

## PREFACE.

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The inauguration of the New Constitution under the Government of India Act 1935 will, undoubtedly, be an epoch-making event in the evolution of India towards responsible Government. However much the provisions of the New Constitution may be felt to be unsatisfactory and disappointing, and however much they may fall short of the national demand, it cannot be denied that the new reforms make a distinct advance upon the existing Constitution. A critical and dispassionate examination of the New Constitution is made in the introduction to this book. But certain broad features may be noted here. In the first place, the Governors' Provinces will be granted autonomy and the present diarchic system will disappear. In the second place, a large measure of responsibility would be introduced in the Central Government, although that responsibility is subject to safeguards, restrictions and reservations. In the third place, the present unitary form of Government, embracing only British India, will give place to an All-India Federation comprising the Indian States as well, with a Central Government composed of representatives of British India and the States, exercising jurisdiction over the whole of India, in respect of almost all matters of common concern between British India and the Indian States. The changes introduced are so far-reaching that the present Government of India Act which is merely a consolidating enactment, consolidating all acts relating to India from the 18th Century, has had to be repealed in toto, and the new Act takes its place.

The new Act embodies the maximum reforms which the present 'National' Government of the United Kingdom is prepared to grant, and it represents the final shape into which the White Paper of March 1933 has been moulded by Parliament, after passing through the hands of a Joint Select Committee of both Houses of Parliament. The White Paper itself purports, in the words of Sir Samuel Hoare, to be "the result of a long series of discussions and investigations beginning, indeed, with enquiries before the War, going on with enquiries connected with the

Government of India Act, then again connected with the enquiries made by the Statutory Commission, and connected with all the investigations that have taken place since then, at successive Round Table Conferences, and at successive enquiries that have taken place as a result of those enquiries. Moreover in addition to that, it is the result of almost incessant correspondence between the Government here (of the United Kingdom) and the Government of India and between the Government here (of the United Kingdom) and the Government of India and the Provincial Governments." The White Paper consists of two parts, the introduction and the proposals. The introduction explains the principles underlying the proposals. The new Act merely codifies the proposals with such alterations, additions and amendments as His Majesty's Government and the British Parliament considered necessary and expedient. Sir Samuel Hoare, the Secretary of State for India, has given valuable evidence before the Joint Select Committee of Parliament, explaining the proposals in the White Paper, and how the new Constitution is expected to work. Several important memoranda have been submitted to the Joint Select Committee on behalf of His Majesty's Government, and one important announcement has been made by the States' delegation as to the accession of the States into the Federation. A correct and proper perspective of the New Constitution would be obtained only if the sections of the new Act are read in the light of—

(a) The Report of the Statutory Commission, commonly known as the Simon Commission.

(b) The reports of the various Committees and Sub-Committees of the Round Table Conference.

(c) The White Paper of March 1933 (Command Paper 4268).

(d) The evidence of the Secretary of State for India.

(e) The Report of the Select Committee of Parliament on the White Paper aforesaid.

(f) The discussion of the India Bill in Parliament.

Again, the New Constitution inaugurates, as we have seen, a Federal form of Government in the place of the existing Unitary one. Federations exist elsewhere in the world, both within and without, the British Commonwealth of Nations.

No two forms of Federal Governments are alike. For example Canada is organised under one form of Government. Australia is organised under another form. Both differ from their model, the U. S. A. The Indian Federation differs, in its turn, from each one of the above, though, of course, there are certain common features in all Federations. The peculiarities of the Indian Federation can be fully appreciated only by a comparison with other Federations.

At a time when the Constitution of India is, so to say, in the melting pot, when there is keen controversy about the merits of the New Constitution, when, in spite of every shade of opinion in the country having expressed its dissatisfaction with and disapproval of the new reforms, it is a 'settled fact' that the new reforms are going to be inaugurated, it is surely a matter of importance that we should know the full details of the New Constitution, and how best to work it. Work it, we must, whether to wreck it, or to get the best out of it. Otherwise as has been aptly described, the reforms will work us. An apology is, in these circumstances, scarcely needed for placing in the hands of those interested in the evolution of India towards responsible Government, a handy volume containing the principles underlying the New Constitution read in the light of the various documents and reports above referred to, side by side with the existing Constitution.

The book consists of an introduction and three parts. The first part starts with a discussion of representative institutions in ancient India, with reference to relevant ancient texts, and traces the development of the Indian Constitution till the introduction of the Montagu-Chelmsford Reforms. The second part deals with the existing Constitution under the Montagu-Chelmsford Reforms. The new Act does not come into force at once, and there are ever so many obstacles to be overcome before the new reforms could be inaugurated, such as a financial enquiry, the accession of States and the delimitation of constituencies by a Commission. It looks as if the existing Constitution will continue for some years more. Part II, therefore, deals with the existing Constitution fairly fully. The changes which the Montagu-Chelmsford Reforms effected cannot be discovered by a reading of the Government of India

Act 1919, alone. The delimiting of a Provincial field which was transferred to responsible Ministers, and the delimiting of the control of the Home Government over the Governments in India were carried out by rules framed under the Act, such as the 'Devolution rules' and the 'Relaxation of control rules.' Several details which the Act left for being decided by rules, are provided for in various rules such as "Local Government (borrowing) rules," "Local Legislatures (previous sanction) rules," "Reservation of Bills rules," etc. All these rules are referred to in appropriate places. The Indian Army, the Administrative system and services, the system of financial administration, and the Indian States, are dealt with in separate chapters. Part III deals with the New Constitution. The various features of the New Constitution are discussed under appropriate heads, and relevant extracts from the reports of the Statutory Commission, the reports of the Round Table Conference and of the Joint Parliamentary Committee and the evidence of the Secretary of State, are also given in appropriate places. Reference is also made to parallel Institutions in the Self-Governing Dominions of the British Commonwealth of Nations, wherever necessary. The introduction contains, besides a critical examination of the new reforms, a discussion on the essential features of Federalism, the special features of Indian Federalism as compared with Australian, Canadian and American Federalisms, a discussion as to whether Dominion Status is or is not a better objective as the goal of India's Constitution than Purna Swaraj if the latter should mean severance of the British connection, and a plea for working the new reforms, and side by side with it, for developing Indian National Consciousness. Some useful statistics would be found in the appendices.

The author hopes that this publication would be useful alike to the student of constitutional law and history, as to the politician. He craves the readers' pardon for any errors that may have crept into this book.

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