should be given full opportunity to have their say. If the conference did not represent both the Nehruite and the ante-Nehruite groups of Muslim politicians, the general voice of the Muslim community would not rise strong enough. Opposition never weakens the true cause: it rather strengthens it. Personal opinion should be subordinated to the interests of Islam and the Muslims. If some one has a better proposal to make than our own, there is no reason why the same should be rejected. Instead of driving such a one away, we should invite him closer to

us, and should listen attentively to what he has got to say, for an opinion does not gain in strength by the support of fellow-thinkers, but by the criticism of opposers. The procedure should be that in that conference a discussion of the Nehru-Report should take place only on questions of principles, for that alone is possible in such a conference. After the principles have been decided, a sub-committee should be appointed to study closely the details of the recommendations, and to suggest improvements and amendments, and to draft an elaborate scheme not confining itself to safeguards for Muslim interest alone, but traversing the whole field of constitutional questions; and this draft should be presented to the next sitting of the All-Muslim Parties Conference. If it finds unanimous support from the Muslims or even from a majority of them, then it may be published. A complete draft of the constitution alone can be expected to create a stir in public circles; a mere criticism cannot be expected to do the same. The stir created by the Nehru-Report is also due to the fact of its being a complete proposal. Unless, therefore, we can put forward a complete proposal by making necessary changes in the Nehru-Report, in the eyes of the world we shall be regarded as adverse critics, and not as practical politicians.

Another matter which is equally important is to convene meetings in all towns and cities to pass protest resolutions against the Nehru-Report, and send reports of the same to the Government. For, leaving aside the question of co-operation or non-co-operation, we cannot deny that the Nehru-Report has succeeded in creating a stir in government circles. And if the Muslims failed at this juncture to raise a strong and effective voice of dissent, both the Government and the public at large will perforce be led to ascribe it to their appreciation and accept-

ance of the Nehru-Report. And if as a consequence of this wrong impression, some such changes be introduced in the constitution as are detrimental to the interests of the Muslim community, then it would indeed be really a hard job to rectify the mistake, and the old plea of *status quo* would stand in the way of safeguarding the Muslim rights.

Apart from this, it is also necessary to hold public meetings in order to educate Muslim public opinion regarding what pertains to their interest and advancement. The supporters of the Nehru-Report are traversing the country, and making every possible efforts to enlist public support for their views but the opposite group has taken no steps to explain the demerits of the Report to the general body of Muslims. And it is well-known that the public at large cannot be expected to understand these complex questions unaided. The secret of Mr. Gandhi's influence lay in his change of audience—in his appeal to the man in the street, while his predecessors thought the secret of India's success lay in their approach to the *intelligensia*. It cannot be gainsaid that the advocates of a democratic form of government cannot succeed without enlisting the support of the masses. It is not possible for any body to demand a democratic form of government, and at the same time to turn his back to the masses. It is, therefore, indispensable to educate the Muslim masses on the present state of affairs, and for that purpose to hold meetings in all cities, towns and villages, and to consolidate the Muslim opinion. A conference of the enlightened can certainly help in arriving at a right and sound decision, but it will lack the power to make that decision effective unless there be the masses behind it.

Myself and the whole of the Ahmadiyya Community are prepared to co-operate in this matter with all other sections of the Muslims, and I promise to employ the whole of the wide and efficient organisation of the Ahmadiyya Community in the advocacy of this cause of Islam in every reasonable and proper way.

It is also incumbent upon us to enlighten the British public opinion on the present situation. For the present I have arranged to distribute among the members of the British Parliament and other responsible Englishmen copies of the English translation of this brochure, (meaning the Urdu original) so that they may be enabled to see for themselves that the Nehru-Report is by far the most biased, and altogether one-sided representation of the Indian view-point, and that the Muslim interests have not been safeguarded adequately under its scheme.

It is regrettable indeed that while the Hindu extremists, notwithstanding their profession of non-co-operation and public condemnation of the British Government, have been always courting the favours of members of the British Parliament with the result that from two to three dozens of the members are very warm friends of the extremist Hindus, there is not a single member of the Parliament with genuine sympathy with the Muslim cause. Similarly, a section of the English-edited Press is under the Hindu influence, but the Muslims have not cared to enlist such support. Naturally, the Muslim voice is without that weight, which the Hindu voice carries in English political circles. While the Hindu non-co-operators, notwithstanding their non-co-operation, should in their personal capacity find it necessary to try to impress their views upon the British Statesmen, it seems strange to me why the same course should be neglected by the Muslims. A non-co-operator would say that the English

are enemies of India. But can any sensible man deny the wisdom of enlisting the sympathy of people from the enemy's camp? I, on my part, consider the British people as our friends, and it is my firm belief that the future of Great Britain and Islam will be daily linked closer. But I ask of those who consider the British as their enemies—what greater success can there be than to win over people from the enemy's side to our own? It is the soundest and wisest tactics of war, and the person who neglects such tactics spells his own failure.

Before concluding I once again warn the Mussalmans, that it is a very critical moment in their history. Dark clouds are thickening on the horizon. The time is ready to deal them with another blow. Once more the foundations on which they had placed their greatest reliance, and the props that supported the structure of their edifice, are shaking. The men whom they considered as their own champions have joined the enemy's side and are preparing to give them battle. The wisdom and intelligence of the community have been again put to the test. God has intended to see whether and to what extent we have benefited by our past misfortunes and bygone experiences. It is now the moment for us to be wide-awake and on the alert. Instead of falling a prey to the spell of powerful writings and eloquent words, it is time we should make use of our eyes and our ears, our intellect, and our hearts—those inestimable gifts of the All Beneficent Providence. We should resolutely stand up, and refuse to put on the robes of dishonour offered to us.

God had made the Mussalmans an honoured people, but alas! they have encompassed their own disgrace. It is now up to them to cast off this disgrace and clutch at their ancestral robe of honour.

It should, however, be borne in mind what was enjoined by the Holy Prophet (peace and blessings be upon him and his followers) — “Whomsoever thou loveth, let thy love for him remain within bounds, and whomsoever thou disliketh let thy hatred for him remain within bounds.”

The virtue of magnanimity is best tried at the time of opposition. It is necessary to make every effort to secure one's rights, but it is, equally important that no means should be adopted opposed to religion and honesty. I wonder why attempts are made to drown the voice of the opposing party. On the contrary, we ought to hear them, and also explain to them, our own view-points. Difference of views is, in fact, the key to the progress of the world. There is no use getting impatient with it. The dishonest would surely meet their deserts, but if our opponent is good-intentioned, then by refusing to give him a hearing we shall be merely closing the doors of virtue upon ourselves even if we are in the right.

Instead of quarrels and violence, the Muslims should launch upon a continuous and unending series of endeavours, and should return love for hate and kindness for cruelty, so that the world may realise that the Muslims own a strength which no storm of jealousy or hatred can disturb; and that they possess a self-reliance, and are like the formidable rocks that stand intact in their places under all circumstances, and not like the small pebbles flitting before every gust of wind.

And our last words are that all Praise is due to Allah, the Lord of all.

SUPPLEMENT.

A Brief Review of the Supplementary Report of the Nehru-Committee.

After the publication of my criticism of their original Report, the Nehru Committee have issued a Supplementary Report in which they have attempted to make some modifications on their original recommendations. In spite of these modifications my review hardly needs any alteration. But lest some people should think that the publication of the Supplementary Report has rendered some portions of my review unnecessary, I take this opportunity to express my views very briefly in regard only to those parts of the Supplementary Report which are calculated to affect the Muslims.

1. Dealing with the question of free elementary education in the future Commonwealth of India the Supplementary Report has, under the heading "Fundamental Rights," added a proviso to the following effect, "adequate provision shall be made by the State for imparting public instruction in primary schools to the children of members of minorities of considerable strength in the population through the medium of their own language and in such script as it is in vogue among them." (Supplementary Report of the Nehru Committee, p. 32, cl. 4, Sub-cl. v.) The usefulness of this modification cannot be denied but the words embodying it are too vague and ambiguous, and there is every likelihood that the Muslims will be deprived of the benefits that will accrue from it, and will fail to acquire education in their own script in many provinces. If in the light of the regulations of a similar nature, obtaining in the States

that came into existence in Europe after the Great War, the words "of considerable strength in population," would have been made more explicit and their meanings and implications rendered more definite, this clause would have given some satisfaction to the Muslims. The word "considerable" used in this clause is so indefinite that in all probability in no province in which they are in minority will the Muslims be able to avail themselves of the concession it is intended to give to the minorities, whereas the Hindus and the Sikhs of the Punjab are sure to benefit by it.

2. A further addition has been made in clause 17 under the same heading. But this addition, too, far from being beneficial to the Muslims may prove positively injurious for them. It reads thus, "and Parliament shall also make laws to ensure fair rent and fixity and permanence of tenure to agricultural tenants." (*Ibid.*, p. 33). As far as I have been able to understand from reading the original report, it is not within the purview of the Central Government to make laws of this nature. From Schedule No. 1 of the Nehru Report it appears that no power rests in the Central Government to legislate on matters governing the mutual relations of the landlords and tenants. Such powers are entirely vested in the Provincial Governments.

Moreover this question in itself is of such vital importance that it is impossible to attempt an all-India solution for it, and the Government that will endeavour to enact a general law affecting equally all provinces, would decidedly harm the best interests of the country. The provinces, I think, should in this connection be left quite free to legislate as they deem proper and as it suits their own particular conditions, otherwise the Muslims, who

of all communities belong more to the agriculturist class, will suffer heavily.

3. Another modification or improvement, if it can be so called, to which I take objection is in regard to the future language of the country. Under the heading, "Language" in the Supplementary Report we read, "The language of the Commonwealth shall be Hindustani, which may be written either in Nagri or Urdu character." (*Ibid.*, p. 33, Cl. 4, Sub-cl. 1). The ambiguity of the sense conveyed by this expression is such that it gives rise to a legitimate apprehension in the minds of the Muslims, lest all Government Reports should be written in Nagri script and the progress of Urdu should, in this way, be made to suffer from sheer neglect and indifference. And it is quite natural that if the use of Nagri character were encouraged by the Government, Arabic and Persian words would of themselves gradually disappear from the language, and the present form of Urdu will completely become changed into a language, Urdu only in name but Nagri in substance and reality, particularly because Urdu words cannot adequately be expressed in Nagri characters. This arrangement will inevitably lead to the gradual but sure dying out of Urdu words making room for Bhasha words and will therefore, evidently be very detrimental to the interests of the Muslim Community and on occasions may be used against them.

4. Under the caption, "Parliament" another Sub-clause has been added to clause 13 A, which runs as follows:—

(a) "In cases of great emergency and in matters of controversies between provinces or a province and an Indian State, the Central Government and the Parliament

have all the powers necessary and ancillary including the power to suspend or annul the acts, executive and legislative, of a Provincial Government."

(b) "The Supreme Court shall have no jurisdiction in cases where the Commonwealth Government or Parliament has acted in exercise of the powers under the preceding sub-clause." (*Ibid.*, p. 36).

The first part of this clause is attended with a danger of the gravest nature. That it invests the Central Government with the power and the right to suspend, alter or annul in cases of emergency laws, enacted by provincial governments, completely demolishes their independent position. The rest of the clause, if couched in legal language so as to obviate the possibility of different interpretations can be of substantial use and benefit. But the first part of it, I repeat, is extremely dangerous for the Muslims because the Hindu majority in the Central Government taking advantage of the words "in cases of emergency" would be free to interfere with the internal management of the provinces in which Muslims are in a majority and thus will seek to hamper and impede their progress and advancement. I, therefore, strongly object to this clause and suggest that the substance of the clause should be as follows:—

(a) No Provincial Government shall have the power to frame laws calculated directly to affect the administration of any other province or the lives of its inhabitants; and if any Provincial Government frames any such laws, the Central Government shall have full authority to suspend or annul it.

(b) But in all such cases the Provincial Government thus affected shall have the right to

appeal to the Supreme Court against the decision of the Central Government, if it finds that the Central Government, while suspending or annulling the law framed by it has misused or overstepped its lawful authority.”

5. An unwholesome change has also been introduced in clause 29 under the title “The Provincial Legislatures.” The Nehru Report had reserved the appointments of governors of provinces for the King. But the Supplementary Report has transferred this royal prerogative to the Governor-General in Council. The modification suggested by the Supplementary Report is “there shall be a Governor of every province who shall be appointed by the Governor-General-in-Council.” (*Ibid.*, p. 39, Cl. 29). This change is, indeed, fraught with great risks. It has made the Provincial Governments entirely subservient and wholly subject to the control of the Central Government. The appointment of governors should directly be made by the King and the Governor-General should have no voice in the matter as it is at present done in the case of the Presidency governors.

6. Another modification is made in clause 72, part, vi. (*Ibid.*, p. 47). This modification aims at the creation of five new provinces. On principle we have no right to find fault with this recommendation, but it quite clearly shows that the members of the Nehru Committee are possessed with an irresistible desire to see the Hindu element predominate over the Muslim element in respect of provinces as well as individuals.

7. Regarding the amendment of the Constitution it was originally stated in the Nehru Report that the repeal or alteration of any of the provisions of the Constitutions

could be effected by the agreement of "the 2/3rds of the total number of members of both Houses." The modified clause 87 of the Supplementary Report now reads as "the bill embodying such repeal or alteration shall be passed by both Houses of Parliament sitting together and at the third reading shall be agreed to by not less than four-fifths of those present." (*Ibid.*, p. 50).

This alteration is, indeed, an improvement upon the original recommendation, but even this improvement does not adequately safeguard the interests of the minorities. The repeal or alteration of any of the provisions of the Constitution should be made subject to the agreement of 4/5ths of all the elected members, instead of 4/5ths of the members present at a particular sitting, because it is quite possible that on account of acute political differences or as a protest against a certain measure, or owing to any other reason one section of the elected members of a legislature may be non-co-operating with other members, and the party then in majority in the House, taking advantage of the absence of a part of its members, should have an alteration made in the Constitution or have a provision thereof repealed. To make amendment of the Constitution subject to the agreement of four-fifths of only the members present at a particular meeting places the foundations of this provision on a very weak basis.

8. Dealing with the question of communal representation the Nehru-Report had recommended, "there shall be no reservation of seats for any community in the Punjab and Bengal." The Supplementary Report amended this clause as "there shall be no reservation of seats for any community in the Punjab and Bengal, provided that the question of communal representation

will be open for reconsideration, if so desired by any community after working the recommended system for 10 years." (*Ibid.* p. 50.) The amendment is quite meaningless. In a representative form of government the decision of the majority is always enforced. This modification gives no guarantee to any minority even if they insist and persist in their demand for reservation of seats that after 10 years reservation of seats will actually be granted to them. What is offered them is that the question of communal representation will only be open for reconsideration. But after the expiration of 10 years the question of communal representation is reconsidered, and the Hindu majority in the Central Government decides that no change in the existing law is possible, in what conceivable manner would the Muslims get back their lost rights? In view of the fact, this modification is highly deceptive and is nothing short of jugglery in words.

The last but not the least change to which I object is that which is introduced in Clause 4 under the heading "Communal representation." The original recommendation of the Nehru-Report was "Reservation of seats, where allowed, shall be for a fixed period of ten years." To this clause have been added the words "provided that the question shall be open for reconsideration after the expiration of that period if so desired by any community." (*Ibid.* p. 51.) This addition is clearly superfluous. The words "the question shall be open for reconsideration" lay down no fixed policy, no definite course of action. Evidently, of all minorities it is very largely for the sake of the Muslims that the provision for the reservation of seats has been made in the Constitution. If the exercise of this concession is beneficial to them, it requires no

special intelligence to understand that they will never demand its repeal or alteration. Whenever any demand is made to repeal or alter this provision, the Hindus alone will make it. In other words the amended clause means that if after the lapse of ten years the Hindus will demand that the Muslims should enjoy this concession no longer, this question will again be considered. The consideration will demonstrably be made by the Central Government in which the Hindus will ever be in a majority and the decision in such a case can easily be imagined.

After this short review of the Supplementary Report of the Nehru Committee, I venture to reiterate my contention that the modifications and alterations embodied in the Supplementary Report will do more harm than good to the Muslims. All I can say in favour of the Nehru Committee is that it has shown great adeptness and dexterity in the choice of words and phrases which are susceptible of interpretations bearing a sense quite opposite to that they apparently intend to convey. But this is not commendable.

In the end I most earnestly appeal to the Muslim public and to my English brethren beyond the seas that they should refuse to lend any support whatever to the Nehru-Report without first understanding and realising fully the nature and significance of its recommendations. Let the British people know that though they are certainly at present the rulers of India, they are not the masters of the Indian people. They have, therefore, no right to give in perpetual enslavement to the Hindus and 80 million of Muslims of India. The nation which claims to have contributed so large a share to the emancipation of slaves all the world over would irretrievably

lower itself in the estimation of future generations, if in this age of freedom and liberty it would, by a mere stroke of the pen, hand over in everlasting slavery 80 millions of free souls to a community which is notorious for meeting out the most heartless and disgraceful treatment to its slaves. The slaves of every other nation have, in the course of time, come to their own and regained freedom. But after the passage of thousands of years the slaves of the Hindus under the name of "untouchables" even to-day bear most melancholy testimony to the extremely inhuman and cruel institution of slavery as practised among the Hindus. Let England beware that the moment she makes up her mind to free India from her bondage, the Muslims of this country will naturally regard themselves to have got their freedom. They will then be perfectly justified to demand the protection and security of their political rights, and if these are not conceded they will be entitled to refuse to associate themselves with any system designed to crush their independence, and will have to set up a new one under which they will be able to maintain their liberty. The Muslim believes in One All-Powerful God, and fears none but Him. He will never stoop to be treated like "Untouchables" by any community and will consider no sacrifice too great to combat any mischievous attempt to enslave him.

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THE END.

