

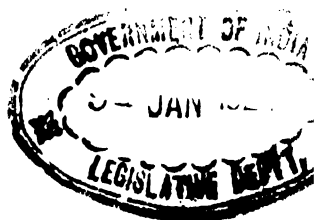
21st July, 1923

THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

VOL. III

PART VII



(16th to 28th July, 1923.)

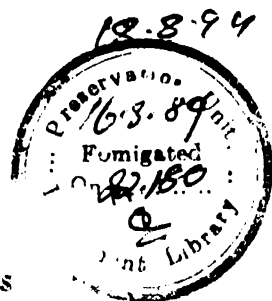
THIRD SESSION

OF THE

LEGISLATIVE ASSEMBLY, 1923.



SIMLA
GOVERNMENT CENTRAL-PRESS
1923



LEGISLATIVE ASSEMBLY.

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.

Mr. W. T. M. WRIGHT, I.C.S.

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.

Saturday, 21st July, 1923.

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

MEMBERS SWORN :

Mr. James Wyld Ebdon, M.L.A., (Financial Adviser, Post and Telegraphs) ; Mr. Surendra Chandra Roy Choudhury, M.L.A. (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural).

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, a Message has been received from the Secretary of the Council of State. It runs as follows :

" I am directed to inform you that the Council of State at their meeting held on the 19th July, 1923, have agreed without any amendments to the following Bills which have been passed by the Legislative Assembly :

A Bill to modify certain provisions of the Indenture confirmed by the Moorshedabad Act, 1891 ;

A Bill further to amend the Code of Civil Procedure, 1908, for certain purposes ;

A Bill further to amend the Indian Income-tax Act, 1922, for certain purposes ;

A Bill to repeal the Acts which provide for the levy of a cess on indigo exported from British India ;

A Bill further to amend the Indian Paper Currency Act, 1923 ;

A Bill further to amend the Code of Civil Procedure, 1908. "

SECOND REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I lay on the table the second report of the Public Accounts Committee.

Second report of the Public Accounts Committee.

Since writing our interim report, we have examined the more important audit reports that were not gone into by the Committee that was appointed for 1922-23, and have taken evidence on the points raised in them. By reason, however, of the shortness of the time at our disposal and in view of the desirability of placing before the Assembly our complete proceedings with the evidence taken as early as possible, we have decided not to write a formal report embodying the results of our examination. Our interim report covers the most important part of our work, viz., our examination of the appropriation accounts for 1921-22. For the rest, the minutes of the meetings held by this and the preceding Committee which are printed as an appendix to this report, and the evidence taken will, we trust, adequately take the place of a more formal report.

BASIL P. BLACKETT.
K. AHMED.
K. G. BAGDE.
SYED NABI HADI.
P. V. SRINIVASA RAO.
N. M. JOSHI.
P. B. HAIG.
K. C. NEOGY.
BRAJA SUNBAR DAS.

RESOLUTION RE CLAIMS OF INDIANS IN KENYA.

Mr. T. V. Seshagiri Ayyar (Madras : Nominated Non-Official) : Sir, before I move the Resolution which stands in my name, may I, with your permission, ask the Honourable the Leader of the House one question. There has been a telegram stating that the Duke of Devonshire has informed the Indian Deputation that on a few matters he cannot agree with them. Have Government received any confirmation of that report, and has the Cabinet considered the recommendations of the Duke of Devonshire ?

The Honourable Sir Malcolm Hailey (Home Member) : I will give to the House all the information at our disposal. As far as we are aware, the case regarding Kenya has been prepared for presentation to the Cabinet ; that is to say, that the Colonial Office have stated its case, and the India Office has stated its case. As far as we are aware—and I am speaking on information received by us up to late last night, I have no further information this morning—the case regarding Kenya has not yet been presented to the Cabinet. Nor are we aware, if it has been presented to the Cabinet, whether any decision has been arrived at. That is the exact state of our information on the subject ; but we ourselves believe that no decision has yet been arrived at on the Kenya question.

Dr. H. S. Gour (Nagpur Division : Non-Muhammadan) : May I, Sir, inquire as to the nature of the recommendations made by the Colonial Office of which Reuter has sent out a summary ?

The Honourable Sir Malcolm Hailey : I am afraid I can give no information to the Honourable Member regarding the recommendations made by the Colonial Office to the Cabinet. Obviously, we are not in a position to give to the public any information regarding the recommendations made to the Cabinet by a Department of the Home Government.

Dr. H. S. Gour : May I take it, therefore, Sir, that the Government are not in a position to contradict the telegram sent out by Reuter giving a summary of the Colonial Office recommendations ?

The Honourable Sir Malcolm Hailey : No, Sir ; we are not in a position either to confirm or to contradict it.

Mr. W. M. Hussanally (Sind : Muhammadan Rural) : If the Colonial Office and the India Office have come to an agreement with regard to the proposed settlement to be presented to the Cabinet, are the Government of India in possession of the recommendations both of the Colonial Office as well as of the India Office ?

The Honourable Sir Malcolm Hailey : We can only say that before arriving at a decision the Cabinet will be in full possession of the views of the India Office as well as of the Colonial Office. Whether the views of the India Office and of the Colonial Office coincide is naturally a question which I could not answer even if we were in full possession of the details.

Rai J. N. Majumdar Bahadur (Presidency Division : Non-Muhammadan Rural) : May I inquire of the nature of the recommendation of the Governor General in Council as regards this Kenya question ?

The Honourable Sir Malcolm Hailey : The Honourable Member may inquire, but he is perfectly well aware that the ordinary custom in these matters forbids my answering this question. The matter is still under discussion before the Cabinet, and I could not in the circumstances undertake to state the detailed recommendations of the Government of India on the question.

Mr. Harchandrai Vishindas (Sind : Non-Muhammadan Rural) : May I inquire whether the final decision rests with the British Parliament or with the Cabinet and when the question is likely to be finally settled ?

The Honourable Sir Malcolm Hailey : The decision will be arrived at by the Cabinet, but it will come under discussion in the course of the Colonial vote on the 25th of this month. If Parliament does not approve of the decision of the Cabinet, it will no doubt show disapproval in such form as will cause the Cabinet to take the usual constitutional action following on such disapproval.

Rai J. N. Majumdar Bahadur : May I inquire whether the Governor General in Council is prepared to take a firm stand in this matter, or whether the Governor General in Council is prepared to resign if their recommendations are not accepted.

Mr. President : The Honourable Member is trying to forestall the debate which is now going to take place.

Mr. T. V. Seshagiri Ayyar : Sir, the Resolution of which I gave notice is in these terms :

" This Assembly, being in full sympathy with the claims advanced by the Indian residents in Kenya in respect of franchise, immigration, segregation, and similar matters, recommends to the Governor General in Council that he be pleased to move the Government to concede those claims. "

Sir, before I speak on the Resolution, I request you to permit me to add, between the words " segregation " and " and similar matters " the words " the Uplands ". Sir, in the belief you would allow me to make this amendment, I now proceed to speak on the Resolution. Sir, at the outset I want to make it clear that I shall not say a single word against the Government of India in dealing with this matter. Ever since I had the privilege of heading a deputation in Madras when Lord Hardinge was there, and ever since I heard the memorable, outspoken words of that great statesmen regarding the position of Indians overseas, I have been impressed by the fact that the Government of India is in entire sympathy with the people of India on this question ; and the successors of Lord Hardinge have taken as deep an interest in Indian claims as Lord Hardinge himself. Sir, under these circumstances, I do not intend to say anything against the action of the Government of India. My only grievance is that the Government of India do not see eye to eye with the people of India in other matters than those connected with Indians overseas.

Sir, before proceeding further, I should like to refer to the population of the Kenya Colony. At present there are 22,731 Indians, 9,025 white settlers, and 24,83,000 Kenya natives—I mean the indigenous population. That being the position, it is clear that the interests of

[Mr. T. V. Seshagiri Ayyar.]

the people of Kenya, the indigenous people of Kenya, should be given paramount importance as against the interests of the settlers there. I make a reference to this matter as it has been suggested that a particular form of Government should be adopted to enable the European settlers and Indians certain specific rights. But in settling the form of Government, the principal matter to be taken into account is not to subordinate the interests of the sons of the soil to the interests of the immigrant population. That can be achieved only by continuing the Colony as a Crown Colony; at least for the present the form of administration in that part of the Empire must be in the nature of a Crown Colony, as it would secure for the sons of the soil the rights which they are entitled to and which they must be given in preference to the rights which are claimed by European settlers and by Indian settlers.

Now as regards the position of Indians, it has been pointed out that Indians have been there at least since the 16th century. They have had trade relations with the people of Kenya for nearly six centuries now. When it was thought advisable to make Kenya a Protectorate Indians were there. A very high authority has stated that it was because of the presence of Indians that the British Government resolved to occupy the territory and make it a Protectorate. That has been stated by an Englishman, whose testimony cannot be disputed. There is no doubt, Sir, that Indians have helped in the development of trade in that country, and they have contributed largely by their labour to finish the Uganda Railway as quickly as possible. Not only that; during the late war, when there was the possibility of disturbances in that part of the Empire, Indian troops were requisitioned to go there. I am mentioning these facts for the purpose of showing that the work which has been done by Indians in Kenya has been very conspicuous and has greatly helped to develop that country. Consequently, it is only fair that their claims should be considered very seriously before a decision is arrived at. It is true, that the capital for the Uganda Railway came from the white settlers, but the position of labour is no less important than the position of those who furnish capital. Therefore, in arriving at a decision upon any question between the white settlers and the Indians, the part played by Indians in developing trade, in helping to finish the railway and in otherwise improving the country, should be carefully weighed.

Now, Sir, as regards the origin of the trouble with which we are faced, I believe I am right in saying that until the Uplands or Highlands were discovered and until it was found that they had a bracing climate wherein Europeans can safely settle, there was no hitch between the Indians and Europeans. Everything went on well. Each community pursued its vocation without interfering with the other. It was only on the discovery of the Uplands that troubles arose. If I remember aright, provocation first came when Lord Elgin, who was Secretary of State for the Colonies in 1907, suggested that the Uplands should be reserved completely for the European settlers and that Indians should have no place there. This move on his part was not approved by the Land Commissioner of the place, and as a result the conclusion

that was reached was that no grant should be made to Indians in the Uplands. That was the first step in favour of race superiority. Sir, that did not leave Indians without resources. The question of purchase was still open to them ; although there could be no grant to Indians, they were in a position by offering large sums of money to purchase the lands granted to Europeans, and this went on for some time ; and whereupon in 1915 a local Ordinance was passed in Kenya which gave power to the Governor to veto any purchase that may be made by Indians. That, I believe, was protested against by the India Government. Then, in 1919 another step was taken which made the position of Indians worse than before. In that year adult franchise was given to the white settlers and no franchise whatsoever to the Indian settlers. This caused widespread dissatisfaction among Indians. Thereupon began the agitation for securing for the Indians the rights which was their due. A move was made by Lord Milner to reach a compromise between the parties. There can be no doubt that Lord Milner regarded Kenya Colony as though it were a white man's land in which the Indians could only go by sufferance and his proposals were based on that assumption. The Indians did not and could not accept Lord Milner's proposals. The next step was that during the Imperial Conference of 1921, some tentative proposals were drafted which went by the name of the Wood-Winterton agreement. The Wood-Winterton agreement proceeded on the basis that the services rendered by Indians were so important and so valuable that their rights should be respected, and that they should not be regarded as trespassers. Even that agreement to a certain extent regarded that the Europeans must have some preferential advantages. But the Indians were prepared to accept the proposals contained in that (Wood-Winterton) agreement, but the Europeans would not have anything to do with it. That led to an impasse. That has been, Sir, the history of the agitation in regard to this matter and that has led to the present negotiations between the two parties, in which the Cabinet at Home is to play the part of a judge.

Sir, now I shall take up seriatim the points mentioned in my Resolution. The first remark that I make is, that this House is in full accord with the claims of Indians in respect of their claim for franchise. We are not asking for adult suffrage. What we say is this. If you once settle the qualifications, such qualifications as would ensure the franchise being exercised with advantage to themselves and with advantage to the Colony, if once the qualifications are settled, there should be nothing like communal representation. Communal representation would accentuate the differences between community and community, would keep apart the two races from each other and would not conduce to the good government of the Colony itself. If I may say so, Sir, I am inclined to think that communal representation is the invention of Satan. It has been the source of endless troubles in India. If communal representation had not been agreed to in this country, I am quite sure the Members of this House and the people outside would be living more happily together than they are to-day. (*A voice* : " Question. ") I know that some of my friends would question that, because they have been bringing forward propositions in regard to communal rights in this House. If there had been no communal representation, we would all have been engaged

[Mr. T. V. Seshagiri Ayyar.]

in considering the rights of the whole of India, instead of flitting away our energies in considering what could be best to a particular community, what would suit the Muhammadans, what would suit the Non-Brahmins and so on. It is because the Government has chosen to give us communal representation that endless troubles have arisen ; that has been the cause of riots and disturbances all over the country. I am sure the country would endorse what I have said just now. I believe Government will also endorse this view ; they know in their heart of hearts that they have not acted rightly in giving communal representation. Sir, that however is not the point now. I only referred to it incidentally. Whatever may have been the position in India, I repeat, it would be a grave blunder, one of the gravest blunders which could be perpetrated, if you are going to grant communal representation in Kenya Colony. It would lead to serious disturbances there ; it would keep one part of the population from another, and there would be no possibility of their working together. Therefore on this question of their being a common roll, a common ballot, there can be no question of giving way ; and we insist on that matter being considered carefully by the Cabinet at Home.

The second point mentioned in my Resolution relates to emigration. Sir, the historical outline I gave will have convinced the House that this is not a white man's land. It is a place belonging to the indigenous people of Kenya. There are lands which these people do not require. There is a great deal more property there than could be enjoyed by the population there. Therefore, subject to the rights which the Kenya people have, everybody should have free access to this place. There should be no restriction upon the numbers of people or the class of people that should go to this Colony. White settlers and Indians should have free access to the place, subject only to the rights of the Kenya people. If the Kenya people are likely to be crowded out, then we have no place there ; but if they have got more than they want, then the place ought to be open for all of us to go in and develop and gain advantage for ourselves. Therefore on this question of emigration also the Indians feel very keenly, and I believe we will not be satisfied if any compromise takes away our rights in that matter.

Then there is the question of segregation. As to that, nobody objects to segregation if it is based on medical grounds, but if segregation is based on the ground that the white settlers should live in a particular part of the town and the Indians in another part of the town, it would accentuate the differences between the two races very acutely and lead to misery and unhappiness. Sir, I remember some years ago, in one part of Madras known as the Luz, Europeans were in the habit of living, and for a long time it was their preserve. Though it was not their property, they were paying rents and living there. Then one or two Indians began to occupy the bungalows there, and the Europeans raised an outcry. They did not like to have Indians amongst them because they wanted to live separately amongst themselves. But I believe that feeling has died out and there is a feeling of mutual regard and good will, and Europeans and Indians are now feeling that, by

living together, both communities have gained a great deal. It is that gain I want to be secured for the people living in Kenya. That is, the white settlers and the Indians should be living together so that they may understand each other's points and appreciate each other's views—(Mr. K. Ahmed : " And dine together also ? ") Dining together will come by living together.

Another point relates to the position of the Uplands. I have already said that the origin of all the trouble was the attempt made by Lord Elgin in 1907 to reserve the Uplands for the white settlers. Upon this matter there can be no question of compromise. It would be a disastrous solution if the Cabinet said that the Uplands would be entirely reserved for the Europeans and that Indians should clear out of them. I think I am right in saying that at present there is no law that Indians shall not go there, but I also believe the Governor has got the right of vetoing any purchases that may be made from persons who have property there. What we want is that this power of veto should be taken away from the Governor, so that there may be freedom of contract in regard to the sale and purchase of immovable property. Sir, these are the points to which I have referred in my Resolution.

Now I shall make a few general observations before sitting down. In making these general observations, as I said at the outset, I am not going to say anything against the Government. I shall take care not to say anything against the white settlers. I know negotiations are going on at present, and anything said may lead to mischief and will do no good. Therefore I am not going to indulge in recriminations against the white settlers. We, Sir, in this country have been for ages taught that to return abuse by abuse debases the abuser ; I am a true son of India and I shall follow this principle of my forefathers, and shall utter no word of abuse against the white settlers, although they have used violent language against Indians. I shall say one word, however, and that is this. I want the white settlers to remember that both the Indians and the Europeans have common enemies and common interests, and there is necessity for the Indian and the European often to work together against common enemies. By using threatening language, by being truculent, our white friends may endanger the solidarity of the Empire. There is an interest higher than the interest of the community, and that interest is the interest of the Empire, and I appeal to the white settlers not to say or do anything which would endanger the relation between the Indian and the European, because very often, it may be to-morrow, it may be the day after, we shall have to work together for the common good of the Empire, and that should not be endangered by anything said either by the Indians or the whites.

Sir, the position of the Cabinet at Home is one of the greatest sanctity. They are going to arbitrate ; they are going to sit as judges. They are to hear the two parties, the Indians and the white settlers, and it is the function of a judge that they are going to take upon themselves ; I warn them that it would be a breach of all the well known canons of justice if any whisper goes abroad that it is not upon the merits they have given their decision ; it is not upon matters which are

[Mr. T. V. Seshagiri Ayyar.]

relevant to the issue that they have given their verdict, but they have given their verdict on the principle that "blood is thicker than water." If that suspicion gains credence, I am quite sure the reputation of England would seriously suffer. The Government should remember that the whole civilized world is looking on. Angora is looking on; Russia is looking on; America is looking on, and every other civilized country is looking on. If it is known that British statesmen have not decided this case on the merits, but have yielded to the clamour of persons who are of their own race, and have thereby not given attention to the real question at issue, their names will go down to history as having hopelessly failed in rising equal to the occasion.

Sir, on a very famous occasion Lord Palmerston in the House of Commons stated that the boast of the Roman, *Civis Romanus Sum*, is equally applicable to the British subject, and I believe acting on that principle on many an occasion, the British Government have compelled nations who have been violating the rights of individual citizens to respect those rights. If that is the true position of the British Government, I ask two questions. Is that protection, is that privilege to be given only to the persons who are resident within Great Britain and to their descendants, or is it to be extended to all persons who owe allegiance to our common Sovereign? We are supposed to be partners in the Empire. If this protection is withheld from the Indian, it would be regarded that the principle enunciated by Lord Palmerston has not been honestly and seriously applied to everybody who owes allegiance to the King. Another question which I ask is this. Is this protection and privilege to be exercised only when there is an infringement of right by a foreigner, and is not this right to be extended to a weak subject who is being oppressed by a strong subject of the same Sovereign? If one subject of the Sovereign oppresses another subject of the Sovereign, should not the same privilege be extended? I believe there can be no two answers to these questions. I ask the Cabinet at Home to remember these two principles before they arrive at a decision on the issue which is laid before them.

Sir, only one word more. We are told we are members of a Commonwealth of Nations; we have been signatories to treaties; we are in the League of Nations. These, if I may say so, are empty formalities; if the question which is confronting the British Cabinet is not decided properly, these empty privileges which have been given to us will not be regarded as of any moment in this country. The people of this country would consider that these rights were never intended seriously to be enforced, and that it was never the intention of Great Britain, in granting these so called privileges, to keep to their word. True, in this country, even though the decision may go against us, there may be no disturbances and no rioting; we are a quiet people and are not likely to do anything which would endanger law and order. But, Sir, I want the Cabinet at Home to remember that, if they decide any point against us, they will have before them a people wholly discontented, sullen and disaffected. The strongest Government in the world will not be able to rule successfully 300 millions of people who are in that unfortunate frame of mind.

Upon the questions I have mentioned there is no difference of opinion in India. Caste does not stand in the way ; religion does not stand in the way : communities are not separated from each other in this matter. All of us are agreed upon this question and, if the decision goes against us, the India Government will be the greatest sufferers. They will find that the people as a whole are discontented and disaffected, and I appeal to the British Parliament not to bring about such a catastrophe. In conclusion, I ask the British Cabinet to remember that they will be doing justice to themselves, that they will be strengthening their position in the civilised world by coming to the succour of the weak and helpless and by not taking sides with those who are strong and resourceful and who have got powerful influences at home to back them.

I move my Resolution.

Khan Bahadur Mir Asad Ali (South Madras : Muhammadan) : Sir, I rise to say a few words on behalf of my constituency in particular, and on behalf of Muhammadan Members generally, in regard to this Resolution of all-India importance. There is no doubt that we are all interested in our brethren settled in Kenya and we can heartily support the Resolution so ably moved by Mr. Seshagiri Ayyar. It puts the whole case for the Kenya Indians admirably and will, I hope, strengthen the hands of His Excellency the Viceroy in pressing the case for the Indians domiciled in Kenya. As we are all aware, many Viceroys have tried hard to improve the position of Indians settled in South Africa and other parts of the world, including Kenya. But it is for a strong and tactful Viceroy like Lord Reading of wide-world diplomatic fame to give a successful and finishing touch to the question.

A word more and I have done. While I and many other Members are in entire accord with the Resolution, we cannot support the amendments on the agenda paper, which advocate retaliation. Sir, retaliation cannot be successful when we are competing with unequal powers, and it will simply make the position of the Kenya Indians worse. No friend of Indians in Kenya should therefore support the amendments, and I would urge the authors of the amendments to exercise some forbearance and to readily withdraw them.

With these few words, I support the Resolution.

The Honourable Sir Narasimha Sarma (Education, Health and Lands Member) : I rise at this early stage of the debate for the purpose of explaining the position of Government with regard to this Resolution. I may congratulate Mr. Seshagiri Ayyar upon the moderate tone which he has adopted in discussing this Resolution. I can assure him that he was not wrong in hoping that he could identify the Government of India with the people of India in supporting and advocating the claims of the Indians settled down in Kenya. The Honourable the Mover has addressed a few questions, and he has been followed by other Members, and the Leader of the House, in response to the invitation, has to a certain extent explained the position of the Government already, and to that extent I am relieved of any further detailed explanation on the subject. The Secretary of State for India has informed the Government of the provisional proposals of the Colonial

[Sir Narasimha Sarma.]

Office with regard to this Kenya controversy. The Government of India considered the question carefully and cabled their views in reply.

This question is no new question. It has been discussed on the floor of this House and of the Council of State more than once. Public feeling on this matter has been adequately given expression to both here and elsewhere, and the Government of India have now and always been pressing upon the Home authorities the necessity of paying due regard to the wishes of the people of India. This subject, as I have said, has been discussed more than once here, and Honourable Members are aware of the attitude which the Government has taken up towards the problem.

If the Government are not in a position now to take full part in the debate it is because of the negotiations that are proceeding between them and the Secretary of State. The correspondence must necessarily be of a confidential character and the House will respect such negotiations being kept secret until the final result is known. I am not therefore in a position to go categorically into the issues that have been raised in this Resolution but I may assure the House that the Government of India are doing their level best to secure justice for the Indian claim. The question was raised in the Council of State, and possibly may be put here, as to what have been the proposals of the Colonial Office, as to whether the statements made by certain prominent Indians in the United Kingdom which have been cabled out here are not accurate. I am not in a position to give complete information on this subject for the reasons that I have already given, but I may assure the House that the Indian cause cannot be said to have been lost. There is a certain amount of inaccuracy—how far it is inaccurate I am not in a position to state for the reasons I have given, because I shall be indirectly disclosing the information that has been given to us. But this much is clear from the information we possess, that His Majesty's Government are not laying down any principles to which any one of us can reasonably object. The authorities in England are fully aware of the strength of public feeling on the subject. They are in full possession of the views of this House as well as the Council of State. They are in full possession of the views of the Government of India, which, as I have said, has always advocated the just and legitimate aspirations of Indians in this respect; and we hope and trust that the decision that may be come to by His Majesty's Government will be one that may be acceptable to the vast majority of the Indian population. It may be that we shall not win on all points. I do not wish to mislead the House into any belief that when I stated in the Council of State that the telegrams that have been received here are inaccurate I should be considered to have stated that there is not some ground for apprehension that on some points the Colonial Office is taking a view somewhat opposed to the view that is held in India. But there is no reason for us to suppose at the present moment that the Cabinet, having before them the views of the Government of India, the Colonial Office and the India Office on the subject, would do anything

other than what is best in the interests of the Empire. The Government therefore, in view of the difficulty and delicacy of their position in view of these negotiations going on, are not able fully to participate in the discussion ; but I may assure the House that they will cable Home immediately such Resolutions as we may pass here to the Secretary of State for information and request him to give full, adequate and sympathetic consideration to the views that may be expressed here. The views of the House will then I am sure be placed by the Secretary of State before the Cabinet for their consideration, and we shall request the Secretary of State to do so. I do not wish to take up the time of the House any more. I shall only repeat what I said in the beginning—that so far as the Government of India are concerned, the trust that has been placed in them by this House has not hitherto been to any the slightest extent wrongly placed, and I may assure the House that when it is in a position to know what has taken place they will have no reason to regret the attitude of the Government of India.

• **Maulvi Abul Kasam** (Dacca Division : Muhammadan Rural) : Sir, the Resolution that has been moved by my distinguished friend the leader of the Democratic Party will I am sure receive the unanimous support of his House—the support of non-official Members and the support of official Members as well. The Resolution, as I understand from the speech of my learned friend, is not intended to impress upon the Government of India our point of view, because the Government of India are already in full sympathy with Indian aspirations and feelings in this matter. It is intended for a different people altogether.

Sir, the Honourable Member in speaking on behalf of Government congratulated Mr. Seshagiri Ayyar on his moderation. I admired—I was going to say, I wondered at his excessive moderation in this respect. I believe that this Resolution has been framed in the language that it has deliberately, because we have been told again and again that we ought to do nothing which would irritate our opponents. We have been guided by that advice so far in our discussions on this subject, and my friend the Mover of this Resolution has been guided by that advice in framing it as he has done. But, Sir, this is a question in which I am afraid moderation cannot be practised much longer. We are being dragged beyond the limits of moderation. It has been remarked by a great statesman that good measures rob the agitator of his work and bad measures drag peaceful citizens into the ranks of the agitator. The British Cabinet and the Colonial Office will take note of this great truth and not drag peaceful citizens—people who are averse to agitation—into the ranks of violent agitation. Many years back a memorandum was submitted to the Imperial Conference in which not the question of the Crown Colonies but of the British Dominions was discussed and their dealings with Indians. In that memorandum it was remarked that the great efforts of the British people and the British Government to create a feeling of citizenship in India were to a great extent hampered by the conduct of the Dominions in their treatment of the Indian settlers. If that is so, what should be the attitude of people in the Crown Colonies ? They were never expected to be, if I may say so, impertinently irritating to the people of India. Sir, we are told that we are members of a very great Empire, of a Commonwealth, the greatest that the world has ever seen. We feel it, we rejoice

[Maulvi Abul Kasem.]

in it—that we are an integral part of a great people, subjects of a great Sovereign ; but in order that our feelings and our pride in this respect should be genuine, sincere and honest, we must be made to feel that we have not only the responsibilities and the duties to discharge of a citizen of the Empire, but also that we have the rights and the privileges of a subject of that Empire, and unless we get the rights and the privileges, we submit, Sir, that we will refuse to discharge our responsibility and our duty to the Empire, because we do not feel that we are an integral part of that Empire. Mr. Seshagiri Ayyar, in very mild language, has told us that a time may come when our services may be wanted ; it may be to-morrow, it may be the day after. Sir, in this connection I am reminded of a parable. Four or five men were working on a fine morning in a lonely street ; one of them who was the leading man found a big lump of gold in front of him ; he picked it up and said “ Look here, my friends, I am so fortunate as to find a fortune here.” The others shouted out “ You should say *we* are fortunate, because we are all in the same company ; you have got it and we share it ; it is our property and not yours alone.” There was a discussion going on and in the meantime a policeman ran after them and caught hold of the leading man who had the gold in his hand and arrested him for stealing or having received stolen property. Then this man cried out “ Gentlemen, we are in great danger.” The others immediately replied “ Not *we* ; but *you* are in great danger ; you had the gold, not we.” Similarly, when a danger has to be faced we are told that we are members of a great Empire, but when the booty is to be divided we are told that we belong to an inferior race. Sir, the feeling of superiority that is shown by certain people against others is a relic of an ancient, if I may be permitted to say so, barbarism ; and in these days of civilisation there should be no feeling of superiority of birth or nationality, caste or creed. Sir, to speak on this Resolution to this House is practically pleading before a convinced jury, and I should not take up the time of the House for this purpose. I would only desire to express, and I think in this I echo the opinion and the feelings of my non-official friends, that while the Government of India communicate to the Government at Home our feelings as they have been doing in the past in this respect, we also say that if the decision goes against us there is every possibility or apprehension of a feeling of retaliation on the part of this country against the Europeans ; whether they are in Kenya or in the Dominions we do not care.

But, Sir, before I sit down, with due deference to my learned friend, Mr. Seshagiri Ayyar, I must refer to a point in his speech. In the discussion of this question the people of all India and the Government of India are united. While discussing this question I regret very much that he should have inadvertently referred to the matter of communal representation in this country. I am sorry, though it is irrelevant to the discussion, I cannot allow his remarks to go unchallenged. I admit, Sir, that communal representation is an evil ; but at the present moment I submit it is a necessary evil, which must exist and will continue to exist as long as our friends, the great opponents of the communal representation, do not mend their own manners. It rests with them to do away with the communal representation. If they are charitable, if they are liberal and

cosmopolitan, and if they do not arrogate to themselves a superiority which does not exist, we on our part would only be too glad and willing to give up communal representation.

Sir Deva Prasad Sarvadhikary (Calcutta : Non-Muhammadan Urban) :

Sir, we have had an illustration this minute as to how seemingly united India, united so far as its people and Government are concerned, in a matter like that before the House is apt to go upon wrong tracks in other matter and come to grief. I think we should be well-advised for the moment to leave alone those side issues that may be all important in another plane and on another occasion having regard to peculiar Indian problems. We should now concentrate our efforts and attention on the vital issues at stake. Sir, my friend to my left has been speaking of a convinced jury here ; but what about the jury elsewhere, a jury which, according to the replies that we had this morning, has just retired with the full statement of the colonial case and also the India Office case, a jury the verdict of which will ultimately have to go before the final and supreme arbiter, the British Parliament ? At such a moment I think, and I appeal to the House as Mr. Seshagiri Ayyar appealed, whatever our feelings and sentiments may be, not one word should escape us which will hamper the peaceable and possibly righteous solution of the question. Above all we should in no way embarrass the Government here. That has been our attitude in this matter throughout ; that was our attitude, Sir, only the other day when I brought up the question of the Indian grievances in the mandatories ; that was our attitude when the question of emigration to Mauritius, to Ceylon and to the Straits Settlements and Malaya came up. The House rightly responded to the appeal of Sir Narasimha Sarma that not a word should escape, not a sentiment should be uttered that would make the very difficult work of the Government in England more difficult. Sir, here the Government of India and the Members of the Legislature in the two Houses and the people of India are all at one, and so is the Secretary of State. There could not be a greater unification of Indian and Government sentiments that prevails on the present occasion ; and yet what has been the gain so far and what are likely to be the chances ? As it happens in spite of what my honourable friend opposite has assured this House, our apprehensions and forebodings are that though in his own words the Indian case may not have been altogether lost, the Indian case is not likely to thrive and prosper in anything like the way in which we want to see it solved. Therefore while there is time before the last word is said it behoves us as representatives of the people through the Government to tell the authorities in England that nothing short of absolute justice will satisfy India, and it further behoves us to raise our voice not in threat nor even in warning, but in clear expression of anxious apprehension that, unless what we urge is achieved, the results are likely to be very serious indeed, if not dire. Sir, the apprehensions that we are trying to voice to-day are not entirely our own. The Government of India in recent times have certainly been of the same mind as the Indian people with regard to this question. If I am not much mistaken, not very many years ago, the Government of India, in addressing the Secretary of State on the subject of the policy towards Indian emigration to British colonies, stated that there was no guarantee that the attitude of South Africa may not one

[Sir Deva Prasad Sarvadhikary.]

day be the attitude of the white community in a Crown Colony. The suggested solution in the way of Crown Colonies has been rudely brushed aside in connection with the Kenya problem. Even if that solution found favour, the apprehension that was expressed with regard to what was likely to happen to Indians, in the Crown Colonies as much as in the Dominions, has not lost its force. Sir, what is the position of Indians in Kenya? As has been very forcibly pointed out in an admirable publication which the Imperial Indian Citizenship Association has brought out, "It has been repeatedly pointed out that the Indians do not claim domination in Kenya; that they are perfectly willing to respect and promote the rights of East Africa Natives; and that all that they claim is equality, not merely in name but in substance." Then they go on to refer to the Conference of 1921 to which a detailed reference is unnecessary. They however significantly add "With the British settlers too, their relations were of the most cordial character right up to the intrusion of the South African contingent whose wild ambition of having a 'White Africa' has practically revolutionised the original peaceful outlook of the European community and has necessarily worked a corresponding change in the mentality of the Indian settlement." Therefore, Sir, what is troubling us now is more a made-up thing—made up from the point of view of those who are interested in what they call the white problem, and they have been taking steps not only in Africa and in England, but they have been sending deputations to Australia and elsewhere to prepare white settlers' minds everywhere against the Indian. And evidence of that, as I reminded the House the other day, was strongly visible in England in connection with the Indian student problem. Ever since the colonial influx of students there, the troubles of Indian students in the British Universities and other seats of learning has been most acute, and the Government of India and the Secretary of State have been obliged to take up the question from that point of view amongst other things to see whether steps cannot be taken to relieve the Indian students of their uneviable lot. Now, what is the moral of the matter? Everywhere outside India, and I am glad and proud to add England, the Indian is not wanted, and all kinds of artificial obstacles that can be raised are being thought of and put forward with vigour and tenaciousness. The problem is not confined to twenty thousand Indians in Kenya but relates to two millions of Indians all over the world. India cannot therefore sit quiet under those disabilities. We have been repeatedly reminded of the Great Empire of which we are component partners and responsible parts with all kinds of responsibility. We do not want to disown those responsibilities. We want to fully live up to them and to act so that we may be worthy of greater responsibilities here in our country and abroad and be able to discharge our duties to the Empire. But, Sir, if at every turn we are to be reminded that this is more or less an unreality, of which doings outside India will give an impression, the results cannot be what the Imperial Government would like to see achieved. Those who like us, in spite of abuse and contumely, have taken it upon themselves to represent what we consider to be public

opinion are not able to go out to the country and urge that Indian claims are receiving better treatment abroad than they have at the hands of the final authorities. They cannot hold out hopes that soon all the prevailing unrighteousness may be hoped to be put an end to. The position of those who have to represent the people before the Government is most unenviable and they themselves need support. All these considerations make it obligatory upon us to voice the opinion of the people as strongly and yet as moderately as we can, that if the solution of this question does not meet with Indian approval—and in that I include the Government of India,—the consequences will be very serious indeed. In another House, there has been no opportunity for expression of such an opinion. I believe by means of representation through a deputation received by His Excellency the Viceroy the other House bring home to the Government of India this point of view and the Government of India as we have been assured are doing all that is possible to bring this to the notice of the authorities. If all this is done the result cannot be what we want it to be, there will be reason for more than anger and despair. That, I think, is a message that should go forth from this House to-day, but we should not go into details which are apt to raise controversial questions. All the materials that can be placed before the Cabinet are there, and after our further representation made here to-day will come the Parliamentary stage. Sir, India at the present moment does not seem to be enjoying exceedingly bright prospects in Parliament. We have had recent demonstrations to which I need not refer. Only the other day it was seriously put forward that, if India was going to profit by the existing favourable conditions of the British money market, they are to spend 75 per cent. of the loan, at all events what they spend outside India on the purchases, spent in England.

The Honourable Sir Basil Blackett (Finance Member) : That was negatived without a Division.

Sir Deva Prasad Sarvadhikary : I was going to add that when the Honourable Sir Basil Blackett needlessly rose. That is a proposition that did not find favour with Parliament. There is no reason, however, entirely to despair if the Government in England will properly, strongly and forcibly put forward our point of view before the British Parliament. Right may yet be done.

Rao Bahadur T. Rangachariar (Madras City : Non-Muhammadian Urban) : Sir, I may begin my remarks by saying that, in view of the circumstances under which this day has been allotted to this most grave and important question, I do not propose to move the amendment which stands in my name. I gave notice of that amendment in a spirit of despair and despondency, but the remarks made by the Honourable Member in charge of the subject this morning have encouraged me a bit that there is still hope left, and we may yet see justice done to the people of this country.

Sir, the Honourable Member told us this morning that he will take care to wire to His Majesty's Cabinet the views of this House. Sir, I may assure him that if this Resolution alone is cabled, or even if the amendment of my Honourable friend Dr. Gour is cabled, Government will do but little justice to the real feelings of the people of this country on this

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question. They grossly underrate, they grossly under-estimate the real extent of the feeling of the people in this country on this question. Sir, the War brought wealth to this country as elsewhere ; it brought wealth to persons ; it brought wealth to individuals and to bodies ; and it brought wealth to this country in politics. Sir, it was in the year 1917 that the famous pronouncement of August 1917 gave us the first promise of a partnership in the great Empire to which we are proud to belong. That word ' partnership ' sounded so true and good and so encouraging, that those of us who were clamouring for reforms and had never dreamt of that partnership, began to rally round the banner. So it came to us at a very welcome moment and at that time war loans were in the air and immediately after the announcement came, I took part in a public meeting in Madras. The late Sir William Meyer, a great friend of India, had come down and asked us to take part in these various war loans and I used that promise in my speech to conjure the crowd there. Here we are going to becoming partners in the Great Empire who are struggling to bring right and justice to the people of the world, and this is our opportunity, this is the time for us to show our good faith, to show our loyalty, to show that we are true friends of this Great Empire. Sir, India behaved magnificently on that occasion and in response to that co-operation in that great struggle which the British Empire entered upon, India itself acquired war wealth, and part of that war wealth is this partnership in the Great Empire. Now, Sir, war wealth with reference to individuals has behaved like butterflies. We know that, but we hope and trust that this war wealth to the nation, to this country, is not going to be a butterfly. But, Sir, there are indications, very strong indications indeed, after the year 1921, that this partnership is going to be a sham and not a reality. This question of Kenya was considered, as Lord Delamere said, as the acid test, not only in regard to the question as it affects Kenya but as it affects the truth of this partnership in this Empire. Is this going to be a real partnership in the Empire for Indians, or is it going to be a mere sham, mere idle words uttered for the time being but not meant to be kept when the time comes. That is the question which the Cabinet has to decide, that is the momentous issue which the Cabinet will have to decide. How they decide the question, whether the Indians in Kenya are satisfied or not, we of this country look forward to this decision as a decision which will be a test of the sincerity of this promise of partnership, of equal partnership in this Great Empire. Now, Sir, the Imperial Conference of 1917-18, the Imperial Conference of 1921, both affirmed the rights which ensure to us, which ensure to other partners in the Empire—rights which it is necessary should be respected by both of us—reciprocity and equality. Equality we have not got by any legal rights. Equality depends upon the way in which the great partner in this mighty partnership is going to behave. It is the great partner alone that can secure this equality to all the inferior partners in this Great Empire. When the question arises between various partners, it is the dominant partner who has to put his foot down and see that justice is done between partner and partner. Sir, Lord Delamere said, when he went to Europe on this great mission on which he has gone, that he was not going to sell the pass. I hope the British Cabinet are not

going to sell the pass so far as we are concerned. It will be a selling of the pass if real justice is not done, if equality is not secured. Sir, what is it that Indians are suffering from? Nearly two millions of Indians are outside the country. Although there are only 20,000 and odd in Kenya, the question will have to be decided not only with reference to these 20 thousand and odd in Kenya but the two millions in the self-governing dominions and in the Crown colonies. Now, I am sure that the decision on this question is being watched with great interest by other colonies, especially by South Africa, where in the last two years you find the tendency to segregate the Indians, to deprive them even of what little they have got, not to speak of the removal of the disabilities from which they suffer already. We expected, after the Conference of 1921, in which all the dominions took part, barring of course the dominion of South Africa, that the disabilities under which the Indians labour, either by Statute or by practice, would have disappeared by this time. But on the other hand, we find the tendency in the other direction, and South Africa, I am sorry to say,—and I hope all people are ashamed of the attitude of South Africa in this matter—is setting a very bad example in this respect. Ordinance after Ordinance has been introduced. I think three of them have already come into operation and some are only awaiting sanction. It tends to show that Indians are being segregated. They have got a Public Health Committee. They have got a Licensing Board. They have got also township laws. Under the provisions of these various Ordinances, Indians are threatened to be segregated, to be prevented from following innocent vocations and various disabilities are sought to be imposed. I know that the India Government have protested against these Ordinances. The India Government like the Indian people are weak. The Indian people—although they are many—are not strong. It is that want of strength, I am afraid, which is taken advantage of by people abroad and at home and adverse decisions are come to in these matters of vital importance. Firmness counts. Lord Hardinge was firm. He succeeded in carrying his point. And I am sure Lord Reading's Government is equally firm. I have no reason to believe the contrary. He was firm with our people—he gave himself that good certificate by certification. He is a man who can rise equal to the occasion and be true to his own convictions. If he can defy the views of 300 millions of Indians, has he not the strength, has he not the will power to defy the views of about 9,000 white settlers? I am willing to concede, therefore, that it is a firm ruler we have got. Let that firmness not be applied to one race inhabiting India but let that firmness be also displayed to the people across the sea. Let Government show that firmness and we in this country will back up the Government in this matter. That is the view, Sir, which I wished to express in the amendment which I had tabled. But, as I have been advised by my friends that this is not the time to use such language in the Resolution, I have refrained from moving that amendment. But, Sir, it will be an idle affectation on my part if I say that the people will be content merely with any settlement of this question short of absolute equality between all subjects of His Majesty. Sir, if this cannot be secured to us in a Crown Colony, how can we expect the self-governing dominions to give us that equality? Will it not be setting a bad example? Will it not be setting a bad precedent? Will not the self-governing Dominions, who are

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already affected by race prejudices and pride, throw this in our teeth and say "Your own Government, your own Parliaments, your own Sovereign under whom you live has only treated you in this inferior sort of way; why do you expect us, Self-Governing Dominions, to surrender our privileges which we have enjoyed so long? That will be the question that will be put to us, and we, subjects of His Majesty, subjects of Lord Reading as Viceroy, will have to hang our heads down in shame. No need for Sastri to go to these Colonies and hold his head aloft and plead the cause of India with the eloquence, bravery, tact and consummate skill with which he has pleaded India's cause. Any decision on Kenya will be a vital decision. It will involve very large issues. It will be the question of questions. Therefore, I appeal to the Government of India, I appeal to my Honourable friend Sir B. N. Sarma, who belonged to the same platform as myself when both of us were doing political work, he as President and I as Secretary of the Madras Mahajana Sabha,—I appeal to him to influence his colleagues, to throw the full weight of his influence, and as an Indian to see that justice is secured to this country. It is not sympathy, Sir, with Indians abroad. The Resolution talks of sympathy. It is not a question of sympathy with others. It is our question. It is not anybody else's question. We view it as our question. It is not a question affecting anybody outside India. It is our question, because it is open to us as free subjects of His Majesty to go there tomorrow. These disabilities must be removed and any settlement short of equality will be resented, I hope not only by Indians in this country but by all subjects of His Majesty in this country from Lord Reading downwards. Sir, while I am not enamoured of the wording of this Resolution, in order to secure unanimity, in order to emphasise our views, in order that it may go forth to the world that united India demands the securing of equality, I support the Resolution.

Dr. H. S. Gour : Sir, in the state of bewildering perplexity which Members of this House must naturally feel and the dearth of information from the Official Benches, they would very much like to know the exact state of the negotiations now proceeding in England. For that purpose I shall read to the Members of the House the latest telegram on the subject received from our delegates Messrs. Sastri, Jaminadas, Kamat and Polak. They say :

"India Government being consulted Kenya Settlement. Proposals believed adverse regarding Highlands franchise questions. Public opinion must press Government maintain firmly original attitude both questions. Cabinet decision shortly expected once given difficult to modify. Let Highlands decision stand over some years. Communal franchise demanded and granted for racial supremacy extremely detrimental Indian position and become stereotyped throughout Empire creating two classes citizenship. Witness Fiji. Proposed settlement constitutes material derogation Wood-Winterton agreement under white pressure."

And Renter, in a message which reads as follows, confirms this telegram :

"Indian Kenya deputation met Duke of Devonshire yesterday but interview was purely to understand that he had come to certain conclusions, and submitted them to Cabinet. They would be submitted to Parliament, but until then, no official announcement would be made. It is, however, believed that on questions of Highlands and franchise decision of Government supports contentions of White settlers, namely, that position in Highlands should not be altered and franchise should be on communal

basis. Authoritative circles expect, that with regard to immigration, declaration of policy will be made that any British subject will be free to circulate within British Empire, subject only to any limitations required in interests of indigenous population. It is also asserted that Imperial Government has declined to agree to suggestion for segregation of Indians."

Sir, these two messages have inspired me to table my amendment and I shall very briefly explain to the House why it should support the deputation that the Legislature has sent out to England who want the support of this House on the specific points I have raised in my amendment, and I shall further explain why my amendment should receive the acceptance of this House. Honourable Members will find that my friend Rao Bahadur T. Rangachariar has already pointed out that my friend Mr. Seshagiri Ayyar must have penned his Resolution under some misapprehension, for I cannot understand how in a case in which we are the parties directly concerned, we could extend our full sympathy to ourselves. It is as Indians that we claim equality of treatment and the rights for which we stand. I therefore suggest, Sir, that the House should accept my amendment which reads as follows :

" That for the original Resolution the following be substituted :

' This Assembly recommends to the Governor General in Council to be so placed as to convey to His Majesty's Government its view that no settlement of the Kenya question will satisfy the sentiments of the people of India which does not place their fellow countrymen on an assured footing of equality with the British settlers in that country ; and it trusts that the Governor General in Council will be no party to a settlement which reserves the Highlands exclusively for Europeans and introduces the element of communal franchise against Indians '."

Sir, it is upon these points that our delegates want our support, and I have no doubt the House will give it. Honourable Members will see that the Colonial Office, judging from the telegrams, are prepared to concede two out of the four points in favour of India. One concerns segregation and the other concerns immigration. But they are not prepared to concede the two other points which our delegates and the Kenya Indian delegates have been pressing home upon the Colonial Office, namely, the reservation of the Highlands exclusively for Europeans and the establishment of franchise upon a communal basis. A cablegram received recently explains the position of the Colonial Office as submitted to the Cabinet. That telegram may or may not be right, but I give you the purport of it so far as I am able to do. Before doing so, Honourable Members will observe that the question of Highlands in Kenya had been agitating the Kenya settlers for a long time past and I hold in my hand a valuable booklet written by Sir George Buchanan, who went down to Kenya to examine the whole question and on his return he has given his impression of this colony, from which it will be abundantly clear that so far as the Highlands of Kenya are concerned we have an indisputable claim. Speaking of the Highlands he says that out of the 50,000 square miles only 8,500 square miles have been so far allotted to European settlers. And what is the position of European settlers ? Let me quote to the Honourable Members the words of Sir George Buchanan himself. He says :

"It is not a white man's country, that is to say, that the white man cannot, as in Australia, New Zealand, or Canada, work in the fields, and unless the farmer can hire labour he sees ruin staring him in the face."

[Dr. H. S. Gour.]

In another place, he writes :

" The European farmers are as a class, to quote the Director-General of Agriculture, mostly amateurs with little experience in agriculture or stock raising, and the country suffers accordingly. Everything has been tried in turn, and each individual settler has experimented on his own initiative. "

Speaking, then, of the settlement, he says :

" One of the most regrettable schemes inaugurated in East Africa was that known as ' the soldier settlement scheme, ' which has been a dismal failure in that it has involved many splendid men in financial loss, and cast a serious permanent responsibility upon the Colony. "

The Honourable Mover of the Resolution quite incidentally mentioned that the Uganda Railway was built out of the capital found by the white settlers in Kenya. Sir George Buchanan here points out that it was constructed at a cost of 6 1-5 million £ by the Imperial Government and was presented as a free gift to the people of Kenya. The white settlers did not spend a pice. As a matter of fact, from the inquiry made on the spot Sir George Buchanan says that it is a place where the white man will find no permanent home for the very simple reason that the climate is unsuited to him. Then he goes on to plead the cause of Indians in the following words :

" The coloured races, Indians as well as natives, are not always going to be ruled by an oligarchy of Europeans, the country is unsuitable for permanent white settlement on Colonial lines, and all in good time a population of coloured producers will add in no small degree to the Imperial wealth, and will also be capable of taking part in administration, and will insist in so doing, while the European planters, by the instinct and genius of their race, will, it may be confidently hoped, play a part of great Imperial importance not without prosperity to themselves. "

That, Sir, is the verdict of an impartial observer who points out that this whole of the Kenya problem has come to the forefront on account of the fictitious agitation set up by a few interested individuals. So far as the colony is concerned, he points out that it is ill adapted for European settlement and eminently suited for Indian immigration. That should be our standpoint as regards the claims of the Indians settled in all parts of Kenya. References have been made to vested interests. Sir George Buchanan points out that with the exception of 8,500 square miles the rest of the Highlands of Kenya is still unappropriated. Consequently, there is no room for the cry of vested interests, and I think that this House will, therefore, be well justified in asking the Government of India to take a firm attitude both on the subject of the Highlands and on the question of franchise.

Now, what is the question of franchise ? It has been suggested by the white Deputation to the Colonial Office that while they are prepared to agree to franchise, they desire that out of a total of 12, 8 should be white men and 4 should be Indians. Now, that is what the Indian delegates in England and the Kenya Indian delegates there object to. What they want is a franchise not upon a communal but upon a common basis, and I have no doubt that if this is conceded, a *modus vivendi* is possible between the white and other settlers. I submit, therefore, that we have an unanswerable case on the four points upon which we and the Kenya Europeans are at issue. On the question of emigration we take our stand upon the firm ground that we were the pioneers of that colony and the white settlers, small in number, came in afterwards.

Reference was made on the last occasion to the statement made by Mr. Winston Churchill in which he pointed out that the Indians were the pioneers of Kenya. Sir George Buchanan in his book points out that without Indians the Kenyans cannot thrive, and this is an admission made not by Sir George Buchanan on his own authority but upon the report of the Economic (but anti-Indian) Commission in which, however, the following fact was admitted :

“ It may be admitted that the Indian has played, and still plays, a useful part in opening up trade, stimulating the wants of the natives and inducing them to part with their products for purposes of export. For this service he is entitled to credit, but the essential point is that the same service might, with due encouragement, have been performed by the native peoples. ”

That is the report of the Economic Commission. I, therefore, submit that the Government of India should stand firm to their guns. They should conjointly address the British Cabinet that so far as they are concerned they are not going to recede one jot from the position that there shall be no segregation, there shall be no restriction upon immigration and no reservation of the Highlands to Europeans. As our Deputation suggests, let this last question be deferred for a sufficient number of years, but let it not be decided against the Indians. And as regards franchise, our delegates claim, and we support them, that there should be a common franchise and that franchise should be as suggested by our delegates in England, namely, that communal franchise would segregate them for electoral purposes which in its turn would lead to a bifurcation of the white and the brown settlers, introducing and perpetuating galling distinctions which are likely to be aggravated in the near future. But I ask, Sir, even assuming for the sake of argument that in the negotiations that are now proceeding the Cabinet was to grant us all the points that we claim, what guarantee is there that to-morrow, if they decide on the establishment of self-government in the Colony, the same distinctions which the Colonials claim would not be placed upon the Statute book ? It is for that purpose that I have asked in my amendment that our fellow countrymen should be placed upon a footing of assured equality. We want a permanent settlement of this question and that settlement, I submit, is only possible if Kenya is retained as a Crown Colony. If it once gets Dominion status it will pass out of the hands of the British Cabinet ; so far as the local questions are concerned our fellow countrymen will begin to suffer from the disabilities from which they suffer in the other parts of South Africa. We therefore, Sir, wish not merely for a settlement but for a permanent settlement, and for that purpose we want that the Cabinet should see that no disabilities are placed upon Indians in any constitutional changes that take place in the near or distant future. Otherwise, I submit, the cure would be temporary and the disease will recur ; the grievances we suffer from will come back to us and make our position not only in Kenya but in the whole of South Africa intolerable. Lord Delamere said, ‘ let Kenya be the acid test.’ Well, Sir, let it be so. My friend Mr. Rangachariar has rightly pointed out that all eyes in this country are now turned to the British Cabinet. The British Cabinet is now faced with a situation in which the interests of a few Colonial settlers have to be reconciled with those of a larger number of Indian settlers and immigrants from this country. I hope, Sir, the British Cabinet will take a long view of the matter and that they will not introduce questions based

[Dr. H. S. Gour.]

upon narrow considerations of race and colour but decide them in the interests of the British Empire, to which, as Member after Member has said, we are proud to belong.

Sir, I move my amendment.

Mr. President : The Honourable Member's amendment falls into two parts. The first five lines of it cannot be moved as they raise a question identical in substance and almost identical in phrase with the Resolution moved and carried on February 27th in this Session.

The last three lines seem to me to be practically covered by the Resolution ; but they are actually in order and could be moved, in a slightly different form.

Colonel Sir Henry Stanyon (United Provinces : European) : Sir, I beg to associate myself with the claim made by India for the equal treatment of her fellow countrymen in Kenya, and I do so because that claim has been put forward in a spirit of good-will and firmly but nevertheless with a desire for the amicable settlement of a difficult problem. I cannot profess to be in a position to form any judgment on the merits of that problem because I am not possessed of all the facts necessary for the formation of such a judgment. But I have these facts. The Imperial Parliament have decided and enacted that Indian and European shall have equality of treatment in India. The Government of India are now honestly striving and many non-official Europeans are honestly co-operating to give effect to the decree of the Imperial Parliament. From these facts the question arises, if Indian and Britisher are to have equality of rights in India, can that equality be denied in any Colony forming a part of the British Empire ? I cannot dispute the proposition and I do not dispute it that there are two sides to that question, the point of view of India and the point of view of the colony concerned. We are here to-day to represent the Indian point of view. To be consistent in my humble opinion we must say and we do say that as Parliament has decided that Indian and European shall be equal in India, there is *prima facie* no reason why such equality should not be insisted on by the same Parliament in every other part of the Empire subject to its control and influence. If it be said that the Colony of Kenya has a right to decide what is best for itself according to its history and local circumstances without dictation from India, I should reply, first, that such a contention would not be in accordance with the basic principle of a Commonwealth, and secondly, that such a contention would show a very short memory on the part of the Colony in forgetting how much it, and others like it, owe, perhaps their very existence, to the part played in Africa by the Indian Army at a time when the United Kingdom may have been very hard put to it to look after these distant settlers ; if there had been no gallant Indian Army, the members of which have shed their life-blood to maintain and protect those very settlers, perhaps, who are to-day being asked to recognize Indians as equal with themselves in subjection to His Imperial Majesty. These same European settlers might otherwise have been overwhelmed

by the black hordes of Germany. But while I associate myself with a temperate and clear statement of the Indian claim, I firmly and unhesitatingly dissociate myself from any policy either of threats of reprisals against the Colonies or of threats of disaffection against the British Government or the Government of India, which at least is doing its best, and if it fails will be one with us in that failure. I and the community that I represent will fight the cause of India to the bitter end,—and I hope, we shall succeed. We may not succeed all at once. Advantages, especially political advantages, are seldom obtained *en bloc*; one has to fight for them and obtain them gradually. But we will not—and by the word ‘we’ I mean the community that I have the honour to represent and myself—we will not take part in, and we will oppose, whatever may be petulant and merely revengeful and unjust against those of our fellow subjects who, for the time being, may not be in agreement with us. If we do not succeed in getting all we want on this occasion, we shall certainly be discontented; but to be discontented is an entirely different thing from being disaffected. Discontent will merely spur us on to further constitutional effort; and we hope, in that further constitutional effort, to carry with us the Government of India while we remain loyal to it; we shall certainly not carry them with us if we are disaffected. On these grounds, and after making my position perfectly clear, I thoroughly associate myself with this claim which is put forward in an extremely reasonable manner by the mover of the Resolution.

(Several Honourable Members: “I move that the question be now put”.)

Mr. W. M. Hussanally: Sir, I will not detain the House by a lengthy speech in this matter, in which I find that the non-official as well as the official Benches are almost unanimous in regard to the proposition as put forward by my friend, Mr. Seshagiri Ayyar; and I heartily congratulate my friend Mr. Rangachariar for having withdrawn the amendment of which he had given notice, because I should have found very great difficulty in voting for that amendment, particularly the word ‘retaliation’ was ringing in my head, and I did not know what it meant; I thought it went a little further than what we intended to do in this matter. Coming, Sir, to the point of the amendment of my friend Dr. Gour, and also some portion of the speech of the Honourable mover of this proposition, I find that my friend, Mr. Abul Kasem, has so clearly and in such a fine way put forward the views of the Muhammadan community, with regard to communal representation that it is very difficult for us as a body to go with them so far as communal representation in the Kenya Colony is concerned, and therefore I would beg of the Honourable mover of this Resolution to amend the proposition as put forward by him so as to make it easy for us to go whole-heartedly with him in this matter. My friend Mr. Seshagiri Ayyar knows that at the present moment there is any amount of agitation going on in Lahore itself; both Hindus and Muhammadans are fighting for communal representation, and the discontent produced in the local municipality of Lahore is so great that it has produced an widespread attitude of bitterness, and I may even go so far as to say ‘animosity’, between the two communities of the Punjab over this important question. Then, again, Sir, there is one more point to which I would draw the attention of the House. I find that the

[Mr. W. M. Hussanally.]

Resolution as brought forward goes a little further than what the Kenya people themselves want.

The Indians as well as the natives of Kenya wish that the solution of the question of Highlands or Uplands may be postponed for a time and not decided at the present moment, whereas the Resolution put forward says that that question should be settled immediately in favour of the Indians as well as the natives. That, I think, is going a bit too far than what the people of Kenya themselves want. However, so far as that matter is concerned, I certainly go whole-heartedly with my friends here, and nothing will please me more than to see that the question is decided once for all ; and if the British Cabinet and the British Parliament decide it in favour of the Indians, no one will be more pleased than myself. But I must say that the Resolution as it is put forward goes a little beyond what the Kenya people themselves want. With these remarks, Sir, I wish the Honourable Mr. Seshagiri Ayyar will amend his proposition so as to enable us to go with him whole-heartedly and vote for his proposition.

Sir Jamsetjee Jejeebhoy (Bombay City : Non-Muhammadan Urban) : Sir, if I rise at this stage to take part in this debate, it is solely with the desire that I wish to associate myself with the previous speakers. The question has been agitating the mind of the average Indian to an extent which, at this stage, almost borders on exasperation. He feels that his claims, just and reasonable, as they have always been, will be sacrificed at the altar of political expediency. He feels that justice will be denied to him in spite of the strong and powerful advocacy of his cause by the Government of India. The noisy agitation of the European settlers may prevail with the Colonial Office. If this should unfortunately come to pass, I should be failing in my duty if I did not point out that India will once again be in the throes of a political agitation, the like of which this country has not witnessed in the past. The white settlers have added insult to injury by the threats of armed rebellion by Brigadier General Stone and Lord Delamere, but the mentality of my compatriots, I believe, is such that they will snap their fingers even at this proposed cold blooded massacre. Another aspect of the question to which I should like to refer is the question of the measures to be taken in the event of a decision hostile to the interests of Indian settlers being reached within the course of the next few days. I have no doubt that the Government of India will support all reasonable measures of retaliation which may appear necessary in the interests of the vindication of their legitimate rights and the preservation of their self-respect. Lastly, Sir, this is one of those questions in which we can legitimately claim the sympathy and support of our British fellow-citizens. It will not only strengthen our just cause but also bring about a better understanding between the two races.

Baba Ujagar Singh Bedi (Punjab : Landholders) : Sir, I support the original Resolution with great alacrity. The holy exhortation of my ancestor, Baba Nanak, whose direct descendant I am proud to be, further prompts me to support the Resolution, which is of a very noble and cosmopolitan character. I am reminded here, Sir, of a great episode

when the Great Nanak was touring and was sanctifying the world with His holy teachings. When a Muhammadan Saint named Kasi Rukundin inquired from him which were better, whether Hindus or Muhammadans, the holy Guru Nanak replied in the following words :

"Awwal Allah nūr upāya qudrat ke sab bande,
Ek nūr te sab jag upjiya kaun bhale kaun mande."

"From one God ensued supreme power ; Hindus and Muhammadans, Christians and Buddhists, Europeans and Indians, all are moulded and inspired by that one Divinity. Now, Kashi Sahib, you yourself can best judge if they all proceed from one Divinity who is superior and who inferior."

Sir, I am animated when I support this Resolution, when I find that Europeans and Indians, Americans and others all originate from one Divinity ; their birth system, their death system is one ; there is no difference, whether he be an Indian or a European the machinery in them is but one. On this ground, Sir, I find that the claims of Indian settlers in Kenya is quite justified. Sir, my friend opposite, Sir Henry Stanyon, was so courteous as to fight the cause of India, and I will ask Europeans, Japanese, Colonials here and outside of India, whether they have got the same rights of citizenship here as the Indians have and whether or not they have been given the franchise here. Do not then equity and justice demand that we Indians should claim the same reciprocal rights as we extend to others in our own country. With these few words I give my whole-hearted support to this Resolution.

(*An Honourable Member* : "I move that the question be now put.")

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

The motion was adopted.

Mr. T. V. Seshagiri Ayyar : Sir, I must say that I have to a certain extent been misunderstood by my Muhammadan friends on the question of communal representation. I was not voicing the opinions of the House when I spoke against communal representation in India. I want to assure my friends, when I spoke of communal representation, I was simply giving expression to my own feelings which do not in any way affect this problem. So far as Kenya is concerned, every one of the members of the deputation and the Government of India are agreed that there should be no communal representation. As Government and we are agreed on this matter, I want my friends to concentrate their attention on it and not upon the remarks I made. As everybody is agreed on the subject of my Resolution, it is not necessary for me to reply at great length. I will request your permission, Sir, to make a verbal amendment. The Resolution reads : "This Assembly, being in full sympathy with the claims," etc. For the word "sympathy" in the first line of the Resolution, I ask your permission to substitute the word "agreement". (*Dr. H. S. Gour* : "Why not 'accord' ?") There is not much difference between the two words, and I have no objection to the word "accord". The Resolution would then read :

"This Assembly, being in full accord with the claims advanced by the Indian residents in Kenya in respect of franchise, immigration, segregation, the Uplands and similar matters, recommends to the Governor General in Council....."
and so on.

[Mr. T. V. Seshagiri Ayyar.]

Sir, I am glad to have had an assurance from the Honourable Member in charge that the matter has not been decided and that the Cabinet is keeping an open mind. It is opportune, therefore, that we should at this meeting come to a conclusion and strengthen the hands of the Government and make it possible for the Cabinet at Home to come to a just decision on this matter.

Mr. President : Amendment moved :

“That the word ‘accord’ be substituted for the word ‘sympathy’ in the first line of the Resolution.”

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

The motion was adopted.

The Honourable Sir Narasimha Sarma : Let me congratulate the Assembly upon the extremely temperate and moderate manner in which this very difficult subject has been dealt with on the floor of this House. Honourable Members have argued the question at full length and I do not think that the cause has lost to any extent by reason of the moderation or the temperateness of their tone. The question has been put as to whether the partnership is to be a real partnership or only a nominal partnership. There can be no two answers to that question. The Government of India can assure Honourable Members here on behalf of His Majesty's Government that it has always been meant to be a true partnership and not merely a nominal one. According as the communities inhabiting India, or the people of India, become more and more united, more and more literate, more and more wealthy, and sink their differences and become strong and powerful, so will the people become more powerful, so will the Government of India become more powerful. But there cannot be the slightest doubt that those who have used that phrase meant it in right and real earnest as an expression of their desire for mutual comradeship, mutual co-operation and for a continuance of the British Commonwealth as long as, to use a Sanscrit saying, the sun and the moon endure.

The Honourable Mr. Rangachariar made a personal appeal to me and asked me to use my best endeavours to secure justice for the Indian cause and to induce my Honourable Colleagues to work hard on behalf of the people of India in this matter. I rather regretted the suggestion that there could be any difference of opinion on a matter like this between me and my Honourable Colleagues, and, if I may, though perhaps wrongly, let the House into a secret of our Council, I may be permitted to state that we are all absolutely unanimous on this question. Some Honourable Members alluded to the manner in which Lord Hardinge appealed to the hearts of the people of India by the courageous stand which he took in Madras when people were exercised in their minds over the South African question. I happened to be present at that gathering in the banquetting hall in Madras when Lord Hardinge made his famous speech. I remember the thrill that went through the hearts of the people from one corner of India to the other. But I may assure this House, if I may say so without impertinence, that His Excellency Lord Reading is no less zealous, no

less ardent, in pleading the cause of India than His Excellency Lord Hardinge. We note, Sir, that this House appreciates the difficulties about the Highlands question, but are very particular, and rightly so if I may say so, upon the rights and privileges of the Indian community in the Highlands being secured although the fulfilment of their hopes may have to be postponed, if they are to be postponed at all, for some time to come. I have already explained at the outset the attitude of the Government of India towards the Resolution. We regret, for the causes that we have mentioned, that we are not in a position to accept formally the Resolution before the House. We have always expressed our full agreement and sympathy with the underlying principle and I shall not weary the House by reiterating what I have stated, that the Government are doing their utmost to secure justice for the fulfilment of the Indian claims ; I have said that I will wire on behalf of the Government if India the Resolution which may be accepted by this House when it is put to them. A request was made that a summary of the proceedings also may be telegraphed and I promise to do so.

Mr. President : The question is :

“ That this Assembly being in full accord with the claims advanced by the Indian residents in Kenya in respect of franchise, immigration, segregation, the Uplands and similar matters, recommends to the Governor General in Council that he be pleased to move the Home Government to concede those claims.”

The motion was adopted *nem con*.

Dr. H. S. Gour : In view of the fact that the Resolution has been unanimously carried, I hope that will be placed on record in the proceedings.

Mr. President : That shall be done.

The Assembly then adjourned till Eleven of the Clock on Monday, the 23rd July, 1923
