

12th July, 1923

THE  
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

VOL. III

PART VI

(2nd to 12th July, 1923.)

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THIRD SESSION

OF THE

LEGISLATIVE ASSEMBLY, 1923

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# LEGISLATIVE ASSEMBLY.

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*The President.*

The Honourable Sir FREDERICK WHYTE, KT.

*Deputy President.*

“ Sir JAMSETJEE JEEJEEBHoy, BART., K.C.S.I., M.L.A.

*Panel of Chairmen.*

Maulvi ABUL KASEM, M.L.A.

○ Sardar Bahadur GAJJAN SINGH, M.L.A.

Mr. N. M. SAMARTH, M.L.A.

○ Colonel Sir HENRY STANYON, KT., C.I.E., V.D., M.L.A.

*Secretary.*

Mr. L. GRAHAM, M.L.A., I.C.S.

*Assistants of the Secretary.*

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Mr. S. C. GUPTA, BAR.-AT-LAW.

Mr. G. H. SPENCE, I.C.S.

*Marshal.*

Captain SURAJ SINGH, Bahadur, I.O.M.

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# LEGISLATIVE ASSEMBLY.

*Thursday, 12th July, 1923.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

## MEMBER SWORN :

Mr. Frederick St. John Gebbie, C.I.E., M.L.A. (Industries Department : Nominated Official).

## HIS EXCELLENCY THE GOVERNOR GENERAL'S ASSENT TO AMENDMENTS OF STANDING ORDERS.

**Mr. President :** I have to acquaint the Assembly that I have received the assent of His Excellency the Governor General to the Amendments of the Standing Orders passed by the Legislative Assembly on 5th July 1923.

## RESOLUTION *RE* CONTINUANCE OF SUPPORT TO LEAGUE OF NATIONS.

### GRIEVANCES OF INDIANS IN TANGANYIKA AND PACIFIC ISLANDS.

**Sir Deva Prasad Sarvadhikary** (Calcutta : Non-Muhammadan Urban) : Sir, I have in the first instance to thank you for having allowed me to reserve my speech after having made my motion\* formally day before yesterday when there was no time for discussion. In moving this Resolution, Sir, I desire to guard myself against the idea that I want to anticipate the decision of the Committee which is proposed to be appointed by this Resolution as to whether the existing grant to the League of Nations should be decreased or increased. The Resolution is intended merely to secure a comprehensive consideration of all the aspects of the question arising out of the opportunity afforded by India's entry into the League of Nations as well as its right to participate in the Imperial Conference in its present form, in regard to the various difficulties that Indians are feeling in the mandated territories, and which are not different from their difficulties in the Colonies and Dominions. The time has come to test the reality of this right and its possibilities ; the Indians' complaints are widespread, and are believed to be real, and our action must be shaped according to the acid test I propose to apply, according as it may succeed or fail. It

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\* " This Assembly recommends to the Governor General in Council that he may be pleased to appoint a Committee with a non-official majority to consider the question of continuing the existing financial and other support by the Government of India to the League of Nations specially in the light of grievances of Indians in the Mandated Territories of Tanganyika and the Ez-German Islands on the Pacific Ocean."

[Sir Deva Prasad Sarvadhikary.]

is from many points of view unfortunate that a Resolution like this should have to be moved at a time when the extremely difficult Kenya question is undergoing authoritative examination in the Colonial Office with the assistance of the deputations representing the different points of view. Delay in the determination of the Kenya question has been regretted on all sides, and if an early determination was in view, and if the Legislative Assembly was not soon coming to a close, I should have preferred to bring up this Resolution at a later stage. The Crown Colonies and Dominions stand quite apart, and I do not want to confuse the issues. The feeling all round is, however, strong and acute; the difficulties in the mandatories are also on the increase, and public opinion has to be voiced in this matter betimes.

Sir, in regard to the mandatories or the colonies and Dominions, the question is a large and a very important one because it affects no less than two millions of our fellow-subjects abroad. Sir Tej Bahadur Sapru, who has recently arrived in England has been mentioning difficulties some of which we are now speaking of to-day. He has been telling the British public that the public feeling here is acute and strong. According to a recent telegram, what he has said is this:—the feeling that the Imperial Government must solve the difficulty in conformity with Indians' position in the empire was spreading among the masses and in the towns, while it is significant that a widespread discussion was being held in the vernacular press. He proceeded: 'If the Imperial Government's decision was unsatisfactory, he would not be surprised if the Legislative Assembly and the Local Councils in India adopted a very strong attitude. He did not think that there would be disorder—he did not use the word revolution,—but he said that it might very seriously affect the working of the reforms by the elected Members and certainly there would be a strong demand for retaliation. This is already reflected in the many Resolutions of which notice has been given in this House; though they may not have been lucky in the ballot box, the very notice of these Resolutions is significant. The feeling is that the Colonial and the mandated question cannot be let alone, though by reason of absence of full and reliable materials one can hardly indicate how effective measures can be taken for a solution of the difficulties. One of these Resolutions, Sir, aims at the indication of the mind of the Assembly as to who should represent Indian interests at the forthcoming Imperial Conference. This has been anticipated by the announcement that the Right Honourable the Secretary of State, Sir Tej Bahadur Sapru and an Indian Prince will be such representatives. I have no criticisms to offer on these nominations. As I have shown, Sir, Sir Tej Bahadur Sapru's attitude is clear. But the Assembly is at a loss to understand why the nominations could not be delayed after the expected debate in the Assembly. The Imperial Conference does not meet till October; and the name of the Indian Prince yet remains to be announced. It would have been more expedient and certainly more courteous to the Assembly that its mind should have been permitted to be known in the matter, though it might not be allowed to prevail. The Assembly do not intend to hamper the Government of India in regard to any action that

they have to take with regard to this difficult question. Job-like patience and restraint are, rightly, the attitude of this Assembly in this matter and in other matters, as even ill-conditioned critics who indulge in a lurid description of jazz in this Assembly are prepared to admit, when it suits their purpose. This Assembly realizes and appreciates that in the same way as we ourselves are obliged to make tactful representations to the Government here and in England which do not always succeed, the Government of India and the Secretary of State have to make similar representations to the authorities that be, and they are not always successful, as we are not. The Government itself is sometimes powerless in the matter ; that is a position that we cannot ignore and must readily understand ; and we must appreciate the efforts of the Government of India in the interest of India in the past.

We want to be quite sure, however, that the hands of the Government are strengthened by public opinion in this country voiced from the platform and the press as well as in this Assembly. We want to stimulate Government endeavours which now and again flag. The mind of the Government and ourselves in these matters cannot but be one, because the interests are the same; and here I think we can successfully influence Government in the way that has been suggested that we should do before we proceed to take other steps. I do not want to go back into remote or recent history of these troubles either in the Colonies or in the Dominions. That is not the purpose of my Resolution. As I expressed my belief on a previous occasion much of Indian unrest had its root in the untold sufferings of our countrymen in Natal and Transval after the South African Union came into history. It is not wise to ignore the lessons of that struggle,—whether in the Colonies or the Dominions or the Mandated Territories. These difficulties are by no means confined to the Dominions or the Colonies. They have been gradually extending elsewhere and almost everywhere. We remember how before Lord Hardinge's statesmanship and sympathy came into existence the trouble of the Indian used to be very great. Since then, the Indian point of view began to be strongly pressed upon the authorities and matters began to improve. Then came the war, then the League of Nations and the Imperial Conference in its present form, all of which promised much in the direction of Indian amelioration. Undoubtedly some advance has been made in that, theoretically at all events, India has been given a recognised place in the League of Nations and in that capacity is called upon to subscribe to its funds. I do not suggest that that status should be sacrificed. Our status in the matter of finding funds is unexceptionable. What the other status is, is another question. I do not want to pause and consider as to what the money value of what we have been receiving in return is. Theoretically the expenditure is well worth incurring, even for the sake of the nominal status that has been secured to India. It is necessary, however, that efforts should be made to see that that status should be real as far as possible in vital matters like those that we are considering. To secure this, India, I am sure, will not mind paying more if necessary and if the Committee that I ask for recommends it, I am sure this Assembly will be glad to respond. It may, on the other hand, make a different recommendation if it appears that it is always the shadow that we are to be contented

[Sir Deva Prasad Sarvadhikary.]

with. In the League of Nations where all the interests are represented and supposed to be protected, the Indian point of view should secure more effective acceptance and enforcement, than has hitherto been possible. Whatever the plausible pleas may be in the Colonies and Dominions which have questions of vested interests, domestic rules and favouring the white races, they cannot and do not apply to the Mandatories. Greater recognition of Indian claims has been secured and some more secured during the troublous times when Indian lives and money were freely given in the defence of the Empire and in the aid of the Allies. Repeated reference to this is unnecessary. But whatever was agreed to before, sometimes equivocally, is now attempted to be whittled down in some quarters. South Africa was frankly opposed to Indian "pretensions" from the beginning and Dominions like Canada that made some show of conceding to such pretensions, are now trying to explain away, nay disavow, what had been agreed to before. When the Kenya question became very acute, Honourable Members will remember that mob violence was threatened and even the intervention of the Church was necessary. The strong and willing arm of General Smutts was offered to be extended in aid of the white settlers, if there was general demand. What was the significance of this Goonda-like offer? It could not be legal or constitutional. The Government here and in England had to pause and consider, for they could not afford another South African War or an East African War. Well, Sir, the significance of all this is that although we are an Empire, the constituent countries of which are allowed predominance of their own views regarding the composition of their own population, India cannot yet by way of retaliation frame edicts and ordinances by which other members of the Empire not favouring the Indian point of view can be similarly treated. We do not want yet to talk of retaliation or revolution and consider how effective retaliation would be possible. We want the help of the League of Nations, to whose funds we contribute, and we want to see what the Imperial Conference can and will do to help us.

Sir, in regard to this matter, I should like to take my cue from the admirable note struck by the Leader of the House in concluding the debate on the Reforms question in this House not many days ago, and I want to make it clear to all concerned that Indians are determined to vindicate themselves at home and to vindicate their brethren abroad. We want it to be made quite clear that under the constitutional rights and powers given to us we want to maintain a determined struggle, involving many vital issues, that can be successful only if we pursue those constitutional methods. Everything points to a state of things abroad so far as Indians are concerned that causes us anxiety; and that is why I ask this Assembly by this Resolution to give its consideration to the matter and try and get such remedies as may be possible. Everything makes it clear that the Indian is not permanently wanted anywhere though he may be tolerated as the drawer of water and the hewer of wood in the interests of industries which cannot go on without him. He is not wanted permanently. He may go as a student, as a tourist and spend his money there if he likes, but as a permanent resident in what



are called white settlements, he is not wanted. Sir, regarding this matter I may draw the attention of this Assembly to a matter that came under our observation in the Lytton Committee. Even the Colonial students in the British Universities,—Rhodes scholars—have started a determined propaganda against Indian students, which is hurting and prejudicing Indian students in the eyes of other students at these seats of learning and in the eyes of the British public. That is a very significant matter. It is not the case of an isolated instance of injustice here or there, but it is a determined organisation against which we have to fight. Sir, a long standing reproach against the Indian is that he is far too fond of his home and will not migrate to improve his prospects. Once he makes up his mind to do that and goes out and gives his best in the building up of a Colony, he is told he is not wanted there. He is to be repatriated and all other kinds of things in that direction that can be thought of are resorted to. I wonder, Sir, whether the Indian sage's prevision really made him legislate against sea-voyage in modern times. The disqualification of the Indian is political as well as economic, which adds to the difficulties of the situation at every turn. He is reminded that the free institutions that he does not enjoy in his own country are not open to him when he goes abroad. Sir, in my Resolution I specifically refer as concrete cases to the Mandated Territories of Tanganyika and the *ex*-German islands where prescription of disabilities has been steadily going on. The accounts that have reached India would make one almost feel that Indians there were possibly better off,—certainly not worse off—in the old Prussian times and their Mandated lot can hardly be regarded as an improvement.

In regard to these matters, the tribunal of appeal is not Downing Street or even the Dominion Prime Ministers but an international organization which was set up with the avowed object of keeping peace and dispensing justice. As an original member of the League of Nations and contributing annually somewhere in the neighbourhood of 12 lakhs of rupees for its upkeep, the Indian people have some claim upon the good offices of that organisation. And my Resolution desires to test how far our status is real, how it can be improved, how far future participation in the organisation will be possible and under what conditions. I desire to go no further for the present than to draw pointed attention to these widespread complaints. Hitherto we have paid what we have been told ; but the time for protest has come, and the protest ought to be well grounded by considered recommendations of a proper Committee going into the whole question, such as I ask for. It is only by strenuous protests against what is going on that we can expect to be heard. I have no time for details, but I shall ask the forbearance of the House in referring to Article 22 of the Covenant of the League of Nations, which provides that, "wherever, owing to sparseness of their population or small areas or remoteness from the centres of civilization, the geographical continuity to the territory of the mandatory and other circumstances, a mandated area can best be administered under the laws of the mandatory as a portion of its territory, subject to the safeguards mentioned under the subject of indigenous population, the mandatory can apply its own laws."

[Sir Deva Prasad Sarvadhikary.]

As the result of this, so far as German South West Africa, New Guinea and Samoa are concerned, the immigration laws of the respective Dominions which administer those territories apply to them. They can always be utilised to keep the Indian out, which is as invidious as unsatisfactory. Sir, in the conquest of these German colonies India helped at least as much as any Colony or Dominion, for which reason, if not for more Imperial reasons, India would be entitled to preferential treatment. What, however, happens is that she is placed on exactly the same footing as any other power, including the former enemy power, Turkey. Comment on this is superfluous. A mandatory may administer the mandated territory under its own laws because of the considerations referred to in Article 22 ; but it is difficult to see why any of these circumstances should by itself constitute a disqualification for differential treatment against the Indian. As regards the anxiety for the native population which is mysteriously developed when convenient, somewhat in the fashion of the anxiety for the masses in this country that we now and again see, it is put forward as constituting as a sacred trust of civilization. No one could possibly object to the application of this high principle if it was equally and without discrimination applied to all, the white and the native as well as the Indians. It cannot be seriously urged that in sparsely populated areas like Samoa and New Guinea, the influx of Indians of the right type can militate against the interests of the natives any more than the influx of Europeans would. We are not aware that the Mandatories in Australia, New Zealand and South Africa have displayed their willingness to adopt a different attitude in administering these laws so far as the mandated territories are concerned. It is intolerable that the mandate should be utilised in practice to keep out Asiatics, particularly Indians, under the cover of solicitude for the native, and also under the high authority of the Convention of the League of Nations. These Dominions are really treating the mandated areas as part of their territories and keeping them as preserves for their own races. The provision of the covenant can always be invoked to reproduce in these territories laws or racial segregation and prohibition from acquiring immoveable property, which are such an unfortunate phase of South African politics, and this has been done. The Indians abroad will not, however, always take these things lying down. We know that for weeks in Tanganyika Indians held a *hartal* and protested against the three tax ordinances passed by the Governor. The public did not know what representations the Government of India made with regard to it, but we do know that the Colonial Office has refused to veto or suspend these ordinances. We had only vague promises of modification. It is not the tax by itself that is objected to so much as the agency for collection and the discrimination against Indians that the ordinance implies. It will not be possible, for want of time, to go into the various other provisions that are pressing on the Indians. For example take the troublesome rules about the need of keeping accounts in English, the need of taking out licenses by business men, the power to refuse licenses without assigning of reason, the restriction of areas within which Indians may carry on business and so forth. I shall not refer to the petty pedler's license

and the power that the policeman has to ransack the pedler's pack, resistance to which would involve imprisonment. The result of all this, if not the object, is the breaking of Indians' trade and the squeezing it out of competition. Sir, a position has grown up that no self-respecting Indian can tolerate, and I venture to think no Government can acquiesce in. It is up to the Government of India to make it clear that the interests of the communities there should be guided by absolute equality of principles, economic, civic and political, applicable equally to the Indian and to the non-Indian, to the nationalists of every member of the League. That I submit should be the clear charge of the Government of India to its representatives on the League of Nations, whose agents the mandatories are, as well as to its representatives on the Imperial Conference. And I submit that of this equality not the Mandatory but the League of Nations itself ought to be the sole judge. Incidentally this is not entirely an Indian question, for other Asiatics like the Japanese are treated like this. This I believe is not a weakness of the position I am seeking to take up, but is really an added strength to that position. Whatever view may have been adopted by the Government in the past, this Assembly should make its mind clear that the Indian abroad should be treated with the same respect as the European abroad, and certainly in the mandated territories. Sir, one need not remind oneself in this connection of the stir and commotion that is caused in every diplomatic circle of Europe if one of its nationals is subjected to what is considered unjust or improper treatment abroad, in the mandated territories or elsewhere, and sometimes such treatment has led to war. The Government when it wishes can take up matters with sufficient vigour, as was illustrated forcible and properly in the case of Miss Ellis recently. The Government of India and all officers and people who took part in the rescue of that unfortunate girl I am sure have the heartiest felicitations and good wishes of right-thinking men, and those who deprecate this comparison should not forget that the fundamental principles are about the same. Our plea is that the Indians abroad, who look to the Government of India as their own Government for help and succour in distress should have a strong helping hand extended to them, willingly and vigorously. Of course I do not suggest that the Government of India should and can take every opportunity, with the assistance of the Honourable Finance Member, of equipping an expedition and sending it out for the succour of Indians abroad.

That is only an idea or suggestion. The suggestion is that Imperial pressure and pressure of the League of Nations should be brought to bear upon offending units in order to secure justice for Indian interests. Sir, India should not have repeated opportunities of thinking and saying to itself that promised justice will be denied to it, because it cannot or will not create revolutions, or disorders in the milder language of Sir Tej Bahadur Sapru, the absence of which the Leader of the House somewhat inappropriately referred to in this Assembly in connection with the Salt Tax agitation. This sentiment was reflected by Earl Winterton in the House of Commons, I do not know whether with the assistance of that wireless to which my friend Mr. K. Ahmed was referred to sometime ago. We do not want any revolution, any retaliation or any disorder ; on the contrary, we are

[Sir Deva Prasad Sarvadhikary.]

anxious to guard against everything of that description. At the same time, if the League of Nations cannot make its power felt and obtain for us redress and, if it is as powerless as the Foreign and Colonial Departments of the British Government with regard to our Colonial grievances, why then the time has come to consider whether Indian revenues need any longer be wasted in contributing to the League of Nations funds. But, as I said, I do not want to anticipate any verdict or any recommendations. What I plead for now is the appointment of a Committee that will go into the whole question and advise the Government and our successors in this Assembly as to what the attitude of the Government and of the Assembly should be ; and I do not want, Sir, that that attitude should be antagonised in any the slightest way, as Sir Tej Bahadur Sapru seems to apprehend.

**Sir P. S. Sivaswamy Aiyer** (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, I rise to oppose the motion which has been brought forward by my esteemed friend the Honourable Sir Deva Prasad Sarvadhikary. I do so with the greatest regret. If I oppose the Resolution, it is not because I make light of the grievances of my countrymen, which have been referred to by my Honourable friend. I oppose it because I consider the Resolution to be misconceived, premature and not calculated to achieve the objects we have in view. The Resolution assumes the possibility, at any rate, as a result of the labours of the Committee, of our severing our connection with the League of Nations. It assumes also that the Assembly of the League of Nations has failed in its duty towards India, has failed to protect the rights of Indians, and that it is therefore necessary to consider what our attitude should be in regard to the continuance of our membership of the League. It involves also, if I may say so, a very considerable amount of misconception as to the duties, functions and procedure of the Assembly of the League. The League of Nations is a great organisation, perhaps the greatest organisation that the world has ever seen, for the promotion of peace and security in the world. It does not exist, however, to settle all disputes or to redress all grievances wherever existing. It only interferes in matters which are brought formally to its notice. With regard to the matter specifically referred to, the question of the grievances of Indians in the mandated territories of Tanganyika and the *ex*-German Islands on the Pacific Ocean, may I point out this that it is only within the last few months that we have heard of certain Ordinances passed in the Tanganyika territory detrimental to the interests of our countrymen there. This question had not arisen at the time of the third session of the Assembly of the League last year. The question could not, therefore, be brought and was not brought before the League. As regards the *ex*-German Islands on the Pacific Ocean, I am not aware that there is an Indian problem there or that there is any Indian element in the Island of Samoa or any of the Islands in the Pacific. We have the Indian problem in other countries of the world, but not to the best of my knowledge in the *ex*-German Islands on the Pacific Ocean. Now, if there were no problems at the time of the third session of the Assembly of the League of Nations they could not be brought and were not brought before the Assembly. It is not the fault of the League of Nations that it did not inquire into grievances not brought to its notice at the time that it was sitting. Another

question to be considered is this. Were we or are we even now in a position to bring the question of our grievances in the mandated territories before the League of Nations. In this connection the differences between the various classes of mandated territories have to be borne in mind. The mandates themselves were all issued before the League of Nations was duly constituted. I believe it was the five Great Powers which settled the question to whom the mandates should be given and in respect of what territories. I believe the Powers acted with a shrewd eye to their own interests in settling that question beforehand. Now in drawing up the terms of the various classes of mandates and in classifying the various territories to be administered according to one form or another, very probably the Great Powers had a keen eye to their own interests. There are certain classes of territories which are administered under the form known as the B class of mandates. For instance, with regard to the territories in Central Africa, the form of the mandate requires that the mandatory should have a due regard to the rights of all the other Members of the League as well, but in the other class of mandates under which the Tanganyika and other territories fall, the only obligation which the mandatory undertakes is towards the indigenous population. That is a matter which will have to be borne in mind when we put forward any case before the League of Nations. With regard to the territories to which the C class mandate applies, the language of the covenant is this :

“ There are territories such as South-West Africa and certain of the South Pacific Islands which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the mandatory, and other circumstances, can be best administered under the laws of the mandatory as integral portions of its territory, subject to the safeguards above-mentioned, in the interests of the indigenous population.”

It does not refer to the interests of settlers, whether Indian, or European. On the other hand, in the case of the territories administered under the B class Mandates, it contains a guarantee of equal opportunities for the trade and commerce of other members of the League—as, in the case of some of those territories in Central Africa which were previously under the German administration. Now I do not wish to be understopd as saying that in the case of those countries which may be held under the C class of Mandates we have no right of representation to the League of Nations. I think we are entitled to go to the League of Nations and point out to them that the Mandate held in respect of any particular territory has not been properly carried out at any rate, in such a manner as to secure due protection for the rights of the people settled in those countries. But it is quite possible that we may be met with the plea that the Mandate does not impose in itself any obligation towards the Indian settlers or towards anybody of people other than the indigenous inhabitants of the countries entrusted to the administration of those Powers under a Mandate.

**Sir Deva Prasad Sarvadhikary** : That is what we want clearly to understand.

**Sir P. S. Sivaswamy Aiyer** : These territories having been committed to the charge of Britain under a form of Mandate which does not impose any obligations towards Indian settlers, the question is whether our complaint is with regard to the terms of the Mandates themselves or

[Sir P. S. Sivaswamy Aiyer.]

with regard to the League of Nations. Whatever may be our complaint with regard to the Mandate which has been issued with regard to any particular territory, we are not in a position to say that the League has failed in its duty of settling any disputes, or in seeing that the rights of any parties who bring any particular dispute to its notice and for its adjudication have not been properly respected. That is why I observed that this Resolution was premature.

Then, Sir, the next question is : Supposing that we do bring any particular matter before the League of Nations and that we do not succeed in getting our views accepted or enforced by the League of Nations, should we sever our connection from the League ? This Resolution seems to contemplate the possibility of our withdrawing from membership of the League. That seems to me to be an extremely ill-advised course for us to take. The League of Nations can only act by an appeal to the conscience of the various constituent members. It is not armed with any physical sanctions to enforce its decrees or its views. Now even supposing that the League of Nations decides any particular question against us, it seems to me to be a very shortsighted view for us to say "Because you will not settle a particular dispute in my favour, I will withdraw from membership of the League, and will have nothing to do with the League." Now, supposing you do walk out, do you gain anything ? On the other hand, you will do your cause great harm. The League of Nations was started as a great organisation for the promotion of the peace of the world by mutual co-operation. India was accorded a place in the League of Nations in recognition of the part she played in the Great War, in recognition of her importance in the British Commonwealth, and she was given a position of equality with all the great Dominions in the Empire. It is one of the marks, substantial marks, of recognition of our status and of our daily growing importance. We are hankering after many of the paraphernalia of Dominion status. We want a full-blown Judicial Committee of the Privy Council, a Privy Council to be established in India, so that we may not be lacking in the paraphernalia of Dominion status. Now here in the greatest international Council of the world in which we have been accorded a position of complete equality with all the other Members of the League. We were original members of the League, and we are treated with perfect equality in the Assembly of the League. If we continue to be members of the League we have the opportunity of pressing our grievances, our claims, our rights upon the attention of the League, and though we may not succeed immediately, still as a result of that development of a higher conscience which the League will undoubtedly succeed in promoting, we may hope sooner or later to see the justice of our cause recognised. On the other hand, if we withdraw from the League, it is not going to put an end to the League. The League will go on nevertheless, and you merely leave the field open to the other members of the League, to the European Powers, to the Christian Powers, to act just as they please and to take any steps they like, however detrimental it may be to our interests, and you will not have the opportunity of even raising your voice against it. Remember also the fact that all the other great Asiatic Powers—Japan, China, Siam, Persia—are all members of the League, and we shall be the only members who will

have severed their connection with the League simply because the League has not acted as we wish or perhaps given an unfavourable decision. Now, already the complaint of the Asiatic nations is that the European and the Christian powers do not care for them, that they manage to carry things in their own way, and that they are really so powerful as to be able to do things just as they want and to the prejudice of the interests of other nations. Shall we be advancing the best interests of the Asiatic powers or our interests by walking out of the League of Nations and leaving it to them to combine together, to work together, to their own aggrandizement at the expense of the Asiatic nations ?

Let us not flatter ourselves with the hope that if India or for the matter of that all the Asiatic powers together walked out of the League, the Asiatic powers will be able to form a hegemony sufficiently powerful to resist the encroachment and the spirit of aggrandisement of the western powers. For the first time in the history of the world, all the powers of the world from the east and west, from the north and south, have been brought together on a common platform for the purpose of mutual co-operation. By remaining within the fold of the League of Nations we have every opportunity of pushing our claims forward, of insisting upon their recognition and of ultimately securing their recognition. All those opportunities you will forego by withdrawing from the membership of the League. I think it would be a misfortune to be greatly deplored. It seems to me that we should be taking a most ill-advised step if we think of any withdrawal from the membership of the League. Our policy must be to remain within the League and urge our claims before the League and press for their recognition.

Then, Sir, I pass on to one or two other questions. One is with regard to the question of the treatment of Indians in the self-governing dominions. It is a question which we must all recognise to be beset with immense difficulties. Of course I am aware that what we are now agitating for is not so much the right of free immigration into the self-governing dominions as the rights of full citizenship for those already settled. That is a claim which we all believe to be founded in justice and which I hope will, one day or other, be settled satisfactorily. But it can only be settled satisfactorily by an appeal to the moral sense of the Dominions, of the Imperial Government and of the other Members of the League of Nations. It is not a question which we can possibly settle or dream of settling by any appeal to physical force. There is not a little loose talk among us, if I may say so, in connection with this question. It is often said that we cannot obtain just treatment for Indians in the colonies unless and until we obtain Swaraj. Let me not be understood to be behind anybody else in the desire for Swaraj, but supposing we do obtain Swaraj, how shall we be better off with regard to our claim for better treatment in the colonies ? Is it supposed that as soon as we obtain Swaraj we shall be able to go and make war upon the colonies or that we can expect any outside support from the Empire or from others in securing just treatment ? I do not think it necessary to discuss that matter further. Anything like a possible appeal to force or to the sympathy of Christian or European powers and any expectation of their coming to our aid in regard to the enforcement of our claims by force must be dismissed as chimerical. The only thing

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we can possibly think of is retaliation. Whether you can retaliate successfully or not, whether you can possibly injure them without injuring ourselves to a greater extent, those are questions which need not be considered and which I do not propose to go into now. But it is well to remember that the best way in which we can advance our claims and see that justice is done to our claims is by an appeal to the moral sense of the colonies, of the Empire, and of that higher forum, the great international forum which has been constituted in the League of Nations. Now, the question whether we should bring forward our complaints in regard to the mandated territories before the League is one which may well deserve our attention, and I have thought over this aspect of the question more than once, whether we should take our domestic quarrels within the Empire before this tribunal. It is a matter which may well be considered. But whether we should after due consideration decide to place our case with regard to the colonies or with regard to the mandated territories before the League of Nations and invite their interference by way of arbitration or otherwise is a matter which does not arise now. The question which now arises is whether we should or should not continue our connection with the League. My Honourable friend's remarks ranged over other subjects also ; he introduced the subject of the Imperial Conference as well, which has nothing to do with the question of the League of Nations. We may, if necessary, consider the question whether the Government of India should be asked to send instructions to their representatives at the Assembly of the League of Nations to place any particular subject before the League and draw its attention to it. That is a matter to be separately considered and cannot be raised under this Resolution which asks for the appointment of a committee. With regard to the question of the burden of the expenses of the League, that is a question which has been gone into very carefully at Geneva, and in regard to which, if I may be permitted to say so, our interests have been most jealously safeguarded. I should like to pay a tribute to the leader of the delegation last year, Lord Chelmsford, than whom you could not find a more loyal or zealous champion of Indian interests. He was scrupulously obedient to the instructions of the Government of India ; he would not depart from them to the extent of an iota. With regard to this question of the share to be borne by India of the expenses of the League, we fought every inch of ground. To me fell the lot of raising every possible objection, whether technical or on the merits.

- Our predecessors at the previous sessions of the League were in no way behind us, in all probability they were even more zealous in the safeguarding of our interests.

12 noon.

If I may refer to an account which I heard at Geneva, our friend and representative, the late Sir William Meyer, was usually spoken of as a tiger because he would not yield on any point affecting the interests of India to any Member of the League. The amount of the share of the expenses of the League which has to be borne by India has been only fixed for the year 1923, and it will again come up for consideration. I have no doubt that, whoever may be your representatives, this question of the cost will be carefully scrutinised. But I take it that the real point of this proposition is not so much to take objection to the



amount of the expenses, as to point out that unless our grievances are redressed, we should not continue to be Members of the League. That, Sir, as I have pointed out, is a very ill-advised step, and I for one should deplore that step if the Assembly should accord its support to this proposition.

**Dr. H. S. Gour** (Nagpur Division : Non-Muhammadan) : Sir, I join with my friend, Sir Sivaswamy Aiyer, in opposing the Resolution of my friend, Sir Deva Prasad Sarvadhikary. I think it is a proud privilege that India was included as an original Member of the League of Nations, and I think we should be proud of that fact. The League of Nations is scarcely four years old. Its papers were laid before Parliament only in June 1919. It is the youngest child of the nations, and at the present moment 52 Independent and Free States are Members of it. Its object is to secure international peace and justice, and I think India will be the poorer if for any reason she was to withdraw from this great League launched soon after the Great War.

Having said so much, I cannot agree with Sir Sivaswamy Aiyer when he defends the cost of the League. As Honourable Members well know, the actual amount which was contributed by India to the League of Nations in 1921-22 was Rs. 5,49,160, and Rs. 7 lakhs have been budgeted for the current year. Sir Sivaswamy Aiyer says that India's contribution to the League of Nations has been carefully scrutinised, and the cost of the League of Nations was the subject of a special inquiry at Geneva. Well, Sir, only two days back in the papers I read this illuminating comment and which I use as a criticism on Sir Sivaswamy Aiyer's defence of the cost of the League of Nations. "The extravagance of the League of Nations is severely commented upon in a Report which has just been drawn up by Monsieur Margaine on behalf of the Foreign Affairs Committee of the French Chamber. Monsieur Margaine after remarking that while in 1920 the General Secretariat of the League numbered about 100 persons, the staff soon included 480 officials. Examining the salaries paid to heads of departments and others, he quotes the following figures :

General Secretary . . . . .	£ 19,440	the largest paid Secretary in the world.
Two Assistants, about . . . . .	1,000	each.
A Woman Secretary . . . . .	588	
Two Typists . . . . .	440	each.

The Director of the International Bureau, gets 3,340.

His two Assistants get £864 and £608 each.

The staff also includes a woman Secretary who receives £492 and a typist £396. The head of the political section is paid a salary of £2,120 and has five Assistants, four of whom receive £1,128 each ; also a Secretary £540 and three typists getting £400 each. The Director of the Bureau of Information receives £2,120 and has an extensive staff.

Now, Sir, I submit these figures presented to the French Chamber by a responsible Deputy do not justify the remarks made by my friend, Sir Sivaswamy Aiyer, that the cost of the League of Nations at Geneva was carefully scrutinised and India's contribution thereto subjected to still closer scrutiny. I may remind the Members of this House that

[Dr. H. S. Gour.]

India bears a very considerable portion of the total cost of the League of Nations. From the latest figures culled from the Official Journal of the League of Nations, I find that out of the total units of 944, the British Empire pays 95 units, France pays 78, Japan 73 ; then come India and China with an equal contribution of 65 units. Next in order comes Canada which pays 35 units, Australia 26 and South Africa only 15 units. Now, I submit, the quota of contribution of India to the League of Nations is considerable, and while we are anxious to remain and will remain a Member of the League of Nations, we are entitled to ask ourselves as to whether the advantages we derive from the League of Nations are commensurate with the cost we incur annually upon its maintenance ; and that is briefly the subject-matter of my amendment. I oppose, as I have said, our discontinuance or even the thought of a discontinuance of our contribution to the League of Nations or of our withdrawal from it. At the same time, like the French Chamber, this Chamber should not be redutant to examine the cost and to see whether the advantage we receive from the League of Nations is commensurate with this contribution to this International League. Now, Sir, it is not denied, it is in fact—a fact too true—that the South African Union who have the mandate for Tanganyika and South Western Africa have recently embarked upon a reactionary policy of placing disabilities upon Indian settlers in that country.

And, unless we make a timely protest, I am afraid these disabilities, promulgated by means of ordinances, may be perpetuated by means of law. Honourable Members cannot forget in this connection the history of Kenya. Ordinances were passed, pressure was used upon the Government and the Governor General confirmed those ordinances and even promised at the earliest moment to reaffirm these ordinances and place them permanently upon the Statute Book. While we were dormant, hopeful and believed that our interests in Kenya were safe, the Government, so far as the South African Government is concerned, has gone against us. Let us not again be caught napping and I therefore suggest that, while there is time, we should form a Committee, examine the whole question, and, if necessary, make representations to the League of Nations against the disabilities that have been placed upon our fellow-subjects settled in the mandated territories in South Africa. I have studied, Sir, the constitution of the League of Nations and I find that under the new constitution a permanent Mandates' Commission is to be appointed and the object of this Permanent Mandates' Commission is to receive complaints from the inhabitants of the mandated area through the medium—the exact language is—through the intermediary—of the local administration and of the mandatory power. It is not, therefore, correct to say that, when the League of Nations is not in session, we have no redress. The constitution of the League of Nations has set on foot a Permanent Mandates' Commission and we can ventilate our grievances to that Commission, specially appointed for the purpose of protecting and safeguarding the rights of the mandated area. It has been said by my friend, Sir Sivaswamy Aiyer, that the mandated areas are sub-divided into three classes and in class 3 the only protection afforded is to the natives or residents of that territory,

But the cardinal principle laid down and settled as the fundamental basis of the League of Nations in the year in which it was constituted and stated in their official documents, reads as follows :

"The Council takes a wide view of the powers of supervision over mandatory territories entrusted to the League. The League must be satisfied that the mandatorys make good use of their powers and that their administration conforms with the interests of the native population."

The Secretaries to the League of Nations have by this covenant given a pledge that the League of Nations shall be the judge of the rights of persons resident in the mandatory area and that it possesses a general power of supervision and control over Indian settlers. I, therefore, submit that the disabilities of the Indians in the mandated territories can be inquired into, and at any rate, should be made the subject of a representation by the Government of India to the Commission constituted by the League and, if that is done, I have no doubt that timely assistance will be given to our Indian fellow-subjects who have already commenced to suffer from several disabilities, caused by ordinances in that territory. On these grounds, Sir, I support my amendment and I think that a small Committee should be appointed for the purpose of examining this question and drawing up a representation, and that the Government of India should be asked to send it through the proper channel either to Commission or the League of Nations, for the purpose of redressing the wrongs of Indians settled overseas within the mandatory area, subject to the jurisdiction of the South African Union.

There is another point of very great importance. Last year, the League of Nations decided that all independent nations who were signatories to the League of Nations shall limit their armaments and a communication to that effect was sent to General Smuts, the Premier of South Africa. In his reply, General Smuts wrote that, so far as South Africa is concerned, its defence had been hitherto undertaken by the Imperial Government but that South Africa now wishes to have an independent defensive force and free itself from the control of the Imperial Government. As a matter of fact, General Smuts pointed out that all the Imperial Government's troops quartered in South Africa for the protection of that country had been withdrawn. Now, Sir, I think it is pertinent to inquire whether, in the scheme which General Smuts has adumbrated in this communication to the League of Nations, which says that he is about to create a South African Force for internal defence, Indians will find an equal footing or whether Indians will remain disarmed while the European settlers in South Africa will form the Citizen Defence Force. Now, that, I submit, is pertinent to the question. The attitude of General Smuts does not encourage me to think that, when he raises the South African Defence Force, Indians will be assigned the position and status of equality and I think, before it is too late, we should bestir ourselves and inquire as to what position is to be assigned to the Indians in the defence of South Africa, in the maintenance of which they are at least equally interested with the white settlers.

Then, Sir, lastly, I submit it is a fact—a regrettable fact but nevertheless a fact—that there is a tendency throughout the world—I see it in South Africa, I see it in Canada, Australia and the other British possessions—to place embarrassing disabilities upon the people of India

[Dr. H. S. Gour.]

who go overseas to settle down in the Colonies. The League of Nations cannot, as my friend Sir Sivaswamy Aiyer has rightly pointed out, take up this question of domestic quarrels between two parts of the same Empire. But what right have you to go and ask and contend for equality of treatment before the League of Nations in the mandated areas when you, in your own home, are content to suffer the disabilities which have been placed upon yourselves by other parts of the British Empire. The Commission will say : You are not masters in your own home ; in your own Empire you are treated as helots and how can we assign to you a better position in a territory administered by the mandatory power ? I therefore submit that the two questions must not be regarded as independent questions but as part and parcel of the same question, and I therefore submit that we should press for equality of treatment in all the mandated areas where there are European settlers in the same manner as we have been pressing for equality of treatment in the British Colonies. On these grounds, Sir, I oppose the Resolution and support my own amendment which runs as follows :

“ To substitute the following for the original Resolution :

‘ This Assembly recommends to the Governor General in Council that he may be pleased to appoint a mixed committee of officials and non-officials, the latter in majority, to examine the question whether the contribution made by the Government of India to the League of Nations is commensurate with the advantages accruing to India with special reference to the disabilities which Indians suffer in the Mandated Territories under the British Crown ’.”

**Mr. President :** Amendment moved :

“ To substitute the following for the original Resolution :

‘ This Assembly recommends to the Governor General in Council that he may be pleased to appoint a mixed committee of officials and non-officials, the latter in majority, to examine the question whether the contribution made by the Government of India to the League of Nations is commensurate with the advantages accruing to India with special reference to the disabilities which Indians suffer in the Mandated Territories under the British Crown ’.”

**Mr. N. M. Joshi** (Nominated : Labour Interests) : Sir, I rise to oppose both the original Resolution and the amendment moved by my Honourable friend Dr. Gour. But, Sir, I make it quite clear at the outset that I fully share the indignation expressed by my Honourable and revered friend Sir Deva Prasad Sarvadhikary at the treatment given to Indians in the Colonies and Mandated Territories of Great Britain. I also sympathise fully with his anxiety to remedy this condition. But, Sir, I feel that the remedy which he has proposed is not the right one. In the first place, the League of Nations is not concerned with all the Colonies in which Indians are badly treated. South Africa, Canada, Australia and New Zealand are members of the League of Nations as much as India is and I feel that ordinarily the League of Nations will not be able to interfere with the domestic affairs of any one of the members of the League of Nations.

**Sir Deva Prasad Sarvadhikary :** Not as mandatory,? My proposition is about the Mandated Territories.

**Mr. N. M. Joshi :** I am talking of the members of the League of Nations. The League of Nations, I feel, will not be able to interfere with the domestic affairs of any of its members. Sir, the League of Nations can interfere under certain circumstances with the affairs of a Mandated Territory like Tanganyika, as was made clear by Sir Sivaswamy Aiyer,

It is therefore open to the representatives of the Government of India at the Assembly of the League of Nations to raise this question if they think proper and if the Government of India approves of their doing so. But, Sir, there is no use of our talking of refusing or withdrawing our support to the League of Nations. Before we talk of doing this, let us see whether the League of Nations has done some good to us or not. - I know there are many people in this country who consider that the League of Nations cannot and has not done any good to the world, and not to India also. But, Sir, I am fortunately one of those people who had occasion to visit Geneva to attend the International Labour Conferences on more than one occasion. The International Labour Organisation is a part of the activities of the League of Nations and that Organisation has done, to my mind, a great amount of good to the working classes of this country. Sir, the factory legislation and labour legislation of this country is not sufficiently advanced—I admit it. But I must also admit that whatever advance we have recently made in this sphere of legislation, is to a great extent due to the International Labour Organisation. We remember very well that our factory legislation was improved only last year. The rules as regards the employment of women and children, the rules as regards the hours of work of the working classes, have been changed and improved to a great extent, and this improvement is mostly due to the activities of the International Labour Organisation of the League of Nations. Sir, the International Labour Organisation has, as I have said, already done a great amount of good. But we must also remember that there is a great possibility of that Organisation doing even more good in the future. Speaking from the point of view of the working classes, we must remember that the working classes of this country are not yet sufficiently organised. They are not yet sufficiently strong. It is therefore necessary from their point of view that their case should be supported by a powerful organisation like the International Labour Organisation. Speaking from the point of view of Indians settled in the Colonies as well as in the Mandated Territories, I think there may be some occasions on which we may be able to do some good to our countrymen there. I remember one occasion when I was at the Washington International Labour Conference. In one of our Committees we were discussing the question of the hours of work. India as a tropical country claimed special exemption from the 8-hour Convention. South Africa also claimed a similar exemption. But South Africa said that they would accept the 8-hour Convention for the white workers but would have a special convention for the coloured workers. I was a member of that Commission and I strongly protested. I said that if the South African Government would put in their Convention words differentiating between Indians and whites, I for one would stand in the open conference and oppose the Convention. Sir, the result was that the representative of the South African Government gave up that attempt. It is thus possible for us to do some good, if not much, to our countrymen even in a country like South Africa. At least we can do it, as far as I can see, in the International Labour Organisation. Sir, from this point of view it will be wrong on our part even to hint that we are thinking of leaving the League of Nations. As regards the expenses of the League of Nations, Dr. Gaur said that the League of Nations was an extravagant body. Sir, the League of Nations may be an extravagant body or may not.

[Mr. N. M. Joshi.]

be an extravagant body. But I know that several meetings of the Assembly have considered the expenses of the League of Nations. Committees have been appointed to effect retrenchments....

**Dr. H. S. Gour :** I think I may be permitted to correct a misstatement which has been made by my Honourable friend. I did not assert it was an extravagant body. I quoted the report of the Foreign Affairs Committee presented to the French Chamber, stating that it was an extravagant body. I simply quoted from it.

**Mr. N. M. Joshi :** I am glad to know that Dr. Gour has not given his judgment. He has simply quoted some extracts from a document with which I do not know whether he agrees or not.

**Dr. H. S. Gour :** The Committee will decide that.

**Mr. N. M. Joshi :** The Committee appointed by the League of Nations itself is considering the question of effecting retrenchments and my Honourable friend Sir Sivaswamy Aiyer has told the Assembly what great efforts our representative, Sir William Meyer, had made in the meetings of the League of Nations. I also can endorse what Sir Sivaswamy Aiyer has said that Sir William Meyer's name in the League of Nations was feared more than that of any other person as one who would not allow any money to be spent in a wrong manner. Sir, if we find or some people find that the League of Nations spends money somewhat more than we would spend in our own domestic affairs, there are also some reasons for it. The League of Nations has to select its staff from different countries of the world. I know, Sir, one gentleman from India who was appointed on the staff of the International Labour Organisation and that Organisation paid his passage and the passage of his wife from India to Geneva and when he came on leave they also paid his passage and his wife's passage. We must remember the special position in which these international organisations stand and when we judge of their expenditure we must remember these matters also. I therefore feel that there will not be much use in our going into the expenses of the League of Nations and trying to find out whether our contribution is just or not. Moreover I have already said that there is the great importance of our admission into the League of Nations as an original and equal member and for that dignity, if it is only a dignity, I shall not mind spending the amount which we are spending. When we were in Delhi, for the dignity of the imperial city, we were asked to spend a large amount to have the luxury of a tiny University. Nobody raised the question of the usefulness of a university for that city and why should we in an international affair of this kind, when India's independence is guaranteed internationally, when India's equality is guaranteed internationally, why should we object to spend a small sum as that which we are paying to the League of Nations. My Honourable friend Sir Sivaswamy Aiyer has made it clear that India's place in the League of Nations is not only useful to India herself but also to other Asiatic countries. We know that there is a strong feeling both in the International Labour Organisation as well as in the League of Nations that these organisations are dominated by the European countries. I myself have protested several

times on this point. We find that the Asiatic countries are not sufficiently represented there and our protests do not therefore receive that support which they ought to but if India leaves the League of Nations, that much support will be less for the Asiatic countries. It is not only the question of Asiatic countries alone. It is a question of the white and the coloured people also. At present the League of Nations is a League of the white people. The world is also populated by a large number of coloured people. The question of the white and the coloured will some day come before the League of Nations and will not the coloured people, among whom Indians are one, suffer for want of support if India is out of the League of Nations? The dignity and the place of India in the League of Nations is not a small one. Dr. Gour said that India is considered to be a child nation in the League of Nations. It is not correct. India has been given a place in one of the 8 chief industrial countries in the world. You are not the last. You are at least within the first 8 countries in the matter of industries in the whole world. Therefore let us not grudge to pay the small amount which we are paying to the League of Nations.

**The Honourable Dr. Mian Sir Muhammad Shafi (Law Member) :** Sir, Honourable Members must have noticed that at the very commencement of his speech my Honourable and learned friend Sir Deva Prasad Sarvadhikary made two significant admissions. In the first place he admitted that, I am quoting his very words, theoretically the expenditure is worth incurring, meaning India's contribution towards the expenditure of the League of Nations. In the second place my learned friend told us that he did not want to anticipate the decision of the committee as to whether the contribution should be decreased or increased. Sir, I am glad that better counsels have prevailed and in making these admissions my Honourable and learned friend, to all intents and purposes, has given the go-by to the recommendation contained in the Resolution which is on the agenda paper. When we turn to the terms of the Resolution, what do we find. This is what the Resolution says :

“ This Assembly recommends to the Governor General in Council that he may be pleased to appoint a committee with a non-official majority to consider the question of continuing the existing financial and other support by the Government of India to the League of Nations, especially in the light of grievances of Indians in the Mandated Territories of Tanganyika and the *Ex-German Islands on the Pacific Ocean*. ”

It seems to me that the meaning of the Resolution as it stands on the agenda paper is perfectly clear. It can mean only one thing, that is to say, in view of the position which our countrymen at present occupy in the territories named in the Resolution, the question of continuing India's contribution to the League of Nations should be considered by this committee. This Resolution, I venture to submit, holds out a threat of withdrawal of that contribution by reason of the position of Indians in the territories named. I am perfectly sure that my Honourable and learned friend, when he gave notice of this Resolution, never contemplated that this Committee should be appointed in order to consider whether India's contribution should be decreased or increased, as he has stated this morning. With regard to the case as now put forward by my learned friend, that is to say, that this Committee will consider whether India's contribution should be decreased or increased, may I invite the attention of the House to what has actually occurred in the

[Sir Muhammad Shafi.]

League of Nations itself and to the rule in the constitution of the League of Nations bearing upon this question. Article 6 of the Covenant of the League of Nations in its original form prescribed that the expenses of the Secretariat of the League should be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union. Under the above scale India is placed in category 1 of the contributory States and assessed at 25 units of contribution out of a total aggregate number of units of 510 and 521 in 1921 and 1922, respectively.

That was the original position. As there was general dissatisfaction amongst the Members of the League with Article 6 of the Covenant, a small special committee was appointed by the Council of the League to work out a suitable scheme of allocation. This Committee proposed a new provisional scale of allocation by which India was reduced from class 1 to class 2 of contributing States and made liable for 65 units of contribution out of a total aggregate of 977 units. The Committee proposed another amendment to Article 6—(Now, this is important)—whereby the Assembly were empowered to decide the proportion in which the expenses of the League should be borne by the members. The second Assembly of the League accepted these proposals of this Committee in Resolution No. 30, dated 5th October 1921.

So, the position stands thus. In the first instance India was classed among scale No. 1 of contributing powers, and on reconsideration she was then in a subsequent year included in class 2. Thus, her contribution as a result of that inquiry has already been decreased. But at the same time a rule was passed and adopted in the Resolution to which I have referred that it is the Assembly of the League of Nations which shall apportion the contribution of the total expenditure amongst the various contributory powers in such proportion as it may deem fit. India as a Member of the League of Nations is bound by that rule, and in consequence it is not for this House, I venture to submit, to appoint a Committee to fix India's contribution but for India's representatives in the League of Nations to make any representations that may be necessary in that connection.

Turning now to the original Resolution as it is to be found on the agenda paper, I cannot help saying that in so far as the proposal embodied in that Resolution is concerned the remedy proposed by my Honourable and learned friend is worse than the disease which he seeks to cure. I have already invited the attention of the House to the terms of that Resolution. In so far as it touches the position of Indians in the various territories named, my Honourable Colleague Sir Narasimha Sarma who is in charge of that subject will discuss the question. I propose to address myself to what may be called the League of Nations aspect of the Resolution and in that connection I venture to remind the House of the circumstances in which India obtained the recognition of her international status as a Member of the League of Nations; for it seems to me that those circumstances furnish a complete answer to the recommendation embodied in this Resolution.



Sir, Honourable Members will remember that before the outbreak of the unparalleled conflagration through which mankind had to pass during the four years of the terrible world war, India occupied the position only of a British Dependency. On the commencement of hostilities between the Allies and the Central European powers, her Government, her Princes and her peoples readily and spontaneously placed all their resources at the disposal of His Majesty's Government. Long before the Colonists in the British Dominions across the seas even thought of bestirring themselves, her brave sons were fighting shoulder to shoulder with their British comrades on the battle-fields of France. So profound and so widespread was the effect of this spontaneous demonstration of her devotion to the British Throne that as early as November 1914, speaking on their behalf, Mr. Charles Roberts gave expression to the desire of the British Government that "India should occupy a place in our free Empire worthy alike of her fighting races and of the patriotism of her sons." "She now claims," said he, "to be not a mere dependent of, but a partner in, the Empire." And on behalf of the then leader of the opposition and with his full authority Mr. W. H. Foster. "recognising India's splendid and unswerving loyalty, associated His Majesty's opposition with these sentiments." A little over a year after this, when I moved a Resolution in the old Imperial Legislative Council advocating India's representation on the Imperial Conference, His Majesty's Government readily accepted that Resolution and India's claim to partnership referred to by Mr. Charles Roberts in his speech of November 1914 was thus fully recognized. The terrible world war dragged on its course for a period exceeding 4 years. Throughout this period India continued her efforts in the defence of the British Empire and raised a number of recruits exceeding the total raised by all the British Colonies put together. It was a result of the contribution which India's brave sons made towards the ultimate victory of the Allies over German militarism that her international status was finally recognized at Versailles by her inclusion in this comity of nations, her representatives signed the various treaties, one of which I am glad to say is about to be revised on lines satisfactory to all parties, and she was recognized as an original member of the League of Nations. This House, as the custodian of India's domestic as well as international interests, ought to jealously guard the position which India has won during this terrible world war as a member of the League of Nations, and no Honourable Member should lightly talk of withdrawing India's contribution from the League of Nations in the manner that some of them have done to-day. My Honourable and learned friend, I know, is opposed to non-co-operation. Does he propose that India should non-co-operate with the rest of the civilized world by withdrawing her contribution to the League of Nations?

Sir, there is another aspect of the question to which I would like to invite the attention of the House. Assume that there were a case for action in connection with the position occupied by Indians in any of the mandated territories. The responsibility for that state of things would rest on the shoulders not of the League of Nations but of the mandatory State administering the territory in question. The party aggrieved would in such an event have to make an appeal to the League of Nations, itself.

[Sir Muhammad Shafi.]

Now I ask, is it practical politics, is it indeed reasonable for the party aggrieved, to threaten to withdraw its contribution from the very authority to which an appeal would lie against the mandatory State administering the territory in question? Indeed it seems to me that this looks like a complainant, long before his case has run the gauntlet even of the original Court, holding out a threat against a Court of Appeal. In this connection let me invite your attention to what happened at the second anniversary of the Assembly of the League of Nations. Indeed what I am going to read from the book now in my hand has a very important bearing on the subject-matter of the Resolution before the House. This is a book by Mr. Harold Temperley on "The second year of the League." At page 21, speaking of India's representative at the second anniversary, this is what the author says: 'In sheer oratorical distinction the palm was borne away by the second delegate from India. Everything about Mr. Sastri was remarkable. On all occasions he stoutly upheld the use of the British language as against French, yet he was a Brahmin of the Brahmins. . . . On September 12 he stood up in the Assembly, a figure in a plain black collarless cassock and white turban, and spoke. There were no gestures—though the expression of his face changed continually, and the sustained melody of his voice held every-one entranced. 'Brother and Sister Delegates', (his very opening word was original), 'hard and cold indeed must be the heart that fails to be touched, and touched to noble issues, by such a spectacle as this.' He spoke of the critics and pessimists with scorn, but he reminded the League that it was wiser to limit its scope and not to attempt the impossible. Then he brought a thrill of shame to everyone by reminding the nations, how India, 'almost alone amongst the Great Powers', had not only ratified the International Labour Conventions of Washington, but had passed laws to give effect to them. As regards Mandates, he reminded us that in German West Africa 'the Germans did not make a colour-bar or introduce invidious distinctions.' If the Mandates did introduce them, then one day a delegate from India might have to 'come on this platform and tell the Assembly that we are worse off under the trustees of the League than we were under the Germans. Either rectify these matters or put us back where we were. It would be a matter of profoundest regret for any of us to come and speak in that fashion on the Assembly.' And after a solemn pause he slowly quitted the tribunal. There were few present whom his oration did not cause to rate India higher because she could produce such a man.

Sir, those who carefully study these lines can see the manifold advantages to India of India's representation on the League of Nations. A warning has already been given by Mr. Sastri. Wait, wait until it becomes necessary to give effect to that warning and do not indulge in premature Resolutions of this kind which are calculated to do more harm than good.

**The Honourable Sir Narasimha Sarma** (Education, Health and Lands Member): Sir, my task is a very simple one and a prosaic one. If I did not rise earlier, it was to give the House an opportunity of showing unmistakably that there is not one assembled here who is in the faintest manner connected with the idea of dissociating himself either now or in the future with that important international body which

is to preserve the peace of the world, the League of Nations. Nor did I read in the speech of the Honourable Mover of this Resolution any desire to associate himself with that idea. I took it that he utilised the League of Nations only as a peg on which to hang his tale, the tale of the woes that are supposed to be suffered (*Voices* : "Real") by our Indian fellow-subjects in the Mandated Territories. Well, I hope to be able to show to the House that there is a good deal of misconception in this regard, and I am sorry really that I did not rise earlier to remove that misconception. I shall deal with that proposition first. The Resolution asks that a committee should be appointed to investigate the question of the utility of the League of Nations especially with regard to the position of Indians in the Mandated Territories connected with the British Crown. I may say, Sir, that so far as the Government of India's information goes there are no Indians in any of the Mandated Territories for which mandates had been given to the British Dominions, the Dominion Commonwealth of Australia, New Zealand or the Union Government of South Africa. An investigation was made some time ago when this question came up as to whether there were any Indians domiciled in the Islands of New Guinea for which the mandate was given to Australia, the Island of Samoa, for which the mandate was given to New Zealand and in German South-West Africa, for which the mandate was given to the Union Government of South Africa. It was reported that in New Guinea and New Samoa, at one time there were about two or three, one of whom died. No British Indians went latterly to any of these Dominions. So, I take it that on the information available to us there are no Indians settled in any of those Dominions under the mandates of either Australia or New Zealand. A similar query was addressed by the India Office to the Colonial Office as to the position of Indians in German South-West Africa. It was stated that prior to 1909 there were no such Indians, though the Germans were desirous of importing some Indians there. There was no information available that there were any Indians in German South-West Africa, so that on the information available to us we may take it that there is no question of privileges or rights of Indians settled so far in these territories.

There may be a few stragglers who have gone from South Africa,  
 1 P.M. but we have no information on the subject. So  
 that we are not now concerned with any question  
 as regards Indians domiciled with regard to the mandated territories  
 forming Class 3 in respect of which these Dominion Governments have  
 been allowed to administer their own laws with regard to the territories  
 for which the mandate has been given them. But I shall not say that  
 India has no complaint whatsoever with regard to the action of these  
 Dominion Governments regarding the treatment that they have accorded  
 her after the mandates had been granted to them. Mr. Montagu  
 addressed a letter to the Colonial Office to exhort these several Govern-  
 ments, having regard to the wording of the mandate, to treat India  
 fairly, to remember the services that India had rendered to the Empire  
 at a time of great peril and also to remember the grave discontent which  
 would be aroused in India if any discrimination was shown against  
 Indians with regard to the laws that may be administered in those  
 territories. I regret to say that the immigration laws which effectually,

[Sir Narasimha Sarma.]

though not in theory, bar Indians from going there to settle down as permanent residents, have been applied in the case of all these C-mandate territories. The Government of India has not rested silent. We have brought to the notice of the India Office that it was extremely undesirable that in the case of these tropical countries any discrimination should be shown in the manner I have referred to. There was an answer given, I should say a fairly plausible, though not a very satisfactory answer, and that is that those immigration laws were proposed to be introduced, or have been introduced, not for the purpose of discriminating against Indians, but for the purpose of protecting the interests of the natives of those lands whose destinies were entrusted to the charge of the Governments of those Dominions inasmuch as those Governments felt that the competition of the settler from India might prejudicially affect the position of the indigenous inhabitants as mechanics, artisans and in other occupations. Well the Government of India were not satisfied with this answer and are now negotiating with the Dominions and the Home Government for the purpose of inducing those Dominions to exempt both on practical as well as on theoretical grounds the Indian community from these restrictions. On practical grounds, because there are no Indians there. No Indians wish to go there and there is no likelihood of any Indians going there. Under our Emigration Act we shall not permit any Indians to go there as labourers for a term under agreement. Therefore on practical considerations, the problem is not of any pressing importance at all, and our sentiment might be respected by exempting the Indians from these restrictions.

We hope for success, and there the matter rests. There is the question of the construction of these C mandates. That is under consideration. We are in negotiation with those Dominions as regards the removal of these restrictions, which practically amount to nothing, because, as Honourable Members are aware, no labourers, no artisans, are likely to go from here to these distant Pacific Islands or to German South-West Africa under the conditions which now exist there. In connection with that, Honourable Members will remember that it is not open even to the League of Nations or to the Council to modify or amend the mandates which had been given to the Dominions except by a unanimous vote of the Members which constitute the Council of the League, and, inasmuch as these Dominions are also Members of the League, there is not much chance of any modification being made with regard to the actual terms of the mandates themselves. But there is a provision, article 7, to some of these C mandates, under which there is a machinery provided for adjusting any disputes between any members of the League of Nations, and I shall refer to that. It runs :

“The mandatory agrees that, if any dispute whatsoever should arise between the mandatory and any Member of the League of Nations relating to the interpretation or application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by article 14 of the Covenant of the League of Nations.”

I am only quoting this for the purpose of showing two things, that it would be extremely foolish on the part of any one to think of dissociating himself from all connection with the League of Nations when some sort of power is entrusted under the constitution of the League

for the purpose of adjusting any disputes which may arise between the various Members. At the same time I would lay stress once again upon the fact that, so far as this particular question is concerned, the matter is more one of sentiment than of any practical significance. We hope by negotiation to succeed, and I would also say that, so far as we, the Government of India, and I also hope the people of India are concerned, they would always dissociate themselves from the idea of appealing to the League of Nations from the decisions of the smaller League of Nations to which we have the honour to belong, whose relations are invariably settled by mutual amicable agreement and discussion at the various Imperial Conferences, as has been done for the last 10 years. I think we should resent any idea of having to appeal to the League of Nations, an outside body, in our domestic concerns, because I hope that the idea, the convention, would grow that we shall treat the Empire as one, as indivisible, howsoever temporarily we may be subjected to some disabilities at the hands of one or more of the component parts of the Empire, and that we should resent any outside interference, just as we should resent any interference with regard to the affair of India herself.

Then, Sir, I will just say a word about Tanganyika. I know Honourable Members have had Tanganyika more in mind than any of these distant possessions because recently there has been a good deal of controversy with regard to the taxation ordinances which had been passed by the Government of Tanganyika territory. It is not my purpose to dwell upon the merits of that controversy. I may state that the Tanganyika Mandate falls within the second class or the B Mandates in respect of which there is a distinction drawn with regard to the terms on which the Mandatory holds the administrative and other powers entrusted to it. Now here the British Government are directly responsible for the administration of Tanganyika. Some of the Honourable Members who have spoken have stated that there were some disabilities imposed upon Indians and that discrimination has been shown against them. I think, strictly speaking, those statements are not accurate. In none of those ordinances which have been passed mainly or wholly with a view to meet the deficit which threatened that Colony—wholly intended for the purpose of raising revenue—in none of those taxation ordinances is there any discrimination shown against the Indians. It is true that the Indians being small traders in that Colony may be more largely affected by reason of some of the provisions of those ordinances than others; but I think it would be wrong to say that any discrimination whatsoever of any kind has been shown against the Indians in favour of Europeans, Britishers, Africans or anybody else—except to this extent that some favour has been shown to the native, to the indigenous inhabitants of Tanganyika;—and I do not think that Honourable Members can take exception to favour shown under the taxations laws with regard to the indigenous inhabitants of that country, whose interests were primarily entrusted to the safe keeping of the British Government. Barring that, there is no discrimination whatsoever. Furthermore there are no disabilities whatsoever. What the Indians complained of was that they were asked to keep accounts in English or in Swahili that they were asked to take licences every year; that taxation was imposed at a time when there was a tremendous

[Sir Narasimha Sarma.]

trade depression and consequently they were not in a position to pay the taxes conveniently and comfortably, and that therefore some of these provisions might be modified and the operation of the ordinances might be postponed.

**Mr. T. V. Seshagiri Ayyar :** Is there any Indian on the Licencing Boards constituted under these Ordinances ?

**The Honourable Sir Narasimha Sarma :** We do not know anything about the constitution of any Boards formed under these Ordinances. No complaint has been made that there were no Indians on any licensing boards constituted under any of those ordinances in the same manner as complaints have been addressed to the Government of India with regard to the constitution of licensing boards in South Africa. Be that as it may, on this question as soon as the Government of India came to know of these grievances they promptly put themselves into communication with the Home Government and after carefully going through all the Ordinances drew the attention of the Home Government to what the Government of India conceived to be provisions which might suitably be modified which they in their opinion, not perhaps knowing correctly the facts of the case, thought might possibly injure Indian interests. They asked the Home Government to intervene and to do all that they could to see that those laws did not prejudicially affect the interests of the Indians who are settled in that country ; and the Home Government I am glad to say have promised such consideration and have authorised the Government of India to state that " the question of introducing amendments into the Ordinances shall be considered in due course by the Secretary of State in consultation with the Governor."

So the matter has not been lost sight of, and I am sure that the Secretary of State for the Colonies in consultation with the Governor will do everything that lies in his power to modify these Ordinances in a suitable manner so as to remove any legitimate grievances under which the Indians may be suffering in Tanganyika and I may assure the House that the Government of India would not lose sight of this matter and would secure every information that is possible as to how those Ordinances are being worked there and would use their best endeavours for the purpose of getting the redress of any wrongs under which the Indians may be suffering there. But I may state that so far as the laws of that territory are concerned, there is no discrimination as between one class of His Majesty's subjects and another. All are subject to the same laws ; there are no immigration restrictions ; there are no restrictions of any kind with regard to the sales of land ; Indians, I am glad to say, have purchased some large estates there and therefore I think, except for this unhappy controversy which has arisen mainly because the Government of Tanganyika revised their taxation laws with a view to balance their budget, and those taxation laws came in at a time when there was a grave trade depression, that we have heard so much about Tanganyika. But here again the Permanent Mandates Commission last year have recommended that any petitions which the inhabitants of a territory might submit to them might be forwarded with the remarks of the mandatory power. I am not suggesting for a moment that the

inhabitants should resort to the Commission or the League of Nations ; I would deprecate that, because I would suggest that the inhabitants of Tanganyika may rest assured that justice would be done to them by the Secretary of State for the Colonies who has promised to go into the question thoroughly ; but still I am pointing out that there is a machinery which the Assembly hopes to devise for the purpose of hearing any grievances which the inhabitants of these mandated territories, like Tanganyika, may place before that Assembly through the properly constituted authority for redress or consideration. So here again the laws and the rules and regulations and recommendations have been so framed that it would be idle on the part of any one to suggest that it would be expedient on the part of India to dream of going out of the League of Nations.

Well, Sir, I have done with that part which relates really to the substance of the Resolution, as I take it, namely, the desire to draw the attention of the House and the Government to the disabilities and the grievances of the people settled in these mandated territories. I have only one word more to say, in addition to what has fallen from Honourable Members, with regard to the grievous wrong we should be inflicting upon India if this idea of dissociating ourselves in any manner whatever from the League of Nations be pursued by any class of His Majesty's subjects in India. What would be the position ? The British Empire is a party to the League of Nations. We owe to His Majesty's Government, we owe to the then Secretary of State, Mr. Montagu, we owe to all parties in England and in the United Kingdom, gratitude for having given us a definite status on the League of Nations. .

Supposing it is open to us after two years to say that India is not going to be an Independent Member, I may assume for a moment that the Government of India or the British Government should ratify the wishes of anybody here. Well, if we do that, somebody will have to represent us there ; the British Government must continue to represent us. Does the Assembly consider that our position would be improved by the Government of India not sending its own direct representative and by somebody-else representing us in the League ? There are of course matters on which Indian interests can be gravely prejudiced by reason of absence from representation on the League of Nations. For instance, take the question of Opium which is now greatly troubling the League of Nations. Suppose we were not represented there, what would happen ? We know that there is a section in the British House of Commons, there is a section of the British public, which does not understand the real Opium question of India and is inclined to favour some of the theories of the faddists, or of persons who wish to introduce reforms in this matter, and they have done so in the past. Even now it will be difficult for us to safeguard our interests. What would our position be if we had to leave to others the advocacy of our cause, the representation of our difficulties ? Take again another question, the Trade restrictions which might be imposed upon India if we were not represented there. We owe a deep debt of gratitude to our Members who were present there, and to Colonel Hutchinson for saving us from any restrictions being imposed and for saving the wool trade of India from disabilities which might have been imposed upon India on account of the difficulties which were felt on account of Anthrax.

[Sir Narasimha Sarma.]

With regard to labour, my friend, Mr. Joshi, has expatiated at great length as to the benefits which we are deriving. With regard to Health organizations, similarly, a good deal could be said, but I think it will be unpardonable on my part to expatiate any longer on these subjects. I think it would be a grave misfortune if we should in any way discourage the idea of withdrawing ourselves from the League of Nations or to break off our connections with the League of Nations.

Well, Sir, to sum up. The position with regard to mandated territories is not really of any great significance. The Government of India are taking all the steps possible with regard to securing the legitimate constitutional rights of Indians. We should not therefore encourage any idea of going outside the small League of Nations or of the British Empire to which we have the good fortune to belong or of separating from the League of Nations. Apart from that, even if any outsider thinks of doing so, we here should not discard the machinery of which by the Grace of God we are a part. I think, Sir, after this explanation, my Honourable friend, Sir Deva Prasad Sarvadhikary, would himself see the advisability of not pressing the matter any further and that inasmuch as his object has been gained, he will withdraw the Resolution.

(Cries of "Withdraw, withdraw" from several parts of the House.)

**Dr. Nand Lal** (West Punjab : Non-Muhammadan) : I have got an amendment, Sir, and I wish to speak on it first before Sir Deva Prasad Sarvadhikary is called upon to speak.

**Mr. President** : Order, order.

**Sir Deva Prasad Sarvadhikary** : Sir, I shall accept the invitation that the Members of Government have extended to me and not be a party to a grave misfortune. Members of the Government of India, I know, often disagree amongst themselves. (*A Voice from the Government Benches* : "No, no.") I hear a cry of "No, no", but we know better fortunately that to their credit they disagree. But they generally do not show it here.....

**Dr. Nand Lal** : May I rise to a point of order, Sir ? Under what procedure has the author of the Resolution been allowed to speak again when there is an amendment on the agenda standing in my name ? I rose five times but I could not catch the Honourable the President's eye.

**Mr. President** : In the interest of the phrase the Honourable Member is very fond of using, namely, "the economy of time."

**Sir Deva Prasad Sarvadhikary** : There has been serious disagreement among Members of the Government Benches. On this occasion one Honourable Member has tried to read into my Resolution though not into my speech sinister things, of which the other completely acquits me. I think, Sir, a very useful purpose has been served by this debate and some misconceptions have been removed. I regret that we have not had



opportunities of considering the Colonial question in all its bearings yet, but the ground has been to a certain extent cleared.

As regards Dr. Gour, Sir, one does not know when he is supporting or opposing one and whether he is cursing or blessing. It is a problem, that one does not always successfully solve. I take it, Sir, that he has completely supported my point of view and so has my friend, Sir Sivaswamy Aiyer, though he was unaccountably nervous like Mr. Joshi.

The question that I raise is not negligible and we have it on the authority of Sir Narasimha Sarma ; read between the lines of his speech, we are glad that the question is engaging the serious attention of the Government. Whether charges are to be given to the Government of India representatives in the way that I suggest or not, are matters that must be entirely solved by the Government.

Regarding the importance of the question, Sir, you will permit me to read a short extract from a paper which has the authority of the Imperial Citizenship Association :

“ From the Crown Colonies let us come to the new mode of economic exploitation—the mandate.”

That is merely a question of balancing the budget—a good stick to beat anyone with ; and when we wanted to beat Manchester for our own purposes, the same stick was used.

The paper proceeds :

“ The recent Ordinances in Tanganyika make it absolutely clear that the whole object of imposing heavy taxes and compelling the traders to keep the accounts in English or in Sowalis with English character is to eliminate the Asiatic from the ranks of the trading community of Tanganyika. As Indians form nearly 95 per cent. of the trading population of the country, they are naturally hit the hardest. The provision for annual registration only means that the trading community must be kept constantly under the thumb of the authorities.”

Whether domestic questions as they have been called like those raised by my Resolution are to be brought before the League of Nations or not and in what manner they are to be brought or how the mandates are to be rectified and the procedure is to be corrected are matters about which this Assembly cannot possibly, in the absence of materials, advise either the Government or itself. If the suggested Committee was appointed, all these matters might have been gone into, but, as there is a general desire that the question of the Committee should not be pressed for, I would, with your permission, ask leave to withdraw the motion standing in my name. The general object of the Resolution has been achieved and I don't think I need press it to a division.

The Resolution was, by leave of the Assembly, withdrawn.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

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The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

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## RESOLUTION ~~RE~~ IMPERIAL INDIAN SERVICES.

### ALTERATIONS IN PAY, PENSION AND OTHER SERVICE CONDITIONS.

**Mr. K. B. L. Agnihotri** (Central Provinces Hindi Division : Non-Muhammadan) : Sir, I beg to move :

“ That this Assembly recommends to the Governor General in Council that no alteration in the pay, pension or other service conditions of Imperial Indian Services be made before giving the Indian Legislature an opportunity for an expression of their opinion thereon.”

Sir, as will appear from the wording of my Resolution it is a very simple one and is very modest in its demands. By this Resolution I do not want to curtail the powers already vested in the Secretary of State for making rules and regulations about the Imperial Services. But what I want is that before any rules or regulations are made in connection with the pay, pension and other service conditions of the Imperial Services, an opportunity should be given to us to express our views on the matter. Sir, under the Government of India Act this power is vested in the Secretary of State in Council who controls and regulates the appointment, pay, pension and other conditions of the Imperial Services. In the Dominions this power is vested in the Governor General in Council for the same purpose. The differences between the powers in the Dominions and in this country are very vast. Even the nature of the Services differs to a very vast extent from that of the Services in England and in the Dominions. In England, the Services are the executive agents to carry out the policy of the Government and the people. In India, they peculiarly combine the two functions of agency for carrying out the policy and of laying down the policy inasmuch as they also as component part of the Government lay down the policy that has to be carried out. It is for this reason that unlike the sister services elsewhere, they are not amenable to the control of the Legislature, at least of the Indian Legislature. It may be said that being under the control of the Secretary of State in Council who is directly responsible to Parliament for the good government of the country, they are under the control of the Legislature, but of the English Legislature—the British Parliament—and not that of the Indian Legislature, which, I beg to submit, is in a better position to know the conditions of the country than the British Parliament can ever be. No doubt Members of the House of Commons take some interest in Indian affairs, but they do not exhibit that keen interest which is necessary and essential in dealing with matters affecting such a vast Dominion like India in the British Possessions. It is for this reason that it has often been said by many critics of Government that India is governed more in the interests of the Services than that of Indians themselves. It is for this reason that a suspicion has been created in the minds of my countrymen that their interests and claims are not safeguarded in matters of Indianisation of the Services. These suspicions have been accentuated by the overzealous and malignant activities of some reactionary retired Anglo-Indian Officers who exhibit great opposition in all beneficial matters affecting the interests of my countrymen. It has been further confirmed by the speech of His

Majesty's ex-Prime Minister, Mr. Lloyd George, during the debate on the Services in the House of Commons last year, which was a subject of heated debate in this House. Sir, this suspicion has also been further enhanced by the recent appointment of the Royal Commission, so soon after the Public Services Commission and the Report on Constitutional Reforms has been given effect to and substantial and repeated increases of pay, prospects and better conditions of the Imperial Services had been made.

The suspicion has not been only one-sided. It has also been engendered in the minds of the Imperial Service officers as well. They consider that with the further grant of reforms towards responsible self-government their interests in the Services will not in future be safe in the hands of—according to them—impatient and importunate Indian politicians who may ultimately have the burden of government placed on their shoulders; and it is no wonder that the growing voice of Indians in the legislature, their growing influence over the public purse and their insistent demands for the Indianisation of higher Services may have given them the justifiable cause for further apprehensions of encroachment in their privileges, emoluments and the cadre. This fear was recognised by the authors of the report on the Indian constitutional reforms who advocated for some provision being inserted in the Government of India Act for the protection of the Services. They said :

“ Our labours will be vain and worse than vain unless the Indian public men who will be responsible for the working of the reforms which we advise, succeed in so working them as to retain for India the willing help and guidance of many men like those who have led her thus far on her way, until such time as she has produced a generation of administrators of her own.”

From their remarks it is quite clear that even the learned authors concluded from the past insistent demands of Indianisation of Services that Indians when they secure power in their hands would reduce the recruitment of the Englishmen for the Services and may probably do away with the present English officers or even stop further recruitment. They no doubt made clear the meaning of the word “ protection ” subsequently when they said that :

“ Any public servant whatever the government under which he is employed shall be properly supported and protected in the legitimate exercise of his functions and that any rights and privileges guaranteed or implied in the conditions of his appointment shall be secured to him.”

They further said :

“ No changes that will occur can be allowed to impair the power of the Government of India or Governor-in Council to secure the essential requirements.”

They were not satisfied with this much only but went on further to justify their remarks by saying :

“ We have definitely to secure their essential interests because we believe that they are indispensable to the future of India and also because, as has always been recognised at similar periods of transition, His Majesty's Services have the strongest possible right to be secured by His Majesty's Government.”

All these led the Joint Committee of Parliament to provide in the Government of India Bill of 1919 that the Secretary of State in Council may make rules for regulating the classification of Civil Services in India, the

[Mr. K. B. L. Agnihotri.]

methods of their recruitment, their conditions of service, pay and allowances and discipline and conduct ; and the Parliament accepted these recommendations and the provisions were duly embodied in the Act.

The Secretary of State has been working under that provision and has made certain changes in the pay, pension and service conditions of the Imperial Services. The slow rate of Indianization coupled with the rapid changes in the pay, pensions and other conditions in the Imperial Services made by the Secretary of State has not been conducive to the removal of the suspicion and apprehensions aroused by the breach of promises and pledges in the matter of employment of Indians in the higher services of this country. If these promises and pledges had been consistently kept, from the year 1833 when the first Charter was given in this respect to Indians, I think we would not have had occasion to complaint, we would have had sufficient administrative experience, and probably by this time we would have been able to get full responsible self-government, which has been refused to us on account of lack of administrative experience. Many Indians think, and I am afraid rightly think, that similar indifference is shown even now to their claims and aspirations. They think that at this pace Indians may not be able to secure full responsible Government even within the space of a century or two. They also consider that the changes already made put a very heavy financial liability on India at a time of financial stringency. It is feared that such a burden will be difficult for her to bear in the future. They also think that the Secretary of State is unduly influenced by the reactionary retired Anglo-Indians at Home and is made to carry out changes which do not meet with approval in this country. They further consider that as they have to pay for their services they should also have some voice in the settlement of terms and conditions of recruitment for the Imperial Services. As I have already pointed out, this feeling has been accentuated by the recent appointment of a Royal Commission against the wishes of this House and so soon after the effect was given to the recommendations of the Islington Commission. It is also feared, and freely said, that similar considerations have not been shown to the Provincial or Subordinate services, in regard to which many schemes for the allotment of the higher posts which are ordinarily reserved for the Imperial Services and for the betterment of their prospects submitted by the Provincial Governments are still under consideration and no definite action in respect to these matters seems to have yet been taken. Even suitable promotions of the subordinate officers in the lower ranks of the Services have been withheld or not given for lack of funds and general financial stringency ; while on the other hand no such considerations are allowed to come in the way of changes and repeated changes that have been made in the pay of the higher Imperial Services. The attitude of Service Associations of various provinces with reference to the O'Donnell Circular has given cause, rightly or wrongly, of much embitterment of feeling, and the people still, rightly or wrongly, continue to say that as the Government of India and the Secretary of State in Council are mostly composed of and are influenced by Englishmen they take good care to look after

the interests of their own countrymen and find excuses for giving them bigger salaries and opening out new non-votable appointments. This fear is all due to the power being centred in the Secretary of State in Council. The existence of such a feeling cannot be said to be for the good and honest working of the reforms and will necessarily be injurious to all concerned and indeed will enhance the bitterness of racial feeling which is already in existence to some extent. It is not desirable in the interests of Government itself that it should give such a handle to its critics and enemies, and in the words of Sir Theodore Morrison, "the Government must not only be fair but must be seen and acknowledged to be fair." It is for these reasons desirable that such a power should if possible be taken away from the hands of the Secretary of State in Council. But as it will create a similar apprehension of insecurity in the Imperial Services and it may have an injurious effect on the recruitment of new entrants to the Services and create discontentment among the officers already in the Services, the cure may prove worse than the disease, and by way of compromise therefore I would suggest and recommend for the adoption of the House the Resolution which I have just had the honour to move, that is, the proposition for giving the Indian Legislature an opportunity to give expression to their views in respect of any changes that may be made in such matters in future.

Now, apart from the consideration on the merits of any changes made—whether or not they be made in accordance with the public opinion or with the needs of the country or the financial capacity of Indians to meet the heavy additional burden involved in such changes ; and apart from the considerations of their creating any disparity of treatment to other public Services in the country, it is on principle desirable that on matters affecting the country as a whole, the representatives of the people of the country be consulted and have the voice in such changes and much more so when by such changes, permanent or even temporary, financial liability is placed on the shoulders of the public who may ultimately have to bear a further burden of taxation on that account. This course will also be in keeping with and consistent with the declarations and protestations so often made by the Government that it was always amenable to the non-official influence in the Legislature and was always guided by the public opinion. It is immaterial whether or not any such changes be regarded by the public as just and proper for the Services or by the Services themselves. It seems to me essential that in changes, good or bad, the representatives of the country should be given adequate voice. Such methods will go a long way in dispelling the suspicions existing in the minds of Indians, as much of the suspicion is often due to ignorance of facts and conditions. By the debate in this House, the public will also be in a position to better judge the effects of such changes and may be reconciled to them. It is further, Sir, in the interests of justice, fair play and political expediency that I move my Resolution and request the support of this House.

**Mr. President :** Resolution moved :

" This Assembly recommends to the Governor General in Council that no alteration in the pay, pension or other service conditions of Imperial Indian Services be made before giving the Indian Legislature an opportunity for an expression of their opinion thereon."

**M. K. Reddi Garu** (South Arcot *cum* Chingleput : Non-Muhammadian Urban) : Sir, it is known to you that, as the result of the incessant cry that has been raised in and outside this Assembly, to reduce the alarming increase of expenditure of this Government, the Luchcape Committee has been appointed. Now the Committee has come and gone. We are aware it has done its best to lop off some branches, though not the stout branches, of this extravagant Government, in order to avoid the imposition of any more additional taxation. Though Fate has ordained otherwise, we are yet thankful to the Committee for their labours and we are also thankful to the Government for having accepted their findings, though they have not yet given effect to the full recommendations of the Committee.

Though the terms of reference of this Committee were rather wide, the Committee, while trying their very best to cut down the expenditure from the various points of view, have avoided considering the question and what I consider to be the most important question of the high scales of pay given to the European and Indian officials in the country ; nor have the Committee considered, whether these officials are not paid much higher scales.....

**The Honourable Sir Malcolm Hailey** (Home Member) : May I interrupt the Honourable Member, because it seems to me as though he is speaking on his amendment ; and I wish to ask you, Sir, whether you regard that amendment as one which may properly be moved to this Resolution, for, I would suggest that it is really something of an entirely different nature ?

**Mr. President** : I called the Honourable Member because his name stood on the paper, and I was waiting to see whether he would move his amendment. As the point has been raised, I may draw his attention to the fact that the Resolution is one laying down the principle that no change shall be made until an opportunity has been given for discussion ; that is to say, the essence of the Resolution is the consultation of the Legislative Assembly. The proposal which the Honourable Member proposes to make is a substantive proposal, standing on its own feet, and should more properly be made after the presentation of the Report of the Public Services Commission. It is not in order here.

**M. K. Reddi Garu** : I will give some specific illustrations in regard to whether the European and the Indian should be paid the same standard of wages for holding similar appointments and how much retrenchment could be effected if the Indian, consistent with his standard of living, could be paid a lower standard of wages than an European coming over to serve in India.

It is therefore to draw the attention of this Government and of the Royal Commission that is to come over to India, that I am obliged to table an amendment for discussion to-day.

Sir, it is very well known to you that while the state of the finances of the country was at a very low ebb and when military expenditure was swallowing more than 50 per cent. of the total revenue, the Government

of India and the Secretary of State, soon after the passing of the Act of 1919, have, with a magnanimity worthy of a better cause, given princely increase to the various civil services, Imperial and Provincial. I am afraid, Sir, that these increases to Services that were already too well paid, could hardly be justified, especially when the country was financially in a very crippled condition. I believe, Sir, I am not overstating the facts when I say that the increase of expenditure consequent on these huge salaries, is no less than 21 million pounds.

**The Honourable Sir Malcolm Hailey :** Will the Honourable Member kindly mind repeating that astonishing figure ?

**M. K. Reddi Garu :** It covers the whole of India, Provincial and Imperial.

**The Honourable Sir Malcolm Hailey :** And Subordinate ?

**M. K. Reddi Garu :** I do not think it includes the subordinate service, but only Imperial and Provincial. If I am wrong, it is for the Government to disprove my facts. This increase of the cost of the Civil Services by no less than 21 millions in five years is staggering. Together with the military expenditure it forms a burden, the Indian population cannot long sustain. That the living of 320 millions of the poor and most submissive peasantry in the world should be depleted on such a scale for their Government and defence, has no parallel unless we revert to the forced labour of ancient Egypt.

I am aware of the stock argument that is usually trotted out on these occasions, that the increase of expenditure was due to the recommendations of the Public Service Commission and with a view to attract suitable candidates, the Government had to give such increases. Sir, the Commission was appointed, consequent on a Resolution moved in the late Imperial Council by the Honourable Mr. N. Subba Rao, and the terms of the Resolution make it abundantly clear, as well as the speeches of the Honourable Members, particularly the late Mr. Gokhale, that the whole object was to consider the claims of Indians to higher and more extensive employment in the public services connected with the civil administration of the country. I am aware, Sir, that by the terms of reference the Commission was asked to report on the conditions of salary, leave and pension, but while there is nothing to show that it necessarily implied a proposal for the further improvement of these Services, it is painful to record, that the Commission recommended large increases to practically every Service, while the essential object of the Commission, namely, the increased employment of Indians in the public Services, was but meagrely and grudgingly dealt with. While, therefore, the Commission dealt with this question from a purely Service point of view and paid no consideration whatsoever either to the necessarily increased burden of taxation on the poor ryot, or to the low financial status of a country, with 15th century standards of social comforts. Even this increase was not to the satisfaction of the Services, and as hunger grows by what it feeds on, there was a clamour in interested quarters supported by an unholy agitation, which soon induced the Government of India to be even more liberal and to grant princely salaries undreamt of even by these Services, with a proportionate

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increase of comforts all round. Thus while the Commission recommended only a 12½ per cent. increase, the Government, which is supposed to be proverbially concerned about the poor tax payer, have given increases even upto 50 per cent., as in the Medical Service. The pensions have been increased, the leave rules made much more liberal, all allowances have been considerably enhanced.

This pernicious principle of satisfying an unquenchable and morbid thirst of the All-India Services, necessarily meant a proportional increase in the provincial Services, and thus we find that in the Judicial Service, for instance, a District Munsiff who used to start on Rs. 200 and rise to Rs. 400 at the end of 18 or 20 years now started on Rs. 300 and rises to Rs. 500, in the 6th year of his service, while the recommendation of the Public Service Commission itself would entitle him to draw the sum of Rs. 500 only in his 16th year of service. Thus each individual judicial officer of the Provincial Service is enabled to earn Rs. 30 to 40 thousand of the poor tax-payers' money in excess of what he would have earned under the old system. This scandalous waste of public money in overpaying these Services when there is no dearth of competent candidates for the same, is a matter for severe condemnation and I will leave it to the Government of India to satisfy their own conscience, whether they have done their duty to their public in so lavishing other people's money. There is another Service which has been treated in a manner that defies all description. The Indian Medical Service was recommended an increase of 12½ per cent. by the Public Service Commission, subject to this proviso that this should further be considered after the War.

**Mr. President :** Order, order. The Chair has no intention of being pedantic in applying the rules, and the Honourable Member may use what has happened in the past as an illustration of his fears as to what may happen in the future, but his Resolution deals with the future and he must confine his main argument to that point.

**M. K. Reddi Garu :** I believe, Sir, that in considering this question of civil salaries, one must have a sense of proportion and necessarily an attempt to adjust the salaries to the means of the people. President Hardinge, while talking on this question of economy and retrenchment, said that 'Government is under obligation to give the greatest service for the lowest possible cost.' The salaries of high officials of Government in all departments in India are very high in proportion to the average income of the people who contribute towards the cost of the administration. I say, with a view to avoid unnecessary heat and artificial agitation, I propose there should not be any increase in the pay of the Services, at least so far as the Indians are concerned. I am aware, Sir, that some people wish to imagine a racial inferiority in this proposal, but to me it has always seemed a very poor sort of patriotism, that for an imaginary slur, the tax-payer was to be saddled with a heavier expenditure. In every country in the world it is the custom that the foreigner was always paid a more handsome salary than the native of the soil. And in Japan, where Americans and Europeans were employed in fairly large numbers,



either in the universities or in the various technical and industrial concerns, larger salaries were given without any hesitation—in some cases twice what has been paid to the Japanese, just because it was necessary to offer inducements to the foreigner which would be quite superfluous to indigenous talent. I fail to see where the slur comes in when the one-third extra is given as a definite allowance. I would also request the Assembly to keep in mind the object I have in view, and I hope this Assembly also will have in view that we should Indianise all Services as soon as possible and that foreigners should be employed only in case of proved and absolute necessity. In this connection I am proud to recall to my memory the words of one of the greatest of Indian patriots, the late Mr. Gokhale, whose advice and exhortation I would commend to this House. Speaking on a Resolution of retrenchment of public expenditure in the Imperial Council in 1911, the late Mr. Gokhale said :

“ My Lord, my third suggestion is, that there should now be a more extended employment of the indigenous Indian agency in the public service. In this connection I am free to recognise the necessity of paying, as a rule, the Indian at a lower rate of payment than the Englishman who holds the same office. I think this is part of our ease. If we insist on Indians being paid at the same rate as Englishmen, we cut away a large part of the ground from under our feet. Except in regard to those offices with which a special dignity is associated, such for instance as Members of Executive Councils, High Court Judgeships and so forth, where of course there must be strict equality even as regards pay between the Indian and the Englishman, there must, I think, be differential rates of payment for the Indian and European members of the public service. What is however necessary is that care must be taken not to make such distinctions galling. Instead of the present division into Provincial and Imperial services, or instead of laying down that Indians should be given two-thirds of what the Englishman gets, I would provide a fixed salary for each office and I would further provide that if the holder of the office happens to be an Englishman, an extra allowance should be paid to him because he has to send his wife and children to England.....”

**Mr. President :** Now the Honourable Member is using arguments which he designed to support the amendment which is out of order.

**M. K. Reddi Garu :** I am quoting what the Honourable Mr. Gokhale said.

**Mr. President :** Mr. Gokhale's words happen to be out of order just now.

**Dr. H. S. Gour** (Nagpur Division : Non-Muhammadan) : Sir, I shall very briefly explain why I should like to modify the terms of the Resolution moved by the Honourable Mr. Agnihotri. As I read his Resolution, it seems to me too wide, for he asks this House to pledge its vote in favour of the Resolution that no alteration in the pay, pension or other service conditions of the Indian services be made before giving the Indian Legislature an opportunity for an expression of their opinion thereon.

Now, I have said that this Resolution is too wide. I will explain to the Honourable Members why it is so. My friend  
 3 P.M.  
 says that no alterations should be made. He does not limit in point of time when these alterations are to be made, and I understand that at no time and in no circumstances could any alterations be made without consulting the Indian Legislature. Now, this is obviously too wide. The Indian Legislature, as this House knows, comprises two Chambers, and I am not in a position to say as to what would be the views

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of another Chamber regarding this Resolution. They may like that alterations should be made without consulting them, and I am not in a position to dogmatise in favour of a House where I have no place. I therefore submit that this Resolution is too wide. I should like the Resolution, therefore, to be limited to a recommendation formulated and made by this House and further to limit it to the event which has already taken place and to which my Honourable friend Mr. Agnihotri has referred in the course of his speech. He has already informed the House that what he really seeks to establish is that the Royal Commission, which has been appointed by His Majesty's Government to reconsider the position, pay and general prospects of the All-India Services, should not formulate their recommendations and that the Secretary of State should not accept all or any of them without giving this House an opportunity to express its views upon those recommendations. In other words, while my Honourable friend has worded his Resolution in a somewhat loose sense, the whole of his speech is really in support of my amendment and in direct modification of his own Resolution. Well, Sir, this is a compliment in disguise and, if my friend will limit his Resolution to my amendment and support it, I shall accord him a hearty support.

Now, Sir, I shall very briefly state why my amendment should receive the acceptance of this House. Honourable Members will remember that in a series of interpellations addressed to this House, it has been the desire of the Members of this House that the Secretary of State and the Government of India should make no commitments in respect of the Imperial Services without giving this House an opportunity to express their views upon the subject. My friend on the other side has been complaining of the increased salaries and emoluments of the Indian services. I repeat here what I have said before, if you wish to employ first-class men you must pay them not what you want to pay but what they will receive. I have further pointed out, Sir, that the present reforms and their further developments are inconsistent with the present Indian Civil Service, and, as the popular control over the subjects increases, the power of the Civil Service must necessarily diminish. At the present moment the Civil Service is not merely the executive head of the Government but lays down the policy which it carries out. The policy under the reforms will be laid down by the Ministers and the Civil Service will in the course of time occupy the position of executive officers under the responsible Ministers of the Crown.

Now, I cannot expect any Englishman to say that I shall continue to serve this country upon my present pay though my prospects will be very different and in fact will materially deteriorate in the course of the next few years. The hearty co-operation of the members of the Civil Service is absolutely necessary for the success of the Reforms. Then, whatever my friend may say with regard to a few reactionaries who are opposing the Reforms, I venture to submit that it is the loyal co-operation of the Indian Civil Service which accounts for such success as the Reforms have already achieved, and that further development will depend upon the continued good will of the Indian Civil Service. We cannot therefore come to open quarrel with the members of the Indian Civil Service. We

have no reason to. I said, Sir, open quarrel because while we condemn the system which centres all authority and power among the members of the Indian Civil Service, we have absolutely no objection to the members of the Indian Civil Service who come here and support and work the Reforms. In any future scheme for the development of Indian reforms the Indian Civil Service will be allotted a place, but it will be a place of marked inferiority, and I submit that if you assign to them such a place you must increase their emoluments. You may limit their employment for a term of years ; you may limit their number but such few as you employ you must employ upon terms upon which they are willing to serve this country. As the Reforms increase, the number of Civil Servants will decrease, their prospects will decrease and the terms of employment may have to be altered. I therefore submit that the mere question of the alteration of pay cannot be considered apart from the other questions which I have just now indicated. I therefore submit that the amendment which I have moved deserves support, namely, that before taking any action on the recommendations of the Royal Commission on Public Services, an opportunity be given to this House to express its views upon their recommendations.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : You are approving of those recommendations in anticipation.

**Dr. H. S. Gour** : Now, Sir, there is another fact that I should like to bring to the notice of this House. My friend has confined his Resolution merely to the Imperial Services, but the inter-relationship between the Imperial and the Provincial Services is so intimate that the Royal Commission may make recommendations which will affect not merely the Imperial but also the Provincial Services. You cannot look at one Service without also looking at the other Service. I therefore submit that my friend's argument, namely, that you shall not alter the pay and prospects of the Imperial Services without a previous consultation with this House would not, I submit, meet the requirements of the case, and I therefore suggest that what the Government should do is to place the Report of the Royal Commission on Public Services in the hands of Members, receive their views and afterwards formulate their own recommendations. Now, Sir, some of my friends say that I am approving of the recommendations of the Royal Commission in anticipation. I beg to submit I am doing nothing of the kind. There are some doctrinaires with their heads in the clouds who always think of the abstract possibilities divorced from all the realities of life. If you want men in the scientific and technical subjects, there can be no doubt that you will have to import for many years to come experts from over-seas. Are you to employ them upon your own terms, whether they accept your employment or not ? Are you not to negotiate with them and give them such terms as will be acceptable to them ? That, I submit, is a truism and I cannot understand how any member of this House should contradict me when I say that the question of all the services must be considered as a whole and the question of the pay, pension and other prospects cannot be considered unless you take all the recommendations together and see their cumulative effect not only upon your financial capacity, but also upon the efficiency of the services which you are bound to employ. I, therefore, suggest that my amendment should receive the

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concurrence of the House. It is an amendment which, I venture to submit, is reasonable and, as I am reminded by my friends, wholly acceptable. I shall read it :—

“ That for the Resolution as it stands the following be substituted :

‘ This Assembly recommends to the Governor General in Council that before taking any action on the recommendation of the Royal Commission on Public Services an opportunity be given to this House to express its views upon their recommendations ’.”

Sir, I beg to move my amendment.

**The Honourable Sir Malcolm Hailey :** I speak at once, because I feel that the debate on the main proposition so far offers few real points of objections to my side, and I should be sorry if prolonged discussion on this question called forth more contentious views. Everything that I heard from Mr. Agnihotri impressed me, if he will allow me to say so, with a sense of moderation which I have seldom had the pleasure to feel when he was speaking. Like the House, I have heard nothing at all from Mr. Reddi, for Mr. Reddi's speech belongs in legal phrase to that class of evidence of which the Court can take no cognisance : he was not speaking on the main proposition, but on his own amendment ; and his amendment has been ruled out of order. It is true that he made in the course of his speech statements which, if his amendment had been in order, I should have been very glad to answer. He quoted figures which filled me with amazement and dismay. But unless I hear more on that subject this afternoon, I shall be content to leave the matter alone.

Then we had from Dr. Gour an amendment which was also couched in terms of studied moderation and indeed contained some sentiments which many members of the Services will, I am sure, welcome ; his proposition was one to which I am quite prepared to give, if not a full, at all events a qualified approval. Before I state the terms to which my agreement is limited, the House will perhaps allow me to make two preliminary remarks. Mr. Agnihotri, I think unwittingly, misled the House. He stated that under the powers conferred by the Government of India Act and since the days that the Government of India Act was passed, there has been a very rapid increase in the pay of the Services and a very slow rate of Indianisation. But the increases which were made in the pay of the Imperial Services,—and of course he was only discussing the question of the Imperial Services,—really preceded the Reforms. That is to say, that before the Government of India Act was passed the matter had been under consideration with the Secretary of State ; in some cases, the orders referring to particular Services were passed before the Bill was itself enacted and the rest were almost simultaneous in time. As to the enormity of those increases, I think the House can best realise how great they were from the case of our premier Service, both in point of numbers and in point of remuneration,—I mean the Indian Civil Service. The increase in pay in the Indian Civil Service which was sanctioned in 1919 has been variously calculated, but different calculations give between 8 and 13 per cent. The Police Service came somewhat better off, and received an increase of something about 25 per cent. I admit that the case of the Indian Medical Service

received more special consideration on grounds special to itself ; but the two instances I have given you will perhaps disabuse your minds of any idea that the increase was in itself out of all proportion to the increase in the cost of living and the standards of life. Remember that there were some branches of the Services which had not had their pay dealt with for very many years, in some instances for as much as forty years. There has also, I think, been a good deal of misapprehension throughout the country as to the exact direction in which the increased expenditure on Services has gone. I would refer the House to a study of the answers that have been given by me from time to time as to the amount of money that has been spent respectively on the Imperial, Provincial and Subordinate Services, the latter of course being accountable for far the largest part of the increase. We are best able, I think, to appreciate the relation of these figures if we take the case of a particular province ; it brings the matter home in a more conspicuous manner than if we took all-India figures which are much confused by inclusion of purely commercial services. Here, for instance, are the calculations in regard to Bombay ; I take first what are roughly known as European Services. Some 8 or 10 years ago, the European Services cost Bombay 60 lakhs of rupees. They now cost them 75 lakhs of rupees, that is to say, an increase of 25 per cent. Now, during the same period, the cost of the Provincial Services had risen from 50 lakhs to 80 lakhs or an increase of 60 per cent. But, further, during the same period, the cost of subordinate Services had risen from 2½ crores to 4½ crores or an increase of 100 per cent. It is figures of that nature, I think, which bring home best the relative proportion of the total increased cost of the Services.

There is a further interesting fact not unconnected with the ideas underlying such propositions as Mr. Reddi has tried to advance. When we are told that retrenchment is necessary—and we have all agreed that retrenchment has been necessary—and that a substantial difference can be made in our total budget by retrenchment in the pay of these Services, I think it is well to bear in mind that the expenditure on Services such as those with which we are now dealing in this Resolution, bears a comparatively small proportion to the civil expenditure. Thus, in Bombay the expenditure on Services of this nature accounts for 5 per cent. of the total expenditure. In the Government of India it accounts for 10 per cent., for reasons peculiar to the class of work we do in the Central Government. But my point is that it is only 10 per cent. of the total expenditure which would be affected by any reductions that could be made under these heads.

These remarks are only incidental to my discussion of the main proposition, and I have made them solely to disabuse the minds of the Assembly of any feeling that may have been created by what was perhaps a chance remark of Mr. Agnihotri's on this matter. But, further, I would point out that the alleged slow rate of Indianisation is also a charge which should not be allowed to stand against us. The House will no doubt remember the recommendations of the Public Services Commission, and the recommendations of the Montagu-Chelmsford Report, which followed it. Now, in almost every case—I think, I may, with

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accuracy, say in every case—we have gone beyond the standards of the Public Services Commission. We have gone beyond those standards in framing our recruitment regulations, and again we have in many cases gone beyond those regulations themselves in nearly every case in practice. I would refer—not to weary the House with this topic—to my answer to a question which was put to me by Mr. Joshi on the 22nd of July. If they will refer to that, they will see that in many cases our actual practice is beyond the regulations in the matter of Indianisation, and those regulations themselves lay down a rate of recruitment which those who remember the discussions on the Public Services Commission in the old Imperial Council will agree with me in regarding as an advance far beyond the expectations of those who considered the question so short a time as 6 years ago.

I have cleared those misapprehensions out of the way, and can now come to what is really the main question—whether we should bind ourselves to submit to the Legislative Assembly in every case any proposals that are under consideration for an alteration in the pay, or other service conditions of the Imperial Indian Services, or whether we should have power to carry out any such alterations without previous reference to the Assembly. In terms of course, and quite apart from any question of principle, that proposal, as Dr. Gour has pointed out, is impracticable. It must be realised that we have frequently to make small changes in our regulations, not necessarily expensive, sometimes even resulting in a reduction of cost. These extend over a large sphere of subjects, and in some cases present very complicated and technical issues. I do not imagine that it is the desire of the Assembly that on each occasion that we desire to effect a small alteration in our travelling allowance rules, or, shall we say, lay down the exact terms on which a Provincial Service officer should come on to the Imperial Service cadre, we should bring a Resolution before the Assembly. Probably the Mover himself will agree with me that he really only intends to lay stress on the principle or spirit of his Resolution. I need not remind the House that we agreed in answer to Mr. Kamat's Resolution about a year and half ago that wherever practicable, we would place before the Assembly any proposals following the recommendations of a Commission or Committee appointed by the Government of India or the Secretary of State. I think the Assembly will agree that we have fully implemented that promise. I can remember no case in which action has been taken on an important Committee without giving the Assembly an opportunity of discussing it. Indeed, I can remember one case when we offered discussion of the question, and the Assembly was unwilling to accept the invitation, perhaps because of the complicated nature of the question; I mean of course the question of Railway Finance. While, therefore, one must agree that in ordinary circumstances, and as far as practicable, the recommendations of any important Committee dealing with general service conditions should be the subject of discussion in the Assembly, yet I should be very unwilling to agree to the proposal in the form in which it has been put forward by Mr. Agnihotri. I am, on the other hand, more in favour of going from the general to the particular, from the

abstract to the concrete, and dealing with this matter in the form in which it was treated by Dr. Gour. Every one at present, in thinking of this question, has in mind the changes likely to be made as the result of the Royal Commission. The Services are considering it in that aspect and that is the aspect in which the Assembly is considering it ; what every one has in mind is this : what will happen when the recommendations of the Royal Commission are received ? Here there are of course certain limitations. We have to recognise the position of the Secretary of State. I shall not go into the constitutional reasons for the enactment of 96-B of the Government of India Act ; we are dealing with a practical question and not with constitutional principles ; after the long constitutional discussions during the last two days the House is probably prepared, for present purposes, to recognise the Act as it stands. At all events any Resolution on this particular point would not affect the Act or the practice under the Act. The Secretary of State has a constitutional position with regard to the Services. The question which will be taken up by the Royal Commission has been for some time under acute discussion, and it is possible that the Royal Commission may have recommendations to make of an urgent nature. While therefore it would be possible to place before the Assembly for discussion such of the main recommendations of the Commission as did not necessitate immediate action, it will be necessary to reserve the right of the Secretary of State to pass orders on those recommendations which involve any question of urgency. That is the qualification to which I referred. We cannot here either as an Assembly or as a Government of India, limit the constitutional and statutory powers of the Secretary of State in this respect, and if there are matters pressed upon him by the Royal Commission which require immediate orders, then it will be necessary to recognize his power to take a decision in advance of any discussion by the Assembly. For the rest we shall be quite prepared to allow the Assembly an opportunity of discussing the main recommendations of the Royal Commission ; we shall meet any views it may advance in discussion in the usual way, and shall forward its recommendations to the Secretary of State. As you will see, I have gone a long way to meet Dr. Gour. We are agreed on the principle, as indeed we have always been agreed on the principle, that wherever practicable we should bring matters of public importance or the recommendations of important Committees for discussion before the Assembly. But I cannot here attempt any agreement which would abrogate the constitutional powers of the Secretary of State under the statute, but saving those powers and the necessity of allowing for them being utilized in any urgent matter, we can fully agree with the amendment that has been put before us by Dr. Gour and I hope that he will accept my assurance in this respect.

**Mr. K. C. Neogy :** I never had much of luck at the ballot for Resolutions, and although I gave notice of a somewhat similar Resolution more than a year ago, it has fallen to the lot of my friend, Mr. Agnihotri, to move the Resolution on the present occasion. But I do not envy my friend. As one of the authors of this Resolution, I may be permitted to say a few words to explain the genesis of it. It was given notice of long before the Public Services Commission was even thought of. I believe as early as September 1921 some questions were asked in this House by Mr. Ranga-

[Mr. K. C. Neogy.]

chiarar and others regarding the increases that had been granted to the various Imperial Services just on the eve of the introduction of the Reforms, and in reply to those questions we had not much illuminating information from the Government benches. In fact, all that the Honourable Sir Malcolm Hailey, who was the Finance Member at that time, did was to refer my Honourable friend Mr. Rangachariar to some Resolutions which had already been published announcing the revision of salaries. And this seems to have put out even a man of the sapience of Mr. Rangachariar so much that he put the evidently absurd question as to whether the Assembly would have any voice in revising the proposals that had been sanctioned. To that of course Sir Malcolm Hailey gave the only reply that he possibly could give, and that was that he did not understand the exact process by which the Assembly could revise the orders which had been already passed. I draw attention of the House to this question of Mr. Rangachariar's only to show the frame of mind in which the Assembly then was. I think it was shortly after this that notice of the Resolutions of the kind that we have now placed before us was given by us. Now, speaking frankly, it was my intention, and I think I can speak on behalf of my Honourable friend Mr. Agnihotri also, it was his intention too, that we should try to establish a convention under which the Executive Government would have to place all their proposals relating to the future service conditions of the Imperial Services before the Legislature before taking any definite action thereon. Now, Sir, I do not think we were very much in the wrong to have entertained the idea of establishing any such convention, because I think that such an idea was not altogether incompatible at least with the intentions of the framers of the Government of India Act of 1919. For, when I looked at section 96B, which protects the civil services in India in regard to their service conditions, I found that whereas it reserves to the Secretary of State in Council and to the Government of India effective control in regard to pay, pensions and other emoluments of the services, in clause (2) of the same section a possibility is mentioned of the Legislature having some control in the matter as well. I will now place clause (2) of section 96B before this House. It reads thus :

“ The Secretary of State in Council may make rules for regulating the classification of the civil services in India, the methods of their recruitment, their conditions of service, pay and allowances and discipline and conduct. Such rules may to such extent and in respect of such matters as may be prescribed delegate the power of making rules to the Governor General in Council or to Local Governments or authorize the Indian Legislature or Local Legislatures to make rules regulating the public services.”

When I saw that, and when I remembered that this Act was intended to furnish us with merely a transitional constitution which was liable to be revised at the end of 10 years, I thought within myself that if it was not intended that such rules were to be framed before the expiry of the period of 10 years, why should the authors of this Act have placed a provision like that in the Act at all ? Now, Sir, whatever our expectations were when the Reforms Act was passed, we know only too well that we cannot expect any further liberalization of the Act, or rather of the system brought into being under the Act, so long as we have a reactionary Government in England and fossilised reactionaries installed in the India



Council who would certainly not be a party to the framing of any rules as are contemplated in the clause which I have just now read out to this House. Ifonourable Members will find that under section 96E of the Government of India Act, it is laid down that the rules under this section shall not be framed without the concurrence of a majority of votes at a meeting of the Council of India. Therefore, we thought that as it was not within the range of practical politics to get such rules framed for the purpose of giving this House some sort of a voice in regard to the Imperial Services, we might as well ask for the establishment of a convention under which all the proposals of Government in this behalf might be placed before us before being acted upon. Now, Sir, I was surprised to find my Honourable friend, Dr. Gour, opposing this Resolution on the ground that it asked for too much, because, it was only the other day that he put forward a claim, I believe, in one of his interpellations, that the possibility of a further expansion of the constitution should be explored, and, particularly, that it should be examined whether rules could be framed under the different sections of the Government of India Act for the purpose of relaxing the control of the Secretary of State over the Government of India. I do not think my Honourable friend had looked at section 96B, or at least clause (2) of this section, for if he had done so, he would certainly not have opposed this Resolution, which asks for far less than the framing of rules under that clause. Now, Sir, as I have already made it quite clear, when this Resolution was given notice of, we had no idea that the Public Services Commission would be appointed within a very short time, and therefore this Resolution was not at all prompted by the idea of the Public Services Commission or of what additional expenditure would have to be borne by India as a result of the recommendations of that Commission. I therefore, think that my Honourable friend, Mr. Agnihotri, went a little wide of the mark when he dealt with the question of the Public Services Commission and the question of Indianization in connection with this Resolution. I am not going into the question whether the rates of salary admissible to the members of the different Imperial services are adequate or not, whether they should be further increased in the near future or not. I am not at all concerned with this question. My object in supporting the Resolution is to put forward the claim that, as a rule, this House shall be consulted before it is committed to any expenditure that may be involved by the recommendations of Government. Now, Sir, it may be said that the financial powers of this House do not govern the services at all. But what happens? Supposing a general increment is given to the services; it is true that in so far as the salaries of the Imperial services are not votable by this House, we have got no direct control over the increased expenditure. But such increment is reflected upon the votable portion of the Budget as well, because when available revenue is taken up by the non-votable items, the inevitable result is that this House is called upon to agree to fresh taxation proposals. Now, this House has got to shoulder the responsibility of raising taxation which ultimately is going to be spent to a certain extent for the benefit of the Services. Why should not this House then ask for some voice, at least some remote voice, in determining the question as to what the salaries should be? Supposing this House does not approve of the increments sanctioned on a particular occasion by the services, if the proposals relating thereto

[Mr. K. C. Neogy.]

are not placed before this House at all, what is the procedure to be followed by us ? Being deprived of an opportunity of having a direct say in the matter, we are left with the expedient of resorting to obstructionist tactics. When really our grievance is that these increments are unjustified, as we have no opportunity of discussing the merits of the question, we have got to use our power in connection with the budget in throwing out perhaps the votable items, which on their merits might be quite acceptable to this House. I do not think that Government should drive us to such a pass. Now, Sir, it has been said that it will be altogether impracticable for Government to consult the House in regard to any proposal for the revision of the service conditions. I do not think that the emoluments of those Services at least that concern the Government of India, are revised almost every day. We in the Finance Committee have experience of many such petty details of alterations in the service conditions being brought up for consideration. I do not see why it should be difficult for Government to place all their proposals in regard to the Imperial Services before the Finance Committee, as they do in regard to certain votable services at present. If it be considered on certain occasions that the proposals were so urgent that they could not wait for the Assembly to meet, then certainly it would be quite possible to summon the Finance Committee to consider the proposals ; and so far as our experience goes, the recommendations of the Finance Committee, if they are reasonable, are never rejected by this House. Sir, I therefore beg to support the Resolution which has been moved by my Honourable friend Mr. Agnihotri. I oppose the amendment moved by Dr. Gour, for this additional reason that, as has been pointed out by the Honourable the Home Member, Dr. Gour's amendment is absolutely redundant ; it does not go beyond what we affirmed in Mr. Kamat's Resolution during the very first session of this House. With these words, Sir, I beg to support the Resolution.

**Mr. Pyari Lal** (Meerut Division : Non-Muhammadan Rural) : Sir, I do not think any useful purpose is being served by further discussing this Resolution. Sir Malcolm Hailey has gone as far as it was possible, on behalf of Government, to concede the position. He says ordinarily this House will be consulted before any change is made in respect of the terms that may be given to the Imperial Services as to their pay, pension and other prospects. But in cases which are very urgent indeed and in which the Secretary of State passes orders which have to be carried out immediately only such orders will, of necessity, be carried out before consultation with the Assembly is made. Mr. Neogi, Sir, has said that the object of his Resolution was to create a convention because the plain words of the Government of India Act, as they are just now, preclude this Assembly from having any voice in regard to the Imperial Services—section 96. But as he wanted a convention, that convention has now been conceded, I think the mover of the Resolution would be perfectly justified in withdrawing the same.

(Several Honourable Members : " The question may now be put.")

**Mr. President** : The question is that the question be now put.

The motion was adopted.

**Mr. President :** The original question was :

“ This Assembly recommends to the Governor General in Council that no alteration in the pay, pension or other service conditions of Imperial Indian Services be made before giving the Indian Legislature an opportunity for an expression of their opinion thereon.”

Since which an amendment has been moved to substitute the following for the original Resolution :

“ This Assembly recommends to the Governor General in Council that before taking any action on the recommendations of the Royal Commission on Public Services an opportunity be given to this House to express its views upon their recommendations.”

The question I have to put is that that amendment be made.

**Dr. H. S. Gour :** Sir, before you put the question, may I be permitted to put in a word ?

**Mr. President :** No, I am afraid the question has already been put.

The motion was negatived.

**Mr. President :** The question is :

“ That this Assembly recommends to the Governor General in Council that no alteration in the pay, pension or other service conditions of Imperial Indian Services be made before giving the Indian Legislature an opportunity for an expression of their opinion thereon.”

The Assembly divided :

AYES—25.

Abdul Majid, Sheikh.  
Abdul Quadir, Maulvi.  
Abdulla, Mr. S. M.  
Agnihotri, Mr. K. B. L.  
Asad Ali, Mir.  
Ayyar, Mr. T. V. Seshagiri.  
Bagde, Mr. K. G.  
Basu, Mr. J. N.  
Bhargava, Pandit J. L.  
Gulab Singh, Sardar.  
Joshi, Mr. N. M.  
Mahadeo Prasad, Munshi.

Venkatapatiraju, Mr. B.

Majumdar, Mr. J. N.  
Mukherjee, Mr. J. N.  
Mukherjee, Mr. T. P.  
Neogy, Mr. K. C.  
Pyari Lal, Mr.  
Reddi, Mr. M. K.  
Sarvadhikary, Sir Deva Prasad.  
Shahani, Mr. S. C.  
Sohan Lal, Mr. Bakshi.  
Srinivasa Rao, Mr. P. V.  
Subrahmanayam, Mr. C. S.  
Ujagar Singh, Baba Bedi.

NOES—33.

Abdul Hamid Khan, Khudadad Khan,  
Mr.  
Abdul Rahim Khan, Mr.  
Akram Hussain, Prince A. M. M.  
Ansorge, Mr. E. C.  
Ayyangar, Mr. R. Narasimha.  
Bardswell, Mr. H. R.  
Barnes, Mr. H. C.  
Barodawalla, Mr. S. K.  
Blackett, Sir Basil.  
Bray, Mr. Denys.  
Burdon, Mr. E.  
Butler, Mr. M. S. D.  
Calvert, Mr. H.  
Chatterji, Mr. P. C.  
Chatterjee, Mr. A. C.  
Clarke, Mr. G. R.

Faridoonji, Mr. R.  
Gebbie, Mr. F. St. J.  
Gidney, Lieut.-Colonel H. A. J.  
Graham, Mr. L.  
Gwynne, Mr. C. W.  
Haigh, Mr. P. B.  
Hailey, the Honourable Sir Malcolm.  
Holme, Mr. H. E.  
Hussanally, Mr. W. M.  
Innes, the Honourable Mr. C. A.  
Mitter, Mr. K. N.  
Nayar, Mr. K. M.  
Percival, Mr. P. E.  
Richey, Mr. J. A.  
Sim, Mr. G. G.  
Singh, Mr. S. N.  
Stanyon, Colonel Sir Henry.

The motion was negatived.

## RESOLUTION *RE* EMBANKMENT PROJECT FOR THE PROTECTION OF DERA ISMAIL KHAN.

**Rao Bahadur C. S. Subrahmanayam** (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, the Resolution which stands in my name reads thus :

“ This Assembly recommends to the Governor General in Council that (1) sanction be immediately accorded by the Finance Department to the Embankment Project submitted and strongly supported by the Honourable the Chief Commissioner, North-West Frontier Province, and approved of by the Revenue and Agriculture Department of the Government of India, for protecting the prosperous town and Cantonment of Dera Ismail Khan containing 33,000 souls and property worth millions of rupees, against the erosion of the River Indus ; (2) that half the cost, viz., 7 lacs of rupees the share of the public of Dera Ismail Khan be at once advanced on usual terms as a loan applied for by the Municipality, so that the collection of stones, etc., may immediately be taken in hand during the current flood season, and (3) that the remaining 7 lacs of rupees asked for and agreed upon as Government contribution towards the Project be provided for in the Budget for the year 1924-25.”

Sir, the terms of this Resolution, as is usually said, speak for themselves. That is, the language is so put as to give all the reasons and all the justifications for this Resolution. But apart from the language the essence of the matter is this : Dera Ismail Khan is a town comprising 33,000 inhabitants—a town of considerable political importance—on the right bank of the Indus. It was about 4 or 5 miles away from the river. Now since 1902, the river Indus by one of those vagaries common to rivers in this country has been approaching nearer and nearer this town. During the last twenty years it has come within a mile of this town and it has also, it appears, caused the falling down of some of the buildings there. The people of the town have, as usual, been memorialising, petitioning and presenting addresses to the chief authority of the Province. They first approached in 1913 Sir John Donald, and it appears that he gave what is ordinarily known as a very sympathetic reply. Subsequently, when Sir Hamilton Grant was in charge of the Province, they presented an address to that officer and represented the facts again. Again they got a very sympathetic reply. In their representation they said the frontier tribes on one side and the Indus on the other were devastating their houses and their homes ; and that sums up very neatly the situation in which the people of this town have been placed. Now since then, they have approached with similar memorials and petitions the Chief Commissioner the Honourable Sir John Maffey who seems to have visited the place, in 1921. On that occasion also they got a very considerate reply. They also approached the Honourable Member in charge of the Department of Revenue and Agriculture, and they have put questions both in the old Council and in the present Assembly, and their member Khan Bahadur Abdur Rahim Khan has made speeches in this Assembly. Now the present situation is that there is every danger, every possibility and even probability of the town being eaten up completely by the river if things are allowed to stand as they are. After all, the expenditure which is estimated to be necessary to protect the town from further attacks by the river seems to be a sum of 15 lakhs. That sum is not a large sum by any means considering the straits to which the town is put.

There is one consideration which has to be complied with. That is, they have been asked to contribute a substantial sum. Now I know this rule which requires the people of a locality to contribute a substantial sum applies to cases which are intended to meet the ordinary needs of the town, such as water-supply, drains, etc., in which the well-established rule in all local Governments is to ask the people first of all to demonstrate the principle and the rule of self-help. But on occasions like this, which are not of ordinary occurrence, which are not of their own creation and which are intended to protect people from the ravages of a mighty and uncontrollable power, in a question of this nature, to higgie haggle about the amount of money to be given by one party and to look at it from the point of view of commerce and trade, I think is very derogatory to the position of a big Government. I can understand that in a question of water-supply, where revenue is earned by the supply of water, or of lighting, or any of those things which yield a revenue to the local authority in addition to providing comforts to the local people, Government might bargain and ask for terms. But this is a question of protecting the people of the town, protecting the town itself in fact, and protecting the geography as it exists ; and for Government to come and bargain and say " I propose this : you give half, I give half ; you give this contribution," I think, it is very unworthy of a big Government. The cantonments are not in danger. I wish they were in danger ; for then the military authorities would come in, and there would not be this bargaining between the Government and the people ; the expenditure would be borne on the military budget and the assent of the Assembly and their votes would not be necessary for that purpose. I wish it were so. But unfortunately the civil population only are concerned.

Now, the amendment which the Honourable Mr. Chatterjee has put forward is there on the paper ; I do not quarrel with the Government, because I sit here not as an advocate specially to plead for the people of the place. I do not know anything of the locality personally ; but after reading about the matter and talking to the people of the place I thought that this was a question in which we should all take interest and therefore I proceeded upon general lines. The amendment of the Honourable Member is all right till we come to the last Clause. The trouble is in the tail, as it happens in regard to certain animals ; the sting of it is in the tail. The people of the place have been liberal in their contributions during the period of the war, not only in the matter of money contributions, but in respect of loyalty and in respect of the endeavours which their leading men have made in negotiating with the Government across the border. Taking all these circumstances into consideration, to say, as the last clause does, that the people of the locality themselves should find some of the money in order to strengthen the Government of India loan, which fortunately for us has met with such ready and ample response, is, I think, very ungracious on the part of my Honourable friend. Therefore, Sir, without more ado, I submit that this Resolution, or the substance of it, should be accepted by this House.

**The Honourable Mr. A. C. Chatterjee** (Industries Member) : Sir, I wish to express my gratitude to the Honourable Member for having given

[Mr. A. C. Chatterjee.]

the Government opportunity to obtain the sense of the Assembly on a question which has been under negotiation between the Government and the citizens and Municipality of Dera Ismail Khan for some months past. I also wish to congratulate my Honourable friend Mr. Subrahmanayam on the public spirit that he has shown as a resident of the extreme south of India in taking interest in the affairs of a town in the extreme north-west of the country. The amendment, Sir, of which I have given notice, as has been pointed out by the Honourable Member himself, differs from his Resolution only in giving a little more precision to the recommendations of the Assembly and in the last paragraph of the amendment. I need not recount the history of the case. As my friend has stated, Dera Ismail Khan is situated on the Indus, and even as far back as 1879 when the Settlement Report of the District was published, it was felt that the town was liable to danger from erosion by the Indus. But for a long time the danger was not acute, and if any part of the town was in danger, it was only the Cantonment. The citizens of the town did not take any very great interest in the Cantonment. I may mention, Sir, that as my Honourable friend lives, I should think, more than a thousand miles away from Dera Ismail Khan, he was rather inaccurate in stating that if the Cantonment had been in danger Government would have been more prompt in coming to the assistance of the town. As a matter of fact, even now, the Cantonment is in far greater danger than the city itself. (A Voice : " We want to help the people ; protect the town.") As I said, the position was not very acute until about 5 years ago. In 1918 the Indus took a sudden turn and came much nearer the town than it had been. But the position has been very carefully watched, and it is only during the last year or so that it has really become acute. The river is at the present moment within about a mile of the town. If nothing is done now, it will probably come much nearer the town. It has been estimated that the progress is about 600 ft. every year nearer and nearer the town. The danger is that if the river comes very much nearer the town, the subsoil water might rise and all the wells of the town might get contaminated and there might be serious danger to the health of the town, even if it is not washed away. Well, the Government officers on the spot have been watchful of the situation, and estimates and designs for the protection of the town have been prepared. Only a few days ago my friend behind (Mr. Gebbie), who is perhaps a greater authority on the Indus than anybody else in India, went down to Dera Ismail Khan to look at the place and to examine the proposals. He has advised us that, in his opinion, the work should be taken in hand at once. His opinion is that there is no immediate danger to the town, but if nothing is done now, it is quite possible that any steps taken eventually may prove to be futile as was the case with Dera Ghazi Khan. Government, therefore, are quite willing to come to the assistance of the town, and that is the proposal which I have made in the amendment. As regards the point to which reference was made by Mr. Subrahmanayam, namely, whether the citizens of the town should show their keenness and earnestness in the matter of saving their own city, I think, Sir, it is only fair to the general tax-payer of India that there should be some security offered by the town itself. It is not a question of

their making a free gift. It has already been arranged that the Municipality should defray half the cost and Government should defray the other half. The only question is as to how the Municipality is to obtain the amount which falls to its share. What I suggest, Sir, is, that the Municipality should obtain a substantial portion of the amount it has to spend from Government and that the richer citizens of the town should also subscribe a loan to the Municipality. This proposal of mine is nothing very strange because at a meeting of the residents of Dera Ismail Khan itself, held as far back as January last, a Resolution was passed which I shall read to the Assembly. The Resolution was :

“ That this meeting emphatically contradicts the reports circulated by a few interested persons that the people are averse to paying their share of the cost of the protective works, and assures the authorities that the public (*I stress the word ‘public’*) are willing to contribute any reasonable share that may be fixed for the towns people to pay.”

All that I am suggesting, Sir, is that they should subscribe a loan and not a gift to the Municipality. As a matter of fact, it cannot be contended that this is a poverty-stricken town. I have here papers relating to the River Indus Erosion Prevention Committee at Dera Ismail Khan, and I see amongst the Members of the Committee there are at least 5 Nawabs, about 4 or 5 Khan Bahadurs, several Rai Bahadurs, an equal number of Rai Sahibs and Khan Sahibs, and, what is more important, there are at least 25 lawyers, headed by my Honourable friend, Mr. Abdur Rahim Khan ; I don't mean lawyers of a very low status—they are all B.A.'s and LL.B.'s and some are Barristers-at-Law. There are at least 4 or 5 bank managers. I don't think, Sir, it is unfair to ask the citizens of a rich city like this to guarantee that they are in real earnest about saving their own town.

I commend my own amendment to the House :

“ That for the original Resolution the following be substituted :

‘ This Assembly recommends to the Governor General in Council :

- (1) that the construction of works designed for the protection of the city of Dera Ismail Khan be commenced immediately after the close of the present inundation ;
- (2) that, if the expert advisers of Government so advocate, the collection of materials for the work be taken in hand forthwith ;
- (3) that the cost of the works be borne in equal shares by Government and the Municipality of Dera Ismail Khan ;
- (4) that Government consider favourably any application for a loan which may be made by the Municipality for the purpose of defraying their share, subject to a reasonable proportion of the loan being taken up by the inhabitants of the city ”

**Mr. W. M. Hussanally** (Sind : Muhammadan Rural) : Sir, I have given notice of an amendment to this Clause (4) in the amendment proposed by the Honourable Mr. Chatterjee, and I find my friend, Mr. Subrahmanayam, has also taken exception to that clause of his amendment. So far as the Municipality of Dera Ismail Khan is concerned, they have already, I understand, applied for a loan to Government and it has been represented to me that it will not be easy for them to raise any very large amount of money by loan in the city of Dera Ismail Khan at the present moment on account of the tightness of the money market. It was with that view that I gave notice of my amendment. But since then I have had

[Mr. W. M. Hussanally.]

a talk upon the subject with the Honourable Mr. Chatterjee, and I understand the Government will not insist upon a very large amount of money being raised by loan by the municipality. They will allow the city people to raise as much as possible. Therefore, I do not insist upon moving my amendment, and I beg permission to withdraw it, because, it is of the greatest importance that the works should be commenced at once, and there should be no difficulty created in the way. But I do hope that in case no large amount of money is raised by loan in the city, Government will not insist upon that method of finding money. So long as the municipality of Dera Ismail Khan has consented to bear half the cost, I think the Government ought to be satisfied, and I understand the municipality is going to raise their taxes in order to meet the loan that they wish to raise from the Government of India.

**Khan Bahadur Abdur Rahim Khan** (North-West Frontier Province : Nominated Non-Official) : Sir, before I request my Honourable friend, who has moved this Resolution, to withdraw it and accept the amendment which has been moved by my Honourable friend, Mr. Chatterjee, I think it will be fit and proper that I should say a few words, because I do not want to detain this Honourable Assembly long. Some remark was made that Dera Ismail Khan contains a few Nawabs, Khan Bahadurs and Lawyers and that it could easily raise money. I can assure the Honourable Mr. Chatterjee that the market condition of Dera Ismail Khan at present is very deplorable. It was Dera Ismail Khan that topped the list at the time of the war. Dera Ismail Khan contributed Rs. 8 lakhs then. But now, Dera Ismail Khan is in a pitiable condition on account of speculation. The condition of the big people there is very precarious. If the Honourable gentleman wants to be quite certain about that, he can make inquiries from the head of the Government there whether what I have said is true or not. Some Honourable Members have got the impression that as Government has been good enough to contribute half towards this, I should express my sense of gratitude. But at the same time, as a citizen of the Empire, I must protest against this, because, when the same conditions prevailed in the town of Dera Ghazi Khan, not a single penny was contributed by the citizens of that town. But when we ourselves are prepared to meet half the burden, they say they are showing us a favour.

**The Honourable Mr. A. C. Chatterjee** : The Government spent a much smaller sum in that case.

**Khan Bahadur Abdur Rahim Khan** : That is true. But I want to clear my position before this Honourable Assembly. Our only fault, our only misfortune is that we belong to that turbulent part of the country where all the money available is needed for military purposes. We are not responsible for that. I think this Assembly should be grateful that we perform the function of gate-keeper of that part of the North-West Frontier. Let the Government boldly say what they spend on the people of the settled districts. Having given expression to my views, I must



express my gratitude to Government. At the same time, I would request my Honourable friend (Mr. Subrahmanayam) to withdraw the Resolution and to accept the amendment moved by the Government.

**Colonel Sir Henry Stanyon** (United Provinces : European) : Sir, I strongly support the last speaker and urge upon the mover of the original Resolution to put an end to this discussion by accepting the amendment. The heading of the Government amendment calls this town "Dera Ismail Khan." I do not know whether that is an allusion to the amount of money that is to be spent on it. I myself think that it indicates the solicitude of Government for the preservation of the town. But the point is this. What fell from the last speaker showed that on matters of detail, there may be much to be said on both sides. After all wherever the Municipality may raise the loan, it is the tax-payers of the town who will repay ; and I do not think that this House can reasonably be asked to go further than to urge upon the Government, as clause 4 of the amendment does, that favourable consideration be given to the loan. That leaves the whole position open. If the inhabitants are in a position to subscribe towards that loan, which no doubt will bear a fair amount of interest, they will do so : if not, Government may find the whole of the money. But that is a matter of detail and therefore I prefer the amendment to the original Resolution. Besides there is no practical difference between the two. I strongly urge upon the mover to withdraw his Resolution in favour of the amendment and close the discussion.

**Rao Bahadur C. S. Subrahmanayam** : I do not want to enter into a long controversy about this matter. I only repeat that the last clause sticks in my throat. I do not like the condition put upon the people of a town which has been so loyal and so generous and which, as my friend said, gave 8 lakhs during the war. Anyhow the town is going to pay 7 lakhs and the interest on it and I suppose they will make the necessary arrangements for a sinking fund, for interest and all that. After all, Government is not going to stop the works if the people do not take a reasonable share. Therefore why put in this clause which is, as lawyers call it, a *brutum fulmen* and shows a commercial spirit, instead of being magnanimous and statesmanly ? I, however, withdraw my Resolution in favour of the amendment which is better, more precise, more correctly worded and I would prefer the amendment more for its language than for its substance.

**Mr. President** : The original question was :

" This Assembly recommends to the Governor General in Council that (1) sanction be immediately accorded by the Finance Department to the Embankment Project submitted and strongly supported by the Honourable the Chief Commissioner, North-West Frontier Province, and approved of by the Revenue and Agriculture Department of the Government of India, for protecting the prosperous town and Cantonment of Dera Ismail Khan containing 33,000 souls and property worth millions of rupees, against the erosion of the River Indus : (2) that half the cost, viz., 7 lacs of rupees the share of the public of Dera Ismail Khan be at once advanced on usual terms as a loan applied for by the Municipality, so that the collection of stones, etc., may immediately be taken in hand during the current flood season, and (3) that the remaining 7 lacs of rupees asked for and agreed upon as Government contribution towards the Project be provided for in the Budget for the year 1924-25."

[Mr. President.]

Since which an amendment has been moved :

“ That for the original Resolution the following be substituted :

“ This Assembly recommends to the Governor General in Council :

- (1) that the construction of works designed for the protection of the city of Dera Ismail Khan be commenced immediately after the close of the present inundation ;
- (2) that, if the expert advisers of Government so advocate, the collection of materials for the work be taken in hand forthwith ;
- (3) that the cost of the works be borne in equal shares by Government and the Municipality of Dera Ismail Khan ;
- (4) that Government consider favourably any application for a loan which may be made by the Municipality for the purpose of defraying their share, subject to a reasonable proportion of the loan being taken up by the inhabitants of the city ’.”

The question is that that amendment be made.

The motion was adopted.

## RESOLUTION *RE* THE FUNCTIONS AND POWERS OF THE COUNCIL OF STATE:

**Mr. N. M. Samarth** (Bombay : Nominated Non-Official) : I beg to move the Resolution which stands in my name on the Agenda Paper. It runs thus :

“ This Assembly recommends to the Governor General in Council that effect be given, by an amendment of the Government of India Act, if necessary, to the Statement of the Joint Parliamentary Committee that they have so constituted the Council of State as to be ‘ a true Second Chamber ’ by making it obligatory to observe in practice the following principles :

- (1) Bills appropriating revenue or moneys or imposing taxation or containing provisions incidental to the financial arrangements for the year shall originate only in the Legislative Assembly :  
Provided that a Bill shall not be taken to fall under this category by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licenses or fees for services under the law proposed therein.
- (2) The Council of State may not amend any Bill falling under the category aforesaid.
- (3) The Council of State may not amend any Bill so as to increase any proposed charge or burden on the people as voted by the Legislative Assembly.
- (4) The Council of State may, within the time laid down by the Legislative Assembly, return to the Legislative Assembly any Bill which the Council of State may not amend, requesting by message the omission or amendment of any items or provisions therein. And the Legislative Assembly may, if it thinks fit, make any of such omissions or amendments, with or without modifications.
- (5) Except as provided hereinabove the Council of State shall have equal power with the Legislative Assembly in respect of all proposed laws.”

Sir, if I may be permitted to simply move the Resolution to-day in order that it may be taken up on the next non-official day, I should prefer that course if the Chair so permits and the Government do not object.

**The Honourable Sir Malcolm Hailey** (Home Member) : We should have no objection to that course, Sir.

The Assembly then adjourned till Eleven of the Clock on Monday, the 16th July, 1923.