

# COMMUNAL DEADLOCK AND A WAY TO SOLVE IT

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*Address delivered at the Session  
of the All India Scheduled Castes Federation  
held in Bombay on May 6, 1945  
Published: 1945*

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I

## COMMUNAL DEADLOCK AND A WAY TO SOLVE IT

Mr. President,

I am indeed very grateful for your kind invitation to address the Annual Session of the All-India Scheduled Castes Federation. I am happy to see this great gathering of the Scheduled Castes. Having regard to the very short time which has elapsed since its establishment, the growth of the Federation appears by all evidence to be phenomenal. That the Scheduled Castes all over India have rallied round the Federation and are determined to make the Federation their only representative organization is beyond question. The growth of the Federation within so short a time will not be fully appreciated unless the tremendous difficulties in the way of our organization have been fully appreciated. There are agents of other political organizations which decoy our people by false blandishments, by false promises and by false propaganda. There is the ignorance of our own people, who do not know the critical nature of the times we are

living in and who do not know the value of organization for achieving our political objects. There is a lamentable lack of resources at our command. We have no money. We have no press. The crudest of tyrannies and oppressions, to which our people are subjected, day in and day out all over India, are never reported by the Press. Even our views on social and political questions are systematically suppressed by an organized conspiracy on the part of the Press. We have no funds to maintain a machinery, to render help to our people and to educate, agitate and organize them.

These are the odds we have to contend against. That the Federation, notwithstanding these difficulties, should have grown to this dimension is entirely due to our men who have been ceaselessly and unselfishly devoting themselves to the building up of this organization. I am sure you would like me to pay Mr. Ganpat Mahadev Jadhav, the President of the Bombay City Scheduled Castes Federation, our tribute for the work he has done. As everyone knows, he possesses remarkable degree of organizing capacity and I am sure the success of this Session is due to a great extent to his efforts and to those who have been his co-workers.

Ordinarily, at a gathering such as this I would have spoken—and our people would expect me to speak—on any one of the social and political problems of the Scheduled Castes. But I do not propose to engage myself in a discourse on so sectarian a subject. Instead, I propose to speak on a topic, which is general and has a wider appeal, namely the shape and form of the future Constitution of India.

It may be as well for me to explain the reasons for my decision. For the moment, the responsibility for leading the movement of the Scheduled Castes and facing its day-to-day problems does not lie on my shoulders. On account of my office I am out of it and I have no desire to take it up. That is one reason why I do not propose to take up a sectarian subject which is related only to the Scheduled Castes.

The Scheduled Castes are often charged as being selfish, interested only in themselves; that they have no constructive suggestions to make for the solution of the country's political problem. The charge is entirely untrue, and if it is true, the Untouchables will not be the only ones who will be found guilty of it. Most people in India do not make constructive suggestions. The reason is not that there are not people capable of constructive thought. The reason why all constructive thought remains bottled up is because a long and continuous propaganda has inculcated upon the minds of the generality of the people that nothing should be respected and nothing should be accepted unless it emanates from the Congress. It is this which has killed all constructive thought in this country. At the same time, I believe this charge against the Scheduled Castes should be repelled in a positive way by showing that the Scheduled Castes are capable of putting forth constructive proposals for the general political advancement of the country which the country, if it cares to, may consider. This is the second reason why I have on this occasion chosen this subject of general interest.

## II

### RESPONSIBILITY FOR FRAMING THE CONSTITUTION

Before I set out in concrete terms the constitutional proposals I have in mind, I wish to raise two preliminary issues. First is : Who should frame a Constitution for India ? It is necessary to raise this question because there are quite a lot of people in India who are hoping, if not asking, the British Government to resolve the deadlock and to frame a Constitution for India. I think there is a gross fallacy in such a view which needs to be exposed. A Constitution, framed by the British Government and imposed upon Indian, sufficed in the past. But if the nature of the future Constitution Indians are clamouring for, is borne in mind it will be clear that an imposed Constitution will not do.

The difference between the past Constitutions and the future Constitution of India is fundamental, and those, who still rely on the British for framing a Constitution for India, do not seem to have realized this difference. The difference lies in this that the past Constitutions contained a breakdown clause. But the future Constitution of India cannot contain such a breakdown clause. People in India decry the breakdown clause—by now the notorious section 93 of the Government of India Act, 1935. That is because they do not know the why and the how of its place in the Act. Its importance will become apparent if two important considerations governing the political life of a community are borne in mind. First of these considerations is that Law and Order is the medicine of the body politic, and when the body politic goes sick this medicine must be administered. Indeed, so important is this consideration that failure to administer it must be deemed to be a crime against society and civilization. The second consideration is that though it is true that no government has a vested right to govern, it is equally true that there must always be a government to govern—which I mean maintain Law and Order—until it is displaced by a better government. The breakdown clause serves these two purposes. As such, it is of the highest value for the peace and tranquillity of the people. It is the one and only means which can save the country from anarchy. For, when Constitutional Government fails, the breakdown clause has at least the merit of maintaining Government.

In the past this distinction between Constitutional Government and Government with the provision for Government stepping in when Constitutional Government failed, was a feasible proposition. It was feasible because while the British Government gave Indians the right to a Constitutional Government, it kept to itself the right to govern, should Constitutional Government fail. In the future Constitution of India, it would not be possible to maintain this distinction. It would not be possible for the British Government to give the Indians the right to Constitutional Government and also to keep to itself the right to govern in case there was a breakdown in the Constitutional Government. The reason is quite obvious. The past Constitutions of India did not treat India as a Dominion. The future Constitution will proceed on the assumption that India will be a

Dominion. The breakdown clause or the possibility of Government stepping in, when Constitutional Government has failed, can be reconciled in the case of a country, which has no Dominion Status. But the two are irreconcilable in the case of a Dominion. In the case of a Dominion or for the matter of that in the case of any free country, there is either a Constitutional Government or a Rebellion.

What does this mean ? It means that it is impossible to frame a Constitution for an Indian Dominion with a possibility of a breakdown. To put the same thing in a different language the Constitution must be so made that it will not only command the obedience but also the respect of all ; and all or if not all, at any rate, all important elements in the national life of India shall be prepared to uphold it and to give it their support. This can happen only if the Constitution is framed by Indians for Indians and with the voluntary consent of Indians. If the Constitution is imposed by the British Government and is not accepted by one section and is opposed by another, there will arise in the country an element, hostile to the Constitution, and which will devote its energies not to working the Constitution but to breaking it. The anti-constitution party may look upon destroying the Constitution as its only duty and may engage itself in "pronouncing" against a party working the Constitution in the real Latin American fashion.

It is useless for the British to frame a Constitution for India which they will not remain to enforce. The same result will ensue if the Constitution is imposed by one powerful section or a combination of such sections on other sections. I am, therefore, firmly of opinion that if Indians want Dominion Status, they cannot escape the responsibility of framing their own Constitution. The position is thus inescapable,

III

### **CONSTITUENT ASSEMBLY**

The second question that I wish to raise is : Should there be a Constituent Assembly, charged with the function of making a Constitution ? Constituent Assembly is on the lips of everybody. The Congress parties in their resolutions, passed before the Congress ministries resigned, demanded that the Constitution for India should be made by a Constituent Assembly composed of Indians. A Constituent Assembly was included in the Cripps proposals. The Sapru Committee has followed suit.

I must state that I am wholly opposed to the proposals of a Constituent Assembly. It is absolutely superfluous. I regard it as a most dangerous project, which may involve this country in a Civil War. In the first place, I do not see why a Constituent Assembly is at all necessary. Indians are not in the same position as the Fathers of the American Constitution were, when they framed the Constitution of the United States. They had to evolve ideas, suitable for the constitution for a free people. They had no constitutional patterns before them to draw upon. This cannot however be the case for Indians. Constitutional ideas and constitutional forms are ready at hand. Again, room for variety is very small. There are not more than two or three constitutional patterns to choose

from. Thirdly, there are hardly any big and purely constitutional questions about which there can be said to be much dispute among Indians. It is agreed that the future Indian Constitution should be Federal. It is also more or less settled what subjects should go to the Centre and what to the Provinces. There is no quarrel over the division of Revenues between the Centre and the Provinces, none on Franchise and none on the relation of the Judiciary to the Legislature and the Executive. The only point of dispute, which is outstanding, centres round the question of the residuary powers—whether they should be with the Centre or with the Provinces. But that is hardly a matter worth bothering about. Indeed, the provision contained in the present Government of India Act could be adopted as the best compromise.

Having regard to this I cannot see why a Constituent Assembly is necessary to incubate a constitution. So much of the Constitution of India has already been written out in the Government of India Act, 1935, that it seems to be an act of supererogation to appoint a Constituent Assembly to do the thing over again. All that is necessary is to delete those sections of the Government of India Act, 1935, which are inconsistent with Dominion Status.

The only function which could be left to a Constituent Assembly is to find a solution of the Communal Problem. I am quite positive that whatever be the terms of reference of the Constituent Assembly, the Communal Question should not form a part of them. Consider the composition of the Constituent Assembly as suggested by the Sapru Committee. The total membership is fixed at 160. The election is by joint electorates by members of the Provincial Legislative Assemblies under a system of proportional representation and the decision is to be by three-fourths of the members present and voting. Can a minority accept this Constituent Assembly as a safe body, in the impartiality of which it can place implicit confidence? The answer to this question must depend upon what answers one can give to two other questions: Does it guarantee that the representatives of a minority elected to the Assembly will be its true representatives? Secondly, does it guarantee that the decision of the Assembly with regard to the claims of any particular minority will not in fact be an imposition on the minority? On neither of these two questions can I confidently say that a minority need have no cause for fear.

Before taking up these questions, let me point out what differences there are between the Cripps Constituent Assembly and the Sapru Constituent Assembly. They may be stated as follows:

(i) The total number for the Constituent Assembly fixed by the Sapru Committee is 160. Sir Stafford Cripps had not fixed any number. But the provision contained in his proposal that the Constituent Assembly shall consist of ten per cent of the total number of members of the Provincial Legislatures virtually fixed the number to about 158—a difference of only 2.

(ii) The method of election to the Constituent Assembly by the Sapru Committee is by joint electorate under the system of proportional representation. In this there is no difference between the Cripps plan and the Sapru plan for the composition of the Constituent Assembly.

(iii) Under the Cripps plan, there was no communal reservation. The Sapru plan departs from the Cripps plan in this respect, in as much as it reserves seats for particular communities in prescribed proportions. This difference is only normal. For, though the Cripps plan did not in terms fix the number, the scheme of proportional representation would have in fact resulted in such reservation. The difference in the quota of representation under the two schemes will be seen from the following table :

Communities and Interests

Quota of seats in the Constituent Assembly

	Under Cripps'	Under Sapru's
Hindus	77	51
Muslims	50	51
Scheduled Castes	15	20
Sikhs	3	8
Indian Christians	2	7
Anglo-Indians	1	2
Europeans	6	1
Aboriginal Tribes	2	3
Special Interests		16
Others	2	1
	158	160

The Sapru Committee has not only fixed the numbers for each Community in the composition of the Constituent Assembly but it has offered the Muslims equality with the Hindus. For this departure the Committee's plea is that in consideration for this offer it has demanded joint electorate as a basis for election to the Constituent Assembly. In this, the Committee must be said to have entirely misunderstood the Cripps proposals. Joint-Electorates were already provided for in the Cripps proposals one clause of which reads—" The members of the Lower Houses of the Provincial Legislatures are to form a single Electoral College ". This is simply another way of saying that the election shall be by joint-electorate. It has given something for nothing to one element and thereby put the other Communities in a hazard.

(iv) Under the Cripps proposal the decision of the Assembly was to be by majority of those present and voting. Under the Sapru proposal the decision is to be by a majority of 3/4th of those present and voting.

Now to revert to the two questions. How does the position stands with regard to the first question ? To give one's opinion on it, it is first necessary to know the communal distribution of the membership of the Provincial Legislative Assemblies. The following table sums up the position :

**Distribution of Seats by Communities in the Provincial Legislative Assemblies** [\[f1\]](#)

Communities	General	Women Trade	University Unions	Commerce	Land lords	Total
1	2	3 4	5	6	7	8
Hindus	651	26 7	33	31	22	770
Muslims	482	10 1	5	6	13	517
Scheduled Castes.	151					151
Indian Christians.	20	1				21
Anglo-Indians	11	1				12
Sikhs	34	1			1	30
Europeans	26			19	1	46
Aboriginals	24					24
Total	1,399	39 8	38	.56	37	1,577

Has the communal reservation made by the Sapru proposal, and which is not to be found in the Cripps proposal, any value ? That depends upon how far one community will be able to influence the election of the members of the other communities ? What are the prospects in this regard ? Let me give another table:

Communities	Voters for Constituent Assembly	Quota of seats in the Constituent Assembly	Number of votes reqd. for electing the quota	(+) Excess of voters over (-) Deficiency of voters below requirement.
1.Hindus	778	51	561	+ 217
2.Muslims	561	51	517	+44
3. Scheduled Castes .	151	20	220	- 69

4. Indian Christians .	21	7	77	- 56
5. Sikhs	36	8	88	- 52
6. Europeans	46	1	11	+ 35

From this table the following conclusions emerge :

(i) Taking the total votes to be 1577 and the total number to be elected 160, the quota under the proportional system of representation would roughly come to  $10+1 = 11$ .

(ii) Taking 11 as the quota, the Hindus will have 217, the Muslims 44 and the Europeans 35 votes to spare, while the Scheduled Castes will be short by 69, the Indian Christians by 56 and the Sikhs by 52 votes.

To put the same thing in a different way :

(i) The Hindus with their excess of 217 votes can elect 20 non-Hindus, who would be dependent upon them ; the Muslims with their excess of 44 votes can elect 4 non-Muslims, who would be dependent upon them and the Europeans with their excess of 35 votes would be able to elect 3 non-Europeans, who would be dependent upon them.

(ii) The Scheduled Castes with a shortage of 69 votes will be able to elect only 13 members on the stock of their own votes and for 7 seats they will have to depend upon Hindu, Muslim or European voters. The Indian Christians with a shortage of 56 votes will be able to elect only 2 seats on the stock of their own voters. For the rest of the 5 seats they will have to depend upon Hindu, Muslim or European voters. Similarly the Sikhs with a shortage of 52 will be able to elect only 3 seats on the stock of their own voters. For the rest of the 5 seats they will have to depend upon Hindu, Muslim or European voters

Such is the position. It is evident that the excess representation granted to the smaller minorities is only an eyewash. Their representation is made so dependent that in no sense can it be called a real representation.

Let me now take the second question. Is the rule of decision adopted by the Sapru Committee for the Constituent Assembly a safe rule ? The Cripps proposal had adopted the rule of bare majority. This was an absurd proposition which no sensible man could have proposed. I know of no case where questions relating to the constitution were left to be decided by a simple majority.

The Cripps proposals sought to excuse the adoption of the majority rule on the ground that there was to be a further provision for safeguarding the interest of the minorities. The provision was to take the form of a Treaty between the British Crown and the Indian Constituent Assembly, before Parliament was to relinquish its sovereignty and make India free. The proposal of a Treaty would have had some sense, if the Treaty was to override the constitution. But the proposal was impossible as under the Cripps scheme India was free to become a Dominion or an Independent country as



she pleased. For once India became a Dominion it would *ipso facto* acquire all the legal power necessary to pass an enactment declaring that the Treaty shall not override the constitution. In that case the Treaty would have been no better than a calendar which members of the minorities might, if they wished, hang on the walls of their houses. This was exactly what happened to the Irish Treaty. The Irish Treaty continued to override the Irish Constitution so long as Ireland was not a Dominion. But the moment Ireland became a Dominion the overriding power of the Treaty was taken away by a short and simple enactment of the Parliament of the Irish Free State and the British Parliament did nothing, for it knew that Ireland was a Dominion and therefore it could do nothing. How so absurd a provision came to be put forth by so eminent a person to assure the minorities, I am unable to understand.

The provisions contained in the Sapru proposals appear to be an improvement. But are they really an improvement? I am sure they are not. A three-fourths majority of 160 means that a view to prevail must have the support of 120 members. Before accepting this as an improvement, one has to have some idea as to how this group of 120 is likely to be formed. If the Hindus and the Muslims combine they will together make up 102 and will need only 18 more to make up 120. Most of the special seats and a few more from others may easily fall into the hands of this combine. If this happens the decision of the Assembly will obviously be an imposition upon the Scheduled Castes, the Sikhs, the Indian Christians etc. Similarly, if the Muslims are isolated the decision will not be a joint decision but an imposition upon the Muslims by non-Muslims. These possibilities of permutation and combination for the purpose of checkmating or out-manoeuvring of some communities by others, I am sorry to say, have not been taken into consideration by the Sapru Committee. There would have been some safety, if the Sapru Committee had provided that the three-fourths majority shall at least include 50 per cent of each element.

Following upon the procedures adopted in the making of the constitution of the United States, the Sapru Committee could have added a further provision for the ratification at any rate of the communal part of the decision of the Assembly by the representatives of the minorities outside the Assembly. None of these provisions finds a place in the plan of the Constituent Assembly as designed by the Sapru Committee. Consequently the Constituent Assembly has become a snare.

There are many other arguments against the plan of a Constituent Assembly. I may mention one, which I confess has influenced me greatly. When I read the history of the Union between Scotland and England, I was shocked at the corruption and bribery that was practised to win the consent of the Scottish Parliament. The whole of the Scottish Parliament was bought. The chances of corruption and bribery being used in the Indian Constituent Assembly to buy over members to support decisions desired by interested groups are very real. Their effects, I am sure, cannot be overlooked. If this happens, it will not only make mockery of the Constituent Assembly but I feel quite certain that any

attempt made to enforce its decisions will result in a civil war. It is my considered opinion that the proposal of Constituent Assembly is more dangerous than profitable and should not be entertained.

#### IV

#### **NECESSITY OF A NEW APPROACH**

I shall be asked that if the Constituent Assembly is not the correct approach, what is the alternative ? I know I shall be confronted with such a question. But I am confident in my view that if the Communal Question has become difficult of solution it is not because it is insoluble, nor because we had not yet employed the machinery of Constituent Assembly. It has become insoluble because the approach to it is fundamentally wrong. The defect in the present approach is that it proceeds by methods instead of by principles. The principle is that there is no principle. There is only a series of methods. If one method fails another is tried. It is this swing from one method to another which has made the Communal Problem a jigsaw puzzle. There being no principle there is no guide to tell why a particular method has failed. There being no principle there is no assurance that the new method will succeed.

The attempts at the solution of the Communal Problem are either in the nature of a coward's plan to cow tow to the bully or of bully's plan to dictate to the weak. Whenever a community grows powerful and demands certain political advantages, concessions are made to it to win its goodwill. There is no judicial examination of its claim; no judgement on merits. The result is that there are no limits to demands and there are no limits to concessions. A start is made with a demand for separate electorate for a minority. It is granted. It is followed by a demand for a separate electorate for a community irrespective of the fact whether it is a minority or majority. That is granted. A demand is made for separate representation on a population basis. That is conceded. Next, a claim is made for weightage in representation. That is granted. It is followed by a demand for statutory majority over other minorities with the right for the majority to retain separate electorate's. This is granted. This is followed by a demand that the majority rule of another community is intolerable, and therefore without prejudice to its rights to maintain majority rule over other minorities, the majority of the offending community should be reduced to equality. Nothing can be more absurd than this policy of eternal appeasement. It is a policy of limitless demand followed by endless appeasement.

Frankly, I don't blame the community that indulges in this strategy. It indulges in it because it has found that it pays, it pursues it because there are no principles to fix the limits and it believes that more could be legitimately asked and would be easily given. On the other hand, there is a community economically poor, socially degraded, educationally backward and which is exploited, oppressed and tyrannized without shame and without remorse, disowned by society, unowned by Government and which

has no security for protection and no guarantee for justice, fair play and equal opportunity. Such a community is told that it can have no safeguards, not because it has no case for safeguards but only because the bully on whom the bill of rights is presented thinks that because the community is not politically organized to have sanctions behind its demand he can successfully bluff.

All this differential treatment is due to the fact that there are no principles, which are accepted as authoritative and binding on those who are parties to the Communal Question. The absence of principles has another deleterious effect. It has made impossible for public opinion to play its part. The public only knows methods and notes that one method has failed another is being suggested. It does not know why one method has failed and why another is said to be likely to succeed. The result is that the public, instead of being mobilized to force obstinate and recalcitrant parties to see sense and reason, are only witnessing the discussions of Communal Questions whenever they take place as mere shows.

The approach I am making for the solution of the Communal Problem is therefore based upon two considerations :

- (1) That in proceeding to solve the Communal Problem it is essential to define the governing principles which should be invoked for determining the final solution, and
- (2) That whatever the governing principles they must be applied to all parties equally without fear or favour.

## **V**

### **PROPOSALS FOR SOLUTION OF THE COMMUNAL PROBLEM**

Having made my position clear on certain preliminary points, I will now proceed to deal with the subject.

The Communal Problem raises three questions : (A) The question of representation, in the Legislature; (B) The question of representation in the Executive; and (C) The question of representation in the Services.

#### **A. REPRESENTATION IN PUBLIC SERVICES**

To take the last question first. This can hardly be said to be a subject of controversy. The principle that all communities should be represented in the Public Services in a prescribed proportion and no single community should be allowed to have a monopoly has been accepted by the Government of India. This principle has been embodied in the Government of India Resolutions of 1934 and 1943 and rules to carry it out have been laid down. It has even prescribed that any appointment made contrary to the rules shall be deemed to be null and void. All that is necessary is to convert administrative practice into statutory obligation. This can be done by adding a Schedule to the Government of India Act, which will include the provisions contained in these Resolutions and similar provisions for the different provinces and make the Schedule a part of the Law of the Constitution.

## B. REPRESENTATION IN THE EXECUTIVE

This question raises three points :

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

### (i) *Quantum of Representation*

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

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

### (ii) *Nature of the Executive*

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

(1) It must be recognised that in a country like India where there is a perpetual antipathy between the majority and the minorities and on which account the danger of communal discrimination by majority against minorities forms an ever-present menace to the minorities, the executive power assumes far greater importance than the legislative power.

(2) In view of (1) above, the system under which a party which has secured a majority at the poll is deemed entitled to form a Government on the presumption that it has the confidence of the majority is untenable in Indian conditions. The majority in India is a communal majority and not a political majority. That being the difference, the presumption that arises in England cannot be regarded as a valid presumption in the conditions of India.

(3) The Executive should cease to be a Committee of the majority party in the Legislature. It should be so constituted that it will have its mandate not only from the majority but also from the minorities in the Legislature.

(4) The Executive should be non-Parliamentary in the sense that it shall not be removable before the term of the Legislature.

(5) The Executive should be Parliamentary in the sense that the members of the Executive shall be chosen from the members of the Legislature and shall have the right to sit in the House, speak, vote and answer questions.

### (iii) *Method of Filling Places*

In this connection, I would propose the adoption of the following principles : (a) The Prime Minister as the executive head of the Government should have the confidence of the whole House.

(b) The person representing a particular minority in the Cabinet should have the confidence of the members of his community in the Legislature.

(c) A member of the Cabinet shall not be liable to be removed except on impeachment by the House on the ground of corruption or treason.

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

### C. REPRESENTATION IN THE LEGISLATURE

This is the most difficult question. All other questions depend upon the solution of this question, it raises two points : (i) The quantum of representation : and (ii) The nature of the electorate.

#### (i) Quantum of Representation

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

#### Proposed Ratio of Representation in the Legislatures

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

#### 1. CENTRAL ASSEMBLY

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

2. BOMBAY			
Community		Percentage of population to total	Percentage of Representation

Hindus		76.42	40
Muslims		9.98	28
Scheduled Castes		9.64	28
Indian Christians		1.75	2
Anglo-Indians		0.07	1
Parsees		0.44	1

### 3. MADRAS

Community		Percentage of population to total	Percentage of Representation
Hindus		71.20	40
Scheduled Castes		16.53	30
Muslims		7-98	24
Indian Christians		4-10	5
Anglo-Indians		0-06	1

### 4. BENGAL

Community		Percentage of population to total	Percentage of Representation
Muslims		56-50	40
Hindus		30-03	33
Scheduled Castes		12-63	25
Indian Christians		0-19	1
Anglo-Indians		0-05	1

### 5. UNITED PROVINCES

Community		Percentage of population to total	Percentage of Representation
Hindus		62-29	40
Scheduled Castes		21-40	29
Muslims		15-30	29
Indian Christians		0-24	1
Anglo-Indians		0-03	1

### 6. PUNJAB

Community	Percentage of population to total	Percentage of Representation
Muslims	57.06	40

Hindus	22-17	28
Sikhs	13-22	21
Scheduled Castes	4-39	9
Indian Christians	1-71	2

#### 7. C P. & BERAR

Community	Percentage of population to total	Percentage of Representation
Hindus	72-20	40
Scheduled Castes	20-23	34
Muslims	5-70	25
Indian Christians	0-36	1

#### 8. BIHAR

Community	Percentage of population to total	Percentage of Representation
Hindus	70-76	40
Muslims	15.05	30
Scheduled Castes	13.80	28
Indian Christians	1-71	2

#### 9. ASSAM

Community	Percentage of population to total	Percentage of Representation
Hindus	45-60	40
Muslims	44-59	39
Scheduled Castes	8-76	19
Indian Christians	0-48	2

#### 10. ORISSA

Community	Percentage of population to total	Percentage of Representation
Hindus	70.80	40
Scheduled Castes	17-66	36
Muslims	2-07	22
Indian Christians	0-37	2

#### 11. SIND

Community	Percentage population total	Percentage of Representation
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Hindus	23.08		40
Muslims	71-30		40
Scheduled Castes	4.26		19
Indian Christians	0.29		1

## VI

### EFFECT ON MINORITIES

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

#### EFFECT ON MUSLIMS

Legislature	Population Ratio	Ratio of Representation	
		Under the Government of India Act, 1935	Under the proposed scheme
Central	28.50	32.00	32
Madras	8.00	13.49	24
Bombay	10.00	17-40	28
U.P.	15.30	28-95	29
C.P.	5.70	12-50	25
Bihar	15.00	26-32	28
Assam	44.60	31.48	38
Orissa	2.00	6.66	22

#### EFFECT ON SCHEDULED CASTES

Legislature	Population Ratio	Ratio of Representation	
		Under the Government of India Act, 1935	Under the proposed scheme
Central	14.30	7-60	20
Madras	16.50	13-90	30
Bombay	9.60	8.50	28
Bengal	12.60	12.00	25
U.P.	21.40	8-70	29



Punjab	4.40	4-50	9
C.P.	20.20	17-80	34
Bihar	13.80	9-80	28
Assam	8.70	6-50	20
Orissa	17.60	10-00	36
Sind	4.20	Nil	19

### EFFECT ON INDIAN CHRISTIANS

Legislature	Population Ratio	Ratio of Representation	
		Under the Government of India Act, 1935	Under the proposed scheme
Central	1.16	3.80	3
Madras	4.10	4.20	5
Bombay	1.70	1.70	2
Bengal	0.19	0.80	1
U.P.	0.24	0.90	1
Punjab	1.70	1.14	2
C.P.	0.35	Nil	1
Bihar	1.70	0.66	2
Assam	0.48	0.90	2
Orissa	0.37	0.16	2
Sind	0.29	Nil	1

### EFFECT ON SIKHS

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

### EFFECT ON HINDUS

Legislature	Population Ratio	Ratio of Representation	
		Under the Government of India Act, 1935	Under the proposed scheme

Central	30.00	20.00	33
Madras	22.10	20.00	28
Sind	23.80	31.60	40

## VII

### PRINCIPLES UNDERLYING THE PROPOSALS

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

(1) Majority Rule is untenable in theory and unjustifiable in practice. A majority community may be conceded a relative majority of representation but it can never claim an absolute majority. [\[f2\]](#)

(2) The relative majority of representation given to a majority community in the legislature should not be so large as to enable the majority to establish its rule with the help of the smallest minorities.

(3) The distribution of seats should be so made that a combination of the majority and one of the major minorities should not give the combine such a majority as to make them impervious to the interest of the minorities.

(4) The distribution should be so made that if all the minorities combine they could, without depending on the majority, form a government of their own.

(5) The weightage taken from the majority should be distributed among the minorities in inverse proportion to their social standing, economic position and educational condition so that a minority which is large and which has a better social, educational and economic standing gets a lesser amount of weightage than a minority whose numbers are less and whose educational, economic and social position is inferior to that of the others.

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

## VIII

### NATURE OF THE ELECTORATE

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

(1) Joint electorate or separate electorate is a matter of machinery for achieving a given purpose. It is not a matter of principle.

(2) The purpose is to enable a minority to select candidates to the Legislature who will be real and not nominal representatives of the minority.

(3) While separate electorate gives an absolute guarantee to the minority, that its representatives will be no others except those who enjoy its confidence, a system of joint electorates which will give equal protection to the minorities should not be overlooked.

(4) A Four-member constituency, with a right to the minorities to have a double vote and requiring a minimum percentage of minority votes, may be considered as a possible substitute.

## **IX MATTERS NOT COVERED**

### **(i) QUESTION OF SPECIAL SAFEGUARDS**

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

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

### **(ii) ABORIGINAL TRIBES**

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

### **(iii) INDIAN STATES**

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

- (1) that the dichotomy of divided sovereignty between British India and Indian States is completely done away with,

(2) that the judicial and political boundaries which separate British India from Indian States will disappear, that there will be no such entities as British India or Indian States and in their place there will be only one entity namely India, and

(3) that the terms and conditions of inclusion do not prevent India from having full and plenary powers of a Dominion. I have worked out a scheme for the fusion of the Indian States and British India, which will permit the realization of these objects. I do not wish to overburden this address with the details of the plan. For the moment, it is better if British India marches to her goal without complicating its progress by an entanglement with the Indian States.

## **X**

### **PAKISTAN IN THE LIGHT OF PROPOSALS**

My proposals are for an United India. They are made in the hope that the Muslims will accept them in preference to Pakistan as providing better security than Pakistan does. I am not against Pakistan, I believe it is founded on principle of self-determination, which it is now too late to question. I am prepared to give them the benefit of the principle, on condition that the Muslims do not deny the benefit of the principles to the Non-Muslim residents of the Area. But I believe, I am entitled to draw the attention of the Muslims to another and a better plan of security. I claim that my plan is better than the plan of Pakistan. Let me state the points which tell infavour of my plan. They are : (i) Under my proposal the danger of a communal majority, which is the basis of Pakistan is removed. (ii) Under my proposal the weightage at present enjoyed by the Muslims is not disturbed.

(iii) The position of Muslims in the Non-Pakistan Provinces is greatly strengthened by an increase in their representation, which they may not get if Pakistan comes and which will leave them in a more helpless condition than they are in at present.

## **XI**

### **A WORD TO HINDUS**

Much of the difficulty over the Communal Question is due to the insistence of the Hindus that the rule of majority is sacrosanct and that it, must be maintained at all costs. The Hindu does not seem to be aware of the fact that there is another rule. which is also operative in fields where important disputes between individual and nations arise and that rule is a rule of unanimity. If he will take the trouble to examine the position he will realise that such a rule is not a fiction, but it does exist. Let him take the Jury System. In the jury trial the principle is unanimity. The decision is binding upon the judge, only if the verdict of the jury is unanimous. Let him take another illustration that of the League of Nations. What was the rule for decisions in the League of Nations ? The rule was a rule of

unanimity. It is obvious that if the principle of unanimity was accepted by the Hindus as a rule of decision in the Legislature and in the Executive there would be no such thing as a Communal Problem in India.

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

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

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

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

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

It may be open to the Hindus to ask Mr. Jinnah, why in 1930 when he formulated his fourteen points he insisted upon the principle of majority rule to such an extent that one of the fourteen points stipulated that in granting weightage, limits should be placed whereby a majority shall not be

reduced to a minority or equality. It may be open to the Hindus to ask Mr. Jinnah, if he is in favour of a Muslim majority in Muslim Provinces, why he is opposed to a Hindu Majority in the Centre ? The Hindu must however realize that -these posers may lead to the conclusion that Mr. Jinnah's position is inconsistent. They cannot lead to the affirmation of the principle of majority rule.

The abandonment of the principle of majority rule in politics cannot affect the Hindus very much in other walks of life. As an element in social life they will remain a majority. They will have the monopoly of trade and business which they enjoy. They will have the monopoly of the property which they have. My proposals do not ask the Hindus to accept the principle of unanimity. My proposals do not ask the Hindus to abandon the principle of majority rule. All I am asking them is to be satisfied with a relative majority. Is it too much for them to concede this ?

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

## **XII CONCLUSION**

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

The problem of solving the Indian deadlock is not easy. I remember reading a historian describing the condition of Germany before the Confederation of 1867 as one of 'Divinely Ordained Confusion'. Whether that was true of Germany or not, it seems to me that they form a very accurate description of the present

conditions of India. Germany did get out of this confusion, if not at one stroke at least by successive stages until just before the war she became a unified people, unified in mind, unified in outlook and unified by belief in a common destiny. India has not so far succeeded in evolving order out of her confusion. It is not that she had no opportunities to do so. In fact, there have been quite a number. The first opportunity came in 1927, when Lord Birkenhead gave a challenge to Indians asking them to produce a constitution for India. That challenge was taken up. A committee was formed to frame a constitution. A constitution was produced and was known as ' *The Nehru Constitution* '. It was, however, not accepted by Indians and was buried without remorse. A second opportunity presented itself to *Indians in 1930*, when they assembled at the Round Table Conference. There again, Indians failed to play their part and write out their own Constitution. A third attempt is the one recently made by the Sapru Committee. The proposals of this committee too have fallen flat.

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

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

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[f1] The distribution of seats for (1) Universities; (2) Trade Unions, (3) Commerce and (4) Landlords among the communities does not stand for an exact figure. It is based on guess as to how they may be divided among the communities having regard to the relative position.

[f2] I have not framed any scheme of representation for the North-West Frontier province as the minority is so small that even the Principle of relative majority cannot help it.