

The effect of this section is that women will be excluded from serving in any branch of the National Defence Organisation even of a noncombatant type, unless special legislation is passed by Parliament in that behalf. And even from given Civil Services or posts, they might be excluded, if a general or special order made by the appropriate executive authority debars them for such a purpose. As a matter of fact, under the rules for admission to the competitive examination for recruitment to the Indian Civil Service, only males seem to be entitled to compete,* while the power to nominate has so far never been exercised in favour of a woman for a post in the Indian Civil Service. This is, to say the least, retrograde in a Constitution which appears to be founded on the equality of all citizens of the same commonwealth. Women constitute the largest single minority in the country. But, it seems that for their protection not even the doctrine of Special Responsibility of the Governor-General or of the Governor in respect of safeguarding the legitimate rights of minorities would avail.

We have already commented upon Section 299 in regard to the compulsory acquisition of land or industrial enterprise, and so need not repeat our comments on that point here.

*See Rule 4 (2) which says: "A candidate must be a male."

CHAPTER XIV

A SUMMARY OF CONCLUSION AND RECOMMENDATIONS

In the previous chapters of this book the Government of India Act 1935, embodying the new Constitution for India, has been examined in some detail, and criticisms have been offered from the point of view of the Indian people's ideal of political evolution and progress. That ideal, it must be remembered, is based on the sovereignty of the people; and it refuses to recognise any limitations or reservations to this sovereignty.

But while we lay stress on the independence of India and the establishment of a free national State, we recognise fully that the world of to-day urgently demands an international order, and the fullest co-operation between nations, to solve the problems and end the conflicts that afflict mankind. Science and modern industry and trade and finance and transport and communications, in fact the whole basic texture of the world to-day, is international. Hence the problems we have to face are essentially international and require international solutions. To think or act in terms of a purely national State, largely cut off from the rest of the world and developing itself independently of it, is to ignore realities, and to refuse to take advantage of the many avenues of progress and advancement which modern conditions offer. A narrow autarchy does not fit in with these conditions and must inevitably lead to reaction and a throw-back.

Thus, though we stand for an independent national State, we are entirely opposed to a nationalism and a State ideal which are based on a hatred of other States, and a desire to dominate over other peoples. We have seen and see to-day how this limited and aggressive national outlook leads to a continuing state of international anarchy, developing from time to time into dreadful and devastating wars. International peace and the well-being of the world have become one and indivisible. That peace depends on a solution of the political and social problems of the world and the evolution of a world order. We believe that such a solution and order must inevitably be based on the principles of Socialism. But that is a larger question which we are not called upon to discuss here. We wish to emphasize here that our conception of an independent national State is in no way opposed to the development of this world order, and that we would be perfectly prepared to make sacrifices, and even to accept certain limitations and assume burdens, in common with others, in the interest of international co-operation.

But this co-operation must be real, effective, and between free units. The League of Nations, as constituted to-day, has demonstrated the futility of international co-operation on a wrong basis, and with the purpose of maintaining a *status quo*, unjust in itself and in the interest of a few dominating Powers. It has become an impotent instrument for maintaining peace and collective security, and is ignored and insulted at every turn. It cannot undertake the solution of any fundamental problem, because it has neither the power to do so nor the will to tackle the roots of that problem.

The so-called British Commonwealth of Nations is still less a nucleus of international co-operation, as it represents a dominating imperialist group, holding a large number of subject peoples in its power, and combating other imperialist groups and Powers. It will have to change beyond all recognition before it can serve as a basis for co-operation between free nations. India's association with this group is an enforced one, and it has worked, and is working, to the detriment of India. The people of India have, therefore, declared and emphasized their will to be dissociated with this group, and this has become a primary objective of the national movement. Any continuation of this association means a continuation, in some form or other, if not political then economic, of the domination of Britain over India, and the imposition of restrictions which prevent the people of India from developing on their own lines, and according to their own needs and desires. The independence of India, and the recognition of the sovereignty of the Indian people, are thus the essential pre-requisites for the consideration of the problem of India's future constitution.

When we examine the new Constitution critically in the light of our political objective and ideals, we find that the foundations laid there cannot serve even as a basis for raising the structure of a free India. The provincial part of this constitution is full of imperfections and restrictions, but the Federal part has nothing whatever to do even with the conception of a free India. It can only be considered as a barrier which has to be removed in its entirety before we can go ahead in any direction. We shall thus have to build anew on entirely new foundations. The National

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Congress has demanded that the constitution for a free India must be drawn up by a Constituent Assembly, elected on the basis of adult suffrage, and this seems to us the only feasible and democratic method of procedure.

What will be the nature of this new Constitution? It is difficult in the changing and dynamic world of to-day to prophesy about the future. Old established notions, which were taken for granted but yesterday, have no sanctity to-day. Ideas are at war, not only on the ideological plane, but often enough on the field of battle itself, where argument and debate are drowned in the clash of arms. New hopes and desires of social equality fill the peoples of the world, while at the same time Fascism has raised its ugly head, and suppresses and pours contempt on the democratic process. Political democracy, which seemed so obvious and inevitable a generation ago, is weak and ailing, simultaneously attacked on two fronts, and deserted by many of its former adherents. On the one hand, political democracy is considered insufficient to solve the problems that confront us and resolve the conflicts of interests of classes or of nations, and an economic democracy is advocated. On the other hand, the very principle of democracy is attacked, and dictatorships and authoritarian methods of government find favour with many. Even the friends of democracy feel that some variations are necessary in the old nineteenth century methods and approach, for to-day our problems grow more and more complicated and technical, and difficult of detailed consideration by parliaments. Experts and special committees are taking an ever growing part in public affairs, and

parliaments, even in the democratic countries, confine themselves to laying down general principles and policies. The State is being forced by stress of circumstances, even where capitalism prevails, to socialise public utilities and advance in the direction of socialisation.

In Spain we have had a disturbing example of a democratic State being attacked by vested interests, aided by foreign Powers, when these interests realised that the democratic process might endanger them. The issue there still hangs in the balance, but the lesson is clear that privileged classes and interests do not always submit to the democratic process when this threatens to weaken their special position. When votes are lacking recourse is had to arms, even the arms of the foreigner against one's own people.

In Russia there has been a swing towards political democracy, so far as the constitution is concerned. But this has not apparently made much difference to the methods of government, which are still largely authoritarian, though they are based on the consultation and participation of millions of people.

These, and like questions, trouble the minds of thinking people all over the world. They may trouble India's mind too later, far more than they are doing to-day. For the present, politically minded India is of one mind in this matter; and it works for the establishment of a fully democratic national State. Democratic constitutions are fundamentally similar, and it would serve little purpose for us to discuss the details of such a constitution. We shall content ourselves therefore by referring to certain aspects only of a constitution for India.

Sovereignty of the Indian People

Such a constitution must be based on the recognition, in law and in fact, of the sovereignty of the people of India. No foreign Power or authority can thus frame this constitution for us, and it must be the self-expression of the Indian people. Nor can any alien authority be permitted to interfere in any way in the working of this constitution. We recognise, however, that an independent India will gladly co-operate with other nations in the international sphere; and, for this purpose, it will be prepared voluntarily to limit its sovereignty, to the extent that other nations limit theirs, in the establishment of an international order. No other limitations or restrictions can be accepted.

The Unity of India—States

The Unity of India must be maintained by the constitution. This unity, both geographical and cultural, is a patent fact of Indian history, and political and economic unity has also become essential for us. Having regard to the vastness and diversity of the country, as well as other factors, a federal system of government seems indicated. But this federation will have to be entirely different from the Federation proposed under the Government of India Act 1935, under which there is no uniformity; and an unnatural alliance is sought to be made between feudal and autocratic States and more or less democratic Provinces. A large measure of uniformity is essential, and we should try to aim at removing all distinctions between what is called British India to-day and Indian India or the States. It is possible that, owing to the backwardness of the States, they might not be able to come up to the standard of the Provinces for some time. A transi-

tional period, not too long, may be necessary to allow them to approximate to this standard. But, at the very beginning, the objective of having uniformity should be recognised and acted upon to the fullest extent possible. A large measure of democracy must come to the people of the States before the Provinces can federate with them. The same terms of federation should apply to Provinces and States alike. This will mean the giving up by the rulers of their autocratic powers, and also, inevitably, a considerable modification of their treaties. We cannot accept these hundred year old treaties as valid to-day or unchangeable.

Thus the States will have to fall in line with the Provinces in regard to political institutions and principles and methods of government. The establishment of a Federation will also necessitate a new regrouping of the States, either among themselves or with the adjoining Provinces. Even under the present Act some combinations have been formed for the purposes of representation in the proposed Federation. The States vary in size too much, and most of them are too small to be treated as federating units. Transport and irrigation have also necessitated co-ordination in the past. This co-ordination will necessarily increase in all departments with the economic development of the country.

Provinces

The present division of Provinces was made for administrative reasons only to suit the convenience of British administrators, or because of historic reasons connected with the growth of the British Power. It has little to do with linguistic, cultural or economic considerations, and there is no reason why we should

keep it unchanged. While most of the States are too small to be treated as federating units, many of the Provinces are too large to make suitable economic or administrative units. The composite presidencies of Bombay and Madras sprawl over Western and Southern and Eastern India, and contain within their areas diverse elements which might well form separate provincial units. Bengal and the United Provinces are unified areas, linguistically and culturally; but both of them are enormous and have a vast population. We should, therefore, endeavour to reconstitute our provinces on a rational and scientific basis.

This does not mean that we should ignore local sentiment in this matter; that sentiment cannot be set aside even for important considerations. Indeed, we feel that the wishes of the people concerned must be the dominant factor in coming to a decision, and the reconstitution should be such as to give a fuller chance of self-expression to the people concerned. We do not wish to encourage in any way the formation of provinces on communal lines. But we feel that it might be possible, in a scheme of redistribution, to give important groups and minorities territories within which they can feel that they have full opportunities of self-development, without which a creative life is hardly possible. We do not think this will increase communalism or separatist tendencies. The sentiment of nationality is growing, and, with the removal of minor causes of friction, communal feelings will decrease.

The Indian National Congress has accepted and acted upon the principle of linguistic division of provinces. That division usually coincides with cultural groupings and local sentiment, and should be made

the basis of a future reconstitution. The presidencies of Bombay and Madras would easily split up, according to this, into Gujarati, Marathi, Canarese, Telugu, Tamil and Malayali areas. In the North there is the huge Hindustani speaking *bloc*, which is much too big for a single province. Even the United Provinces might well be divided up into two or more suitable administrative and economic units. Bengal also is too large to be treated as a single unit, and should be made into two or more provinces. The Punjab seems to suggest a division into three parts.

But we need not consider a detailed scheme of reconstruction of provinces. If the principles are accepted the actual lines of division will not offer any great difficulty. These principles are: the province should not be too small or too big. If it is too small, the burden of administration is too heavy, and the possibilities of economic development are limited. If it is too large, then it is unwieldy and efficient administration becomes difficult. Large provinces are also to be avoided as they might tend to increase provincialism and separation. A large number of relatively small provinces will encourage the growth of a feeling of nationality and the unity of India. One or two large provinces, joining in a federation with many small ones, will tend to dominate the others. We feel therefore that provinces should be more or less of a uniform size, though we do not expect this principle to be applied with any strictness. Other, and more important considerations, will have to be borne in mind; and these will interfere with its application. These other considerations are: linguistic and cultural, economic and local sentiment.

It may also be possible to give, even within the framework of a Province, a measure of autonomy to a cultural group or minority. This has been done, with satisfactory results in the U.S.S.R., where the federating units have autonomous areas for national minorities. How far this will be possible in India, it is difficult to say, but the idea might be explored further.

Fundamental Rights of Citizenship

It is of the essence of democracy that the community should have the right to change or vary its constitution, but it is usual to have some safeguards in regard to certain fundamental provisions of the constitution. These hindrances to rapid change give a greater permanence to these provisions; they check the executive authority and prevent it to some extent from abusing the great powers it possesses; they protect minority rights, and thus give a feeling of security to the minority groups. What these fundamental rights should be would largely depend on the nature of the State. In an individualist capitalist State they would differ from corresponding rights in a people organised on a socialist basis, for in these two forms of State organisation both the basic institutions and governing outlook differ from each other. But whatever may be the future social organisation of India, there are certain fundamental rights guaranteeing the freedom of the individual, which we would like to endure and to be incorporated in the constitution. These rights are: freedom of conscience and religion; free expression of opinion; free association and combination; protection of the culture and languages of minorities; equality of all citizens before the law, as well as for public service

or trade or calling, irrespective of religion, caste or sex; and others of a like nature.

The National Congress, at its Karachi Session in 1931, adopted a resolution on Fundamental Rights, and considerable value is attached to the assurances contained in this resolution by the minorities and various groups in India. The national movement is thus committed to the incorporation of these rights in the constitution. We are convinced that the Indian constitution should contain a guarantee in regard to these fundamental rights for the assurance of all minority groups in the country. For this purpose, the Karachi resolution of the Congress, and the provisions of Western constitutions relating to civil liberties, might be taken as models.

It should be remembered that civil and individual liberty, often restricted and circumscribed in what is known as British India, is totally absent in nearly all the Indian States. A guarantee of this nature is thus especially required for the peoples of the States.

Federal Government

With the establishment of a Federation, the executive authority of the Federal Government will extend to the whole country, and will comprise all the departments of the State in India, except in so far as a number of subjects come within the scope of provincial autonomy. The chief executive authority may be vested in the Head or Chief of the State, who may be given an appropriate designation in keeping with our traditions. *Rashtrapati* has already become a well-known and popular word in India, and the Chief of the State might well be called *Rashtrapati*. But the

name is immaterial; what we have to consider is the position of such a person in our constitutional structure and the power and authority he is to possess. Should he be just a figure-head like the President of the French Republic, or should he have the large powers which the President of the U.S.A. possesses? We feel that he should exercise his functions exclusively on the advice of his ministers. At the same time we would not like him to be just a figurehead. Under the exceptional and dynamic conditions prevailing in the world to-day, some measure of initiative should be given to our Chief. His position might be midway between the Presidents of the French Republic and the U.S.A. He must act as the constitutional Chief of a responsible government.

The Federal Executive would consist of the Council of Ministers, recruited from that party in the Federal Legislature which commands a majority of votes in the legislature. These ministers will be collectively responsible to the Federal Legislature, and their salaries will be voted every year.

Federal Legislature

The Federal Legislature should be bicameral. We are against the two chamber system in the Provinces, but we think that in the Federation two chambers are desirable. One of these chambers, which for the sake of simplicity might be referred to as the Lower House, should be elected directly by the people of India on a simple uniform franchise such as adult suffrage. The other chamber, or the Upper House should be elected by the federating units as well as by special interests. The Upper House should be the guardian of the rights and interests of the federating

units as well as of minority and cultural groups, and of the Fundamental Rights laid down in the constitution. Its legislative powers need not be coeval with those of the Lower House, and its authority in regard to the voting of the Finance Bill or the Federal Budget should certainly be considerably less than that of the Lower Chamber. Its special function will be to revise the legislative proposals of the Lower House and to scrutinise them from all points of view.

The device of the Joint Sessions of the two Houses is not a very happy one and often causes estrangement. It should not be used as a matter of course in every case of conflict, but should be rarely adopted and only for certain well-defined purposes, such as the amendment of the constitution, reconstitution of a province, regrouping of the federated States, or in the event of a sudden emergency arising. Such Joint Sessions should only be held on the advice of the ministry in office.

Each Chamber must have the right to regulate its own procedure, appoint its own officers, enforce its own decisions, and to conduct investigations by committees.

The National Economic Council

It will be advisable to set up, in the federal machinery of government, a National Economic Council. This body will be set up by the Legislature and will be subordinate to it. Nevertheless it should have a measure of independence in its own special domain. A modern government has to face difficult economic problems and to undertake complicated tasks which require careful thought and expert guidance. The

Legislature is almost always overburdened with work, and cannot give sufficient time or thought to these problems. An assembly of politicians is usually not a suitable forum for a detailed consideration of such subjects. The broad lines of policy should of course be laid down by the Legislature, but the working out of this policy must be the concern of experts and those especially interested in it.

The National Economic Council will thus lighten the burden on the Legislature, and will speed up the economic development of the country. It will supervise the trading enterprises of the State, such as Railways, Post Offices, the Reserve Bank and the like; India's foreign trade and negotiation and conclusion of trade treaties; economic relations with foreign countries; the working of the currency and credit mechanism within the country; the care of the labour and peasant population; relations between employers and employees; the agrarian relief of indebtedness, etc. The Statutory Railway Board set up under the Act of 1935 would get absorbed in such an Economic Council. The constitution of the Reserve Bank may have to be radically revised, especially in regard to the bank's functions, in order to make it conform to the National Economic Council.

The National Economic Council could also be entrusted with the task of planning the economic life of the community under the general direction and supervision of the Federal Government. This task is a stupendous one, and it may be necessary to create a special Planning Commission for the purpose. This Economic Council will have to include representatives of the federating units, and also representatives of

special interests, such as Chambers of Commerce or Industry, Agriculture, Trade Unions of industrial workers, Peasant organisations, professional and technical associations, and scientific experts.

Provincial Government

In the Provinces there should be only one chamber representing the people of the Province directly on a basis of adult franchise. It would be desirable to encourage functional representation and to prefer this, wherever possible, to territorial representation. As there will be no second or revising chamber, provision should be made for a direct Referendum to the provincial electorates on certain specified matters of fundamental policy affecting the organisation of the province as a unit, or other subjects which are vital to the life of the province. If the method of Referendum is adopted, the constitution will have to provide for the minimum majority necessary to carry out a fundamental change of policy.

It will perhaps be unnecessary and uneconomical to begin with to have an Economic Council in the Province corresponding to the Federal Economic Council. It is desirable to avoid needless additions to the wheels of government machinery. But with the speedy development of our economic life and large scale planning, a provincial counterpart to the National Economic Council may become necessary. This Provincial Economic Council, when it comes into being, should co-operate and co-ordinate its activities with the Federal Council.

The Provincial Cabinet will be, we need hardly add, fully responsible to the Legislature.

Relations between the Centre and the Federating Units

However carefully the functions of government are divided by the Constitution between the Central Federal Government and the various constituent units of the Federation, there must remain a good deal of common ground in regard to which the authority of the Federal and Provincial Governments may overlap. There may also be an undistributed field of residual powers and functions which cannot be foreseen at the moment the constitution is framed. Life is ever changing and dynamic, more so in the present age than ever before. New problems are constantly arising owing to advances in science and technology, and because of other reasons. Even human habits and modes of life are undergoing rapid changes. Specific provisions must therefore be made in the Constitution to meet such contingencies.

We have already suggested that the Federal Upper House should be constituted the guardian of the rights of the federating units. This House should also have authority to deal with conflicts over the undistributed field of residual powers and functions. In the event of a dispute arising as to what constitutes undistributed and residual powers, the Supreme Court should be given the power to decide. It should be open to both the Federal and the Provincial Government to move the Supreme Court in a dispute of this kind.

Some of the provisions in the Act of 1935, regulating the relations of the Centre to the Provinces, might well be retained, with suitable changes. Section 102 of the Act authorising the Federal Legislature to legislate for a Province in an emergency; Section 103, empowering the Federal Legislature to legislate for two

or more Provinces by mutual consent; and Section 104, disposing of the residual powers of legislation, are such provisions which it is desirable to retain.

The provisions of Sections 122 to 135 of the Act of 1935 offer a good model for the regulation of administrative relations between the Federation and the federating units. But the final authority in such cases should vest in the Supreme Court or the Federal Upper House.

Finance

In matters of finance, an effort should be made to have as complete a division of the resources and obligations as is possible under the circumstances. But, even so, an absolutely water-tight division cannot be achieved. Provisions like those contained in Sections 137, 138, 140, 142 and 144 of the Act of 1935 may be re-enacted in the new Constitution with suitable changes. Under present conditions, the provisions about borrowing in the Act of 1935 seem unobjectionable. But borrowing for directly productive purposes, or for taking over an already productive enterprise on the security of such enterprise, should be freely permitted.

Provincial Governments will have to explore the possibilities of new and additional sources of revenue. It is difficult to make concrete suggestions in this respect till further experience has been gained. The National Congress has already advocated the imposition of a graded tax on incomes from land, as well as death duties. An income tax on land should bring in a considerable revenue, especially in the permanently settled areas.

Judiciary

There should be a Supreme Court for India having the final appellate authority in all matters. The power to interpret the Constitution must also vest in this Court. Apart from this, the only original jurisdiction of the Supreme Court should be to try high-placed offenders charged with offences involving a violation of the Constitution. In such cases the Court should be debarred from accepting the plea of "Act of State" by way of justification.

The combination of judicial and executive functions should be forthwith abolished.

The salaries of judges, as of other high offices, will have to be considerably reduced from the present very high scale. But the independence of the judiciary may be guaranteed by their salaries, allowances, pensions, etc. being regarded as in the nature of Consolidated Fund Charges, which are not subjected annually to the vote of the Legislature at the time of the Budget.

Judges should be appointed during good behaviour. They may be removeable from office on proof of any default in their duties, or for bodily or mental disability or infirmity. When such action becomes necessary, the authority to move in the matter should be the Legislature of the Province or of the Federation, as the case may be. This legislature should present an address to the executive head requesting him to remove the judge from his office.

Judicial authority should be empowered and directed to maintain the Fundamental Rights and civil liberties guaranteed by the Constitution.

Organisation of Defence

The final test of the independence of a nation is the capacity to defend itself from external invasion or interference. If, therefore, India is to be independent, she must be in a position to repel foreign aggression, and to quell internal commotion through her own resources and without any outside help. She must, therefore, provide herself with armed forces sufficient for this purpose, as well as with well developed industries to supply the munitions and accessories of warfare. Warfare is becoming more and more mechanised. It is a well-known fact that no nation, which has not got a sufficiently developed industrial background, can hope to carry on a war effectively for any length of time. A non-industrial nation can thus hardly be called independent, as it is not in a position to defend itself for long against aggression.

The defence of India has, at the instance of the British Government and its officers in India, usually been considered from an entirely wrong angle. Most Indian politicians are too much occupied with the political and economic aspects of the Indian struggle for freedom, to consider the technicalities of defence. A certain mystery surrounds this, and Indians are told that they do not and cannot understand it. Fantastic threats are held out of possible invasions by foreign forces if the British retire, and we are told that our lives and property are only safe because of British protection. Our lack of trained officers, the inevitable result of long continued British policy in India, is made the excuse for continuing British officers in large numbers. A considerable British army remains permanently in India, and can only be looked upon as an army

of occupation. The Arms Act has not only prevented the people from keeping arms or even knowing the use of them, but has also created a psychological background of weakness and want of self-reliance.

The problem of defence is usually considered from two points of view in India: Indianisation, and reduction of the heavy expenditure on the defence forces. Both are important, for an Indian army or navy or air force must be Indian and not foreign, and the present scale of expenditure is excessive and too great a burden on the State. But what is more important still is the policy underlying the defence organisation of the country. To-day the armed forces in India cannot be correctly called the defence forces of India. They are not primarily meant for the defence of India from foreign aggression, but rather for the defence of the British Empire in India and outside, as well as for holding the Indian people in check. The army, navy, and air force in India are thus organised and built up for a three-fold objective: to protect British Imperial interests in India from external invasion, and to take aggressive action beyond the frontiers of India in furtherance of those interests; to suppress internal activities and movements which may threaten these interests; and to provide a training ground for the British army. The interests of India and of the Indian people hardly come into the picture; and if occasionally they do so, it is only incidentally. Usually there is a conflict between the two, and inevitably British interests prevail. The Forward Policy in the North-West Frontier is an imperial policy, which is neither in the interests of India nor of the border tribes. Yet the tremendous burden of it falls on India; and our neigh-

bours, with whom we wish to live in friendship and co-operation, are filled with hostility against us.

Indian troops have frequently been sent abroad in furtherance of British imperial interests; and India has been made an unwilling party to British wars. The National Congress has protested against this, and declared that India can be no party to such wars. As we write, Indian troops are being sent to Shanghai, where a Sino-Japanese war is raging. It is stated that these troops are being sent to protect Indian interests in China, but every body knows that there are hardly any Indian interests there. Besides, the troops are being sent without any previous reference to or approval of the representatives of the people, and indeed against their declared wishes. In view of the international situation, there is grave danger of India being entangled, as a kind of camp follower of Britain, in British wars for the furtherance of British imperialist interests.

We cannot, therefore, consider the organisation of our defence forces in terms of present policy. That policy will have to be fundamentally altered and based on dissociation from any imperialism, and on friendship with our neighbours. It will have to consider Indian interests only. A free India cannot tolerate foreign armies within its territories in any shape or form or for any purpose. Foreign officers can only remain for a transitional period as experts to train our men.

The department of Defence must be entirely a Federal concern, administered directly by the Federal Government. The Constitution should expressly provide that no other authority, whether a Provincial Government or State, should have any defence forces

of its own. To maintain the principle of the supremacy of the civil over the military authority of the State, a member of the Federal Council of Ministers should be in charge of the department of Defence, and the Federal Ministry as a whole should be responsible for it to the Federal Legislature.

It will probably be desirable to have a Council of National Defence appointed by the Federal Government. This would correlate the various activities for defence, and would keep in touch with the national transport system.

The modern apparatus for defence and warfare is highly mechanised, and real strength in defence will depend far more on highly trained units and in proper air, naval and land equipment, than in large numbers of men under arms. Vast conscript armies are apt to become a burden in modern warfare, and to reduce the mobility and effectiveness of our forces. Mechanisation, and indeed every kind of warfare to-day, requires, as we have stated above, a highly developed basic industry.

The organisation for defence should, therefore, be based on a relatively small, but highly trained and mechanised, army, with an effective naval arm and a strong and well organised air force. We do not view conscription with favour, and we do not think that any necessity for it will arise, as there is a vast reservoir of man power in India and voluntary recruitment will serve our purpose. But unforeseen emergencies and crises might arise, and we think, therefore, that the Constitution should empower the Federal Government to provide for conscription for national defence, if a grave national emergency demands it.

In addition to the regular army, there should be a Militia which would be our second line of defence, and which would form a large reservoir for the regular army, navy, and air force.

We might mention here another matter which is not directly connected with Defence. Although we do not wish to encourage military conscription, we would welcome labour conscription of the entire citizenship of the country for building public works and performing social service for a fixed period. We think that this would have great value in disciplining our people, in teaching them co-operative habits, in improving the national physique and standards of health, and in raising the dignity of labour. This would also have some value in the general scheme of defence.

There is enough and more of fine material in India to build up a powerful defence organisation. The Indian soldier can compete with any other soldier. The only lack that we suffer from to-day is that of superior officers. We are convinced that the material for this is also good and easily available; and, as soon as we are in a position to do so, we shall take rapid steps to fill this gap. This does not mean just a carrying on, with perhaps greater speed, of what is called Indianisation. That word has a curious sound and strange implications. Almost, it would appear, that we were outsiders and aliens trying to encroach on another's property and preserve. It is not just an increasing Indianisation that we aim at, but the complete nationalisation of our defence forces. They will then be manned by our nationals subject to national control, filled with the national spirit, and meant for

the advancement of the national interest. The change will thus be not one of degree, but of kind.

The British Army of occupation in India will inevitably have to go from India, for its presence is incompatible with Indian freedom. Foreign officers will be required in India for some time as experts to train our people. But they must fit in with our scheme, and must be subject to the control of our federal department of Defence. The Arms Act will have to go.

The reduction in the present very heavy cost of the defence forces in India is a major item in the national programme. That reduction will come automatically with the removal of the British army from India, and the reduction of the British element in the Indian army. Our expenditure in other ways also, based on national standards, will be considerably less. Even when additional expense is involved in new undertakings, these enterprises and undertakings will have a social and an educational value for our people.

External Relations

India will have an absolutely free hand in conducting her foreign relations, in making treaties and alliances for trade or other purposes, and in declaring war or peace. All these foreign relations will be in charge of the Federal Government, which will appoint its diplomatic agents and representatives in other countries and to foreign governments, as well as to any international or supra-national organisations that might be formed. The general policy governing India's foreign policy will be to promote friendship with our neighbours and other countries, and world peace based on an equitable and progressive world order. Just as

India will not permit any aggression on her own territories or interests, she will deliberately avoid all aggression on others.

Conclusion

We have endeavoured in the above paragraphs to indicate what, in our opinion, the general character of a federal constitution for India should be. We have not discussed this constitution in any detail, but the broad outlines of the completed picture are visible. This constitution for India is vastly different from the present one, especially in its federal aspects; there is another back-ground, and the objective aimed at is entirely different. And yet the suggestions we have made are all capable of being acted upon, even under present conditions if the obstruction of vested interests in the way is once removed. We realise that this is a big if, but big things are happening in the world to-day, and India cannot remain static in a changing world. The social and economic problems that India has to solve are stupendous; she can only approach them with any hope of success with her hands and feet freed from the ropes of imperialist interests and feudal traditions. Complete political and economic freedom is essential for the solution of these problems.

The Constitution that has been suggested is essentially a democratic one. This is in keeping with the national demand for a free democratic State. We have indicated above, however, that we consider a reconstruction of the existing social system as essential for the well being of our people, and for the ending of the conflicts that oppress society to-day. The Constitution should, therefore, be so framed as to make such

a change-over possible democratically, and to encourage the socialisation of society. There should be no restrictions in the Constitution on this change. Whether such a complete change-over is possible through the democratic process alone, it is difficult to say, in view of what is happening in the world to-day. But the attempt must be made.

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INDEX

- A**
- ACCESSION**
Of Indian States 53 (et seq.)
(See also under Instrument)
- ACHEAEN LEAGUE** 4
- ADEN**,
separated 51
- ADJOURNMENT**
motion for 303, 309, 323
- ADMINISTRATION**
control of 323
- ADVISERS**
to the Secretary of
State 265, 364-370
of the Secretary of
State 364-370
- ADVOCATE GENERAL**
Appointment of 236-238
may speak in either
Chamber 344-345
- AFGHANISTAN AND
INDIAN FEDERATION** 42, 51
- AGE**
See qualification 289
- AGRICULTURER**
Income tax 411-412
- AJMERE, MERWARA**
British influence in 102
Seats in the Legisla-
ture 287, 288, 292, 293
- ALLEGIANCE**
division of in Federa-
tion (see Oaths) 3, 4
- ALWAR**
British Minister in 102
- AMENDMENTS**
of the Government of
India Act 49, 111, 114
- AMERY AWARD**
regarding Burmah 418
- ANGLO-INDIAN**
seats in the Legisla-
ture 247, 287, 288
- ANIMALS**
Taxes on 412
- APPELLATE**
Jurisdiction 396-398
- ARMY**
In India (see Defence) 264
- ASQUITH, MR.**
moves vote of no-confi-
dence 304
- ASSAM**
seats in the Legisla-
ture 287, 288, 292-3
subsidy to 421
- ASSEMBLY**
And the Electorate 358
Legislative (see Legisla-
ture) Meeting of 334
- AUDIT**
And Account Servi-
ces 252, 274
- AUDITOR-GENERAL**
Appointment of 381, 382
of Federal Finances 445
of Indian Home Ac-
counts 271
Work of 445-6
- AUSTRALIA**
Commonwealth of 23
and Constitution 49
Governor-General in 126
Powers of the Govern-
ment 2
Western, demand for
separation 66
- AUTOCRACY**
In Indian States 18
- B**
- BALUCHISTAN**
Chief Commissioner-
ships 44, 287-8, 292-3
- BANKRUPT**
Disqualified 338
- BARKER, PROFESSOR**
Quoted 32
- BARODA**
Population and seats
of 60, 105
- BENGAL**
Governor-General 124
partition of 44
Seats allotted to 287-8, 292-3
Subsidy to 421