

B. REPRESENTATION IN THE EXECUTIVE

This question raises three points :

- (i) The quantum of representation in the Executive;
- (ii) The nature of the Executive ;
- (iii) The method of filling the places in the Executive.

(i) *Quantum of Representation*

For the solution of this question, the principle which should be adopted is that the representation of the Hindus, the Muslims and the Scheduled Castes should be equal to the quantum of their representation in the Legislature.

With regard to the other minorities such as the Sikhs, Indian Christians and Anglo-Indians, it is difficult to give them representation in the Executive in strict proportion to their representation in the Legislature. This difficulty arises largely from the smallness of their numbers. If they are to get representation in the Executive in exact proportion to their numbers, the Executive would have to be enlarged to a fantastic degree. All that can be done, therefore, is to reserve a seat or two for them in the Cabinet for their representation and to establish a convention that they will get a fair portion of representation in the corps of Parliamentary Secretaries that will have to be raised, when the new Constitution comes into existence.

(ii) *Nature of the Executive*

In the Constitution of the Executive, I would propose the adoption of following principles :

- (1) It must be recognised that in a country like India where there is a perpetual antipathy between the majority and the minorities and on which account the danger of communal discrimination by majority against minorities forms an ever-present menace to the minorities, the executive power assumes far greater importance than the legislative power.
- (2) In view of (1) above, the system under which a party which has secured a majority at the poll is deemed entitled to form a Government on the presumption that it has the confidence of the majority is untenable in Indian conditions. The majority in India is a communal majority and not a political majority. That being the difference, the presumption that arises in England cannot be regarded as a valid presumption in the conditions of India.
- (3) The Executive should cease to be a Committee of the majority party in the Legislature. It should be so constituted that it will have its mandate not only from the majority but also from the minorities in the Legislature.
- (4) The Executive should be non-Parliamentary in the sense that it shall not be removeable before the term of the Legislature.
- (5) The Executive should be Parliamentary in the sense that the members of the Executive shall be chosen from the members of the

Legislature and shall have the right to sit in the House, speak, vote and answer questions.

(iii) *Method of Filling Places*

In this connection, I would propose the adoption of the following principles :

- (a) The Prime Minister as the executive head of the Government should have the confidence of the whole House.
- (b) The person representating a particular minority in the Cabinet should have the confidence of the members of his community in the Legislature.
- (c) A member of the Cabinet shall not be liable to be removed except on ; impeachment by the House on the ground of corruption or treason.

Following those principles, my proposal is that the Prime Minister and the members of the Cabinet from the majority community should be elected by the whole House by a single transferable vote and that the representatives of the different Minorities in the Cabinet should be elected by a single transferable vote of the members of each minority community in the Legislature.

C. REPRESENTATION IN THE LEGISLATURE

This is the most difficult question. All other questions depend upon the solution of this question. It raises two points :

- (i) The quantum of representation; and
- (ii) The nature of the electorate.

(i) *Quantum of Representation*

I would first put forth my proposals and then explain the principles on which they are based. The proposals are worked out in the following tables, which show the scale of representation for the different communities in British India in the Central Legislature as well as in the Provincial Legislature :

Proposed Ratio of Representation in the Legislatures

N.B.—The percentages of population in the following Tables differ from the census figures as they have been taken after deducting the population of Aboriginal Tribes :

1. CENTRAL ASSEMBLY

Community				Percentage of population to total	Percentage of Representation
Hindus	..	..	..	54.68	40
Muslims	..	..	..	28.50	32
Scheduled Castes	..	..	..	14.30	20
Indian Christians	..	..	..	1.16	3
Sikhs	..	..	..	1.49	4
Anglo-Indians	..	..	..	0.05	1

2. BOMBAY

Community				Percentage of population to total	Percentage of Representation
Hindus	..	..	..	76.42	40
Muslims	..	..	..	9.98	28
Scheduled Castes	..	..	..	9.64	28
Indian Christians	..	..	..	1.75	2
Anglo-Indians	..	..	..	0.07	1
Parsees	..	..	..	0.44	1

3. MADRAS

Community				Percentage of population to total	Percentage of Representation
Hindus	..	..	..	71.20	40
Scheduled Castes	..	..	..	16.53	30
Muslims	..	..	..	7.98	24
Indian Christians	..	..	..	4.10	5
Anglo-Indians	..	..	..	0.06	1

4. BENGAL

Community				Percentage of population to total	Percentage of Representation
Muslims	..	..	..	56.50	40
Hindus	..	..	..	30.03	33
Scheduled Castes	..	..	..	12.63	25
Indian Christians	..	..	..	0.19	1
Anglo-Indians	..	..	..	0.05	1

5. UNITED PROVINCES

Community				Percentage of population to total	Percentage of Representation
Hindus	..	..	..	62.29	40
Scheduled Castes	..	..	..	21.40	29
Muslims	..	..	..	15.30	29
Indian Christians	..	..	..	0.24	1
Anglo-Indians	..	..	..	0.03	1

6. PUNJAB

Community				Percentage of population to total	Percentage of Representation
Muslims	..	..	..	57.06	40
Hindus	..	..	..	22.17	28
Sikhs	..	..	..	13.22	21
Scheduled Castes	..	..	..	4.39	9
Indian Christians	..	..	..	1.71	2

7. C.P. & BERAR

Community				Percentage of population to total	Percentage of Representation
Hindus	..	..	..	72.20	40
Scheduled Castes	..	..	..	20.23	34
Muslims	..	..	..	5.70	25
Indian Christians	..	..	..	0.36	1

8. BIHAR

Community				Percentage of population to total	Percentage of Representation
Hindus	..	..	..	70.76	40
Muslims	..	..	..	15.05	30
Scheduled Castes	..	..	..	13.80	28
Indian Christians	..	..	..	1.71	2

9. ASSAM

Community				Percentage of population to total	Percentage of Representation
Hindus	..	..	..	45.60	40
Muslims	..	..	..	44.59	39
Scheduled Castes	..	..	..	8.76	19
Indian Christians	..	..	..	0.48	2

10. ORISSA

Community				Percentage of population to total	Percentage of Representation
Hindus	..	..	..	70.80	40
Scheduled Castes	..	..	..	17.66	36
Muslims	..	..	..	2.07	22
Indian Christians	..	..	..	0.37	2

11. SIND

Community				Percentage of population to total	Percentage of Representation
Hindus	..	..	..	23.08	40
Muslims	..	..	..	71.30	40
Scheduled Castes	..	..	..	4.26	19
Indian Christians	..	..	..	0.29	1

VI

EFFECT ON MINORITIES

It may be desirable to set out in a tabular form the changes in the representation of the different minorities as prescribed in the Government of India Act, 1935, and as laid down in the proposals—

EFFECT ON MUSLIMS

Legislature				Ratio of Representation	
				Under the Government of India Act, 1935	Under the proposed scheme
Central	..	..	28.50	32.00	32
Madras	..	..	8.00	13.49	24
Bombay	..	..	10.00	17.40	28
U.P.	..	..	15.30	28.95	29
C.P.	..	..	5.70	12.50	25
Bihar	..	..	15.00	26.32	28
Assam	..	..	44.60	31.48	38
Orissa	..	..	2.00	6.66	22

EFFECT ON SCHEDULED CASTES

Legislature				Ratio of Representation	
				Under the Government of India Act, 1935	Under the proposed scheme
Central	..	..	14.30	7.60	20
Madras	..	..	16.50	13.90	30
Bombay	..	..	9.60	8.50	28
Bengal	..	..	12.60	12.00	25
U.P.	..	..	21.40	8.70	29
Punjab	..	..	4.40	4.50	9
C.P.	..	..	20.20	17.80	34
Bihar	..	..	13.80	9.80	28
Assam	..	..	8.70	6.50	20
Orissa	..	..	17.60	10.00	36
Sind	..	..	4.20	Nil.	19

EFFECT ON INDIAN CHRISTIANS

Legislature			Population Ratio	Ratio of Representation	
				Under the Government of India Act, 1935	Under the proposed scheme
Central	..	..	1.16	3.00	3
Madras	..	..	4.10	4.20	5
Bombay	..	..	1.70	1.70	2
Bengal	..	..	0.19	0.80	1
U.P.	..	..	0.24	0.90	1
Punjab	..	..	1.70	1.14	2
C.P.	..	..	0.35	Nil	1
Bihar	..	..	1.70	0.66	2
Assam	..	..	0.48	0.90	2
Orissa	..	..	0.37	0.16	2
Sind	..	..	0.29	Nil	1

EFFECT ON SIKHS

Legislature			Population Ratio	Ratio of Representation	
				Under the Government of India Act, 1935	Under the proposed scheme
Centre	..	..	1.50	2.40	4
Punjab	..	..	13.20	18.29	21

EFFECT ON HINDUS

Legislature			Population Ratio	Ratio of Representation	
				Under the Government of India Act, 1935	Under the proposed scheme
Bengal			30.00	20.00	33
Punjab			22.10	20.00	28
Sind			23.80	31.60	40

VII

PRINCIPLES UNDERLYING THE PROPOSALS

I may now proceed to state the principles on which this distribution has been made. They are :

- (1) Majority Rule is untenable in theory and unjustifiable in practice. A majority community may be conceded a relative majority of representation but it can never claim an absolute majority.*

*I have not framed any scheme of representation for the North-West Frontier province as the minority is so small that even the Principle of relative majority cannot help it.

- (2) The relative majority of representation given to a majority community in the legislature should not be so large as to enable the majority to establish its rule with the help of the smallest minorities.
- (3) The distribution of seats should be so made that a combination of the majority and one of the major minorities should not give the combine such a majority as to make them impervious to the interest of the minorities.
- (4) The distribution should be so made that if all the minorities combine they could, without depending on the majority, form a government of their own.
- (5) The weightage taken from the majority should be distributed among the minorities in inverse proportion to their social standing, economic position and educational condition so that a minority which is large and which has a better social, educational and economic standing gets a lesser amount of weightage than a minority whose numbers are less and whose educational, economic and social position is inferior to that of the others.

If I may say so, the representation is a balanced representation. No one community is placed in a position to dominate others by reason of its numbers. The Muslim objection to the Hindu majority and the Hindu and Sikh objections to the Muslim majority are completely eliminated, both in the Central as well as in the Provinces.

VIII

NATURE OF THE ELECTORATE

With regard to the question of electorates the following propositions should be accepted :

- (1) Joint electorate or separate electorate is a matter of machinery for achieving a given purpose. It is not a matter of principle.
- (2) The purpose is to enable a minority to select candidates to the Legislature who will be real and not nominal representatives of the minority.
- (3) While separate electorate gives an absolute guarantee to the minority, that its representatives will be no others except those who enjoy its confidence, a system of joint electorates which will give equal protection to the minorities should not be overlooked.
- (4) A Four-member constituency, with a right to the minorities to have a double vote and requiring a minimum percentage of minority votes, may be considered as a possible substitute.

IX

MATTERS NOT COVERED

(i) QUESTION OF SPECIAL SAFEGUARDS

There are other demands made on behalf of particular minorities such as :

- (1) Provision of a Statutory Officer to report on the condition of minorities.
- (2) Statutory provision of State aid for education, and
- (3) Statutory provision for land settlement. But they are not of a communal character, I do not therefore wish to enlarge upon them here.

(ii) ABORIGINAL TRIBES

It will be obvious that my proposals do not cover the Aboriginal Tribes although they are larger in number than the Sikhs, Anglo Indians, Indian Christians and Parsees. I may state the reasons why I have omitted them from my scheme. The Aboriginal Tribes have not as yet developed any political sense to make the best use of their political opportunities and they may easily become mere instruments in the hands either of a majority or a minority and thereby disturb the balance without doing any good to themselves. In the present stage of their development it seems to me that the proper thing to do for these backward communities is to establish a Statutory Commission to administer what are now called the 'excluded areas' on the same basis as was done in the case of the South African Constitution. Every Province in which these excluded areas are situated should be compelled to make an annual contribution of a prescribed amount for the administration of these areas.

(iii) INDIAN STATES

It will also be noticed that my proposals do not include the Indian States. I am not opposed to the inclusion of the Indian States, provided the terms and conditions of inclusion are such—

- (1) that the dichotomy of divided sovereignty between British India and Indian States is completely done away with,
- (2) that the judicial and political boundaries which separate British India from Indian States will disappear, that there will be no such entities as British India or Indian States and in their place there will be only one entity namely India, and
- (3) that the terms and conditions of inclusion do not prevent India from having full and plenary powers of a Dominion. I have worked out a scheme for the fusion of the Indian States and British India, which will permit the realization of these objects. I do not wish to overburden this address with the details of the plan. For the moment, it is better if British India marches to her goal without complicating its progress by an entanglement with the Indian States.

X

PAKISTAN IN THE LIGHT OF PROPOSALS

My proposals are for an United India. They are made in the hope that the Muslims will accept them in preference to Pakistan as providing better security than Pakistan does. I am not against Pakistan, I believe it is founded on principle of self-determination, which it is now too late to question. I am prepared to give them the benefit of the principle, on condition that the Muslims do not deny the benefit of the principles to the Non-Muslim residents of the Area. But I believe, I am entitled to draw the attention of the Muslims to another and a better plan of security. I claim that my plan is better than the plan of Pakistan. Let me state the points which tell in favour of my plan. They are :

- (i) Under my proposal the danger of a communal majority, which is the basis of Pakistan is removed,
- (ii) Under my proposal the weightage at present enjoyed by the Muslims is not disturbed.
- (iii) The position of Muslims in the Non-Pakistan Provinces is greatly strengthened by an increase in their representation, which they may not get if Pakistan comes and which will leave them in a more helpless condition than they are in at present.

XI

A WORD TO HINDUS

Much of the difficulty over the Communal Question is due to the insistence of the Hindus that the rule of majority is sacrosanct and that it must be maintained at all costs. The Hindu does not seem to be aware of the fact that there is another rule, which is also operative in fields where important disputes between individual and nations arise and that rule is a rule of unanimity. If he will take the trouble to examine the position he will realise that such a rule is not a fiction, but it does exist. Let him take the Jury System. In the jury trial the principle is unanimity. The decision is binding upon the judge only if the verdict of the jury is unanimous. Let him take another illustration that of the League of Nations. What was the rule for decisions in the League of Nations ? The rule was a rule of unanimity. It is obvious that if the principle of unanimity was accepted by the Hindus as a rule of decision in the Legislature and in the Executive there would be no such thing as a Communal Problem in India.

One may well ask the Hindu that if he is not prepared to concede constitutional safeguards to the minorities, is he prepared to agree to the rule of unanimity ? Unfortunately he is not prepared to accept either.

About the rule of majority the Hindu is not prepared to admit any limitations. The majority he wants is an absolute majority. He will not be satisfied with relative majority. He should consider whether his insistence on absolute majority is fair proposition, which political philosophers can accept. He is not aware that even the constitution of the United States does

not lend support to the absolutistic rule of majority rule on which the Hindu has been insisting upon.

Let me illustrate the point from the constitution of the United States. Take the clause embodying Fundamental Rights. What does that clause mean? It means that, matters included in Fundamental Rights are of such supreme concern that a mere majority rule is not enough to interfere with them. Take another illustration also from the Constitution of the United States. The Constitution says that no part of the Constitution shall be altered unless the proposition is carried by three-fourths majority and ratified by the States. What does this show? It shows that the United States Constitution recognizes for certain purposes mere majority rule is not competent.

All these cases are of course familiar to many a Hindu. The pity of it is, he does not read from them the correct lesson. If he did, he would realize that the rule of the majority rule is not as sacrosanct a principle as he thinks it is. The majority rule is not accepted as a principle but is tolerated as a rule. I might also state why it is tolerated. It is tolerated for two reasons; (1) because the majority is always a political majority and (2) because the decision of a political majority accepts and absorbs so much of the point of view of the minority that the minority does not care to rebel against the decision.

In India, the majority is not a political majority. In India the majority is born; it is not made. That is the difference between a communal majority and a political majority. A political majority is not a fixed or a permanent majority. It is a majority which is always made, unmade and remade. A communal majority is a permanent majority fixed in its attitude. One can destroy it, but one cannot transform it. If there is so much objection to a political majority, how very fatal must be the objection to a communal majority?

It may be open to the Hindus to ask Mr. Jinnah, why in 1930 when he formulated his fourteen points he insisted upon the principle of majority rule to such an extent that one of the fourteen points stipulated that in granting weightage, limits should be placed whereby a majority shall not be reduced to a minority or equality. It may be open to the Hindus to ask Mr. Jinnah, if he is in favour of a Muslim majority in Muslim Provinces, why he is opposed to a Hindu Majority in the Centre? The Hindu must however realize that these posers may lead to the conclusion, that Mr. Jinnah's position is inconsistent. They cannot lead to the affirmation of the principle of majority rule.

The abandonment of the principle of majority rule in politics cannot affect the Hindus very much in other walks of life. As an element in social life they will remain a majority. They will have the monopoly of trade and business which they enjoy. They will have the monopoly of the property which they

have. My proposals do not ask the Hindus to accept the principle of unanimity. My proposals do not ask the Hindus to abandon the principle of majority rule. All I am asking them is to be satisfied with a relative majority. Is it too much for them to concede this ?

Without marking any such sacrifice the Hindu majority is not justified in representing to the outside world that the minorities are holding up India's Freedom. This false propaganda will not pay. For the minorities are doing nothing of the kind. They are prepared to accept freedom and the dangers in which they likely to be involved; provided they granted satisfactory safeguards. This gesture of the minorities is not to be treated as a matter for which Hindus need not be grateful. It may well be contrasted with what happened in Ireland. Mr. Redmond, the leader of the Irish Nationalists once told Carson, the leader of Ulster; "Consent to United Ireland, Ask for any safeguard and they shall be granted to you". He is reported to have turned round and said : "Damn your safeguards ; we don't want to be ruled by you". The minorities in India have not said that. They are ready to be satisfied with safeguards. I ask the Hindus Is this not worth a mass ? I am sure it is.

XII

CONCLUSION

These are some of the proposals I have had in mind for the solution of the Communal Problem. They do not commit the All-India Scheduled Castes Federation. They do not even commit me. In putting them forth, I am doing nothing more than exploring a new way. My emphasis is more on the principle, I have enunciated, than on the actual proposals. If the principles are accepted then I am sure the solution of the Communal Question will not be as baffling as it has been in the past.

The problem of solving the Indian deadlock is not easy. I remember reading a historian describing the condition of Germany before the Confederation of 1867 as one of 'Divinely Ordained Confusion'. Whether that was true of Germany or not, it seems to me that they form a very accurate description of the present conditions of India. Germany did get out of this confusion, if not at one stroke at least by successive stages until just before the war she became a unified people, unified in mind, unified in outlook and unified by belief in a common destiny. India has not so far succeeded in evolving order out of her confusion. It is not that she had no opportunities to do so. In fact, there have been quite a number. The first opportunity came in 1927, when Lord Birkenhead gave a challenge to Indians asking them to produce a constitution for India. That challenge was taken up. A committee was formed to frame a constitution. A constitution was produced and was known as '*The Nehru Constitution*'. It was, however, not accepted by Indians and was buried without remorse. A second opportunity presented itself to *Indians in 1930*, when they assembled at the Round Table Conference. There again, Indians failed to play their part and write out their own

Constitution. A third attempt is the one recently made by the Sapru Committee. The proposals of this committee too have fallen flat.

There is neither enthusiasm nor optimism left to indulge in another attempt. One is persued by a sense of fatality, which suggests that as every attempt is doomed to failure, none need be made. At the same time I feel that no Indian ought to be so down hearted or so callous as to let the deadlock stink, as though it was a dead dog, and say that he is prepared to do nothing more than be a mere witness to the political dog-fight that is going on in this country. The failures of the past need not daunt any body. They do not daunt me. For, I have a feeling that though it is true that all attempts to reach an agreement on the communal question have failed, the failure have been due not so much to any inherent fault of the Indians as they have been due to a wrong approach. I feel confident that my proposals, if considered dispassionately, should be found acceptable. They constitute a new approach and as such I commend them to my countrymen.

Before I conclude, I must, however, warn my critics that they may be able to amend my proposals in some respects ; but it will not be easy to reject them. If they do reject them, the first thing they shall have to do is to controvert the principles on which they are based.

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