

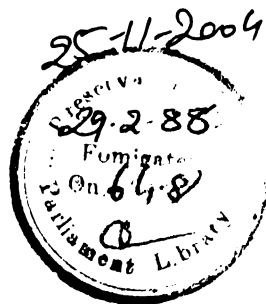
Wednesday, 13th February, 1924

THE
COUNCIL OF STATE DEBATES
(Official Report)

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(From the 30th January to the 25th March 1924)

FOURTH SESSION
OF THE
COUNCIL OF STATE, 1924



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COUNCIL OF STATE.

Wednesday, the 13th February, 1924.

The Council met in the Council Chamber at Eleven of the Clock, 'the Honourable the President in the Chair.

QUESTIONS AND ANSWERS.

DELAY IN THE ARRIVAL OF THE ENGLISH MAIL.

85. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Has the attention of the Government been called to the complaints of the mercantile community and of the public at large to the delay in the arrival of the Mail from England? What steps do the Government propose to take and when for removal of the grievances?

THE HONOURABLE MR. A. H. LEY: Yes. The Director General, Posts and Telegraphs, has already taken up the question with the British Post Office.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: What was the delay due to, and what steps are going to be taken?

THE HONOURABLE MR. A. H. LEY: I am not sure that I can answer that question. There has been delay on very numerous occasions recently. I suppose it is largely due to the Company's having to employ ships of slower speed than formerly.

DELIVERY OF THE ENGLISH MAIL IN DELHI.

86. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: (a) Are the Government aware that the hours of delivery of the English Mail in Delhi are considered unsatisfactory? Do the Government propose to take any steps for removal of the complaint?

(b) Are the Government aware of similar complaints regarding the delivery of other letters and registered articles in Delhi? Do the Government propose to take steps for removal of the complaint, particularly during the Legislative Sessions?

THE HONOURABLE MR. A. H. LEY: (a) and (b)—Government are not aware that the existing hours of delivery either of the English Mail or of other letters and registered articles in Delhi are considered unsatisfactory, as the Post Office had received no complaints from the public. If the Honourable Member will let me know more precisely what his complaint is, I will see if it is possible to remedy the matter.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Does the Honourable Member think that there is any grievance which can be made public in Delhi?

(No answer was given to the question.)

PENSION OF DEPUTY COLLECTORS, UNITED PROVINCES.

87. THE HONOURABLE LALA SUKHBIR SINHA: With reference to my question* asked in this Council on 17th January, 1922, and the reply given by the Honourable Mr. S. P. O'Donnell, on the subject of the revision of Article 375, Civil Service Regulations, for not counting the two years' probationary period or the period of passing Departmental Examinations for service required for pension of Deputy Collectors in the United Provinces, will Government be pleased to state what they have decided to be done?

THE HONOURABLE MR. J. CRERAR: Subject to the rule in Article 358 (a) of the Civil Service Regulations, a Deputy Collector in the United Provinces, or elsewhere, may on confirmation count service for pension from the date of his first appointment as a probationary Deputy Collector. Local Governments have also been empowered to allow certain officiating and sub *pro tem.* service to count towards pension pending the issue of the new Pension Rules when they will be invested with full powers in respect of all service other than permanent service.

DEFECTS AT THE HARDWAR RAILWAY STATION.

88. THE HONOURABLE LALA SUKHBIR SINHA: With reference to my question† asked on 28th February, 1922, will Government be pleased to state the result of inquiries made about some defects at the Hardwar Railway Station?

THE HONOURABLE MR. D. T. CHADWICK: The Honourable Member's attention is invited to Colonel Sir Danvers Waghorn's letter No. 222-T.-17, dated 3rd March 1922, to him, communicating the result of inquiries made and also to the replies‡ given to question Nos. 203 and 206 asked in this Council on 26th March 1923. If the Honourable Member has not received the letter referred to, I shall be very glad to see that he gets a copy.

RETURN AND CONCESSION TICKETS ON RAILWAYS.

89. THE HONOURABLE LALA SUKHBIR SINHA: With reference to my question§ asked on 24th January, 1923, regarding the re-introduction of return and concession tickets on reduced rates on Indian Railways, will Government be pleased to state what the Railway Administrations have decided in the matter?

THE HONOURABLE MR. D. T. CHADWICK: The Railway Administrations state that they are not yet in a position to issue ordinary or six-monthly return tickets at reduced rates generally. Most of the principal railways, however, allowed return journey concessions during the recent Puja and Christmas holidays.

THE HONOURABLE MR. G. A. NATESAN: Is the Honourable Member aware that considerable difficulty is being felt by business men owing to the non-introduction of these season tickets?

THE HONOURABLE MR. D. T. CHADWICK: A certain amount of inconvenience must be felt necessarily for want of these facilities, but it is

* Vide p. 565 of Council of State Debates, Vol. II.

† Vide p. 931 of Council of State Debates, Vol. II.

‡ Vide pages 1400 and 1401 of Council of State Debates, Vol. III.

§ Vide p. 529 of Council of State Debates, Vol. III.

the desire of the Railway Administrations that they may be able to introduce these facilities as soon as they possibly can; they have made a start by introducing return tickets for the Puja and Christmas holidays.

THE HONOURABLE LALA SUKHBIR SINHA: Is it a fact that the O. & R. Railway has already introduced ordinary fortnightly return tickets?

THE HONOURABLE MR. D. T. CHADWICK: I am extremely glad to hear it. It proves my point that the railways hope to introduce these return tickets; I am extremely pleased to hear that one railway has done so, and I thank the Honourable Member for giving this information to the House.

THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to ask the G. I. P. Railway to reconsider the introduction of coupon tickets from Bombay to hill stations and Bombay to Poona and Deolali and Nasik?

THE HONOURABLE MR. D. T. CHADWICK: I know no reason why the introduction of these coupon tickets should be reconsidered. The Honourable Member has not given any reason. Did he mean reconsidered or re-introduced?

THE HONOURABLE MR. PHIROZE C. SETHNA: Re-introduced.

THE HONOURABLE MR. D. T. CHADWICK: Yes; I am perfectly ready to ask the G. I. P. Railway to consider the re-introduction of any facilities that they can as soon as possible, and I will bring this one to their notice.

VISIT OF MEMBERS TO THE LEGISLATIVE BUILDINGS IN RAISINA.

THE HONOURABLE THE PRESIDENT: Before we proceed to the business of the day, I have been asked to inform the Council that, in view of the great interest that was taken in yesterday's debate, and in view of the fact that Members may be desirous of seeing what is being done in the matter of the Legislative buildings in Raisina, the architect has informed me that, if a sufficient number of Members so desire to visit the new building, he will be happy, if a time could be arranged, to show them round. If Honourable Members who desire to accept this kind offer will communicate with the Secretary, he will inform the architect accordingly and they will thus be able to see what is being done.

IMMIGRATION INTO INDIA BILL.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY (West Bengal: Non-Muhammadan): Sir, under clause 26 of the Standing Orders contained in the Manual of Business and Procedure, I have given notice of my intention to move that the Bill to regulate the entry into and residence in British India of persons domiciled in other British Possessions be taken into consideration and I now have the honour to move that the Bill be taken into consideration.

[Dr. Sir Deva Prasad Sarvadhikary.]

As Honourable Members are aware, the Bill was passed by the Indian Legislative Assembly on the 27th July last and, as the Council was then prorogued, there was no earlier opportunity of bringing up the matter before this House. Without bringing it up and getting it passed by this House, the Bill cannot be submitted for the purpose of reaching its final stage. It is necessary, Sir, that some Member should give notice of his intention, such as I have given, and, as I happened to be a Member of the Assembly at the time that this Bill was passed, it gives me satisfaction to be able to ask this House to pass it and to pass it without any amendment, if possible.

Sir, the principles underlying the Bill which were fully discussed in the Legislative Assembly, are contained shortly in three pronouncements of the Imperial Conference from time to time. I do not want to take up the time of this House at this stage by making any elaborate reference to the reasons which necessitated the passing of the Bill; but I think I ought to place these three extracts before the House. In 1918, the Imperial Conference resolved:

"That it is an inherent function of the Government of the several communities of the British Commonwealth including India that each should enjoy complete control of the composition of its own population by means of restriction of immigration from any of the other communities."

The next was in 1921 when the Imperial Conference again resolved as follows:

"This Conference whilst re-affirming the Resolution of the Imperial War Conference in 1918 that each community of the British Commonwealth should enjoy complete control of the composition of its own population by means of restriction of immigration from any of the other communities, recognises that there is an incongruity between the position of India as an equal member of the British Empire and the existence of disabilities upon British Indians lawfully domiciled in some other parts of the Empire. The Conference accordingly is of opinion that, in the interests of the solidarity of the British Commonwealth, it is desirable that the rights of Indians to citizenship should be recognized."

As the House will remember, this Resolution was passed practically unanimously, the dissenting voice coming naturally from South Africa. Then we have this further pronouncement to the following effect:

"That British citizens domiciled in a British country, including India, should be admitted in any other British country on certain conditions;"

and one of the conditions was:

"That the right of the Government of India is recognized to enact laws which shall have the effect of subjecting British citizens domiciled in any other British country to the same conditions when visiting India as are imposed on Indians desiring to visit such country."

At this hour of the day, when public feeling is excited over what is going on abroad regarding our Indian fellow-citizens, I shall not utter one word which would be an appeal to the passions and prejudices which we would like to do all we can to allay. We are here engaged, as a matter of fact, on a piece of legislation which is a business proposition, following the principles adopted by the Imperial Conference to which I have drawn the attention of the House, and which is absolutely the minimum that could be done under the circumstances. The Assembly with the assistance of all the parts of the House—and I would add with the assistance of the Government,

certainly at least not in the face of any violent opposition from the Government—adopted the measure which has been embodied in the Bill, which I am now asking you to consider.

Honourable Members will find that the Bill practically consists of one operative clause, clause 3, which gives the sanction, and declares that:

“The Governor General in Council may make rules for the purpose of securing that persons not being of Indian origin, domiciled in any British Possession, shall have no greater rights and privileges, as regards entry into and residence in British India, than are accorded by the law and administration of such Possession to persons of Indian domicile.”

That strictly carries out the principles to which I have called the attention of this House, and Honourable Members will notice that there is nothing in the shape of any mandatory injunction in the Bill so far as the Governor General in Council is concerned. As the Bill was originally framed, the intention was clearly mandatory, but, in deference to the strong appeals that were made on the occasion and having regard also to the great efforts that the Government of India were making, efforts that were well seconded in England, for the purpose of bringing about amicable relations as far as possible, the Assembly ultimately agreed that it would for the moment be satisfied if a general declaration and sanction was embodied in the Bill. That is how the Bill was ultimately passed without going to a Select Committee and that is how, I say, with the assistance of all parts of the House including the Government Benches, the Bill took the shape in which it is now coming before us for consideration. I do not think I need now take up the time of the House at this stage by further elaborating the matter, and I content myself with moving that the Bill, as passed by the Legislative Assembly, be taken into consideration.

THE HONOURABLE MR. G. S. KHAPARDE (Berar: Nominated Non-Official): Sir, I rise to support my friend, Dr. Sir Deva Prasad Sarvadhikary, first, because the Bill is an old friend of mine, coming back to me as it were. It may be remembered that in March, 1922, I moved a Resolution in this House to the following effect:

“This Council recommends to the Governor General in Council that when rights and disabilities are conferred or imposed on Indians by the laws of any Colony, legislation be undertaken to confer or impose the same rights or disabilities on the subjects of that Colony in British India.”

Sir, I do not propose to repeat what I said then in support of my proposition, but I only wish to point out that this matter attracted attention as early as 1911. Lord Crewe then mentioned this matter and supported it. It came on again, when Lord Sinha went to England in 1917. Then in 1918 again the same thing came up, and then in 1921 again, my friend thinks it came up, but I do not remember that occasion; anyhow I brought up this matter in 1922 when the Resolution was discussed and argued. After all, it does not require much argument, because it is an old principle embodied in every principal religion which is “do unto others as you would be done by”. It finds its place in the Christian Bible; it finds its place in the Hindu doctrines. *Ye yatha mam prapadhyante thams-thathaiya bhajamyaham*; it finds its place in the Koran and it is current all over the civilized world and that principle can be brought into politics very successfully, I think. The great recommendation is that it is not a war measure. It began in 1911, when war was not much talked of or much believed in. It is an eternal principle brought in during peaceful times and, now that

[Mr. G. S. Khaparde,]

peace prevails, it is only right that we should seek to introduce it here, and give it what is called "legislative sanction," if I may use that phrase. It is a well-recognised and good principle. We want it now. It is a measure very carefully drafted in the other House, by which we are asking our Government to legislate and frame rules and give effect to them, if and when they think it necessary, for the purpose of regulating the entry into and residence in British India of persons domiciled in other British Possessions. I am only asking for the imposition of the same kind of conditions on the citizens or inhabitants of Colonies in this country as those Colonies are putting on our people there. We do not want to be unjust to all the Colonies. We do not want to enforce these rules in the case of the Colonies who have proved good to us. It is only on those who have imposed disabilities on us that we propose to impose the same kind of disabilities here. This cannot be called retaliation. Retaliation is when you do something worse than what has been done to you. That is tit for tat. Our object is not that. What we say is let the people of Colonies who are here also undergo the same kind of disabilities, and when they feel the inconvenience, they and we will mutually agree to remove the whole thing altogether.

Sir, when I moved my Resolution, I was advised by almost every Member to withdraw it, because I was told that there were delicate negotiations going on. My friend, the Right Honourable Srinivasa Sastri was expected to go on tour in these Colonies. Then there were other matters that were urged and I was told it was premature. I am, Sir, a little bit of an obstinate man, and I said that it was not premature, because it began as early as 1911, and eleven years had gone by. I said that it could not be premature, but still, in deference to the wishes of my Honourable friends, I withdrew my Resolution. I am however very glad to see, Sir, that this Resolution has attracted attention and is taken up to-day, in fact, I may say that my Resolution has been transformed into a Bill. My Resolution has been slightly expanded, it has been put into proper legal language and brought up again before this House. So Honourable Members can easily imagine how pleased I am that the matter has come up before this House to-day. In the other House also in the course of the debate it was suggested by some speakers that it was somewhat premature to bring up this question. My point was that it had been before the world for eleven years—from 1911 to 1923 about twelve years have gone by, that is a period in India which we regard as very sacred, because everything becomes completely established, twelve years make a generation here,—and so I said it was not premature at all, because as everybody knows 'a faint heart never wins a fair lady'. If you are afraid, you will for ever be put down. The best course is to take time by the forelock, be early and strike first. We have waited for twelve years, it is all but too late, one might say, from my point of view. Anyhow, this has been brought forward, I am very glad of it.

This Bill, Sir, is a very harmless measure. It does not ask the Government to act immediately, it does not ask the Government to do anything very serious, but it only asks them to frame rules so that they may give effect to them at the proper time and in such manner as they think fit, I mean rules for imposing the same conditions regarding the entry and residence of Colonials here, as they have put upon our people there. This is

a very harmless Bill, and I am very glad indeed that my old friend has come back to me now. I therefore strongly support this proposition.

THE HONOURABLE MR. PHIROZE C. SETHNA (Bombay: Non-Muhammadan): Sir, I too rise to support this Bill. My only regret is that this is a private Bill, and not a Government Bill. I say it is my regret for, I should have thought that after the Resolution passed by the Imperial War Conference in 1918, which was quoted by my Honourable friend, Dr. Sir Deva Prasad Sarvadhikary, the Government of India would have themselves brought forward a measure of this kind. I have heard it stated that a measure of this kind was contemplated when Lord Sinha was in the Government of India, but what came of that intention, whether the Bill was drafted or not, I am not in a position to say. But I repeat that I should have certainly welcomed and would have certainly expected the Government of India to have brought forward a measure of this kind. As my immediate predecessor, the Honourable Mr. Khaparde, has observed, the Bill is a harmless one. I will add it is not a mischievous one, as it is represented on some sides. The Bill only gives enabling power to the Government of India. The reasons which prompted the Honourable Mover in the other House to bring forward this Bill were briefly enumerated by him in the number of disabilities to which Indians overseas were subjected. I think he summarised them in the following manner. In South Africa there was prohibition of the issuing of hawking licences to Indians. In Natal there was prohibition against Indians buying or even leasing municipal land. In the Transvaal an Indian had no right to acquire land except in demarcated areas. Such demarcated areas were embodied in an Ordinance; but subsequently they went further and even reduced the size of such demarcated areas. In the Transvaal and in other parts there is complete segregation in towns. On the top of this and as if this were not enough, we know that there is the social boycott, Indians not being allowed to stay in hotels, Indians not being allowed to travel in same compartments in which others do. Sir, these are very great disabilities, and they go on adding to the number. There is just now the Segregation Act about which we read the following telegram, dated London, the 10th instant, in this morning's "Pioneer":

"A meeting at Cape Town to-day of Indians representing the whole of the Cape Province entered a vigorous protest against the passage of the Class Areas Bill, contending, *inter alia*, that the introduction of this measure was a breach of the Gandhi-Smuts agreement of 1913."

There is a breach all along of the agreements that were made, and it is because of these breaches that the Honourable the Mover in the other House thought it right to bring forward this Bill. It is not only in South Africa, but elsewhere as well that we have to put up not only with hardships, but with indignities. Honourable Members will remember that I put a question yesterday to Government inquiring if it was correct that at Hong Kong, which is a British Colony, on the uppermost tier of what is called "The Peak" no Indian is allowed to buy land or put up a building without the permission of the Governor of the Colony, and the Government replied that they did not know, but they would make inquiries. I doubt not that my suspicions will be found to be correct, and that such restriction does exist there. Similar restrictions prevail elsewhere.

Speaking on this Bill in the other House, the Honourable the Home Member pointed out certain difficulties. He said like a boomerang this

[Mr. Phiroze C. Sethna.]

Bill might recoil on ourselves. First of all he said there will be indigenous South Africans against whom we have no grudge and Indians do not think of offering any opposition to them in this country. Further, that this Bill will also affect Indians, whose forbears had proceeded to South Africa and settled there, returning to this country. The Home Member's point was that such Indians and indigenous Africans serving in ships, when they come to India, would be disqualified by this Bill from coming here. The answer to that was that the rules could easily be so framed as to provide for the entry of such persons. (*The Honourable Dr. Sir Deva Prasad Sarvadhikary*: "That is now provided in the Bill")

Another point on which the Honourable the Home Member laid great stress was as to why we should not discriminate, why we should treat all Colonials alike? The Honourable the Home Member was quite right, and nobody can speak with greater authority than the Right Honourable Srinivasa Sastri, because of his intimate and first-hand knowledge of the subject, and I do hope he will address the House to-day on various points connected with this Bill. The Right Honourable Member has told us on other occasions that the treatment extended to Indians in different Dominions and Colonies is not alike but varies. If I remember rightly, he holds that the Indian is treated best in New Zealand, next best in Australia, and even in Canada there is only one province, British Columbia, which is hostile to Indian interests. As to the rest of Canada the Honourable Member has said, and I know from personal knowledge, that the other Provinces are perfectly agreeable to extend the franchise to the Indian and give him every possible facility. Therefore, it will follow that in the rules we frame we would not go as far against Canada, Australia and New Zealand as we would certainly go against South Africa. That difficulty pointed out by the Honourable the Home Member, is therefore met by the Bill. The rules could be framed against each country in accordance with the indignities to which our people are subjected in that particular Dominion or Colony. One suggestion that fell from Sir Malcolm Hailey was that, while this matter was being negotiated, we ought to hold our hands. But it is a question of negotiating with whom? With one person and he, General Smuts, who, while he professes to bring about unity in the Empire, is the first to destroy such unity by the manner in which he not only condemns Indians but also condemns the Government of India.

Further, this measure, whether you call it a reciprocity measure or a retaliatory measure, is a measure which should stand in our Statute-book. If there is any objection, I would like to refer the Honourable Members to the discussion which occurred only a week ago in Madras during the passage of what is known as the Madras Port Trust Bill. There was first of all a Resolution to exclude from the Port Trust Board white men from the Colonies. It seems that officials and non-officials met after this and suggested an amendment, namely, that only such Colonials as belong to the Colonies which do not accord equal status to the Indians domiciled there be excluded. Now, Sir, that was a fair compromise, but even that was objected to by the Honourable Member in charge, Sir Charles Todhunter. He was opposed to the sentiment finding a place on the Statute-book because he thought that, when the present generation had passed away, perhaps the sentiments in India against Colonials would have disappeared. He appealed therefore to the House not to pass the amendment, which

would be a perpetual reminder of the embittered feeling against Colonials to coming generations of Indians. I may inform the House that the measure was passed in spite of Government opposition, and I hold that the Madras Council have done right in passing this amendment. Sir Charles Todhunter said that an enactment like this on the Statute-book would not help matters later on, but I say an enactment like this in the Madras Council and an enactment like the one we want to introduce here would help the cause of Indians, for if we have such an Act on the Statute-book, it will further an improvement in the condition of affairs in regard to Indians elsewhere earlier than might be otherwise expected.

As I have said, I strongly support the motion, and I repeat you may call it a retaliatory measure, but we certainly do not choose to retaliate in the way other countries have done. I will again call the attention of the Council to certain questions I put yesterday to the Government. I asked the Government whether it was a fact that in Indo-China all Asiatics were compelled to leave thumb and finger mark impressions of both hands with the police, and further that they were required to have a permit always on their persons, which if they had not they were liable to imprisonment. My next question was whether it was a fact that the Japanese were included as Asiatics in the first instance and subsequently they were excluded. The third part of the question inquired whether it was a fact that the Japanese were so excluded only after the Japanese retaliated on the French by compelling Frenchmen who entered Japanese territory not to give the impression of their fingers and thumb, but to give the impressions of both their feet to the Japanese officials. The Government also replied to this question to the effect that they were not aware of what I had stated but that they would be pleased to inquire. I am confident, Sir, that the result of the inquiries will support the statements I made yesterday in the shape of questions and which I have repeated to-day. I say, Sir, India does not propose to go to that length, but we want to have this on the Statute-book, so that, if the people in the Colonies and other places in the British Empire know that we are in a position to retaliate, even to a small extent, the fate of our Indian brethren in those places will be much better than what it is to-day.

THE HONOURABLE MR. G. A. NATESAN (Madras: Nominated Non-Official): Sir, I should like to state at the outset how happy I am that I am able to take part in a debate on this question. This question of the treatment of Indians abroad has long been engaging my attention, and, if I may sound a personal note, it has been my privilege to work on behalf of this cause with many distinguished Englishmen and Indians, and among the Indians I may mention with pleasure with Mr., now, Sir Narasimha Sarma, and we were actively engaged in an agitation, if I may say so, for the redress of the wrongs and indignities and insults to which our countrymen in South Africa were subjected then and are being subjected to-day. In the discussion of this question in the Assembly, and even here, I find a sort of apologetic tone adopted by some non-official Members. I should like to say that I give my support to this Bill because it serves two purposes. It enables us to carry out the principle of reciprocity that has been enunciated in the Resolution of the Imperial Conference, and it enables us, so far as I can see, also to retaliate, that is, to give the Colonials who ill-treat our countrymen the same treatment which they give to our men. I have no hesitation in saying that I am very proud of

[Mr. G. A. Natesan.]

a measure of this description. The wrongs and indignities that have been heaped upon Indians in many parts of the Dominions, in self-governing and Crown Colonies, have been of such a flagrant character that at one time many members of the British Cabinet and high officials described it as positively amounting to a scandal. There have not been wanting statesmen who have said that so long as these grievances of Indians remain, the peace and prosperity of India will continue to be disturbed; and some responsible statesmen have even gone so far as to say that it is a disturbing factor in the stability of the British Empire itself. I take it, therefore, that any one who takes part in this question must make it very plain that in helping to pass a measure of this description we wish to make Colonials and Colonial statesmen understand that we are fighting, not merely for the interests of India, but also for the integrity and stability of the British Empire. I want this House, as a self-respecting body composed of Indians and Europeans who form part of the great British Empire, to make all others understand that this great country of ours with its population of over 300 millions cannot for a moment allow its self-respect to be wounded in any manner whatsoever. We cannot allow the safety of the British Empire to be jeopardised by a handful of Europeans—by some in South Africa who years ago formed themselves into a plutocracy of gold-hunters and now in Kenya as land grabbers. We are interested as British Indians in the honour and self-respect of the British Empire and anyone, whether he be Indian or European, who does anything to cast a reflection or leave a stain on its fair name, is injuring the cause of the Empire. It is because I am anxious that there should be peace and contentment and that a British Indian subject should be able to carry the rights of British citizenship in any part of the British Empire to which he goes, that I feel a measure of this description ought to be enacted, and I do not see the necessity for any Member of this Council or of the Assembly, be he European or Indian, to speak in an apologetic tone at all. I welcome this measure because it embodies the principle of reciprocity for which the Imperial Conference stood. I welcome this measure because as self-respecting people we are now in a position to say that we are not going to tolerate this nonsense of the ill-treatment of those of His Majesty's Indian subjects who emigrate to other parts of the Empire; and I am anxious that this measure should have the unanimous consent of this House. I am looking forward with interest to the pronouncement of the Honourable the Government Member in charge of this subject to say that in acceding to our wishes he is but echoing the feelings which are uppermost in the minds of millions of His Majesty's British subjects in this country, composed of both Europeans and Indians.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces General): Sir, I beg to move as an amendment that the Bill be referred for further consideration to a Select Committee consisting of the following Honourable Members:

The Honourable Dr. Mian Sir Muhammad Shafi,
 The Honourable Sir Narasimha Sarma,
 The Honourable Mr. J. Crerar,
 The Honourable Dr. Sir Deva Prasad Sarvadhikary,
 The Honourable Sir Dinshaw Wacha,
 The Honourable Sir Muhammad Rafique, and
 The Honourable Mr. R. P. Karandikar.

Sir, in introducing this amendment, I think it is necessary to make my position absolutely clear at the outset. I am afraid there is some misapprehension lurking in the minds of some of my Colleagues that, in moving this amendment, I have a desire or some sort of sinister motive to wreck this Bill or to prevent its passage during this Session of the Council of State. Let me immediately disabuse the minds of my Colleagues of this misapprehension. Let me assure them that I entirely share the views of my Honourable Colleagues who have preceded me and have spoken with such warmth of feeling. I entirely endorse a great deal of what they have said on the subject.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN: On a point of order, Sir. Your orders are that no names for a Select Committee should be brought forward unless the Members are previously asked if they agree to serve. I want to ask if the Members in this case have agreed to become Members of the Select Committee.

THE HONOURABLE THE PRESIDENT: I think we will take that objection later. Should the amendment be put to the House, the Honourable Member may then raise the point.

THE HONOURABLE SIR MANECKJI DADABHOY: Sir, I may say that on the question of South Africa I yield to no one in this Council in my warmth of feeling, in my resentment, in my disappointment, at the conduct of the South African Union. I may remind my Honourable Colleagues that on the 27th of July last, on the very day when they were debating this very measure in the Legislative Assembly, I moved a motion for adjournment in the Council of State expressing the disapprobation of the Council in regard to the action which the Imperial Government had taken. I may also remind this Council that I was one of those who headed the deputation to His Excellency the Viceroy eight days before that great pronouncement was made by the Imperial Cabinet. My Honourable Colleagues are fully aware of the part that I have taken in this connection. But, Sir, whilst fully endorsing what has been said, I feel it my duty, as a Member of the Council of State and as one of the oldest Members present here, to say that I am not a little disappointed with the attitude taken up by my Honourable friend, Dr. Sarvadhikary, that this Bill should be passed without any amendment. I disagree entirely with the learned Doctor if he thinks that the Council of State, which is a correcting body, a revising Chamber, should surrender its authority to another body. I hold that for the maintenance of the dignity of the Council of State, for the maintenance of the good name of this body as a correcting and revising Chamber, we should do nothing to jeopardise its authority or lessen its dignity. I am disappointed to hear this statement of my Honourable friend, Dr. Sarvadhikary, particularly as he is an eminent lawyer. He however comes from that Assembly perhaps still imbued with the atmosphere of that place and it will take some time before he is able to get rid of the soporific atmosphere of that House.

Sir, I have now made my position clear and I assure my Colleagues here that I have not the slightest desire to wreck this measure. I want to improve it as much as possible in a manner which will redound to your credit, in a manner which will reflect credit on the Council of State, in a manner that, when this Bill is perused by other international countries,—and pray remember that, when this Bill is published, it will be closely scrutinised by all other nations to ascertain the measure of retaliation adopted by this country,—as India will not be laughed at and ridiculed.

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It is for this reason that I have proposed this Committee to examine this Bill, and with no sinister object or motive, as some of my Honourable Colleagues seem to think.

Sir, I realise and know what many of my friends have said that this is a permissive Bill. My friend, the Honourable Mr. Sethna said that it is not a mischievous Bill. Other adjectives have also been used in the course of this debate. But in agreeing with them I would ask my Honourable Colleagues to endeavour to place on the Statute-book a measure that will carry out their intention and their real purpose. I presume they do not want to put on the Statute-book a meaningless Bill which will have no operation and which will place in the hands of Government power to make and frame rules that would be inoperative and which would in a great measure frustrate the very object they have in view. It is for these reasons and even at the risk of meriting a little disapprobation from some of my Colleagues, that I have ventured to ask for the appointment of a Select Committee.

Now, Sir, if our object is to make the measure retaliatory, then we must without disguise carry out that intention. My friend, Mr. Khaparde, as well as my friend, Mr. Natesan, said that it was not a retaliatory measure. I have read the debate in the Assembly and I have thoroughly studied the Bill and the debates. For God's sake let us not deceive ourselves by saying that this is not a retaliatory measure, and that it is a measure simply of reciprocity. Let us be candid. Let us be sincere. Let us be fair and say that we are displeased, disappointed, aggrieved with the conduct of the South African Union and that we propose to retaliate. Let us have that moral courage; let us not shield ourselves under the simple pretence and untenable excuse that this is a reciprocity measure

THE HONOURABLE MR. G. A. NATESAN: May I say a word by way of personal explanation, Sir? I distinctly said that I welcomed this Bill as a measure of retaliation also. The Honourable Member will therefore see that his observations are rather beside the mark.

THE HONOURABLE SIR MANECKJI DADABHOY: I am glad to hear that explanation. We all know—every one who has got an elementary idea of these definitions knows—that there is a material distinction between reciprocity and retaliation; and any one who has studied the idea underlying this Bill cannot possibly urge in this Council that a measure of this kind is not of a retaliatory character. But I do not object to retaliation. If the time, nature and the circumstances require retaliation, let us have retaliation by all means and we shall have retaliation; and we shall pass a retaliatory Bill. Sir, I do not propose to go into the principle of this Bill and inquire at this stage whether we should pass a Bill of this nature or not. Sir Malcolm Hailey in the Assembly has accepted the principle underlying it. My Honourable friend, Sir Narasimha Sarma, has also accepted the principle so far as this Bill is concerned. I am not going into that; but I find it necessary to draw your attention to certain salient features of this Bill; and, if it pleases you and if you think there is something in what I say that the Bill needs examination, we ought not to shirk our duty and we ought not to refuse to submit the Bill for examination. I may say that there need be no apprehension that, if the Bill is referred to a Select Committee, it will not be passed this Session. I am as anxious as any one of you

that this Bill should be examined, and, if my motion is accepted, should be brought up in this Session for further discussion and passed and returned to the Legislative Assembly if need be.

Sir, with these comments, I will just draw your attention to some important features of this Bill. You must not omit to bear in mind the fact that this Bill was introduced, debated, discussed and passed into law in one day, and, though I admit with great respect that a lot of light was thrown in the course of the debate and many important and pertinent amendments were put forward both by Government and Sir Sivaswami Aiyar and were accepted after some discussion, it does not behove us as a Council of State to hurry this measure, to rush it through without further detailed examination. I shall speak later on as to the composition of the Select Committee. My first apprehension is that I am not satisfied with the definition of the words "British Possession." I am afraid this definition, as it is worded, will lead us into complications and difficulties. There is no doubt that it is an acknowledged principle that you may expressly define certain words for the purpose of special Acts; but we could very well have fallen back upon the General Clauses Act and taken the definition of "Colony" which would have suited better for the purpose with a slight modification, than the definition embodied in this Bill. My Honourable Colleagues will see that this is a matter which needs some thought and consideration. Then, Sir, in the definition of the word "entry" it has been defined as including landing at any port in British India during the period of a ship's stay on her way to a destination outside British India. That also will give us some trouble. What about seamen of different countries and different nationalities who come into Indian ports and get down and stay for a few days? There is some difficulty about this clause, which needs mature examination. Adverting to the operative clause of the Bill, which is the most essential clause, in fact which is the life and soul of this Bill, we are confronted with numerous difficulties. For the first time in the history of Indian legislation a new phrase has been coined and that phrase is "Indian origin". I know this phrase was embodied in the clause by way of an amendment put forward by a lawyer of great eminence in the Legislative Assembly and for whom I have profound respect; but I believe that this phrase will cause complication. As I shall show presently, when I examine clause 5,—it will put tremendous difficulties in our way and will unconsciously perpetuate disabilities and put our own countrymen whom we seek to protect in a position of serious predicament. Sir, that is a small matter, however. Let us look and examine the clause a little more carefully. My friend, Mr. Sethna, has forestalled me to a certain extent and has stated that this Bill applies to all the Dominions. It does. It provides for no discrimination at all. Various Colonies and Dominions treat our Indian fellow-subjects in different manner. The treatment accorded to Indians in the Dominions and Crown Colonies is of a divergent character. Now, with all deference, I submit that in including all the Dominions in this Bill, we are courting serious trouble. Our immediate quarrel is with the Union Government of South Africa. I am prepared to concede that we should take all possible measures of retaliation against that Colony to redress our grievances if necessary. But I abhor the idea of our entire disassociation from the other parts of the British Empire. I wish my Right Honourable friend Srinivasa Sastri had preceded me in this debate. I would have been glad to hear from him what is our present immediate grievance with the other parts of the Dominions. I know we have got some minor grievances. But in the long debate which took place in the other House, neither

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the author of the Bill nor any Member of the House had said a word about it or as to the necessity of including them in this Bill. I challenge any Member here to point out to me in that debate a word if said by any Member of the other House, as to why it has been deemed necessary to include the other Dominions in this measure.

THE HONOURABLE MR. LALUBHAI SAMALDAS (Bombay: Non-Muhammadan): What about British Columbia?

THE HONOURABLE SIR MANECKJI DADABHOY: I am coming to it presently. Sir, I am personally opposed to this policy of detachment from the other members of the Empire, unless we have got a substantial and a real grievance against them. My Honourable friend Mr. Lalubhai Samaldas speaks of British Columbia. We have not yet fully negotiated with Canada in regard to the treatment which Canada accords to Indians in her possessions. The matter was never brought up even before the Assembly. It has not been discussed in the public press; it has never, to my knowledge, been made a matter of real and substantial grievance up to now. If Honourable Members think that in legislating against Kenya we should incorporate in the Bill other Dominions as well, they are welcome to do so, but I must, as a Member of this Council, sound a note of warning. The action which we are taking is unstatesmanlike, the action which we are taking in including the other Dominions without any immediate cause is impolitic, it is unwise and inexpedient. Let us certainly legislate against Kenya, but let us not make the other parts of the Empire our enemies, because do not forget that India must depend for her trade on the goodwill and reciprocity of the other members of the Empire.

Sir, let us see how this clause will be effective as a measure of reprisal which we are anxious to adopt. Now the words which we have used are: "being of Indian origin, domiciled in any British Possession, shall have no greater rights and privileges, as regards entry into and residence in British India, than are accorded by the law and administration of such Possession to persons of Indian domicile."

I submit, Sir, with great deference to my Colleagues, that, even if the Government of India make such rules in consonance with this clause, they will be inoperative. You have to differentiate the position of the white settlers in Kenya from Australians and Canadians. If you think that the white settlers of Kenya have lost their British domicile, you are seriously mistaken in your view and in your interpretation of the law. Kenya is entirely different from Australia, from Canada and from other self-governing Dominions. These white people who have gone and settled down in Kenya have not lost their British domicile, and, as this clause is worded, it will be absolutely impossible and wholly ineffectual, and it will not prevent the white settlers from landing in this country. Sir, this clause, as it is drafted, does a gross injustice to a class of people who have done us no wrong, who have done us no injury, who have been our friends and who gave us first shelter in their land long before the white settlers went into Kenya and allowed us to land and trade in their own country, I mean the Africans. The phrase "Indian origin" will not apply to these people, and, if any of these Africans want to settle down in India, what happens? You shut them out, you shut your friends out

THE HONOURABLE MR. PHIROZE C. SETHNA: We do not.

THE HONOURABLE SIR MANECKJI DADABHOY: You certainly do, as the law stands. As the clause is drafted, you have no option. It may be said, Sir, that the rules which the Government of India will frame will provide for that. I am very doubtful about that, as the clause is drafted on somewhat decisive and mandatory lines by employing the phrase "Indian origin". It will not be open to the Government to make any such exemptions in derogation of the substantive provision of this law.

THE HONOURABLE MR. G. S. KHAPARDE: We can amend the rule.

THE HONOURABLE SIR MANECKJI DADABHOY: Thank you. What further, Sir? There is no provision for exemption in this. I have thought over the matter and believe that the law, as it is framed, does not provide for cases of exemption at all, and, unless there is a statutory power given to exempt certain classes of people, as the clause is worded, I am afraid I have serious misgivings whether it will be operative. What will be the result? What will happen to the several members in the Civil Service who are South Africans? What will happen to other members in other services of the country who are of South African origin? I understand that, if this Bill is passed, we will have to segregate one of our present Governors to some other place; we will have to segregate our friend General MacWatt, and possibly lock him up under the clause. (Laughter). Sir, these are difficulties which have not been contemplated by the other Legislature. Take Sir, further the words which have been used, namely, "tuan are accorded by the law and administration of such Possessions to persons of Indian domicile".

THE RIGHT HONOURABLE V. S. SRINIVASA SASTRI: Such Possession.

THE HONOURABLE SIR MANECKJI DADABHOY: Yes, such Possessions. Here, I say that any legislation to proceed on a parity is very problematic, it is very difficult. Take the case of South Africa.

THE HONOURABLE THE PRESIDENT: The Honourable Member is perfectly justified in drawing attention to defects found in drafting, which may render it necessary to refer the Bill to a Select Committee, but he must be moderate in doing so. He must not argue the points at the same length as he would in Select Committee.

THE HONOURABLE SIR MANECKJI DADABHOY: Sir, I want to make out a case.

THE HONOURABLE THE PRESIDENT: I have already explained to the Honourable Member that he is perfectly justified in drawing attention to drafting defects, or defects of wording which render it desirable to refer the Bill to a Select Committee; but he is not justified in arguing each point in great detail.

THE HONOURABLE SIR MANECKJI DADABHOY: If that is your ruling, Sir, I must bow to it and be very brief. South Africa has abandoned the idea of segregation, but assume that they go in for segregation, how are we going to put segregation into force? There are no highlands here, unless you call Simla and Mussoorie and such places high lands, and what does it matter if you prevent the white settlers going there? Has anybody ever inquired how many South African white settlers come to India annually and settle down here? Have you got any census? Is this Act going to be effective in that way? The same difficulties will arise in the matter

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of communal representation. They have given us communal representation, not a common franchise. As regards communal representation, have we not communal representation in India? We have got a European constituency, we have got minorities who have obtained communal representation, how are you going to punish South Africans by giving them it for that in a matter like communal representation? I think, Sir, if we are going to retaliate, as I feel you would like to retaliate, it would be better if we gave the Government powers to frame rules and regulations and a free hand to take such measures as may be suitable for safeguarding Indian interests and for vindicating Indian prestige and self-respect. A measure like that would be much better and would serve our purposes admirably. Pray consider the absurdity of the law which you are now called upon to pass in a great hurry and without qualifying amendments. You rushed this Bill through the Legislative Assembly; for your own sake, for our own reputation, do not rush it through the Council of State. Let us examine it, let us sit together, examine and see if we cannot improve this Bill and make it an effective weapon in our hands for the purpose of meeting our adversaries. The language of the Bill is defective; it does not convey the meaning you want; the wording of clause 3 is extremely faulty; it imperfectly and inadequately expresses your meaning and the point which you wish to put into execution. I put you on your guard and beware of it. As the Honourable the President has warned me, I do not propose to go into further details. I could go into several important details and cut the Bill to pieces as it stands at present. I do not wish to take up your time much longer, but I appeal to you that this is a matter which specially needs our careful reflection, our unbiassed, our dispassionate, consideration. I am asking you nothing unreasonable but to sit together and examine the Bill. I have taken special care to put lawyers on this Select Committee, the majority are lawyers, so that they may be in a position to thoroughly examine the Bill and make it an effective weapon in the hands of Government. The Honourable Sir Malcolm Hailey in the course of the debate in the Assembly said that he would approve of a measure like this as a method or a weapon for negotiation in our hands. I respectfully disagree with his surmise and statement. The Bill as it stands will not be an effective weapon to negotiate with the South African Union. This is just the Bill which General Smuts will welcome; this is just the Bill which General Smuts will receive with delectation and great readiness. It is a Bill which his Council, his Legislature, will thank you for passing. If you are earnest and want to pass a Bill, pass one that will be effectual and one that will not be an emasculated, effete, measure. Sir, I do not want to detain the Council any further. In conclusion, I say I have the fullest sympathy with my Colleagues, I endorse to a certain extent their views and sentiments, but I cannot make myself a party to, or subscribe to, a piece of badly drafted, ill-considered legislation which also appears to me to be incongruous and wholly ineffectual.

THE HONOURABLE THE PRESIDENT: I think the Honourable Member is too old a Member of this Council not to have first satisfied himself that the Members he has mentioned for the Select Committee are willing to serve on it if his motion is carried.

THE HONOURABLE SIR MANECKJI DADABHOY: Sir I have consulted most of them, except the Mover of this Bill, and they have all told me they will be willing to serve if the Bill goes to a Select Committee, and

I believe Dr. Sir Deva Prasad Sarvadhikary, if my motion is accepted, will have no objection to serve on the Committee.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Sir, it will be inconsistent with the dignity, prestige, and everything else that has been pleaded if I sit on this Select Committee, and I decline to do so.

THE HONOURABLE SIR MANECKJI DADABHOY: May I propose another name?

THE HONOURABLE THE PRESIDENT: The Honourable Member should have ascertained beforehand whether he was willing to serve.

THE HONOURABLE MR. R. P. KARANDIKAR (Bombay Non-Muhammadan): Sir, I am willing to serve for reasons I am going to state . . .

THE HONOURABLE THE PRESIDENT: I have not yet put the motion to the House. I was merely finding out whether the Members were willing to serve on the Select Committee. The motion before the House is the amendment moved by the Honourable Sir Maneckji Dadabhoi:

"That the Bill be referred for further consideration to a Select Committee comprising the following Honourable Members:

The Honourable Dr. Mian Sir Muhammad Shafi,

The Honourable Sir B. Narasimha Sarma,

The Honourable Mr. J. Crerar,

The Honourable Dr. Sir Deva Prasad Sarvadhikary,

The Honourable Sir Dinshaw Wacha,

The Honourable Sir Muhammad Rafique, and

The Honourable Mr. R. P. Karandikar."

If the House passes the motion either that the Bill be taken into consideration or that the Bill be referred to a Select Committee, it affirms the general principle of the Bill. Therefore, these two motions are capable of discussion together. If we carry the motion for a Select Committee or that the Bill be taken into consideration, that affirms the principle of the Bill. I wish to make that clear. The debate may proceed on those lines.

THE HONOURABLE MR. R. P. KARANDIKAR (Bombay Non-Muhammadan): Sir, I desire to make my position clear. Before my name appeared in connection with this amendment, I was consulted by the Honourable Sir Maneckji Dadabhoi as to whether I would serve on the Committee. I gave my consent. I stand here therefore in a double capacity. When I say I consented to be on the Committee I did not for a moment accept the position that I would stultify myself and be prevented in the least manner possible from objecting to this amendment.

THE HONOURABLE THE PRESIDENT: The Honourable Member is perfectly within his rights in agreeing to sit on the Select Committee and yet voting against the motion.

THE HONOURABLE MR. R. P. KARANDIKAR: And I shall state my reasons. In this respect I was at a disadvantage in not having heard the debate in the other House, and I tried to go through the literature on the point. I would not call the other House the lower House. If it is lower, it is on a lower scale because it is more weighty.

THE HONOURABLE THE PRESIDENT: I would ask the Honourable Member to avoid these invidious comparisons. They serve no useful purpose.

THE HONOURABLE MR. R. P. KARANDIKAR: I accept the correction. The point that I wished to draw attention to, is that I should take defeat, whatever it be, in connection with the motion before the House in the spirit in which Sir Malcolm Hailey took it in the lower House, and also to refer to what he said as regards the secrets of success. In referring to a certain measure after he was defeated in a certain manner, he said:

"If we have in our long career been not unsuccessful as a nation, it is because of two things.

"In the first place, we refuse to admit defeat, and in the second place endeavour to keep a calm judgment in circumstances which seem for the moment entirely adverse to us."

I would therefore, even if I am defeated with reference to taking into consideration this Bill and the amendment is carried—I would go in and become a member of the Select Committee to try to do what little I can. I am anxious, with respect to this Bill, to speak as dispassionately as possible. It is impossible to resist the temptation of expressing one's views on such a topic in measured words or in measured sentences; but I am sure I am voicing the feelings of the whole of India when I say that the Bill could have been improved in the first House or in this House. But my attitude in such matters is what Lord Ripon expressed when in London in 1908 I was present to listen to His Lordship. He was entertained at the Eighty Club. I was present to hear what he said. He said "Take what you get and fight for the rest". It is in that spirit we take this Bill—not that it cannot be improved but that it may be possible later on, as circumstances indicate the way in which to improve it, to do so. The Government of India themselves or the public at large may urge for improvement of this Bill. There have been many discussions in the first House, and if you permit me, Sir, to refer not at length but by way of reference merely, to certain incidents that occurred while this Bill was before that House, it will be obvious that it is not at all necessary to waste more time over a measure of this kind. The Honourable Sir Malcolm Hailey in alluding to the time that had been spent in considering and improving a measure of this kind since the year 1918,—alluding to the remarks which were passed with reference to the delay, said in effect that a great deal of time had been spent over it and that the measure could have been passed earlier than it actually was. I have my misgivings—pardon me for saying so—about Select Committees. I wish to be on the Committee if one is appointed, as I wish always to be on the train and not to be left behind at the station. I shall either be on the engine or if necessary in the brake where I may be locked up if I am at the disposal of the railway company; but in any case I must be on the train to watch where it goes; I will not allow it to run away. I shall be on the Committee to see for myself how the work goes on, and then if need be I shall go to the country and tell the people to take care of the Select Committee. Perhaps others have larger experience of such Committees and I may have very little, but I will add to what experience people have of such Committees, and I do trust that, even if this Bill goes to the Committee, the Committee will be successful in attaining the object which the whole of India has at heart. When I say the whole of India I am not unmindful of the Government of India.

What is the Government after all, if it is not the Government of the nation? If the whole of India wants reciprocity, will not the Government of India also want it, and has not the Government of India certified that it does want reciprocity? It is from that point of view that I have read the various speeches that deal with the literature referring to the discussion in the other House. I see before me the Honourable Sir Narasimha Sarma who guided the deliberations of the Assembly. I do not see the other gentleman; but I daresay that though the Legislature may go by halves the Government never go by halves. The Honourable Sir Malcolm Hailey represented the Government there as did the Honourable Sir Narasimha Sarma here. They had the benefit of what they could say on behalf of Government and I was wondering what attitude the Government would take on this subject here. I have now not the smallest doubt since silence is golden and there has been no rejoinder from the Government side yet. I do trust that, if the matter comes to voting, the Government will give us their support, as did the Honourable Sir Malcolm Hailey in the other House; in spite of his opposition at a certain stage of the Bill, he finally voted for the Bill, in a right sporting spirit. I say the whole Assembly voted for the Bill including the Honourable the Home Member. I have long been anticipating that the Government Benches in this House also would support us. I entirely agree with the Honourable Mover of the amendment that his amendment is perfectly right; but there is always a great danger that a certain measure which is timely and opportune in the circumstances of the case, a measure that has to be adopted by a nation so insulted, may lose its force if it is delayed. Why delay the matter for the sake of mere details which are best left to the Executive? And I do say emphatically that the Assembly have shown some moral courage in trusting the Executive and in arming the Executive with the different weapons which are necessary for the purpose of protecting India. There have been certain misgivings over definitions, here and there. No definition in the world has satisfied everybody. Rack our brains as we may, there are always matters over which the Bar and the Bench can hardly agree. I say you can leave these questions of definition to the judgment of the future. Definitions may no doubt be improved upon; but in regard to one point I will ask "Will not the Dominions feel proud of being included in the British Possessions?" Certainly they will. The definition has been drawn there, and British Possessions must include the Dominions. It only refers to the manner in which the British Dominions have to be dealt with, and then we deal with that British Dominion which forgets that it is a British Dominion. Nothing more than that. And the Government of India is capable of being the best judge in this matter. We, the people at large, have no means of knowing what actually passes between one Government and another. There is only one small point to which I will refer. The original Bill contained the word "shall". We are sometimes accustomed to interpret the word "may" as meaning "shall". I may be wrong but I take it that it does mean "shall". But suppose it does not. I say accept this Bill in the spirit in which it was made. When a small amendment was made in the lower House it was described as cryptic by Dr. Gour, who certainly thought that, if no speech supported the amendment, it could convey the idea that it might be inspired; but surely there need be no such insinuation. Gentlemen never trouble the House with long speeches, unless a novice like myself would intrude upon their attention. But it is on that and on Sir Malcolm Hailey's

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coming to the rescue that the word 'shall' was turned into 'may'. It was accepted there; we keep it here and in accepting this amendment the Government said that it should be left to their discretion to catch hold of the opportunities that occur and to deal with the opportunities as the circumstances required. If that is so, I do not know that we need spend any longer time over such a matter. Reference to a Select Committee might perhaps mean that it may not emerge from the Select Committee. I was at one time tempted to move as a rider that the Select Committee should report within a week. But in the circumstances of this case, I hesitate. I will not do it in the full hope that the House will carry the first motion and that the Bill, as it was passed by the first House, will be carried here.

THE HONOURABLE MR. LALUBHAI SAMALDAS (Bombay: Non-Muhammadian): Sir, I rise to support the motion of my Honourable friend, Sir Deva Prasad Sarvadhikary and to oppose the amendment moved by my friend Sir Maneckji Dadabhoy. Sir, my Honourable friend, Mr. Khaparde, said that this Bill is his old Resolution in a new form and that is exactly so. On that occasion I was one of those who requested him to withdraw his Resolution because at that time we were arranging for a deputation of a few representatives of South African Indians to His Excellency the Viceroy and we did not want to spoil the chances of negotiation between the Government of India and the Government of South Africa. Much water has flowed down the Ganges, if I may say so, since then. The Right Honourable Srinivasa Sastri has been to England to fight for the rights of Indians in Kenya. Dr. Sapru has been there to fight for the rights of Indians all over the world in all the Colonies. What has been the result? My Right Honourable friend comes back entirely disappointed. Dr. Sapru comes back—I will not say entirely disappointed—but quite disappointed as far as South Africa is concerned. That means that we have lost the battle and it is no use now waiting to show our feelings in the matter. Sir Maneckji Dadabhoy asked us why we fought shy of the word 'retaliation'; I am not fighting shy of the word and I resent his saying that we have not the moral courage to use that word. I am prepared to use that word, but not in the sense of being vindictive. I think my Honourable friend Mr. Sethna used retaliation in that sense and not in the sense in which Japan, according to him carried out retaliatory measures. There may be retaliation in that sense, but we want it in the sense of reciprocity only and nothing more. We do not mind using that word and I do not think that Dr. Sir Deva Prasad Sarvadhikary will object to it either. Sir, we want the Bill to be put on the Statute-book as early as possible.

That being granted, and the principle being approved—I believe you said, Sir, that the amendment accepts the principle—I will now refer to the amendment. My friend, Sir Maneckji Dadabhoy gave us an assurance—I do not know whether it was needed—that he did not want to wreck the Bill. If there is a feeling sometimes among some Members on this side that he did want this Bill to be shelved a bit, he has himself to thank for it. Very often he is more for Government than even the Government Benches. (*The Honourable Sir Maneckji Dadabhoy*: "I question that statement.") That is perhaps because he knows what is going on in the mind of the Government Benches. We sometimes feel that he would be more useful on the Government Benches than elsewhere. (*The Honourable Sir Maneckji Dadabhoy*: "I question that statement: I believe in

conscience"). I am sorry if I have done him any injustice; but that is the feeling on this side. When we find him moving amendments adding the phrase "as far as practicable" to all motions and Resolutions moved from this side, as he did only the other day in regard to my friend, Mr. Phiroze Sethna's Resolution, is it surprising if such a feeling does exist? When I listened to his speech I was not able to make out whether he opposed the Bill or supported it. At one time he said the Bill was meaningless (*The Honourable Sir Maneckji Dadabhoy*: "As drafted.") and that it will not be of any use. At some other time he said—I am using his words—"that if we pass this Bill it would mean detachment from the Empire." None of us, nobody on this side of the House, wants detachment from the Empire, and I do not know why my friend, Sir Maneckji should take it that this Bill wants or suggests any detachment from the Empire. We want to be within the Empire; we want to avoid a quarrel with any Dominion which is sympathetic to India and which treats Indians as equal fellow-subjects of His Majesty. That is the attitude we want to take up and that is the attitude which, I take it, has been embodied in this Bill. Sir Maneckji Dadabhoy said that the Bill was defective. I am not a lawyer, Sir, and not being a lawyer I am not in a position to say how far the drafting is defective or not. But I have carefully read the debates in the Assembly; I was present in the gallery when the Bill was carried through and I know that eminent lawyers like Sir Sivaswami Iyer, Diwan Bahadur Rangachariar and others tried to amend the Bill and put it into shape; not only that; but I think I am correct in saying—I am giving credit where credit is due,—that my friend, Mr. Graham, who was then a Member of the Assembly, did his best to put the Bill into proper shape. Whenever there was a mistake in drafting, he got up and had it set right. I remember him saying in one place "Gours rush in where Sinhas fear to tread." That shows that the Government Benches were very careful to see that the Bill was made as correct in style and drafting as possible. My friend, Sir Maneckji Dadabhoy now wants the Bill to be referred to a Select Committee. Government have not suggested that procedure in any House. Diwan Bahadur Rangachariar (then Rao Bahadur Rangachariar) said when opposing the amendment of Sir Malcolm Hailey that the Bill be circulated, "To whom is it to be circulated?" The Government of India knows the views of the Local Governments. He added that he could understand Government referring it to a Select Committee. The Honourable Sir Malcolm Hailey thought better than Sir Maneckji thinks of the necessity and importance of such a course. He did not try to shirk or shelve the Bill; he was prepared to vote for it; he accepted certain amendments and suggested certain amendments and the Bill was passed, not as my friend, Mr. Karandikar said, Government voting for it but Government not opposing its passing. I therefore do not see any reason why the Bill should be sent to a Select Committee at this stage. Does Sir Maneckji want it to be made stronger or weaker? If he wants it to be made stronger, then there will be greater detachment from the Empire than he now fears will be the case. If he wants to make it weaker, none of us, no self-respecting Indian, would agree. The only course open would be to put it before the Select Committee and pass it as it is. He says that he does not see any reason why, if the Bill is amended by this Council, it could not be got through the other House this Session. He knows that, if the Bill is sent to a Select Committee, even with a time-limit fixed as Mr. Karandikar suggested, the Bill will have to come here, then be discussed and passed, and then it would have to go to the other place and, if they did not agree; then it means shelving the Bill for ever. He perhaps

[Mr. Lalubhai Samaldas.]

did not mean to shelve it, but practically it will mean shelving or wrecking the Bill. Does he desire it? I do not think so. I still appeal to him, if he really wants to put such a measure on the Statute-book, to agree to this proposal, and later on, if he thinks there are mistakes in drafting, let him come forward with amendments. Sir, I strongly oppose the amendment.

THE HONOURABLE SIR MANECKJI DADABHOY: May I make a personal explanation, Sir? I see my friend Mr. Lalubhai Samaldas has twice mentioned that I had used the words "detachment from the Empire." I am sorry he did not catch my words. I said that by clause 3 as it stood we were detaching ourselves from some members of the Empire.

THE RIGHT HONOURABLE V. S. SRINIVASA SASTRI (Madras: Non-Muhammedan): Sir, I will try to meet some of the observations that have been made by my Honourable friend Sir Maneckji Dadabhoy in the course of his speech suggesting the appointment of a Select Committee to consider this Bill. I am of opinion, Sir, that this reference to a Select Committee is unnecessary. The Honourable Mr. Karandikar said that, in his judgment, the Government of India were really the representatives of the Indian people, and that, if there was a strong wish expressed by our people, the Government of India would not be behind-hand in giving legal embodiment to it. I do not wish to traverse that point at all, but I hope that it is true, and that the Honourable Mr. Karandikar will in no long time prove in the judgment of his countrymen to have been a true prophet. At the present moment, however, there is one slight consideration which abates from the satisfaction that one would derive from such a proposition. The Government of India and their spokesmen tried all they could to oppose the passage of this measure in the Assembly. It was passed, and it is now coming to us under the aegis of a private Member of the House. That is as it should be. But, if the Government of India were really possessed of strength of feeling upon this subject and they wished to make themselves, in the fullest and amplest sense of the word, understood in the Dominions, they would have come forward at the earliest possible opportunity in this House with amendments, such as the Honourable Sir Maneckji Dadabhoy wishes to make, so as to make this measure effective, satisfactory and creditable to the Council of State. The Government have not brought forward any amendments. It is not the Government that propose to refer the Bill to a Select Committee. Am I wrong in inferring that the Government are quite content to let the Bill encounter its fate on the shoals of the discussion in the Council of State?

The Honourable Sir Maneckji Dadabhoy spoke of the distinction between reciprocity and retaliation. There is a very great deal of distinction between the two. The only question is how far the distinction bears on the point in issue. For one thing, Sir, the fundamental distinction between the two expressions cannot be lost sight of. Reciprocity is in good and in bad matters; retaliation can only be in bad matters. If the South African Government sent us two professors to teach in the Delhi University over which the Honourable Dr. Mian Sir Muhammad Shafi presides, then we should be acting reciprocally, if we sent two professors to the University of Cape Town; we should not be guilty of retaliation in that case. Now, retaliation we apply, however, to disabilities, to hardships and to indignities. This is a retaliatory measure. Who could deny it? I am prepared to defend this measure of retaliation and, if a stronger measure of retaliation were possible, I could defend it too in any Court of impartial judges. Would the Honourable Sir Maneckji

Dadabhoy believe me if I said to him that in 1921 General Smuts himself asked me "We have recognised your power to retaliate. Why don't you retaliate? If we ill-treat your people, you are at liberty to ill-treat our people." General Smuts should not be dissatisfied with any measure of the character that we are attempting to pass to-day. General Smuts would not be, if I know his nature.

As for dissociating ourselves from the Empire, I should like people who talk carelessly to note one or two things. This expression, Sir, "dissociating ourselves from the other parts of the Empire, detaching ourselves from the other parts of the Empire" was brought in by a Government spokesman in the Assembly during the debate which we are following to-day, and Sir Maneckji Dadabhoy has used that expression here. I do not wish to speak without a sense of responsibility, and I hope I shall not import any emotion into my answer on this branch of the subject. Reviewing the history of Indians abroad, one can only hang down one's head here. If we were brought to the bar of the public opinion of the world, the Indian would have to hang down his head in shame that he has submitted to these things for nearly 35 years and still longed and hoped for a remedy because he did not wish to be thrust out of the Empire. He has paid heavily for his desire to be associated with the Empire, and dearer and dearer prices are being exacted at every turn. To tell him that he would dissociate himself from the Empire by enacting an innocent reciprocity measure is to abuse the language which the Almighty has given us. Sir, to-day after unparalleled indignities we are not seeking dissociation from the Empire.

We are still going down on our knees to ask the authorities from outside to find some means of consulting our self-respect, so that we may still continue within the Empire. It is not we, it is the other members of the British Empire that thrust us out, that tell us continually "we cannot digest the black colour of your skin. We should like you to remain within, but if you must, go out." Let me assure Sir Maneckji Dadabhoy that there are certain Dominions which will have no compunction whatever. It is not we, Sir; we wish this association to continue. The only thing is we wish this association to be put upon a proper basis. The great point in passing this measure to-day is that we shall have told the British Empire that we are no longer the old Government of India and the old people of India. Would some of my friends believe me when I say that the Dominions would not have continually insulted and humiliated us if they did not feel certain that India was not governed by Indians, but governed by the British people who, in the last resort, would do nothing in the way of reciprocity or retaliation. They knew that they could play with us and our feelings. They knew all the time that the Viceroy and his Executive Government were still strong, could hold down India and choke the natural expression of India's feelings. That is why they went on from bad to worse, and are now going on in the same way. We wish to tell them that the Government of India Act, 1919, if it has any meaning, has this meaning that it has enabled the Indian people to give natural expression to their feelings. I am not quite sure, Sir, that I have spoken the exact truth when I said that the Government of India Act has given them that power. We know too well that there are still impediments in the way of the wishes of the people of India finding their natural expression, but I do hope in this case that the Government of India, I mean the Executive Government, will permit the wishes of the people of India to find their proper expression and not use the undoubted powers they have of impeding, of distorting and finally of misrepresenting India, as in the past. It is for that purpose, Sir,

[The Right Hon. V. S. Srinivasa Sastri.]

that I wish the Bill to pass to-day, so that it may stand on our Statute-book as a feeble, belated, protest in the shape of some bit of law against the continued misbehaviour of the British Cabinet and of the Government of the Dominions. It is still in the power of the Government of India under this Bill to keep it inoperative for as long a time as they please. Everything is in their hands for the Bill is content to enunciate a principle and leaves everything to be done by a very very wide rule-making power. Such defects, or some at least of the defects as have been pointed out to-day, could still be remedied by the Executive Government making the necessary rules. If there are gaps, they could fill them up. If, for instance, any thing is not roped in, as Sir Maneckji said, again reproducing a note struck in the Assembly, the Government would perhaps bring in an amending measure. When they find they cannot touch Kenya, I am sure the Government of India, if they mean to act in this matter, would come in with an amending measure which would satisfy Sir Maneckji Dadabhoy. But I have rather a suspicion that that is an undue apprehension. The Government of Kenya, Sir, have now passed a measure with a very fully developed franchise law. I have a doubt myself although I venture to express it with great diffidence, that it would be inconvenient to operate a franchise law, as they have had in the last three years, unless they had also a law of domicile.

A word was said on a somewhat delicate matter, to which I must make a reference in sheer honesty of statement. We were told that we should perhaps by this measure touch certain members of the Indian Civil Service and other services, and that we should introduce certain measures which might savour of undue personal harm. Sir, nobody in the world would be more unwilling to do anything of that kind than myself, but if it is necessary in order to protect the self-respect of India, I should not shrink from it, much as I should hesitate. Sir Maneckji Dadabhoy has overlooked another consideration which he might have brought in to terrify his Honourable Colleagues in this Council. It is not so much members of the Indian Civil Service and other services that would be affected by it, it is many gallant officers in our Army. I believe Sir, though I should like to receive some confirmation, I believe, Sir, there are many gallant officers in our Army who come from the Colonies and the Dominions, probably more than will be found in the services. It would affect them too. That would be a stronger measure than this. But are we, in taking up a big subject like this, which is one of retaliation against the Dominions, to be defeated by that consideration

THE HONOURABLE SIR MANECKJI DADABHOY: I did not say that at all. I said that we could make a provision to guard against that. The Honourable Member has entirely misunderstood me.

THE RIGHT HONOURABLE V. S. SRINIVASA SASTRI: Speaking of the point that I raised, after the most careful consideration of the subject, I have satisfied myself that, if His Majesty could be implored by us not to grant any more commissions in the Army of India to persons of Colonial domicile, we should not be doing any wrong to ourselves, but we should be vindicating our natural and just rights. If this measure serves to keep out gallant officers of the Army, even then I should support it without hesitation.

Then Sir Maneckji asks us why we hit other Possessions, besides South Africa. He has assured himself that South Africa is a grave sinner and

against her retaliation would be justified; but he still has a warm place in his heart for the other Dominions. Now, as I read clause 3, the other Dominions would have no right to complain; for all that we say is that people coming from those places shall have no greater rights or privileges in India than they accord to our people. I do not think they have any just cause of complaint.

THE HONOURABLE SIR MANECKJI DADABHOY: Then why include them?

THE RIGHT HONOURABLE V. S. SRINIVASA SASTRI: There is only one other remark that I will make. Sir Maneckji complained that, if this measure were passed as it is, it would detract from the character of the Council of State as a revising and correcting body. I believe he is quite right in that contention. Perhaps it would be satisfactory if the subject were of a somewhat different character and admitted of delay and we could introduce certain clarifying clauses. But I call this matter urgent because I should like, if only His Excellency could give his assent promptly, I should like to see before the present session closed, this Bill on our Statute-book and the Dominions informed that at last it is the people of India that are legislating in this country. Then they would behave differently. Moreover, the point is this. If we put this Bill on the Statute-book as it is, where is the difficulty or where would be the difficulty in amending it later? Perhaps the Honourable Sir Maneckji Dadabhoy need not bother himself; once it gets on to the Statute-book I am sure the Government of India would then think that it was part of their duty to amend the Bill in order to make it operative and we shall then have a Bill which would satisfy the critics, of whom more than of the necessities of India some Members seem to be solicitous here.

There is only one other word which I would mention. This Council of State has its character to maintain, and I would ask whether this Council would maintain its character better by promptly passing this Bill or by agreeing to an amendment which may end in the shelving of the Bill or in its being deferred to another Session or in its resulting in a tie between the Council and the Assembly which might lead to another six months' delay, if it did not kill the Bill altogether. I would ask those who wish to vote in favour of the amendment whether they would not surely attack the character and prestige of the Council of State by that means?

The Council then adjourned for Lunch till a Quarter past Two of the Clock.

The Council re-assembled after Lunch at Fifteen minutes past Two of the Clock, the Honourable the President in the Chair.

THE HONOURABLE SIR NARASIMHA SARMA (Education, Health and Lands Member): Sir, I rise now, not at a very early stage of the debate, in order to prevent any further misapprehensions with regard to the attitude of Government in this matter. I have allowed the discussion to go on uninterrupted in order that the minds of Honourable Members may be made up on the merits of the proposition that has been brought forward by Sir Deva Prasad Sarvadhikary and of the amendment of Sir Maneckji Dadabhoy, untrammelled by any views of the Government. There seems to be an apprehension in some quarters that there is some hidden meaning

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in the procedure that I have adopted this morning, and I therefore think that it is but fair to the Council to inform them of the attitude of the Government. The attitude of the Government is substantially the same as it was when the Assembly dealt with this question. They have accepted the main principle underlying the Bill, namely, the principle of reciprocity, which was affirmed in the War Conference, in the Imperial Conference and on other occasions. They have given their assent and they adhere to the view, limited for that purpose and for that purpose alone, that they view this Bill as indicating nothing more than that the Government should affirm the principle which they had already accepted when they were parties to the decisions of the War Cabinet and the Imperial Conferences to which I have alluded. The Government deprecated, when this measure was before the Assembly, any unseemly haste lest the affirmation of a principle to which all parties were consenting parties might be viewed in a wrong light and that was the reason why the Government suggested to the Assembly that the matter might be referred to the Local Governments till the heat and the passion, which were inevitable immediately after the Kenya decision had been reached and announced, died down a bit and people were able to think a little more clearly and dispassionately. Having accepted the principle, then, they do adhere to that attitude, when the Bill comes on in the Council of State, and that is the only question which, as the Honourable President has pointed out, arises at this stage, when either the motion for consideration or the motion for reference to Select Committee for the purpose of further investigating as to what might be done with regard to this Bill is under consideration. The Right Honourable Srinivasa Sastri thought that the Government might have themselves moved for a Select Committee at an earlier stage if they wished to do so, but as they had not done so, possibly there might be some more meaning to be read into that attitude than might be apparent on the surface, and that they somehow hoped that the division among the Council members here might do the work which they in their heart of hearts wished and prayed for. I may assure the Right Honourable Member that there was no such deep hidden or sinister meaning in the attitude which the Government had adopted. On the other hand, when they took up this Bill after it was passed in the Assembly and examined it with a view to see as to whether further changes could or should be effected, they came to this view that they might well leave the Bill, it being a non-official measure, to the non-official Members themselves to rectify any defects that there might be in it if they wished to do so. The Government did apprehend that, if they brought forward the question of a Select Committee, that motion might be misunderstood as being a delaying or dilatory motion, and they did not want to thwart the wishes of the people in this matter, and, inasmuch as this was a non-official Bill, they felt that the non-officials might discharge their duty towards the Bill and rectify any mistakes either in drafting or in substance that might be discovered on a closer examination.

THE HONOURABLE SIR MANECKJI DADABHOY: Government ought not to be swayed by any such considerations.

THE HONOURABLE SIR NARASIMHA SARMA: They were not swayed by any considerations of fear. If they felt that they could not act under that Bill in any manner whatsoever, they would have come forward and

said so, but they did not feel that that measure was so defective as to be absolutely unworkable. They realised that that Bill is defective both in substance and in drafting. They do not disguise from this House that they would not have the slightest objection to the House referring the matter to a Select Committee on the motion of Sir Maneckji Dadabhoy and they do not apprehend any dire results that the Bill would be wrecked either in this House or in the other House. It is to be left to their free decision. If the Government had felt that it was their duty to refer the Bill to a Select Committee in view of the absolutely impossible nature of this measure, they would have stated so and would have come forward with their own motion to refer the Bill to a Select Committee. On the other hand, they would have opposed the motion of reference to a Select Committee if they felt that the Bill is all that it ought to be. There are defects in the Bill. It has been examined in the Legislative Department and various defects have been pointed out to us, and we sincerely wish that those defects would be remedied at as early a stage as possible so as to make the position of the Government and the people clear on the point.

But, Sir, having stated that, the Government should not be understood as viewing the position as being one of which either the people or the Government can be proud or under which they can be happy. If Honourable Members will look back to the history of the fight which the Government of India had to put up for the open-door policy, they would realise the reluctance with which the Government approached the Councils when this measure of reciprocity was broached before the Imperial Conference and the War Conference. The Government of India struggled hard to maintain the open-door policy. India has always been kind to strangers. India has always welcomed people from other lands, and, in so far as such people chose to make India their home, the process of assimilation was at work, and the Indian people absorbed those who settled down amongst them. That has been the traditional policy of India, and the Government of India were anxious that that should be the traditional policy. They fought for the open-door policy for Indians abroad, but, when they saw that that policy was leading to great trouble, that it was fraught with danger, that it was only leading to misunderstandings, to bickerings and to heart-rending differences, they reluctantly agreed to the Resolutions which had been adopted at that Conference. I remember there were critics, and there are critics, of the Government of India for their having assumed that attitude at that time, but let it be said once and for all that the Government, having adopted that attitude, would adhere to it; no Dominion should ever be in any doubt or under any suspicion that they wish to back out of the Resolutions which they had come to at that time. It was not, therefore, out of any desire not to affirm the Resolutions of reciprocity confirmed at various sittings of the bodies that I have referred to, that the Government did not come forward themselves with a measure of this description which is under consideration now. They examined the advantages and disadvantages on more than one occasion, and they felt that India had little to gain and much to lose by placing on the Statute-book a measure of this description. They hesitated,—and who can say that they were wrong in hesitating,—to adopt a step which after all may do harm, though it does not seem likely to do very great good. Honourable Members hope, and the Government of India hope, that this Bill might satisfy the people of India, that it will not rouse unnecessary apprehensions in the minds of people outside India, and that it might at the

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same time help the Government of India in solving some of the difficulties confronting them. But there is nothing indicated during the proceedings of the last few months, to make the Government of India optimistic in this matter, I mean by the adoption of this measure. It is clear that the position of India has been strengthened considerably by a frank and free discussion of the difficulties confronting the Dominions as well as India, difficulties which were discussed at the Imperial Conference which sat in October last in London. I venture to say so because, with one unfortunate exception, and a very important exception, namely South Africa, the attitude assumed by the various self-governing Dominions was much more encouraging at that Conference than it has been at any previous Conference. Honourable Members might say that the problem is not so very large, so very pressing, so very important in the other Dominions as in South Africa, and that accounts for the friendly tone that was assumed by the various members representing those Dominions. Let us not minimise the importance of that attitude by importing into the discussion considerations of this description. It is true I suppose that all of us are selfish in our own way, and the Dominions have to look after their own interests, and I daresay these considerations weighed to some extent with the statesmen, who met in London, but reading the proceedings through one cannot help being struck by the decided attempt made from one quarter to induce the Dominion Premiers to take up an attitude which the Government of India and the Indian people could not for a moment accept, and that that attempt had failed, largely owing to the broad-minded statesmanship of the Dominion Premiers. I think in one respect therefore we are now in a very much stronger position than we were in July 1923, or even in the earlier part of October 1923. Thanks to the efforts of our delegates, thanks to the attitude of Lord Peel, and the co-operation given to him by others, we have succeeded in preventing a fusion and consolidation of views hostile to India at the Conference. We have also succeeded in securing for India a very very favourable atmosphere of sympathy that the best that could be done would be done for India in those Dominions, and that at the speediest and earliest date. The Australian Premier, Mr. Bruce, speaking on this subject, said this:

"As far as Australia is concerned, this question has been the subject of considerable public discussion, and representatives of every shade of political thought have shown sympathy with the claim that lawfully domiciled Indians should enjoy full citizen rights. As the question did not figure in the preliminary agenda of the Conference, I have not had an opportunity of consulting my Colleagues or my Parliament upon it. I believe, however, Australian public opinion is ready to welcome, so far as the position of Indians domiciled in Australia is concerned, any measure which is conceived in the interest of the Empire."

New Zealand and Newfoundland, I need hardly say, are completely at one with the Indian view on the subject. With regard to Canada, there also the principle has been accepted ungrudgingly without any quibbling or without any qualifications, only, as was to be expected, the Premier was not in a position to state whether it could be implemented in actual practice in all parts of that vast Dominion. He said:

"I do not expect it will exist very long (that is the situation), but it all helps to show the difficulty with which we are confronted when we contemplate in any immediate way the results which we all hope will be effected in the course of time."

And he points out distinctly that the problem, so far as they are concerned, is not a racial one, and he expresses the hope that at the earliest

possible opportunity this question would be brought to the favourable notice of Parliament; and speaking of the wider aspects of Imperial problems, he states:

"It is inconceivable that the opinions represented at this table and the views of the different Dominions represented here should not accord with the aspirations of self-government."

I do not wish to read any more extracts. It is clear that, so far as the self-governing Dominions outside South Africa are concerned, the position is clearer than was the case some time ago. I am generally an optimist but I am somewhat critical in these matters. In reading some of the proceedings of the Australian and Canadian Parliaments, I must confess that at an earlier period of last year I was somewhat pessimistic as to what the ultimate attitude might be, and that was the reason why the Government of India were not anxious to press the larger problem at that moment, because they thought it was an unhappy moment. But looking at it now in the light of the discussions which have taken place, it is clear to me that the people of the self-governing Dominions outside Africa are willing to help us in the winning of self-government at the earliest possible moment that we may deserve it, and that they are also willing to help us in placing the position of Indians in their Dominions on absolutely that footing of equality that we all hope and desire it should be placed on.

With regard to Kenya, I have already informed the House during the course of this Session, that the outlook is very much brighter than it was when this Bill was under discussion in the Assembly. The new Secretary of State, if I may believe a special cable which was published in "The Leader" of to-day, seems to take as strong a line as Lord Peel, or a stronger line, if you wish that it should be so construed, with regard to the British East Africa problem. Reading from this paper—I cannot say that it is authoritative—but assuming that it is, all of us can put our constructions on it:

"Another chief cause which had shocked India was Government's policy in British East Africa which had introduced two types of British citizenship, the Whites and Indians being put on different footing, which was a departure from the English custom. He hoped Mr. Thomas would deal successfully with these difficulties."

So it is clear from this, assuming that is an authentic version of what did take place, that our new Secretary of State would do his level best to help the Government of India to secure for the Indians in Kenya the position for which they have been fighting all along. Here again therefore the outlook is a little more cheerful than it was in July 1923.

Coming to South Africa, if we may judge by the pronouncements of General Smuts in the Imperial Conference, though there is clear indication that on the question of franchise we are not likely to be successful, on other questions he leaves the door a little open. To my mind it seems that it would be very difficult for General Smuts to escape from the implications of the promises which were indirectly made in answer to the questions put to him at that Imperial Conference. He suggested that, barring the question of franchise, the attitude of the South African Government towards the Indians settled there was one of absolute justice and impartiality. He stated in substance, when the Maharaja of Alwar pointedly asked him as to what the position of Indians in Natal was, they having acquired property, built houses and possessed some rights there, he in substance stated that, barring political rights, barring the difference with

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regard to the Parliamentary vote and with regard to the vote for the Provincial Councils, there was absolutely no legal distinction between the Indian community and the white citizens. I think India may well ask him to keep to his word and to implement the statement that he made on that occasion. I take it that he has led the Conference to believe that South Africa will not embark upon a policy which would deprive the Indian community there of its existing rights and place them under further disabilities. I recognise that it was announced before this Conference that the Government of the Union of South Africa were pledged to bring in a Class Areas Bill, but having regard to this statement, which was subsequent, we may well ask the Union Government to reconsider their position as to whether they should not withdraw from the attitude then taken up on this point in South Africa. I am not for a moment suggesting that we should be optimistic. The Government of the United Kingdom, the British Government, have in unmistakeable terms given a plain and broad hint that in their view the segregation policy is absolutely unjustifiable. Whether it is to be based on the question of sanitation or otherwise, they say:

"So far as commercial segregation is concerned it has already been generally agreed that this should be discontinued. In regard to residential segregation matters have been in suspense for some time. It is now the view of the competent medical authorities that as a sanitary measure segregation of Europeans and Asiatics is not absolutely necessary for the preservation of the health of the country. The rigid enforcement of sanitary, police and building regulations without any racial discrimination by the local municipal authorities may suffice . . . They have decided that the policy of segregation between Europeans and Asiatics in this country should be abandoned."

I think, therefore, that we cannot complain of the attitude of His Majesty's Government with regard to the policy which they have laid down for guidance in so far as it is possible for them to lay down any rule of guidance for self-governing Dominions. The Government of India have been pressing the same matter urgently, continuously and with such force and vigour as they can upon the Union Government of South Africa. You may say what is the good? Well, there is nothing gained by being pessimistic. We have the somewhat comforting news that Hulett's Bill has been reserved for further consideration by the Governor General in Council. That is a clear indication that they do not want to offend public opinion if they can help it, and I hope therefore that the Union Government of South Africa will listen to the appeal of the Government of India and the request of His Majesty's Government made through Lord Peel when in his final remarks he hoped that General Smuts, recognising his difficulties, would also take into consideration the difficulties of His Majesty's Secretary of State for India and the Government of India. These appeals will not go in vain. May I, Sir, speaking as responsible Minister of the Crown, of a Government ruling over 300 millions of people, may I appeal, however vain my appeal may be in its effects, to the Government of the Union of South Africa? They themselves recognise that the number of Indians in the Union of South Africa is but a very very negligible quantity. It is about 160,000 as against 6 million Afrianders and 1½ million white population. Their assimilation which we have been urging continuously is not a difficult matter, especially having regard to the fact that half that number are African born and that these 75,000 Indians or rather Afrianders of Indian origin have as much right to the benefits and privileges of the land of their birth as anybody else. May I point out to them that on the assumption that they believe in a British Commonwealth, they would be promoting its solidarity and the harmony of the

various constituent parts by assimilating this small number and by not alienating the sympathies of three hundred millions of His Majesty's Indian subjects. After all, I think there is one broad aspect of generous policy which the Dominions might well bear in mind. An Indian community, settled in these various Dominions, if contented, happy and prosperous, would bind India to the Empire, would cause its adhesion more firm and certain than any other tie can possibly render it so. We would be sending out hostages to the various parts of the world which form parts of the British Commonwealth, we would be sending out hostages there which would render India helpless if I may put it so, even if she wished to sunder her ties with the British Commonwealth. This is an aspect of the problem which cannot be pressed too strongly upon the Dominion Premiers. The talk is continuously of European civilisation as against Asiatic civilisation. I wish for Heaven's sake, for the sake of the British Empire, for the sake of common humanity, that this wide difference or supposed difference is not accentuated by our fellow subjects in South Africa. Wherein does it consist? Does it consist in ethical ideals? Does it consist merely in physical strength? Does it consist merely in dress?

THE HONOURABLE THE PRESIDENT: I have to interrupt the Honourable Member with great reluctance. Will the Honourable Member confine himself more particularly to the subject before the House and deal with the Bill?

THE HONOURABLE SIR NARASIMHA SARMA: I bow to your ruling, Sir. But I feel that the position of the Government would have to be made clear in the Dominions, because there is a misapprehension that this Bill might somehow prejudice the position of the Government with regard to the Dominions. That is the reason why I hoped to make the attitude of the Government of India clear that, in not opposing this measure, they are not actuated by any motives hostile to the Dominions, that they are animated by the higher motive of promoting the solidarity of the union of the British Empire. If they saw in the mere passing of this Bill which only affirms in their judgment a principle of reciprocity, if they saw in the mere passing of this Bill any danger to the Empire, any estrangement of the various parts of the British Empire from India, they would have unhesitatingly opposed it. But, while saying so much, let me make it also plain and clear that the Government do not undertake, without the gravest consideration being given to the subject, to take any steps which may be calculated to do more harm than good to the Indian people resident in those Dominions, to India in particular and to the general common good of the British Empire. They feel that they have the power under the Bill, as it stands, to regulate when and how they please, to discriminate between one Dominion and another Dominion. If they on further consideration are advised that it is not possible for them to do so, they will certainly take steps to bring about that desired result. But acting on the understanding that they have got the power to choose the time, the occasion and the Dominion in respect of which any rules may have to be framed, and that they are given complete liberty to judge as to whether any rules have to be framed having regard to the interests of Indians resident abroad, here and to the good of the general Commonwealth, they do not intend to oppose the motion of Sir Deva Prasad Sarvadhikary for the consideration of the Bill. They do not oppose the motion of Sir Maneckji Dadabhoy to refer it to a Select Committee; they leave it to the judgment of Members of this House, official as well as

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non-official, to do what they think best under the circumstances. The official Members of the House will have absolute liberty to vote or not to vote as they please on Sir Maneckji Dadabhoy's motion. The Members of the Government do not propose to vote one way or the other on that motion.

THE HONOURABLE SIR MANECKJI DADABHOY: Sir, after having heard the statement made on behalf of Government

THE HONOURABLE THE PRESIDENT: The Honourable Member can only speak on one point.

THE HONOURABLE SIR MANECKJI DADABHOY: Yes, Sir, I am only speaking on one point. Having heard the statement made on behalf of Government and having heard also the speeches made by the non-official Members this morning, and being particularly told by the Government Member that, though the Bill is defective and badly worded, yet it is a workable Bill, I would pause and wish all joy to the Government and wish them God-speed with this Bill. I have seen that my Honourable Colleagues here are anxious that this badly-worded Bill, badly expressed Bill, should be passed into law to-day. There seems to be some warmth of feeling over the Bill to-day. I do not wish to prolong the debate. I have gained my point; I have got the admission from Government that this is a badly drafted Bill. I have no doubt that ere long Government will have to come back to this Council for substantial amendments. I shall rest content for the present if the feeling is so high; and say that if the Government is satisfied with a badly drafted measure, let them by all means have it. I have done my duty in bringing forward my points before this Council. Therefore, as I am convinced that the consensus of feeling is that I should not press my amendment, and as I find that on the other hand there is not a keen desire on the part of Government to accept my motion, I solicit the permission of the Council to withdraw it.

THE HONOURABLE THE PRESIDENT: Is it your pleasure that the Honourable Sir Maneckji Dadabhoy have leave to withdraw his amendment?

(Some Honourable Members: 'No.')

THE HONOURABLE THE PRESIDENT: The amendment will stand.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (West Punjab: Muhammadan): Sir, we all know that this trouble about South Africa has been of longstanding. I think the House also knows that when our Government went to war with South Africa, one of the main causes was that they were not treating His Majesty's Indian subjects properly. Though at that time Indians were debarred from taking part in fighting with the white nations, I wanted to do my bit and asked the Government to send me to South Africa in any capacity and I am glad to say that I was allowed to go and would have gone if peace was not declared then. Again, Sir, the late lamented Mr. Gokhale also brought a motion in Calcutta and Sir Zulfikar Ali Khan and Sir Maneckji Dadabhoy will bear me out that I said that the whole of India was one on this point and that, if the Government is our Government, it will be on our side and if it is not it will not be our Government. Lots of people in those days who thought that a nominated Member could not say such a thing were

astonished at my speaking like this. I have got the same idea to-day. We are very much thankful to the Government, especially after hearing the Honourable Sir Narasimha Sarma, for what they have done, and I hope if they continue their efforts, surely we will be able to get what we want. I am also very thankful to Dr. Gour for having brought forward this Bill in the other House. It may be defective, but I think it should have been made operative at once. But it has not been made operative, and, even if it were defective, the defects could have been remedied by making rules and regulations in the Assembly before now. But, Sir, the Bill, as it is, is in the hands of the Government who are so sympathetic, and I am sure all that we want will be done by them. All along we have wasted our time by holding that we should not offend the Dominions, and I think we were wrong, because, we have been forgetting the principle that offence is the best defence. If we had taken the offensive, this matter would have been solved long ago. Sir, India had only two ways open to her. One was that being the Members of one Commonwealth we were under England, and England could have helped us, so that all the trouble we have so far had from South Africa could have been surmounted. But sometimes when the children of a family become older, they do not hear their parents. In such a case of course it is we ourselves who have to do something in the direction and we are adopting to-day the only course which is open to us. I think if anyone is naughty in any household there is an Indian saying "bring down the man who is naughty," because the next time he will be friendly to you and embrace you. In the same way, Sir, if we also take action against the Dominions, it will be very beneficial. Even if the Government were to remain neutral and we were to settle our differences in some way or other, I think with the teeming millions which India has got, we can stand on our own legs, because it is said that God is on the side of the bigger battalions. I think all my Indian friends would be pleased to hear what Lord Roberts once said in South Africa: "If I had my Indian army I would have put an end to this campaign in no time." We are all as brothers in this Commonwealth, and as long as we are treated properly, we will be considerate to each other but if things come to a head, we would not be backward then in taking the other course. On the whole, Sir, I am very thankful to the Government for having allowed us to pass this Bill straightaway.

THE HONOURABLE THE PRESIDENT: I may inform the House if it is uncertain on the point, that, as one Member expresses the view in the negative, the amendment is still before the House and it must be voted on by the Council.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Sir, as you have just informed the House, the amendment is still before it, in spite of the sweet reasonableness of its Mover and of the opposition—I will not say of the Government Benches, but on the part of some of its opponents. This may probably be due to the feeling that the Bill, as it stands, is so defective in drafting, in spite of what the Honourable Sir Narasimha Sarma has told them that it would be better to send it to a Select Committee. I think from that point of view and as a private member who has brought up this matter for consideration, I should examine some of the matters that the Honourable Sir Maneckji has brought before the House, which probably will weigh with some of the Members on the Government Benches. Before I do that, Sir, I desire to express some doubt as to whether the motion for reference to a Select Committee as it has been framed is in order or not.

THE HONOURABLE THE PRESIDENT: The Honourable Member should have raised the point of order in reference to this motion when it was made. He cannot raise it when replying on the debate.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: I am referring only to the addition of the words " for further consideration ". I do not raise the point of order in the sense that I desire to have your ruling as to whether

THE HONOURABLE THE PRESIDENT: Then the Honourable Member had better not raise it at all, because if he raises it and he does not get a ruling, there is no point in raising it.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Well, Sir, I shall proceed with some of the considerations that have been raised before the House. The Honourable Sir Maneckji Dadabhoi has not questioned the principle of the Bill, nor have the Government done so. The only outstanding question, therefore, which is before us is as to whether any of the points that he has brought before the House are really such as will make us take action. The first matter that he referred to is the definition of " British Possessions ". I do not say that we shall do here what we ought to do in the Select Committee if it is appointed, but in treating the case for a Select Committee. I trust you will allow me, Sir, to go into some of the details, details that were considered in the Assembly with care, and having regard to which consideration I took the liberty of saying it would be inconsistent with my dignity

THE HONOURABLE SIR MANECKJI DADABHOY: Please do not forget that I will have no opportunity to reply.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: I am sorry

THE HONOURABLE THE PRESIDENT: There is never an opportunity of replying on an amendment.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Well, Sir, the matter was carefully considered, and the reason why this particular definition had to be accepted and not the definition of the Colonies under the General Clauses Act, was sufficiently made manifest in the speech of Dr. Gour who brought forward this measure. There are three classes of British Possessions to be considered under this category, the self-governing Colonies, the Crown Colonies and a class of Possessions which have since come into existence. To cover all these three classes an expression had to be thought of, and I think with the assistance of the Law Officers of the Government, we decided on the definition that has found its place in the Bill.

In the next place, with regard to the question of entry, that matter was also carefully considered, and the House felt then—and no exception was taken to that feeling,—that, if this measure was to be made effective, all possible steps open to the Government would have to be taken in order that even with regard to the matter of entry the necessary obstacles should be put in the way of those who put obstacles in the way of our people in their own Dominions or the Colonies, as the case might be. The case of seamen was also taken into consideration, and, in view of all the difficulties, the matter was provided for in the particular way in which it has been done in the Bill.

Then with regard to the doubts as to whether, if the people of Indian origin of the fourth or fifth generation wanted to come back to the country, they would not be turned back by the rules framed under this section, that question was also fully considered, and the most comprehensive and least objectionable expression that could be thought of was what has been described by the Honourable Sir Maneckji Dadabhoy as now to the Indian legislative language, namely, "Indian origin", in preference to "Indian domicile" or any expression of that kind. That again was a matter which was very carefully considered, and, as a result of that consideration, the expression "Indian origin", was adopted in the Bill.

Now, Sir, with regard to the question as to whether the White settlers in the Crown Colonies who may not have acquired the Colonial domicile and who may not have forfeited or given up British domicile could be sufficiently dealt with under the Bill, that again was considered, and, as the Right Honourable Srinivasa Sastri has explained, it could not possibly be conceived that people who had availed themselves of the franchise, in these Colonies and of the other privileges appertaining to their status of citizens of these Colonies could do without a domicile, and once they did that, they would come under the purview of this clause. If some did not, I suppose a certain residual would have to be left unprovided for and, if some people, who while possessing and owing allegiance to British domicile in the way that they are expected to do, did not come under the purview of this clause, means would have to be found to spread the net wider by an amendment of the rules themselves.

Then, Sir, with regard to differential treatment, I think, the framers of this Bill in the other House as well as those who assisted in its final passage, carefully refrained from anything that might be looked upon as an invidious differentiation. No isolation, no detachment, nor any invidious differentiation was intended. It was left entirely to the Government of India, alone, to decide, and, having regard to the circumstances of the case, to make such rules as would be applicable to the particular cases under consideration. Therefore, Sir, there also no reasonable objection can be taken. I do not expect that there is any serious trouble likely to be caused to the country, at least none more serious than that which exists already, if this perfectly elastic and perfectly clear non-differentiation were to be allowed to stand in the clause.

Then, Sir, came the tender consideration for the African. I do not know, Sir, how much the African has been considered in his own country, and I do not know if considerations of that kind need weigh with those who have to deal with the larger issues at stake. I know whenever any point has to be made with regard to matters that are pressing upon the eyes of the Government or upon people who are interested in the other side of the question, they put forward the case of trustees for the aboriginal people, and then the red herring is thrown across the path.

I do not think any useful purpose could be gained by waiting for an examination of questions like these. If there was real necessity to exclude that class of people from the purview of the rules, I submit that under clause 3 the Government would have adequate power to deal with the subject as it thought fit under the circumstances. Sir, I shall not detain the House considering the cases of the members in the Indian Civil Service or of Major-General MacWatt of the Indian Medical Service, or the gallant officers serving in the Army: I am sure Government will find means of protecting those already in service, and taking steps that further invasions of that kind are avoided

THE HONOURABLE SIR NARASIMHA SARMA: The Government proceed on the assumption and in the belief that they are excluded. The Acts exclude all officers employed in His Majesty's Army, Navy, or the Civil Service, and these provisions and restrictions do not apply to them. I should have made it clear.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: I am thankful to the Honourable Member for making it clear. In fact his speech has been the most powerful support I have yet had to the motion now before the House standing in my name. That I think, Sir, exhausts the matters which are really matters of principle, which are not matters of drafting at all, and although Sir Maneckji has been telling us throughout that he has no quarrel with the principle, he really has been attacking the principles involved in those points. If these are all the objections to the Bill—and the Government has not brought forward any others, nor has any Member taken it upon himself to object to the withdrawal of the amendment—if these are all, they are satisfactorily disposed of and there is no case for the Bill going before a Select Committee.

Sir, an appeal has been made to the dignity and prestige of the House. I shall not add to what the Right Honourable Srinivasa Sastri has said on this point. I think it is a point of honour with us now to give sanction to what the Assembly, after careful deliberation with the assistance of the Government, has been able to evolve. It is frankly a compromise. It may be open to objection. What Bill, what Act, cannot be torn in pieces, as Sir Maneckji wanted to tear this in pieces? Take for instance the Criminal Procedure Code; it could be torn into shreds; but that is no reason why this measure should be held up and sent to a Select Committee, probably with chances of amendments, drastic or otherwise, which would necessitate its going through the other House and then following a career which I do not want now to contemplate, and cannot contemplate, with equanimity.

I will draw the attention of the House to the provisional wording of the phraseology of clause 3. It limits itself absolutely as regards entry into and residence in British India, and has nothing to do with trade, nothing to do with business, nothing to do with various other matters with regard to which Indians are having difficulty abroad.

I do not want to take up the time of the House now, Sir, with regard to personal matters that Sir Maneckji has been good enough to introduce. I hope I do not bring to the House any revolutionary atmosphere. I am glad and proud that I have had three years' training in another House and I hope I shall be able to continue looking up to those traditions, and having some life and some reality produced in this House, not in a revolutionary spirit, but in a spirit which implies that we are correlating bodies, not correcting or revising Chambers. My friend has not read the Rules and Standing Orders. If we do not originate Bills, we ourselves do not get enough chances of being corrected. That is why we get the right of correcting the others, and I do not think we shall do well to run away with ideas like that and want to amend a thing merely because it can be amended, but allow it to go forward if there are no serious defects in the Bill

THE HONOURABLE SIR NARASIMHA SARMA: Sir, I only wish to make one point clear lest there should be a misapprehension in the minds of the public or in the minds of the officers serving in the Government of India or in the Provincial Governments. This Bill can have no retrospective effect,

and all the Dominion Legislatures have clearly exempted from the operation of any rules they may pass officers of His Majesty's service. If the Government of India feel any difficulties, the matter will be made perfectly clear and no manner of doubt or apprehension need arise in the minds of any officers that this Bill can be or will be utilised in any manner whatsoever to their detriment.

I have already stated the attitude of Government with regard to the principle of the Bill. They are by no means happy with regard to this piece of legislation. There is no use in disguising from the House or from the public that they deplore as much as any one here, I believe, the circumstances which are leading to the passage of Bills of this description either here or in other parts of the British Commonwealth. I have already taken care to state the attitude of Government with regard to the framing of the rules under this Bill. The greatest care will be taken in considering as to whether and when the rules have to be framed in pursuance of this Bill. The Honourable Dr. Sir Deva Prasad Sarvadhikary was perhaps a little too strong in stating that the Government have no fears with regard to the workability of the Bill. Our advisers have brought forward various difficulties which may have to be faced, but we believe, as I have said already, that these difficulties are not of an insuperable character, and, if we feel on further examination that anything stands in the way of the Bill being a workable one, the Government will say so and it will be perfectly open either to Honourable Members of this House or to the Assembly or to the Government itself to bring in any motion by way of amendment. But that does not mean that the Government would deprecate in any manner whatsoever the reference of this Bill to a Select Committee of this House, if the House so chooses. They would welcome that opportunity, only they have stated their reasons for not themselves pressing it upon the attention of the House.

With these few words, Sir, I say that the Government accept the principle and do not oppose the motion, while they express their regret that such a motion should ever have been rendered necessary or felt to be necessary by the Members of either House.

THE HONOURABLE THE PRESIDENT: The original question proposed was—

“That the Bill to regulate the entry into and residence in British India of persons domiciled in other British Possessions, as passed by the Legislative Assembly, be taken into consideration.”

To that motion an amendment was moved:

“That the Bill be referred for further consideration to a Select Committee consisting of the following Honourable Members:—

The Honourable Dr. Mian Sir Muhammad Shafi,
 The Honourable Sir Narasimha Sarma,
 The Honourable Mr. J. Crerar,
 The Honourable Sir Deva Prasad Sarvadhikary,
 The Honourable Sir Dinshaw Wacha,
 The Honourable Sir Muhammad Rafique, and
 The Honourable Mr. R. P. Karandikar.”

Permission was asked to withdraw that amendment but the House refused permission. It is therefore my duty to put the question to the House.

The motion was negatived.

THE HONOURABLE THE PRESIDENT: The remaining question is the original motion.

"That the Bill, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

THE HONOURABLE THE PRESIDENT: The Council will now proceed to the detailed consideration of the Bill. I will proceed as usual reserving the Preamble till the end. I will call each clause and any Honourable Member desiring to make any observation on it will do so.

Clauses 1, 2, 3, 4 and 5 were added to the Bill.

The Preamble was added to the Bill.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Sir, I now beg to move:

"That the Bill, as passed by the Legislative Assembly, be passed by this House."

I am grateful to those who blocked the motion for amendment, and that they also became permeated with sweet reasonableness.

The motion was adopted.

DEATH OF SIR AHMEDTHAMBY MARICAIR.

THE HONOURABLE THE PRESIDENT: I very much regret to have to communicate to the House that since we sat to-day information has been received of the death of one of our members—Sir Ahmedthamby Maricair. I have just received a telegram to the effect that he died last night. The news has come as a shock to all of us. I am quite sure the House will desire me to convey its sympathy to his relatives. As Honourable Members will recollect, it was only yesterday Sir Ahmedthamby had a motion on the agenda paper and I was informed by the Secretary that he had become suddenly ill and returned to his home; but nobody anticipated that his illness was of a serious character. Had the telegram come earlier in the day, I should have adjourned the House as a mark of respect, though I feel sure that our late Colleague would himself have preferred that we should carry on the business of the House as usual.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member): Sir, I am sure all Honourable Members have heard the news of the sad and untimely death of our late Colleague with the deepest regret. I am sure that every one of us would like to associate himself with the observations which have fallen from your lips, Sir, and we all agree that it would be in the fitness of things that you, Sir, as our President, should communicate the deepest sympathy of the House to the members of the deceased's family.

THE RIGHT HONOURABLE SRINIVASA SASTRI (Madras: Non-Muhammadan): Sir, it is very melancholy news that it has fallen to your lot to communicate to us. Many of us were great personal friends of the late Sir Ahmedthamby Maricair. I had that honour myself. To me the loss is personal, for I have received from him many an obligation which I shall long remember. He was a valued Member of this body and he was very active and energetic and he would have been of equal value and energy in this Session if he had been spared. We wish you, Sir, in our name to carry out your intention and communicate to the relatives of the deceased the sincere condolences of this House.

THE HONOURABLE SIR NARASIMHA SARMA (Education, Health and Lands Member): I associate myself, Sir, with the remarks which have fallen from the Honourable the Leader of the House and the Right Honourable Srinivasa Sastri. The late Sir Ahmedthamby was a personal friend of mine and we served together in the old Madras Legislative Council. He was very sane in his views, very moderate and fearless in expressing them. He was very hard-working and pressed continuously upon the attention of the House and the Government the needs of the community to which he belonged. In this House he has been an invaluable Member. He was active in taking part in the deliberations of this House and I must express my debt of gratitude for the help he had rendered to the Emigration Committee which had to sit long and continuously in dealing with the problems connected with Ceylon and the Straits Settlements. I was hoping for his help in dealing with certain questions connected with emigration, with quarantine and other matters in which he took great interest, and I am very sorry indeed personally—and speaking on behalf of the Government—that we have been deprived of his services. I hope, Sir, that the members of his family will feel some consolation that their grief is shared by the Members of this House and by his numerous friends here and elsewhere.

THE HONOURABLE SIR ARTHUR FROMM (Bombay Chamber of Commerce): Sir, I also should like to associate myself with the expressions of regret that have fallen from the lips of the various Members of this Council at the sad news which you have just announced. But a few days ago, when I was in Madras, the Honourable Sir Ahmedthamby Maricair gave evidence before the Committee on which I have the honour to serve. He then seemed full of vigour and gave his evidence in his usual hearty and downright manner and it comes as a considerable shock to me to hear of his sudden death.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (West Punjab: Muhammadan): Sir, as a Muhammadan representative I think that our deceased friend did a great deal for the cause of the Muhammadan community, especially for the pilgrims; and his Resolution which was down on the agenda would have further done a great deal of good to Muhammadans had he lived and come up here to move it. I acknowledge his services very much as a Muhammadan.

THE HONOURABLE MR. HAROON JAFFER (Bombay Presidency: Muhammadan): I join with you, Sir, and the other speakers in the words spoken on the sad and untimely death of our friend and Colleague, Sir Ahmedthamby Maricair. I heartily support the suggestion that a message of sympathy should be sent to the family of the deceased.

THE HONOURABLE THE PRESIDENT: It will be my painful duty to carry out the direction of the Council in this respect, and a message couched in suitable terms will be sent to the members of the deceased's family. I would further suggest that a copy of the proceedings of this afternoon relating to this matter be sent along with the message.

The Council then adjourned till Eleven of the Clock on Thursday, the 14th February 1924.