CHAPTER XI

COMMUNAL AGGRESSION

Even a superficial observer cannot fail to notice that a spirit of aggression underlies the Hindu attitude towards the Muslim and the Muslim attitude towards the Hindu. The Hindu's spirit of aggression is a new phase which he has just begun to cultivate. The Muslim's spirit of aggression is his native endowment and is ancient as compared with that of the Hindu. It is not that the Hindu, if given time, will not pick up and overtake the Muslim. But as matters stand to-day, the Muslim in this exhibition of the spirit of aggression leaves the Hindu far behind.

Enough has been said about the social aggression of the Muslims in the chapter dealing with communal riots. It is necessary to speak briefly of the political aggression of the Muslims. For this political aggression has created a malaise which cannot be overlooked.

Three things are noticeable about this political aggression of the Muslims.

First is the ever-growing catalogue of the Muslim's political demands. Their origin goes back to the year 1892.

In 1885 the Indian National Congress was founded. It began with a demand for good government as distinguished from self-government. In response to this demand the British Government felt the necessity of altering the nature of the Legislative Councils, Provincial and Central, established under the Act of 1861. In that nascent stage of Congress agitation, the British Government did not feel called upon to make them fully popular. It thought it enough to give them a popular colouring. Accordingly the British Parliament passed in 1892 what is called the Indian Councils Act. This Act is memorable for two things. It was in this Act of 1892 that the British Government for the first time accepted the semblance of the principle of popular representation as the basis for the constitution of the Legislatures in India. It was not a

principle of election. It was a principle of nomination, only it was qualified by the requirement that before nomination a person must be selected by important public bodies such as municipalities, district boards, universities and the associations of merchants, etc. Secondly, it was in the legislatures that were constituted under this Act that the principle of separate representation for Musalmans was for the first time introduced in the political constitution of India.

The introduction of this principle is shrouded in mystery. It is a mystery because it was introduced so silently and so stealthily. The principle of separate representation does not find a place in the Act. The Act says nothing about it. It was in the directions—but not in the Act—issued to those charged with the duty of framing regulations as to the classes and interests to whom representation was to be given that the Muslims were named as a class to be provided for.

It is a mystery as to who was responsible for its introduction. This scheme of separate representation was not the result of any demand put forth by any organized Muslim association. In whom did it then originate ? It is suggested* that it originated with the Viceroy, Lord Dufferin, who, as far back as the year 1888, when dealing with the question of representation in the Legislative Councils, emphasized the necessity that in India representation will have to be, not in the way representation is secured in England, but representation by interests. Curiosity leads to a further question, namely, what could have led Lord Dufferin to propose such a plan ? It is suggested† that the idea was to wean‡ away the Musalmans from the Congress which had already been started three years before. Be that as it may, it is certain that it is by this Act that separate representation for Muslims became, for the first time, a feature of the Indian Constitution. It should, however, be noted that neither the Act nor the Regulations conferred any right of selection upon the Muslim community,

* See the speech of Sir Mahomad Shafi in the Minorities Sub-Committee of the first R. T. C. (Indian Edition). p. 57.

† See the speech of Raja Narendranalh, Ibid., p. 65.

‡ The Musalmans had already been told by Sir Sayad Ahmad not to join the Congress in the two speeches, one delivered at Lucknow on 28th December 1887, and the other at Meerut on 16th March 1988. Mr. Mahomed Ali in his presidential address speaks of them as historic speeches.

nor did the Act give the Muslim community a right to claim a fixed number of seats. All that it did was to give the Muslims the right to separate representation.

Though, to start with, the suggestion of separate representation came from the British, the Muslims did not fail to appreciate the social value of separate political rights with the result that when in 1909 the Muslims came to know that the next step in the reform of the Legislative Councils was contemplated, they waited of their own accord in deputation* upon the Viveroy, Lord Minto, and placed before him the following demands:—

(i) Communal representation in accordance with their numerical strength, social position and local influence, on district and municipal boards.

(ii) An assurance of Muhammadan representation on the governing bodies of Universities.

(iii) Communal representation on provincial councils, election being by special electoral colleges composed of Muhammadan landlords, lawyers, merchants, and representatives of other important interests, University graduates of a certain standing and members of district and municipal boards.

(iv) The number of Muhammadan representatives in the Imperial Legislative Council should not depend on their numerical strength, and Muhammadans should never be in an ineffective minority. They should be elected as far as possible (as opposed to being nominated), election being by special Muhammadan colleges composed of landowners, lawyers, merchants, members of provincial councils, Fellows of Universities, etc.

These demands were granted and given effect to in the Act of 1909. Under this Act the Muhammadans were given (1) the right to elect their representatives, (2) the right to elect their representatives by separate electorates, (3) the right to vote in the general electorates as well, and (4) the right to weightage in representation. The following table shows the proportion of representation, secured to the Muslims in the Legislatures by the Act of 1909 and the Regulations made thereunder:—

* Mr. Mahomed Ali in his speech as the President of the Congress said that this deputation was a "command performance."

Composition of Legislative Councils under the Act of 1909 showing Communal Proportion between Hindus and Muslims

Province	Maximum member of Additional members prescribed by the Act of 1909.	Maximum member of Additional Members allowed by Regulations columns 5 and 12	Ex-officio members	Strength of the Council under the Regulations								Total strength columns 4, 5, 12
				Elected Members.			Nominated Members.					
							Officials		Non-officials	Experts	Total	
				Total	Non-Muslims	Muslims	Law officers	Others*				
1	2	3	4	5	6	7	8	9	10	11	12	13
India	60	60	8	27	22	5	...	28	5	...	33	63
Madras	50	45	4	21	19	2	1	16	5	2	24	49
Bombay	50	45	4	21	17	4	1	14	7	2	24	49
Bengal	50	50	4	28	23	5	...	16	4	2	22	54
Bihar	50	41	4	21	17	4	...	15	4	1	20	45
U.P.	50	49	1	21	17	4	...	20	6	2	28	50
Punjab	30	26	1	8	8	none.	...	10	6	2	18	27
Burma	30	17	1	1	1	none.	...	6	8	2	16	18
Assam	30	25	1	11	9	2	...	9	4	1	14	25

*The numbers in column 9 represent the maximum of Official Members permitted under the Regulations.

The provisions were applied to all Provinces except the Punjab and the C. P. It was not applied to the Punjab bacause such special protection was considered unnecessary for the Musalmans of the Punjab and it was not applied to the C. P. because it had no Legislative Council at the time.*

In October 1916, 19 members of the Imperial Legislative Council presented the Viceroy (Lord Chelmsford) a memorandum demanding a reform of the Constitution. Immediately the Muslims came forward with a number of demands on behalf of the Muslim community. These were :—

(i) The extension of the principle of separate representation to the Punjab and the C. P.

(ii) Fixing the numerical strength of the Muslim representatives in the Provincial and Imperial Legislative Councils.

(iii) Safeguards against legislation affecting Muslims, their religion and religious usages.

The negotiations following upon these demands resulted in agreement between the Hindus and the Muslims which is known as the Lucknow Pact. It may be said to contain two clauses. One related to legislation, under which it was agreed that:—

> "No Bill, nor any clause thereof, nor a resolution introduced by a non-official affecting one or other community (which question is to be determined by the members of that community in the Legislative Council concerned) shall be proceeded with, if three-fourths of the members of that community in the particular Council, Imperial and Provincial, oppose the Bill or any clause thereof or the resolution."

The other clause related to the proportion of Muslim representation. With regard to the Imperial Legislative Council the Pact provided :—

> "That one-third of the Indian elected members should be Muhammadans, elected by separate electorates in the several Provinces, in the proportion, as nearly as might be, in which they were represented on the provincial legislative councils by separate Muhammadan electorates."

* The C. P. legislative Council was established in 1914.

In the matter of Muslim representation in the Provincial Legislative Councils it was agreed that the proportion of Muslim representation should be as follows* :—

	Percentage of elected Indian Members to the Provincial Legislature
Punjab	50
United Provinces	30
Bengal	40
Bihar and Orissa	25
Central Provinces	15
Madras	15
Bombay	33

While allowing this proportion of seats to the Muslims, the right to second vote in the general electorates which they had under the arrangement of 1909 was taken away.

The Lucknow Pact was adversely criticized by the Montagu Chelmsford Report. But being an agreement between the parties Government did not like to reject it and to substitute in its place its own decision. Both clauses of the agreement were accepted by Government and embodied in the Government of India Act of 1919. The clause relating to legislation was given effect to but in a different form. Instead of leaving it to the members of the Legislature to oppose it, it was provided† that legislation affecting the religion or religious rites and usages of any class of British subjects in India shall not be introduced at any meeting of either Chamber of the Indian Legislature without the previous sanction of the Governor-General.

The clause relating to representation was accepted by the Government, though in the opinion of the Government the Punjab and Bengal Muslims were not fairly treated.

The effect of these concessions can be seen by reference to the composition of the Legislatures constituted under the Government of India Act, 1919, which was as follows:—

* For some reason the Pact did not settle the proportion of Muslim representation in Assam.

† Government of India Act, 1919, section 67(2)(b).

Composition of the Legislatures

(1)	Statutory Minimum (2)	Elected Members			Nominated Members		Actual Total (8)
		Total (3)	Muslims (4)	Non-Muslims (5)	Officials (6)	Non-Officials (7)	
Legislative Assembly	145	104	52	52	26	15	145
Council of State	60	33	11	22	17	10	60
Madras Provincial Council	118	98	13	85	11	23	132
Bombay Provincial Council	111	86	27	59	19	9	114
Bengal Provincial Council	125	114	39	75	16	10	140
U. P. Provincial Council	118	110	29	71	17	6	123
Punjab Provincial Council	83	71	32	39	15	8	94
Bihar Provincial Council	98	76	18	58	15	12	103
C. P. Provincial Council	70	55	7	48	10	8	73
Assam Provincial Council	53	39	12	27	7	7	53

The extent of representation secured by the Muslims by the Lucknow Pact can be seen from the following table* :—

Legislative Body	Percentage of Muslims to total population of the electoral area (1921 Census) (1)	Percentage of Muslim Members to total No. of Members (2)	Percentage of elected Muslim Members to total No. of elected Indian Members† (3)	Percentage of Muslim Members to total Members in seats filled by election from Indian general (communal) constituencies (4)	Lucknow Pact Percentage (5)
Punjab ...	55.2	40	48.5	50	50
United Provinces	14.3	25	30	32.5	30
Bengal ...	54.6	30	40.5	46	40
Bihar and Orissa	10.9	18.5	25	27	25
Central Provinces	4.4	9.5	13	14.5	15
Madras ...	6.7	10.5	14	16.5	15
Bombay ...	19.8	25.5	35	37	33.3
Assam ...	32.2	30	35.5	37.5	No. provision
Legislative Assembly	24.0	26	34	38	33.3

*Statutory Commission, 1929, Report, Vol. I, p. 189.

†Column 3 includes Indians elected by special constituencies, e.g. Commerce, whose communal proportions may of course vary slightly from time to time. Similarly column 2, including also officials and nominated non-officials, will show slightly different results at different periods.

This table does not show quite clearly the weightage obtained by the Muslims under the Lucknow Pact. It was worked out by the Government of India in their despatch* on the Report of Franchise Committee of which Lord Southborough was the Chairman. The following table is taken from that despatch which shows that the Muslims got a weightage under the Lucknow Pact far in excess of what Government gave them in 1909.

	Muslim per-centage of Population (1)	Percentage of Muslim seats Proposed (2)	Percentage (2) of (1) (3)
Bengal	52.6	40	76
Bihar and Orissa ...	10.5	25	238
Bombay	20.4	33.3	163
Central Provinces ...	4.3	15	349
Madras	6.5	15	231
Punjab	54.8	50	91
United Provinces ...	14.0	30	214

In 1927 the British Government announced the appointment of the Simon Commission to examine the working of the Indian Constitution and to suggest further reforms. Immediately the Muslims came forward with further political demands. These demands were put forth from various Muslim platforms such as the Muslim League, All-India Muslim Conference, All-Parties Muslim Conference, Jamiat-ul-Ulema and the Khilafat Conference. The demands were substantially the same. It would suffice to state those that were formulated by Mr. Jinnah† on behalf of the Muslim League.

* Fifth despatch on Indian Constitutional Reforms (Franchises), dated 23rd April 1919, para 21.

† The demands are known as Mr. Jinnah's 14 points. As a matter of fact they are 15 in number and were formulated at a meeting of Muslim leaders of all shades of opinion held at Delhi in March 1927 and were known as the Delhi Proposals. For Mr. Jinnah's explanation of the origin of his 14 points, see *All-India Register,* 1929, Vol. I., p. 367.

They were in the following terms :—

1. The form of the future Constitution should be federal with residuary powers vested in the provinces.

2. A uniform measure of autonomy should be granted to all provinces.

3. All legislatures in the country and other elected bodies should be reconstituted on the definite principle of adequate and effective representation of minorities in every province without reducing the majority of any province to a minority or even equality.

4. In the Central Legislature, Muslim representation should not be less than one-third.

5. The representation of communal groups should continue to be by means of separate electorates as at present, provided that it should be open to any community at any time to abandon its separate electorate in favour of joint electorates.

6. Any territorial redistribution that might at any time be necessary should not in any way affect the Muslim majority in the Punjab, Bengal and North-West Province.

7. Full religious liberty, that is, liberty of belief, worship, observances, propaganda, association and education should be guaranteed to all communities.

8. No bill or resolution, or any part thereof, should be passed in any legislature or any other elected body if three-fourths of the members of any community in that particular body oppose such bill or resolution or part thereof on the ground that it would be injurious to the interests of that community or, in the alternative, such other method as may be devised or as may be found feasible and practicable to deal with such cases.

9. Sind should be separated from the Bombay Presidency.

10. Reforms should be introduced in the North-West Frontier Province and Baluchistan on the same footing as in other provinces.

11. Provision should be made in the Constitution giving the Muslims an adequate share along with other Indians in all the Services of the State and in self-governing bodies, having due regard to the requirements of efficiency.

12. The constitution should embody adequate safeguards for the protection of Muslim religion, culture and personal law, and the promotion of Muslim education, language, religion, personal laws, Muslim charitable institutions, and for their due share in grants-in-aid given by the State and by self-governing bodies.

13. No Cabinet, either Central or Provincial, should be formed without there being a proportion of Muslim Ministers of at least one-third.

14. No change to be made in the Constitution by the Central Legislature except with the concurrence of the States constituting the Indian Federation.

15. That in the present circumstances the representation of Musalmans in the different legislatures of the country and of the other elected bodies through separate electorates is inevitable, and, further, Government being pledged not to deprive the Musalmans of this right, it cannot be taken away without their consent, and so long as the Musalmans are not satisfied that their rights and interests are safeguarded in the manner specified above (or herein) they would in no way consent to the establishment of joint electorates with or without conditions.

Note:—The question of excess representation of Musalmans over and above their population in the provinces where they are in minority to be considered hereafter.

This is a consolidated statement of Muslim demands. In it there are some which are old, and some which are new. The old ones are included because the aim is to retain the advantages accruing therefrom. The new ones are added in order to remove the weaknesses in the Muslim position. The new ones are five in number: (1) Representation in proportion to population to Muslim majorities in the Punjab and Bengal, (2) One-third representation to Muslims in the cabinets both Central and Provincial, (3) Adequate representation of Muslims in the Services, (4) Separation of Sind from the Bombay Presidency and the raising of N.-W.F. P. and Baluchistan to the status of self-governing provinces, and (5) Vesting of residuary powers in the provinces instead of in the Central Government.

These new demands are self-explanatory except perhaps 1, 4 and 5. The object of demands 1 and 4 was to place, in four provinces, the Muslim community in a statutory majority where it had only communal majority, as a force counteracting the six provinces in which the Hindu community happened to be in a majority. This was insisted upon as a guarantee of good treatment by both the communities of its minorities. The object of demand No. 5 was to guarantee Muslim rule in Sind, N.-W. F. P., the Punjab and Bengal. But a Muslim majority rule in these Muslim Provinces, it was feared, would not be effective if they remained under the control of the Central Government which could not but be in the hand of the Hindus. To free the

Muslim Provinces from the control of the Hindu Government at the Centre was the object for which demand No. 5 was put forth.

These demands were opposed by the Hindus. There may not be much in this. But what is significant is that they were also rejected by the Simon Commission. The Simon Commission, which was by no means unfriendly to the Muslims, gave some very cogent reasons for rejecting the Muslim demands. It said* :—

> " This claim goes to the length of seeking to preserve the full security for representation now provided for Muslims in these six provinces and at the same time to enlarge in Bengal and the Punjab the present proportion of seats secured to the community by separate electorates to figures proportionate to their ratio of population. This would give Muhammadans a fixed and unalterable majority of the general constituency seats in both provinces. We cannot go so far. The continuance of the present scale of weightage in the six provinces could not—in the absence of a new general agreement between the communities—equitably be combined with so great a deparure from the existing allocation in Bengal and the Punjab.
>
> "It would be unfair that Muhammadans should retain the very considerable weightage they enjoy in the six provinces, and that there should at the same time be imposed, in face of Hindu and Sikh opposition, a definite Muslim majority in the Punjab and Bengal unalterable by any appeal to the electorate....."

Notwithstanding the opposition of the Hindus and the Sikhs and the rejection by the Simon Commission, the British Government when called upon to act as an arbiter granted the Muslims all their demands old and new.

By a Notification† *in the Gazette of India* 25th January 1932 the Government of India, in exercise of the powers conferred by sub-section (2) of section 52A of the Government of India Act, 1916, declared that the N.-W. F. Province shall be treated as a Governor's Province.‡ By an Order in Council, issued under

*Report, Vol. II, p. 71.

†Notification No. F. 173/31-R in the *Gazette of India Extraordinary,* dated 25th January 1932.

‡The Simon Commission had rejected the claim saying : "We entirely share the view of the Bray Committee that provision ought now to be made for the constitutional advance of the N.-W. F. P. ..... But we also agree that the situation of the Province and its intimate relation with the problem of Indian defence are such that special arrangements are required. It is not possible, therefore, to apply to it automatically proposals which may be suited for provincial areas in other parts of India." They justified it by saying: " They inherent right of a man to smoke a cigarette must necessarily be curtailed if he lives in a powder magazine."—Report, Vol. II. paras 120-121.

the provisions contained in sub-section (1) of section 289 of the Government of India Act of 1935, Sind was separated from Bombay as from 1st April 1936 and declared to be a Governor's Province to be known as the province of Sind. By the Resolution issued by the Secretary of State for India and published on 7th July 1934 the Muslim share in the public services was fixed at 25 per cent. of all appointments Imperial and Provincial. With regard to residuary powers, it is true that the Muslim demand that they should be vested in the Provinces was not accepted. But in another sense the Muslim demand in this respect may be deemed to have been granted. The essence of the Muslim demand was that the residuary powers should not be vested in the Centre, which, put in different language, meant that they should not be in the hands of the Hindus. This is precisely what is done by section 104 of the Government of India Act, 1935, which vests the residuary powers in the Governor-General to be exercised in his discretion. The demand for 33 1/3 per cent. representation in the Cabinets, Central and Provincial, was not given effect to by a legal provision in the Act. The right of Muslims to representation in the Cabinets was however accepted by the British Government and provision for giving effect to it was made in the Instruments of Instructions issued to the Governors and Governor-General. As to the remaining demand which related to a statutory majority in the Punjab and Bengal, the demand was given effect to by the Communal Award. True, a statutory majority in the whole House has not been given to the Muslims and could not be given having regard to the necessity for providing representation to other interests. But a statutory majority as against Hindus has been given to the Muslims of the Punjab and Bengal without touching the weightages obtained by the Muslim minorities under the Lucknow Pact.

These political grants to the Muslim community by the British Government lacked security and it was feared by the Muslims that pressure might be brought upon them or upon His Majesty's Government by the Hindus to alter the terms of the grants to the prejudice of the Muslims. This fear was due to two reasons. One was the success of Mr. Gandhi in getting that part of the Award which related to the Depressed Classes revised by

means of the pressure of a fast unto death. * Some people encouraged by this success actually agitated for revision of that part of the Award which related to the Muslims and some Muslims were even found to be in favour of entering into such negotiations.† This alarmed the Muslim community. The other reason for the fear of a revision of the terms of the grants arose out of certain amendments in the clauses in the Government of India Bill which were made in the House of Commons permitting such revision under certain conditions. To remove these fears and to give complete security to the Muslims against hasty and hurried revision of the grants, His Majesty's Government authorized the Government of India to issue the following communique‡:—

"It has come to the notice of His Majesty's Government that the impression is prevalent that what is now Clause 304 of the Government of India Bill (numbered 285 in the Bill as first introduced and 299 in the Bill as amended by the Commons in Committee) has been amended during the passage of the Bill through the Commons in such a way as to give His Majesty's Government unfettered power to alter at any time they may think fit the constitutional provisions based upon what is commonly known as Government's Communal Award.

"His Majesty's Government think it desirable to give the following brief explanation both of what they consider is the practical effect of Clause 304 in relation to any change in the Communal Award and of their own policy in relation to any such change.

"Under this Clause there is conferred on the Governments and Legislatures in India, after the expiry of ten years, the right of initiating a proposal to modify the provisions and regulating various matters relating to the constitution of the Legislature, including such questions as were covered by the Communal Award.

" The Clause also imposes on the Secretary of State the duty of laying before Parliament from the Governor-General or the Governor as the case may be his opinion as to the proposed amendment and in particular as to the effect which it would have on the interests of any minority and of informing Parliament of any action which he proposed to take.

" Any change in the constitutional provisions resulting from this procedure can be effected by an Order in Council, but this is subject to the proviso that the draft of the proposed Order has been affirmatively approved by both Houses of Parliament by a resolution. The condition is secured by Clause 305 of the Bill.

* This resulted in the Poona Pact which was signed on 24th September 1932.

† For the efforts to gel the Muslim part of the Award revised, see *All-India Register,* 1932. Vol. II, pp. 281-315.

‡The communique is dated Simla July 2, 1935.

"Before the expiry of ten years there is no similar constitutional initiative residing in the Governments and the Legislatures of India. Power is, however, conferred by the Clause to make such a change by an Order in Council (always with the approval of both Houses of Parliament) even before the end of ten years, but within the first ten years (and indeed subsequently, if the initiative has not come from the Legislatures of India) it is incumbent upon the Secretary of State to consult the Governments and the Legislatures of India who will be affected (unless the change is of a minor character) before any Order in Council is laid before Parliament for its approval.

"The necessity for the powers referred to in the preceding paragraph is due to such reasons as the following:—

" (a) It is impossible to foresee when the necessity may arise for amending minor details connected with the franchise and the constitution of legislatures, and for such amendment it will be clearly disadvantageous to have no method available short of a fresh amending Act of Parliament, nor is it practicable statutorily to separate such details from the more important matter such as the terms of the Communal Award;

"(b) It might also become desirable, in the event of a unanimous agreement between the communities in India, to make a modification in the provisions based on the Communal Award ; and for such an agreed change it would also be disadvantageous to have no other method available than an amending Act of Parliament.

"Within the range of the Communal Award His Majesty's Government would not propose, in the exercise of any power conferred by this Clause, to recommend to Parliament any change unless such changes had been agreed to between the communities concerned.

"In conclusion, His Majesty's Government would again emphasise the fact that none of the powers in Clause 304 can, in view of the provisions in Clause 305, be exercised unless both Houses of Parliament agreed by an affirmative resolution."

After taking into account what the Muslims demanded at the R. T. C. and what was conceded to them, any one could have thought that the limit of Muslim demands was reached and that the 1932 settlement was a final settlement. But, it appears that even with this the Musalmans are not satisfied. A further list of new demands for safeguarding the Muslim position seems to be ready. In the controversy that went on between Mr. Jinnah and the Congress in the year 1938, Mr. Jinnah was asked to disclose his demands which he refused to do. But these demands have come to the surface in the correspondence that passed between

Pandit Nehru and Mr. Jinnah in the course of the controversy and they have been tabulated by Pandit Nehru in one of his letters to Mr. Jinnah. His tabulation gives the following items as being matters of disputes and requiring settlement* :—

(1) The fourteen points formulated by the Muslim League in 1929.

(2) The Congress should withdraw all opposition to the Communal Award and should not describe it as a negation of nationalism.

(3) The share of the Muslims in the state services should be definitely fixed in the constitution by statutory enactment.

(4) Muslim personal law and culture should be guaranteed by statute.

(5) The Congress should take in hand the agitation in connection with the Sahidganj Mosque and should use its moral pressure to enable the Muslims to gain possession of the Mosque.

(6) The Muslims' right to call Azan and perform their religious ceremonies should not be fettered in any way.

(7) Muslims should have freedom to perform cow- slaughter.

(8) Muslim majorities in the Provinces, where such majorities exist at present, must not be affected by any territorial re-distribution or adjustments.

(9) The 'Bande Mataram' song should be given up.

(10) Muslims want Urdu to be the national language of India and they desire to have statutory guarantees that the use of Urdu shall not be curtailed or damaged.

(11) Muslim representation in the local bodies should be governed by the principles underlying the Communal Award, that is, separate electorates and population strength.

(12) The tricolour flag should be changed or alternately the flag of the Muslim League should be given equal importance.

(13) Recognition of the Muslim League as the one authoritative and representative organization of Indian Muslims.

(14) Coalition Ministries should be formed.

* *Indian Annual Register,* 1938, Vol. I, p. 369.

With this new list, there is no knowing where the Muslims are going to stop in their demands. Within one year, that is, between 1938 and 1939, one more demand and that too of a substantial character, namely 50 per cent. share in everything, has been added to it. In this catalogue of new demands there are some which on the face of them are extravagant and impossible, if not irresponsible. As an instance, one may refer to the demand for fifty-fifty and the demand for the recognition of Urdu as the national language of India. In 1929, the Muslims insisted that in allotting seats in Legislatures, a majority shall not be reduced to a minority or equality.* This principle, enunciated by themselves, it is now demanded, shall be abandoned and a majority shall be reduced to equality. The Muslims in 1929 admitted that the other minorities required protection and that they must have it in the same manner as the Muslims. The only distinction made between the Muslims and other minorities was as to the extent of the protection. The Muslims claimed a higher degree of protection than was conceded to the other minorities on the ground of their political importance. The necessity and adequacy of protection for the other minorities the Muslims never denied. But with this new demand of 50 per cent. the Muslims are not only seeking to reduce the Hindu majority to a minority but they are also cutting into the political rights of the other minorities. The Muslims are now speaking the language of Hitler and claiming a place in the sun as Hitler has been doing for Germany. For their demand for 50 per cent. is nothing but a counterpart of the German claims for *Deutschland Uber Alles* and *Lebensraum* for themselves, irrespective of what happens to other minorities.

Their claim for the recognition of Urdu as the national language of India is equally extravagant. Urdu is not only not spoken all over India but is not even the language of all the Musalmans of India. Of the 68 millions of Muslims† only 28 millions speak Urdu. The proposal of making Urdu the national language means that the language of 28 millions of Muslims is to be imposed particularly upon 40 millions of Musalmans or generally upon 322 millions of Indians.

* See point No. 3 in Mr. Jinnah's 14 points.

† These figures relate to the Census of 1921.

It will thus be seen that every time a proposal for the reform of the constitution comes forth, the Muslims are there, ready with some new political demand or demands. The only check upon such indefinite expansion of Muslim demands is the power of the British Government, which must be the final arbiter in any dispute between the Hindus and the Muslims. Who can confidently say that the decision of the British will not be in favour of the Muslims if the dispute relating to these new demands was referred to them for arbitration ? The more the Muslims demand the more accommodating the British seem to become. At any rate, past experience shows that the British have been inclined to give the Muslims more than what the Muslims had themselves asked. Two such instances can be cited.

One of these relates to the Lucknow Pact. The question was whether the British Government should accept the Pact. The authors of the Montagu-Chelmsford Report were disinclined to accept it for reasons which were very weighty. Speaking of the weightages granted to the Muslims by the Lucknow Pact, the authors of the Joint Report observed*:—

> "Now a privileged position of this kind is open to the objection, that if any other community hereafter makes good a claim to separate representation, it can be satisfied only by deducting the non-Muslim seats, or by a rateable deduction from both Muslim and non-Muslim ; and Hindu and Muslim opinion are not likely to agree which process should be adopted. While, therefore, for reasons that we explain subsequently we assent to the maintenance of separate representation for Muhammadans, we are bound to reserve our approval of the particular proposals set before us, until we have ascertained what the effect upon other of interests will be, and have made fair provision for them."

Notwithstanding this grave flaw in the Lucknow Pact, the Government of India, in its despatch referred to above, recommended that the terms of the Pact should be improved in so far as it related to the Muslims of Bengal. Its reasons make a strange reading. It argued that:—

> "The Muhammadan representation which they [the authors of the Pact] propose for Bengal is manifestly insufficient.† It is questionable whether the claims of the Muhammadan population of Eastern Bengal

* Montagu-Chelmsford Report, 1918, para 163.

† The Government of India felt that injustice was done to the Punjab as well. But as there was no such special reason as there was in the case of Bengal, namely, the unsettling of the partition, they did not propose any augmentation in its representation as settled by the Pact.

> were adequately pressed when the Congress-League compact was in the making. They are conspicuously a backward and impoverished community. The repartition of the presidency in 1912 came as a severe disappointment to them, and we should be very loath to fail in seeing that their interests are now generously secured. In order to give the Bengal Muslims a representation proportionate to their numbers, and no more, we should allot them 44 instead of 34 seats [due to them under the Pact]."

This enthusiasm for the Bengal Muslims shown by the Government of India was not shared by the British Government. It felt that as the number of seats given to the Bengal Muslims was the result of an agreement, any interference to improve the bargain when there was no dispute about the genuineness of the agreement, could not but create the impression that the British Government was in some special sense and for some special reason the friend of the Muslims. In suggesting this augmentation in the seats, the Government of India forgot to take note of the reason why the Muslims of the Punjab and Bengal were not given by the Pact seats in proportion to their population. The Lucknow Pact was based upon the principle, now thrown to the winds, that a community as such was not entitled to political protection. A community was entitled to protection when it was in a minority. That was the principle underlying the Lucknow Pact. The Muslim community in the Punjab and Bengal was not in a minority and, therefore, was not entitled to the same protection which it got in other Provinces where it was in a minority. Notwithstanding their being in a majority, the Muslims of the Punjab and Bengal felt the necessity of separate electorates. According to the principle underlying the Pact they could qualify themselves for this only by becoming a minority which they did by agreeing to a minority of seats. This is the reason why the Muslims of Bengal and the Punjab did not get the majority of seats they were entitled to on the population basis.*

* There is no doubt that this was well understood by the Muslims who were parties to the Pact. This is what Mr. Jinnah said as a witness appearing before the Joint Select Committee appointed by Parliament on the Government of India Bill, 1919, in reply to question No. 3808 : " The position of Bengal was this: In Bengal the Muslims are in a majority, and the argument was advanced that any section or any community which is in the majority cannot claim a separate electorate: separate electorate is to protect the minority. But the counter-argument was perfectly true that numerically we are in a majority but as voters we are in the minority in Bengal, because of poverty and backwardness and so on. It was said: Very well, then fix 40 per cent., because if you are really put to test you will not get 40 per cent because you will not be qualified as voters. Then we had the advantage in other Provinces."

The proposal of the Government of India to give to the Bengal Muslims more than what they had asked for did not go through. But the fact that they wanted to do so remains as evidence of their inclinations.

The second occasion when the British Government as an arbiter gave the Muslims more than they asked for was when the Communal Decision was given in 1932. Sir Muhammad Shafi made two different proposals in the Minorities Sub-Committee of the R. T. C. In his speech on 6th January 1931, Sir Muhammad Shafi put forth the following proposal as a basis for communal settlement*:—

> "We are prepared to accept joint electorates on the conditions named by me : Firstly, that the rights at present enjoyed by the Musalmans in the minority Provinces should be continued to them; that in the Punjab and in Bengal they should have two joint electorates and representation on a population basis; that there should be the principle of reservation of seats coupled with Maulana Mahomed Ali's condition." †

In his speech on 14th January 1931 before the same Committee he made a different offer. He said‡:—

> " To-day I am authorized to make this offer: that in the Punjab the Musalmans should have through communal electorates 49 per cent. of the entire number of seats in the whole House, and should have liberty to contest the special constituencies which it is proposed to create in that Province : so far as Bengal is concerned that Musalmans should have through communal electorates 46 per cent. representation in the whole House, and should have the liberty to contest the special constituencies which it is proposed to create in that Province; in so far as the minority Provinces are concerned the Musalmans should continue to enjoy the weightage which they have at present through separate electorates, similar weightage to be given to our Hindu brethren in Sind, and to our Hindu and Sikh brethren in the North-West Frontier Province. If at any time hereafter two-thirds of the representatives of any community in any Provincial Legislative Council or in the Central Legislative Council desire to give up communal electorates and to accept joint electorates then thereafter the system of joint electorates should come into being."

* Report of the Minorities Sub-Committee of the first R. T. C. (Indian Edition), p. 96.

† Mr. Mahomed Ali's formula was for Join Electorates and Reserved Seats with this proviso that no candidate shall be declared elected unless he had secured at least 40 per cent. of the votes of his own community and at least 5 or 10 per cent. of the votes of the other community.

‡ Ibid., p. 123.

The difference between the two proposals is clear. "Joint electorates, if accompanied by statutory majority. If statutory majority was refused, then a minority of seats with separate electorates." The British Government took statutory majority from the first demand and separate electorates from the second demand and gave the Muslims both when they had not asked for both.

The second thing that is noticeable among the Muslims is the spirit of exploiting the weaknesses of the Hindus. If the Hindus object to anything, the Muslim policy seems to be to insist upon it and give it up only when the Hindus show themselves ready to offer a price for it by giving the Muslims some other concessions. As an illustration of this, one can refer to the question of separate and joint electorates. The Hindus have been to my mind utterly foolish in fighting over joint electorates especially in Provinces in which the Muslims are in a minority. Joint electorates can never suffice for a basis for nationalism. Nationalism is not a matter of political nexus or cash nexus, for the simple reason that union cannot be the result of calculation of mere externals. Where two communities live a life which is exclusive and self-inclosed for five years, they will not be one, because, they are made to come together on one day in five years for the purposes of voting in an election. Joint electorates may produce the enslavement of the minor community by the major community : but by themselves they cannot produce nationalism. Be that as it may, because the Hindus have been insisting upon joint electorates the Muslims have been insisting upon separate electorates. That this insistence is a matter of bargain only can be seen from Mr. Jinnah's 14 points* and the resolution† passed in the Calcutta session of the All-India Muslim League held on 30th December 1927. Therein it was stipulated that only when the Hindus agreed to the separation of Sind and to the raising of the N.-W. F. P. to the status of a self-governing Province the Musalmans would consent to give up

* See point No. 15 in Mr. Jinnah's points.

† For the resolution and the speech of Mr. Barkat Ali thereon, see the *Indian Quarterly Register,* 1927. Vol. II. pp. 447-48.

separate electorates.* The Musalmans evidently did not regard separate electorates as vital. They regarded them as a good *quid pro quo* for obtaining their other claims.

Another illustration of this spirit of exploitation is furnished by the Muslim insistence upon cow-slaughter and the stoppage of music before mosques. Islamic law does not insist upon the slaughter of the cow for sacrificial purposes and no Musalman, when he goes to Haj, sacrifices the cow in Mecca or Medina. But in India they will not be content with the sacrifice of any other animal. Music may be played before a mosque in all Muslim countries without any objection. Even in Afghanistan, which is not a secularized country, no objection is taken to music before a mosque. But in India the Musalmans must insist upon its stoppage for no other reason except that the Hindus claim a right to it.

The third thing that is noticeable is the adoption by the Muslims of the gangster's method in politics. The riots are a sufficient indication that gangsterism has become a settled part of their strategy in politics. They seem to be consciously and deliberately imitating the Sudeten Germans in the means employed by them against the Czechs.† So long as the Muslims were the aggressors, the Hindus were passive, and in the conflict they suffered more than the Muslims did. But this is no longer true. The Hindus have learned to retaliate and no longer feel any compunction in knifing a Musalman. This spirit of retaliation bids fair to produce the ugly spectacle of gangsterism against gangsterism.

How to meet this problem must exercise the minds of all concerned. There are the simple-minded Hindu Maha Sabha patriots who believe that the Hindus have only to make up their minds to wipe the Musalmans and they will be brought to their senses. On the other hand, there are the Congress Hindu Nationalists whose policy is to tolerate and appease the Musalmans by political and other concessions, because they believe that they cannot reach their cherished goal of independence unless the

*The unfortunate thing for the Hindus is that they did not get joint electorates although the Musalmans got the concessions.

†In the Karachi session of the All-India Muslim League both Mr. Jinnah and Sir Abdullah Haroon compared the Muslims of India to the "Sudeten" of the Muslim world and capable of doing what the Sudeten Germans did to Czechoslovakia.

Musalmans back their demand. The Hindu Maha Sabha plan is no way to unity. On the contrary, it is a sure block to progress. The slogan of the Hindu Maha Sabha President— Hindustan for Hindus— is not merely arrogant but is arrant nonsense. The question, however, is: is the Congress way the right way ? It seems to me that the Congress has failed to realize two things. The first thing which the Congress has failed to realize is that there is a difference between appeasement and settlement, and that the difference is an essential one. Appeasement means buying off the aggressor by conniving at his acts of murder, rape, arson and loot against innocent persons who happen for the moment to be the victims of his displeasure. On the other hand, settlement means laying down the bounds which neither party to it can transgress. Appeasement sets no limits to the demands and aspirations of the aggressor. Settlement does. The second thing the Congress has failed to realize is that the policy of concession has increased Muslim aggressiveness, and what is worse, Muslims interpret these concessions as a sign of defeatism on the part of the Hindus and the absence of the will to resist. This policy of appeasement will involve the Hindus in the same fearful situation in which the Allies found themselves as a result of the policy of appeasement which they adopted towards Hitler. This is another malaise, no less acute than the malaise of social stagnation. Appeasement will surely aggravate it. The only remedy for it is a settlement. If Pakistan is a settlement, it is a proposition worth consideration. As a settlement it will do away with this constant need of appeasement and ought to be welcomed by all those who prefer the peace and tranquillity of a settlement to the insecurity due to the growing political appetite shown by the Muslims in their dealings with the Hindus.

●●