

Friday, 11th September, 1925

THE
COUNCIL OF STATE DEBATES

Volume VI

(20th August to 17th September 1925)

SIXTH SESSION
OF THE
COUNCIL OF STATE, 1925



CALCUTTA : GOVERNMENT OF INDIA
CENTRAL PUBLICATION BRANCH
1925

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COUNCIL OF STATE.

Friday, the 11th September 1925.

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

MEMBER SWORN :

The Honourable Mr. Frederick Austen Hadow, C.V.O. (Chief Commissioner, Railways).

RESOLUTION *RE* RECOMMENDATIONS OF THE MAJORITY REPORT OF THE REFORMS INQUIRY COMMITTEE.

THE HONOURABLE MR. J. CRERAR (Home Secretary) : Sir, I move :

" That this Council recommends to the Governor General in Council that he do accept the principle underlying the majority report of the Reforms Inquiry Committee and that he do give early consideration to the detailed recommendations therein contained for improvements in the machinery of Government. "

Sir, when I first set myself to consider by what arguments I could best commend this Resolution to the House, the feeling predominant in my mind was a sense, an almost overwhelming sense, of the magnitude of the problem implicit in what appears a simple, and in the opinion of some, a limited or even an unimportant proposition. What we have immediately to deal with may be an episode, but it is an episode in two great, as I believe, converging streams in a very great transaction, the contact and ultimately the identification of the political future and destiny of India with the contribution made by British institutions not only to India but to the civilized world. The first necessity is to endeavour to see this problem in its true perspective, a perspective not only of dimension but of time. England has succeeded, whether for good or ill only a remote generation can judge, in impressing upon western civilisation her own ideas of political institutions. We are now engaged in the formidable task of applying those ideas to an eastern civilisation and an eastern environment. Whatever view may be held of the wisdom or of the probable success of this enterprise, no one at any rate can deny that it is heroic. In the attempt to organise human society on a rational and comprehensive basis it has only one parallel in human history, and that is only an imperfect parallel, which exhausted its effort at a stage where the English genius had the courage and the inspiration to begin. The parallel I have in mind is the system of Roman law, arising at first as the common law of a small city state, and culminating as the unifying and governing element of the whole of the then western civilized world and a considerable proportion of the eastern. That, Sir, was a great and memorable achievement, so great and so memorable that, unless all record of human thought is lost in some great catastrophe, it is inconceivable that any system of civil law should now be devised or continued without reference to the great canons of the Roman tradition. But in

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the realm of political institutions the English tradition has taken a place certainly not inferior to the Roman tradition in law, and it is with this, in its application to the needs and aspirations of India, that we are now concerned. Now, Sir, we have seen the English Parliamentary system gradually adopted, more or less completely, and with greater or less success, not only in all western countries but also in nearly every new political organisation throughout the world that has come into being since the time of the French Revolution. We have seen it continued and developed in all the overseas Dominions, which, from their foundation, took with them the soil and the seed from which those institutions originally sprang; and we have seen it transplanted or imitated in circumstances greatly dissimilar from those of its origin. But even in its native soil, with all its vast extensions, new conditions have arisen, new problems have been propounded, which are now the anxious pre-occupation of statesmen, and will be a text for the historian; new conditions and new problems, which, it seems probable, are destined seriously to affect and perhaps profoundly to disturb this ancient and deep-rooted structure itself. Here in India we have set ourselves to apply these institutions on a scale and under conditions for which we have absolutely no guide or precedent. We are applying principles which were devised for their own purposes by a comparatively small, homogeneous community, to a country with a population of 320 millions, and perhaps a greater diversity of race and culture than is to be found in any equal area of the world's surface. The enterprise is formidable and I should find it appalling had I not the faith that in these institutions, if they are wisely and prudently applied and with due observance of the spirit which informs them, there is an inherent virtue of adaptation, of development and of catholicity. I think I am not alone in that faith. I think it is now clear, and I may draw that inference from the amendments which are on the paper to-day, I think it is clear that the leaders of political thought in India have themselves definitely elected and declared that the political progress of India must proceed on and be governed by these principles. But while I welcome that election and that declaration, I must entreat those who make it to recognise the vast dimensions of our common enterprise.

Sir, I said that we had to view it in a perspective not only of dimension but of time. I quoted, as a parallel in some respects to Parliamentary government, the case of the Roman law. Now from the promulgation of the Twelve Tables to the great codification in the time of the Emperor Justinian was a period of nearly 900 years and neither of these events was either the beginning or the end of that great impetus of thought, the effects of which have extended from the Thames to the Ganges and from the old world to the new. Sir, if we reckon the history of Parliamentary institutions only from the reign of Edward I, that was over 600 years ago, and this history so far from having yet reached any finality is now at a stage of crisis and of new development—in depths and in regions hitherto unplumbed and unexplored. Now I am not suggesting that India too must wait for her share of the heritage for a period of centuries. We have the great advantage of being able to start at a point which took many generations of human experience to achieve; but I do urge that the fact that

the inception of responsible government in India is not yet 6 years old must be alleged, not simply as a political plea, but as a practical truth of the greatest weight and significance. I would therefore ask the House to enter upon this matter with a clear recognition of its magnitude and its moment, to recall the conditions by which our further progress must be regulated and to examine in that spirit the Resolution which I have moved. On the magnitude of the problem I have said as much as is perhaps necessary and certainly as much as in the time at my disposal is possible. In the conditions which must regulate our further progress I include those which proceed from the law and the constitution and those which, independently of all such considerations, are necessarily and inevitably inherent in the task itself. The first of these, the legal and constitutional conditions, are sufficiently recited in the preamble to the Government of India Act, 1919, which states the fundamental doctrine of the responsibility of Parliament; the doctrine that the time and manner of each advance towards responsible self-government in India can be determined by Parliament alone. It is as unnecessary as it would be impossible for me to examine this doctrine on its warrant in history, in law or in morals. It is unnecessary because, Sir, I think that all responsible political opinion, however divergent in other matters, is agreed on this; or at least it is prepared to accept it as the basis of all practical discussion. We must satisfy Parliament, as we must satisfy the tribunal that Parliament is to set up to examine and report on all the claims and on all the evidence, we must satisfy Parliament in regard to every step that we propose should be taken.

Now, Sir, apart from these the constitutional and legal conditions under which we must work, I spoke of other conditions which need no constitutional warrant and are inherent in the task. Of these the most important in my judgment are these. Firstly, we must use to the full all the resources in our possession, discarding none till its utility has been fully tried and found wanting. Secondly, having regard to the vast interests committed to our charge and the disastrous consequences of yielding to a hasty impulse or to a rash speculation, we must be patient, prudent and circumspect. Thirdly, and most important of all, we must all work together, for this enterprise is too great to be undertaken by any single authority or by any party or by any school of thought working in isolation or, still worse, in antagonism with others. Now this cannot be done without much patience, much mutual forbearance and assistance. As I see it, the co-operation invited and required by the Secretary of State and His Excellency the Viceroy is not merely a stipulation made by one party to the negotiation. It is a plain and candid statement of a fundamental condition for the solution of the problem which lies before us both and without which neither can succeed. I earnestly invite the House to consider the Resolution in this spirit. In the first place, it affirms a principle, the principle which defines the main divergence between the majority and the minority report. What is that principle? It is this, that the Government of India Act is a great measure of political advance which has yielded most important and valuable results; that its potentialities should be further tried and utilised, and that the measures requisite to remove any administrative imperfections experienced in its working can and should be adopted. At least one section of the critics of that report take the position that the Act is radically incapable of working or is so defective that no adjustments or running repairs

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are worth the time or the attention devoted to them. Now I contend that such a position is wrong, wrong in its premise and doubly wrong in its conclusion. It is wrong in fact because the Act is undoubtedly in operation. Legislatures are meeting, laws are being enacted, supplies are being voted or refused, and with two exceptions the existence of which cannot reasonably be imputed to the Act, the administration of this great country is being carried on in accordance with the provisions of that Act. To those who despise adjustments and running repairs I would suggest that in operating a great and complex machine these may be the immediate and sufficient requisites for its efficient working. At any rate those critics can only prove or provide practical evidence of their contention by an honest and persevering attempt to work it in accordance with the intentions of the designers. If such an attempt is made by the joint efforts of all those for whom it was designed, and if their attempt clearly and definitely fails for causes clearly and definitely to be attributed to the machine, then at least we shall have some presumptive, some tangible evidence, but not till then. We have no reason to suppose that such an effort is doomed to failure because it has not yet been made.

Sir, any premature and impatient discontent with the very real achievements of the last five years is not calculated to accelerate our progress. You will not achieve a difficult and distant goal by constantly changing your starting point or quarrelling with your companions in the caravan. Continuity is one of the essential conditions of development and in the constitutional history of England continuity and adjustment are the most fruitful and the most familiar incidents. If we are indeed committed—and of this there can be no doubt—to the task of adopting for and adapting to Indian requirements British political principles and methods, should we be wise—to say nothing of logical and consistent—if at the outset we repudiate and discard the most characteristic and the most essential, if not of those principles at any rate of those methods? Continuity and adjustment are and have always been the deliberate and instinctive aims of English constitutional policy. They have permeated its history, they have been present in an active form in every phase of that history which records any permanent stage of progress, however arbitrary or violent the concomitant events may have been. Continuity and adjustment are, if you will examine it, the pith and the marrow of the majority report, not as things drawn from an obsolete and stereotyped code, but as the application to a new range of conditions and demands of a tradition which is not only ancient and well-tried, but vital and active, a force which is still the most hopeful and energetic in a world which without it might well be a world of despondence, disillusion and despair.

Sir, the great system of government which was set up in this country before there was any clearly defined or deliberate intention of instituting self-government, was based on another and perhaps an even more fundamental element in the British tradition—the rule of law, the impulse of construction and the ineradicable instinct of inducing order and liberty out of chaos and oppression. It may be that these conceptions go deeper and are destined to be more permanent than the expedients, more generally recognised and accepted, of Parliamentary Government itself. But this

great system of government, elementary as in many respects it was, had two characteristics which proclaim its origin and its legitimacy. In the first place it was directed in an austere and practical spirit to the immediate requirements of the country at that time, and it was directed, consciously or instinctively, towards a wider and further goal which would permit of an ultimate ideal of self-government. That system has perhaps fulfilled its purpose and delivered its message. We are now at the stage for which it prepared the way. That system derived its main direction and inspiration from England, though it did not reject the wisdom and experience of its predecessors in India. But we have now arrived at a new order of things in which unity and co-operation between England and India are essential. India has elected to accept British conceptions of self-government as the basis of her own political evolution. But let us remember that if these institutions offer a great prize they demand also a severe discipline. In the words of Milton: "The immortal garland is to be run for not without dust and heat".

Sir, is it unreasonable for us to ask that those who deem it to their interest to enter with us into this great tradition and to be co-heirs with us in this great heritage should also accept the limitations, the discipline and if necessary the delays which we, a nation not remarkably patient of limitations or of discipline or of delays, have been compelled to accept by the hard lessons of our own long experience and by the ineluctable dictates of our convictions?

THE HONOURABLE MR. PHIROZE C. SETHNA (Bombay, Non-Muhamadan): Sir, I beg to move the following amendment:

"This Council recommends to the Governor General in Council"

THE HONOURABLE THE PRESIDENT: Will the Honourable Member move it as an amendment?

THE HONOURABLE MR. PHIROZE C. SETHNA: I did say so, Sir.

THE HONOURABLE THE PRESIDENT: Will the Honourable Member move it as a substitution for the original Resolution?

THE HONOURABLE MR. PHIROZE C. SETHNA: Sir, I move to substitute the following for the original Resolution:

"This Council recommends to the Governor General in Council that he be pleased to take immediate steps to move His Majesty's Government to make a declaration in Parliament embodying the following fundamental changes in the present constitutional machinery and administration of India:

- (a) The Revenues of India and all property vested in or arising or accruing from property or rights vested in His Majesty under the Government of India Act, 1858, or the present Act or received by the Secretary of State in Council under any of the said Acts shall hereafter vest in the Governor General in Council for the purposes of the Government of India.
- (b) The Governor General in Council shall be responsible to the Indian Legislature and subject to such responsibility shall have the power to control the expenditure of the Revenues of India and make such grants and appropriations of any part of those Revenues or of any other property as is at present under the control or disposal of the Secretary of State for India in Council, save and except the following which shall for a fixed term of years remain under the control of the Secretary of State for India:
 - (i) Expenditure on the Military Services up to a fixed limit.
 - (ii) Expenditure classed as political and foreign.

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- (iii) The payment of all debts and liabilities hitherto lawfully contracted and incurred by the Secretary of State for India in Council on account of the Government of India.
- (c) The Council of the Secretary of State for India shall be abolished and the position and functions of the Secretary of State for India shall be assimilated to those of the Secretary of State for the self-governing Dominions save as otherwise provided in clause (b).
- (d) The Indian Army shall be nationalised within a reasonably short and definite period of time and Indians shall be admitted for service in all arms of defence and for that purpose, the Governor General and the Commander-in-Chief shall be assisted by a minister responsible to the Legislature.
- (e) The Central and Provincial Legislatures shall consist entirely of members elected by constituencies formed on as wide a franchise as possible.
- (f) The principle of responsibility to the Legislature shall be introduced in all branches of the administration of the Central Government subject to transitional reservations and residuary powers in the Governor General in respect of the control of Military, Foreign and Political affairs for a fixed term of years :
 Provided that during the said fixed term the proposals of the Governor General in Council for the appropriation of any revenue or moneys for military or other expenditure classified as ' Defence ' shall be submitted to the vote of the Legislature ; but that the Governor General in Council shall have power, notwithstanding the vote of the Assembly, to appropriate up to a fixed maximum any sum he may consider necessary for such expenditure and in the event of a war to authorise such expenditure as may be considered necessary exceeding the maximum so fixed.
- (g) The present system of Dyarchy in the Provinces shall be abolished and replaced by Unitary and Autonomous Responsible Governments subject to the general control and residuary powers of the Central Government in inter-provincial and all-India matters.
- (h) The Indian Legislature shall after the expiry of the fixed term of years referred to in clauses (b) and (f) have full powers to make such amendments in the constitution of India from time to time as may appear to it necessary or desirable.

This Council further recommends to the Governor General in Council that necessary steps be taken :

- (a) to constitute in consultation with the Legislature a convention, round table conference or other suitable agency adequately representative of all Indian, European and Anglo-Indian interests to frame with due regard to the interests of minorities a detailed scheme based on the above principles, after making such inquiry as may be necessary in this behalf ;
- (b) to place the said scheme for approval before the Legislature and submit the same to the British Parliament to be embodied in a Statute. "

Sir, the Reforms Inquiry Committee was appointed by the Government in answer to a general demand from the Legislature and the general public for a further advance in the reforms and also for improvements in the existing machinery of Government as laid down in the Act of 1919. The Report was published six months back. No action was taken on it till now. This, I take it, was principally due to the proposed visit of His Excellency the Viceroy to London to consult the Secretary of State for India. The public did not mind this little delay, because it was expected that as a result of those deliberations between Lord Reading and Lord Birkenhead the outcome would be such as would enable us to expect the fulfilment of our wishes and aspirations even

to a limited extent. In this we have been disappointed. All that we have had are two speeches, one about two months ago from the Secretary of State and the other about three weeks back by His Excellency the Viceroy on the occasion of the opening of the two Houses on the 20th of last month. These speeches do not take us any forrader and now on the top of it all we have a Resolution proposed in this House by the Honourable the Home Secretary asking us to accept the principle underlying the majority report and to request the Governor General in Council to give effect to the recommendations made in the majority report.

Sir, the Committee consisted, as we know, of nine members, five of them formed the majority and the other four formed the minority. If one of the majority had sided with the minority, the tables would have been turned, and what is now the minority report would have become the majority report. And I ask, if that event had occurred, would Government have pressed the acceptance of such a majority report? I may proceed to answer the question myself by saying that, judging Government from their present attitude, they would most certainly have not done so but would have endeavoured to wriggle out of the position as best they could.

Let us now examine the *personnel* of the Committee. Amongst the majority were three eminent Government of India officials, the Chairman was the present Home Member of the Government of India, Sir Alexander Muddiman, who, we are all pleased to see, is present here to-day in this House, over the deliberation of which he presided with such distinction for full three years. Then there was the then Law Member, Sir Muhammad Shafi, and you yourself, Sir, were the third and you then held the position of Secretary to the Government of India in the Legislative Department. Then there was the Maharaja of Burdwan, himself an official, for he had only a few months previous ceased to be an Executive Member of the Council of the Government of Bengal. but who had his eye on another high Government appointment with which rumour very strongly associated his name. Therefore, we had four Government officials, and however disinterested they may be, however open-minded they may be, it is in the nature of things,—I do not blame them because it happens in India as well as elsewhere,—that they were bound to look upon the questions placed before them from the Government point of view. The fifth member was a non-official, a Member of this House, the Honourable Sir Arthur Froom. Now let us turn to the minority. Amongst them, there was Mr. Jinnah, who has never held any Government appointment, who, comparatively speaking a young man, has for the last quarter of a century taken the keenest interest in Indian politics, who has himself taken an active part in them and is in complete touch with Indian views and aspirations. Who were the other three in the minority? No less Indian personages than Dr. Sir Tej Bahadur Sapru, Sir Sivaswamy Aiyer and Dr. Paranjpye, men who are looked up to by Government themselves, men who are esteemed by Government as well as by the public alike, and men who had the additional advantage of having held high positions under Government. That being so, if this minority, composed as it was of four, in three of whom Government had absolute confidence, have made certain recommendations with a full sense of their responsibilities, they must of course have done so with the certain

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knowledge that the reforms they propose are all workable and will not adversely affect the work of the administration of the country. Is it fair on the part of Government completely to brush aside their recommendations? Has it ever occurred to Government to pause for a while and consider why it is that every single Indian, without a single exception, who has held the highest positions in the land, men like Lord Sinha, Sir Ali Imam, Sir Sankaran Nair, Sir Tej Bahadur Sapru, Sir Chimanlal Setalvad, Mr. Chintamani, Mr. Jagat Narayan and others, all of whom without any exception whatsoever, as soon as they left Government service, have expressed themselves more freely, have sided with and supported the popular view which as we can well understand they could not very well do when holding Government appointments. That, Sir, is a fact which Government cannot deny, but if I have made this remark in regard to Indians who have held high Government appointments I say that this applies equally to Europeans, for are we not aware of the fact that even amongst Europeans there are many from Viceroy's downwards who have expressed themselves reservedly when in office, but once they have left office, they have let themselves go and have sympathised with Indian aspirations that India should advance faster in the matter of political progress. I emphasise this point, because I hold that if the Committee were held some months later, and if it had the same personnel, Sir Muhammad Shafi, because he would have ceased to be Law Member, would have unmistakably sided with the minority which perhaps he could not very well do as Law Member. I am not making any rash statement nor am I hazarding a guess. I draw my inference from what fell from Sir Muhammad Shafi himself when he was interviewed by a representative of the Associated Press soon after he gave up office. And were not his words quoted in the House of Lords by Lord Olivier who attached the same significance to Sir Muhammad's words? Therefore, it is a positive misnomer to call the reports majority and minority reports. It would be very much better to call them report A and report B.

Sir, is it any wonder, in spite of all that has fallen from the Honourable Mr. Crerar, that the Indian public and the country at large do not attach that importance to the majority report as they do to the minority report? Is it fair on the part of the Government, I ask, to brush aside all the recommendations which have been made by the minority? As the Government know, the Committee were almost equally divided, and it would have been only fair, therefore, for Government to have included in their Resolution to-day, if not all, at least some of the most important recommendations made by the minority. You, Mr. President, I understand, were personally responsible for the preparation of Appendix II to the majority report in which you have given a list of the sections of the Government of India Act and details in connection therewith to show the legal and constitutional possibilities of advance within the Government of India Act. My Honourable friend Mr. Crerar in this Resolution has absolutely ignored those recommendations.

It seems that the Government must possess a very curious notion of the intelligence of the Indian Legislature and of their sense of responsibility if they expect the Indian Legislature to subscribe to this Resolution as it has been framed, a measure which I consider both illiberal and unstatesmanlike and

which so flagrantly and definitely, and may I add so defiantly, runs counter to the wishes of both the Legislature and the public, and what is more, a Resolution which is not subscribed to by such eminent men as Sir Tej Bahadur Sapru, Sir Sivaswamy Aiyer, Dr. Paranjapye and Mr. Jinnah, for all of whom Government as well as the public have the highest respect and on the first three of whom Government when it suited them to do so have on more than one occasion showered encomiums for the moderation and the sobriety of their views.

I take no credit for drafting this amendment. As the House is aware, it is identically the same amendment as was moved in the other place and carried there three days ago by the overwhelming majority of 72 to 45. I say advisedly an overwhelming majority, because the minority consisted mainly of Government officials and perhaps of the European elected Members. I make bold to say that if the Indian officials in that House were left free to vote according to their conscience, they would not have helped to swell the number of the minority to 45. Sir, the views that are embodied in the amendment are the considered views of the leaders of the different nationalist parties in the other place and elsewhere. It is their joint draft, and it is a draft which is in consonance with the views expressed by the Chairman of the Liberal Federal Association only the other day in Poona. I compliment my Swarajist friends in agreeing to the proposals as embodied therein and I regard that as a distinct gesture on their part of their willingness to co-operate with Government, and it will be a positive mistake on the part of Government if they do not take advantage of that gesture.

Sir, in the limited time at my disposal it will not be possible for me to explain to the House the amendment clause by clause nor is it necessary, because it is nothing else but a summary of the recommendations of the minority report and what the country has been clamouring for for quite a long time. What I wish to point out to the House to-day is that evidently the attitude of the Government as also of the Secretary of State to-day is very different from the attitude of both the Government of India and the Secretary of State displayed two or three years back. I will take the House back to the year 1921 when in the other place, on the 23rd September, one Member, Mr. Majumdar, brought forward a Resolution for further reforms. The Government did not actually oppose it. What was its attitude then? The then Home Member, Sir William Vincent, requested the House to accept his own amendment. The amendment which that House passed almost unanimously (for there was one dissentient, Mr. Price of Karachi) was the Government amendment, and it was as follows :

"That the Assembly recommends to the Governor General in Council that he should convey to the Secretary of State for India the view of the Assembly that the progress made in India on the path to responsible government warrants a re-examination and revision of the constitution at an earlier date than 1929."

That, I repeat, was the Government amendment. The Home Member evidently did not speak for himself alone. He spoke for the Government of India and I would not be surprised if he spoke as he did with the approval of the then Secretary of State, Lord Peel. Sir William Vincent was most sympathetic in his speech, but he was not alone in such sympathy. I will ask the

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House to listen to the words of the then Finance Member, Sir Malcolm Hailey, now His Excellency the Governor of the Punjab. In supporting the amendment, he observed :

“ Surely now the only practical and reasonable end to this debate is, that we should convey to Parliament the opinions that we have heard expressed in this House that it ought not to wait ten years before the Parliamentary Commission investigates the whole question of further amendments in the constitution which has been granted to India ”.

The House waited for the opinion of the Secretary of State. That followed nearly 18 months later, and it was

“ that it was too early to ask Parliament to revise the constitution but the Act contained within itself sufficient materials for expansion of the existing constitution ”.

That was the opinion of Lord Peel. It was on this opinion that another Member of the other place, Dr. Gour (now Sir Hari Singh Gour) on the 18th July, 1923, moved his Resolution that “ the further possible powers within the Act should be put into force ”. That was not done and last year Pandit Motilal Nehru, again in the same House, moved his Resolution in regard to further reforms, in answer to which the Reforms Inquiry Committee was appointed. I have given these particulars to show that the attitude of the Government of India two or three years back was entirely different from what it is to-day. The Government of India then as now was presided over by the same Viceroy, Lord Reading. Evidently, therefore, Lord Reading's opinion has not changed. We have not Sir William Vincent now as Home Member, but we have Sir Alexander Muddiman, whom, knowing as I do personally, and as Members of this House know themselves, we credit with having equal, if not greater, sympathy than Sir William Vincent towards Indian aspirations. Where then is the rub ? The explanation is simple. The opposition is evidently not from Delhi or Simla but from Whitehall, and we need not be surprised, because the party in power to-day is the Conservative Party, and for the Secretary of State we have a Conservative in the person of Lord Birkenhead. This, explains the present attitude of Government.

The gist of my Honourable friend Mr. Crerar's speech, as far as I can make out, is that we should be patient, prudent, and circumspect, and we should not try to run too fast. He has told us that it took 900 years from the promulgation of the Twelve Tables to the codification of the laws by Justinian. He has also told us how long it has taken the British Parliament to advance to its present stage. All I would like to say in reply is that there is some little difference between human beings and quadrupeds. The lower animals have to start at the bottom every time. Human beings begin at the stage left off by those who went before them. Therefore, if we begin to-day we can undoubtedly proceed at a much faster rate profiting by the experience of others. I can give my Honourable friend no better instance than that of America and Japan. America did in 150 years what it took Europe more than a thousand years to accomplish, and Japan has done within less than half a century what America did in 150 years and what Europe took a thousand years and more to do. It is therefore perfectly legitimate for us to ask for further reforms. We are confident that we have progressed to an extent that we

are now ripe for them, and if we are to take Government at their word and at their professions we regard it as their bounden duty to give us what we ask for in my amendment.

Sir, the Secretary of State in his speech has asked all parties in India to unite and to put before him a scheme which he will consider. His Excellency has asked us to co-operate with the Government. The amendment which was moved in the other House and which I am placing before you to-day answers the demands made both by the Secretary of State and His Excellency the Viceroy.

Here we put before you a concrete scheme. Here is willingness on the part of that national party which opposed Government

12 noon.

at all times to drop such opposition and to co-operate. And if Government do not choose to accept it, the blame will lie with Government and not with us. Until our demand is favourably entertained it will be the bounden duty of the Indian Legislature and the Indian public to persist in such demand because we regard it as our due and which we ought to obtain as soon as possible. I cannot expect Government Members to support my amendment but I appeal to all elected Members that they will vote with me and thereby convince Government that the elected Members of both Houses of the Central Legislature are in perfect unanimity on this very important question.

THE HONOURABLE THE PRESIDENT: Amendment moved:

"That for the original Resolution the Amendment read by the Honourable Mr. Sethna be substituted".

I do not think that I should weary the Council by reading it over again.

THE HONOURABLE MR. V. RAMADAS PANTULU (MADRAS: NON-MUHAMMADAN): Sir, the amendment which stands in my name is substantially the same as that moved by my Honourable friend Mr. Sethna. The House will notice that there are only certain verbal alterations in clause (c) of the first part of the amendment on page 1, and in clauses (a) and (b) of the second part on page 2. With your leave I shall mention that in clause (d) of the first part the word "Assembly" seems to be a mistake for "Legislature". I remember to have corrected it when I sent it to the office. It must be a *lapsis calami*. I hope I have your permission to correct it.

THE HONOURABLE THE PRESIDENT: Yes.

THE HONOURABLE MR. V. RAMADAS PANTULU: In order to understand the full import and implications of the amendment which stands in my name I think it is my duty to give you a brief history of this amendment. The origin of it goes back nearly to the commencement of British connection with India. This debate involves three issues which were very pertinently raised by the Honourable Mr. Crerar in his opening speech. The issues are, *one*, has Britain a divine, legal or moral right to continue to rule India as a dependency? The *second* issue is, have the Indians got a right to govern themselves, or in other words, is, Swaraj their birth right? If the first issue is answered in the negative and the second issue in the affirmative, the third issue arises, namely, what is the best and the quickest mode of transference of power from the British to Indians? I think, Sir, the

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Resolution deals with the third issue. Unless we dispose of the first and second issues the third issue does not arise. Therefore, I beg to state very briefly, as the Honourable Mr. Crerar himself has done as regards the British case, what the Indian case is. On the first and second issues our case is unhesitatingly that Swaraj is our birthright. We are entitled to govern ourselves and the British have no divine, legal or moral right to continue to rule this country as a dependency. I use the word "dependency" advisedly because we are at present not necessarily wedded to a policy of attaining Swaraj or self-government outside the British Empire and are not unwilling to continue as partners with equal rights. Our formula is to attain self-government within the British Empire if possible and, if not, without it. The creed of the Indian National Congress is deliberately made elastic to admit of these two positions; it is the attainment of Swaraj by legitimate and peaceful means. Therefore, Sir, in the first place in answering these issues we deny most emphatically the claim of the British Bureaucracy to play the role of Deputy Providence to Indians. Their theory of trusteeship, their talk of a civilising mission and all that redomontade we emphatically deny. We hold also that apart from the divine or legal claim the British have also no moral claim to continue to rule India. That moral claim is based upon its past record and the great good which it is alleged to have done to the Indian people. Here again we deny that. We hold that after 150 years of British rule we are poorer, weaker, and more disunited, and disorganised than we were before they came to this country. You claim that peace and order are the two great achievements which you have accomplished in this country. But, Sir, we hold that the peace which you claim to have established is the peace of death, of a disarmed and helpless nation, and the order which you claim to have established is the order of slaves and human cattle who are dumb driven, which is the order of the prison house. With regard to economic and other conditions I can quote the testimony of many authorities to show that India has not improved under British rule. But I will quote a small sentence from a predecessor in office of Lord Birkendhead, the Duke of Argyll, who said :

"We know indeed of poverty and destitution, more or less temporary in European countries. But of chronic poverty and of permanent reduction to the lowest level of subsistence such as prevail only too widely among the vast population of rural India we have no example in the western world."

That is the testimony he gives to British rule in India. And after 150 years of exploitation India is poorer, economically crippled, industrially helpless and dependent upon foreign imports for subsistence. Therefore we are agitating for Swaraj. In the course of the agitation there emerged the declaration of August 20th, 1917, and later on the Government of India Act. That declaration and the Preamble to the Government of India Act are both unsatisfactory and opposed to the aspirations of Indians. Nevertheless there is one point in both of them which disposes of the first two issues. There is a recognition of India's right to self-government and also a recognition of the fact that Britain is not to rule for ever over India. The right to attain self-government is conceded. Therefore it is we have really entered on the third issue as to the mode of transference of that power from Britain to India. Recognizing the

limitations of that struggle we wanted to get a measure of responsible government and all our agitation has only resulted in the Government of India Act, 1919. The Congress disapproved of it, the Moslem League disapproved of it and the public of India disapproved of it. Therefore the Congressmen, who disapproved of the machinery devised for the transference of power from Britain to India, have not taken any share in the working of the reforms in the first stage of their inauguration. We have left it to those people who had faith in it to do so. I will at this stage refer to page 152 of the minority report which says that as non-co-operators stood out of these Councils in 1920 the people who had faith in the reforms entered the Councils and worked them in an atmosphere which was most congenial to their success. Nevertheless they have found that machinery to be insufficient, inadequate and unsatisfactory, we then entered on the second stage of the struggle. In 1923 we, the Congressmen, thought that if Government were not going to devise a machinery which is proper and suitable to attain this object, the best thing would be to go into the Councils, to destroy the one which they have set up and to get another instead. No doubt we began with the object of destruction. We thought that no construction was possible without destruction.

THE HONOURABLE SIR ALEXANDER MUDDIMAN: I am sorry to interrupt the Honourable Member, but does he still adhere to that policy of destruction?

THE HONOURABLE MR. V. RAMADAS PANTULU: We began by destroying. We are attempting to try and see whether it is possible to build up. In 1924, when the Swarajists entered the Assembly, they presented the united demand of the nation. That demand stands good to-day. The only answer that was given by Sir Malcolm Hailey was that Government would only set up an official committee to inquire into what progress was possible within the Act. His statement was followed by the appointment of an official committee which held its meetings in secret conclave, and made a report. That was followed by the report of the majority of the Reforms Inquiry Committee which majority was practically composed of a majority of officials. Therefore there is no virtue in calling it a majority report. The minority report, and every Indian who had any stake in the country, every Indian who had held any responsible office under the Reforms Scheme and every publicist of note who had the welfare of India at heart, condemned the system of dyarchy which was set up by the reforms; only the Indian Civil Service and the European half of the reserved departments spoke in favour of dyarchy. Nevertheless the majority report without any evidence held in favour of the continuance of dyarchy. If the decision of the majority is carried on appeal to a court of law, it would have called upon the respondent and reversed the judgment embodied in that report without hearing the appellant. There were nine jurymen on the bench. The verdict was 5 to 4. One of the jurors gave his verdict while he was in duress under official shackles and he afterwards said that his verdict was wrong. If the verdict was 5 to 4 in a criminal trial no criminal could be convicted and the jury should be discharged according to our criminal jurisprudence. The verdict should at least be 6 to 3 to be valid. So the verdict of the majority report is worthless and should be scrapped.

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That is the report which you now want to enforce. We say we shall not be parties to it.

There have been two pronouncements since the report was issued, one on the 7th July by Lord Birkenhead and the other on the 20th August by Lord Reading. In both these pronouncements there are two matters of outstanding importance. One is that we should work the scheme for what it is worth and the second is that if we find it unworkable we should propose some other constitution. With regard to the first, we absolutely refuse to work the scheme. It has been pointed out that the scheme is unworkable and we are not going to try to do a thing which is impossible. Within the time at my disposal it is not possible to quote authority in favour of my position that it is unworkable. It has been fully established by evidence. With regard to the second portion, we have suggested a scheme in this amendment. We have got a scheme which consists of two parts. In the first part we have indicated certain definite principles upon which any negotiation between you and us is possible. If you accede to these principles we go to the second part. You may have a round table conference, convention or whatever you like. We will sit together and try to frame a scheme which will suit the needs and requirements of India and which will be in accordance with the principles which we have enunciated here. Those principles are very clear. There should be transference of power from British to Indian hands. The Secretary of State for India's Council is to be abolished. He has to become responsible to Parliament in the same way as the Colonial Secretary. The Indian Legislatures shall be wholly elected, and so on. The scheme is not a new scheme. Ever since the Indian National Congress came into existence we have been agitating for these things. There is a consensus of opinion in the country. Yesterday I read a speech by Mr. Chintamani in which he said that this amendment is really a page torn from the proceedings of the Liberal Federation. This amendment embodies a demand on which there is a unanimity in the country. In the Assembly, Hindus, Mussalmans, Parsis, Christians, all joined in voting for it. Therefore this is now the united demand of the nation. This is the demand which we bring before you. In some quarters it is suggested that the Swarajists have receded from their original demand. I emphatically deny this allegation. The Resolution as passed in the Assembly has a preamble, reiterating and affirming its demand of 1924. Not a word of this amendment is inconsistent or incompatible with the demand that was made in January 1924. I omitted that preamble because it would not be in order in connection with this Resolution in this House. Therefore the demand of the Assembly remains unaltered. We are going to agitate for it and for its acceptance by the Government. When it is accepted and a declaration is made in Parliament, accepting its principles, then and then only shall we sit in a round table conference or agree in any other way to discuss with you. If you discard these principles, then we come to the parting of the ways.

Even Moderates have joined in the demand as embodied in the amendment and no difference of opinion exists. It was pointed out by Sir Maneckji Dadabhoy the other day that all Moderates are at heart Swarajists. It is said: "scratch a Moderate and you will find an Extremist." It is true because all of us want Swaraj as against the foreign rule.

THE HONOURABLE SIR MANECKJI DADABHOY : You are not correctly representing me.

THE HONOURABLE MR. V. RAMADAS PANTULU : I say, Sir, let Government accept this as the common amendment of all parties in the country and as a complete answer to Lord Birkenhead and Lord Reading. Many proposals have been put before Government in the past. There was the 19 memorandum. There was the Congress-League scheme which they never considered. And what are they going to do now ? It does not matter to us whatever they may do. We are willing to co-operate with them on honourable terms. But if they throw our co-operation to the winds, there will be again only one course left open to us, namely, non-co-operation, passive resistance, and civil disobedience. It is the creed of the Congress to achieve Swaraj by all peaceful and legitimate means. Our determination stands there. We only want to give Government an opportunity to show that we are willing to co-operate. If they do not co-operate with us, and do not accept this amendment and make a declaration of policy embodied in it the whole blame will be with them and not with us.

THE HONOURABLE SIR DEVA PRASAD SARVADHIKARY (West Bengal : Non-Muhammadan) : Sir, instead of moving the amendment as it stands on the paper in my name I shall with your permission try to amend the amendment that has been proposed in a way that would fit in with the structure of my own amendment. In the first instance, I ask your permission to move that in the place of the first paragraph of the opening preamble of the amendment moved the opening paragraph and preamble of my amendment be substituted. In the second place, I would ask that in the place of the last three paragraphs of the amendment moved beginning with the words " This Council " and ending with the words " embodied in a Statute " the concluding words of my amendment beginning with the words " This Council " and ending with the words " minority report " be substituted.

THE HONOURABLE THE PRESIDENT : Does the Honourable Member move an amendment to substitute the last two paragraphs ? They both begin with the words " This Council ".

THE HONOURABLE SIR DEVA PRASAD SARVADHIKARY : Yes, Sir. The Honourable Mr. Ramadas has explained to the House why he found it necessary to make some amendments to the amendment moved in the other House. I find it necessary to make other amendments regarding matters which probably had not been thought of at the time. I do not propose to go into the minor matters embodied in the body of my amendment ; so far as that is concerned, I shall let the amendment stand as it is. Both these amendments, Honourable Members will perceive, are in the main the same, and all non-official parties in both the Houses are agreed upon the fundamental principles. This is in response to the invitation of the Right Honourable the Secretary of State and the Viceroy to which more detailed reference need not be made now. Sir, after the emphatic pronouncement in both the speeches, whatever our own feelings might be, there is little room for a request for an initial parliamentary pronouncement for which a request has been made in the amendment of the Honourable Mr. Sethna. The only practical course left

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to us is therefore to ask to have set up a convention on the lines of my original proposal which stood over at the request of the Government which now can no longer be moved. Sir, we are in perfect agreement in response to that invitation so far as the basic ideas are concerned and these have been arrived at, I assure the House, in no hurry but a long course of preparation has been taken in one shape or another for near upon half a century. Those who are upset by reference to history, the modernmost of which is soon ancient, even if you do not go back to Edward I, as has been done to-day, must have the generosity to remember that Babu Surendra Nath Benerjee's demand for Dominion status for India was as old as the eighties of the last century; and this demand has been repeated, naturally with necessary variants, during this long period. For the present no more than an enunciation of basic principles which are to be the bed-rock of the constitution we suggest is attempted. There must of course be all necessary inquiries and consultations, and neither a parliamentary pronouncement nor a Royal Commission are excluded or barred out by the terms of my amendment, though they are not expressly mentioned for obvious reasons. (Laughter.) Sir, I therefore claim that all parties of the same way of thinking in both the Houses have risen to the occasion, sunk their differences, presented a united and unbroken front, and have made a unanimous demand, unmindful of the fetish of dots and dashes. Only ill-conditioned and captious criticism can aver to the contrary.

One cannot congratulate Government on the terms of their Resolution which has taken so long in conception and frame. And even the announcement that Sir Frederick Whyte has been put on special duty on some academic work the practical aspects of which could and should have been dealt with by the Honourable Mr. Crerar in his Department in a most speedy and perhaps acceptable form (Laughter) hardly improves the situation. To-day the Honourable Mr. Crerar has been good enough to say that during the last five years real achievement can be claimed on behalf of the Legislature; and on the strength of his opinion I should give the go-by to Milton's "heat and dust" and all that they connoted in those ill-starred times. The party to which I have the honour to belong, the Liberal and Moderate Party, has made its pronouncements and they have found support at the hands of the other party in an unmistakeable way. Co-operation thus vouchsafed should not be lightly put on one side, and Government should help in the further cohesion of the parties so that more and real co-operation may be bespoken.

Sir, Lord Birkenhead was pleased to call that Party the "so-called" Liberal Party whatever that qualification might mean or imply. His Lordship, who is himself no Liberal, was however pleased to say that:

"The party is neither inconsiderable in numbers nor lacking in the leadership of enlightened men, who have refused to associate themselves with the ill-starred course of non-co-operation".

His Lordship further said that it is still possible that this party, perhaps to be gradually reinforced by fresh moderate elements, may play a great part in the constitution-fashioning of the future. And so it will, if Government

will let it. His Lordship, if he was in earnest, must be quite gratified by the unexpected fusion of ideas and opinions in the other House leading to complete acceptance by all parties of the Liberal programme, the programme frankly of the National Liberal Federation.

Sir, I shall not go into the details of the minority or the majority report as there is not time. But, Sir, I venture to think that the cleavage of opinion demonstrated by what has been called the minority report would in a clearer and less biased atmosphere have been enough reason for a further searching and immediate inquiry. Even a most hurried analysis of the evidence there will show why the opinion of the majority with regard to dyarchy has not been acceptable and cannot be: and yet, Sir, the majority pins its manifestly shaken faith to that broken reed.

Sir, the minority has however in many important details agreed with the majority recommendations, and where such coincidence occurs, and the points are many, I confidently insist that action should be taken, as indeed Government have already started it. This is the second point of my divergence from the other amendment.

I submit, Sir, that the attachment of greater than its due importance to the factor of non-co-operation would be an unjustifiable premium upon its continuance and accentuation. Of what use and value, I ask, is our co-operation, though given at a great disadvantage and with serious handicap, if the non co-operator is to prevail and triumph by purposefully standing out, obstructing or attempting to obstruct, as the case may be? An English paper, Sir, *The Daily Herald*, says in a recent issue:

“The only hope of avoiding serious outbreaks in India seems to lie in the possibility of all parties uniting in making the demand that the British Government shall think again, and that is now being done in the Central Legislature”.

I have not the least doubt, Sir, that that will also soon be done in the Provincial Legislature and all over the country. We naturally want to come more and more into our own, our natural and inalienable rights. And this we can do only under a freer constitution, which would no doubt have its unavoidable handicap for the time being, but which would have assured and growing advantages.

Whether co-operation exists to a sufficient degree or not will, it is said, depend upon the testimony of responsible people, when the question comes under parliamentary examination in 1929 or before. Among such witnesses no mean place will be assignable to Sir Frederick Whyte who has done so well as the first President of the Indian Legislative Assembly. Speaking at a dinner given by the civilian members of the Executive Government of India on the 22nd of August at Simla, and disclaiming all idea of making a political speech, Sir Frederick Whyte generously testified to the abundant co-operation on the part of the Assembly during the five years that he held office and to the rapidity and efficiency with which parliamentary methods and traditions were imbibed. He repeated the same testimony at the dinner that His Excellency the Viceroy gave in his honour the other day. With testimony such as this, the plea that owing to the existence of some non-co-operation, that is steadily on

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the wane, further advance in constitutional progress must be delayed and that even the preliminary inquiry for collecting facts and materials must also be delayed, cannot possibly hold the ground.

The Twelve Tables might have been necessary for those who began the work in another age and clime, but they cannot be necessary in India in spite of its diversities where there was and is a live civilization and with the western models which are for some reason or other now being attempted to be deprecated and sought to be placed in an Oriental setting.

The clean slate, or the comparatively clean slate, that is so constantly demanded cannot come into existence. It was not there when the existing constitution was ushered in. It never had existence even in imagination. And if further writing on the slate, as one finds it from time to time, is refused or delayed, all because eight maunds of lubricants cannot be provided to ensure the fabled dance of Radha, the inexorable finger of fate will write and having written will pass on.

I would in this connection and with reference to the terms of the amendment for a moment turn to the draft of the Commonwealth Bill of India issued by the National Convention, India, 1924-25, for presentation to Parliament of Great Britain. According to advices received from England, a private member may make himself responsible for presenting it to Parliament at no distant date. We do not want to have exaggerated hopes raised in connection with the likelihood of such a procedure, by no means an unlikely procedure. But if the attempt fails, as probably it will, the Commonwealth Bill as drafted and the present amendments may be a basis of consideration by all seriously minded people who earnestly want to apply their mind to the questions involved. Let that not be delayed and let the machinery be found and let not "Too Late" be writ large on our portals.

THE HONOURABLE THE PRESIDENT: Further amendment moved :

"That in the amendment moved by the Honourable Mr. Phiroze C. Sethna the following amendments be made, namely :

'1. That for the first paragraph beginning with the words 'this Council recommends' and ending with the words 'and administration of India' the following be substituted, namely :

'This Council recommends to the Governor General in Council that all necessary steps be taken early to have constituted in consultation with both the Houses of the Central Legislature, a convention or other suitable agency (which shall be representative of both the Houses of the Central Legislature, of the Provincial Legislatures and of all sections of public opinion in India) for the purpose of framing a draft constitution for India on the basis (among other things) of fundamental principles enumerated below and with due regard to the interests of minorities, namely :'

'2. For the last paragraph beginning with the words 'This Council further recommends' and ending with the words 'to be embodied in a Statute', the following be substituted, namely :

'This Council further recommends to the Governor General in Council that such constitution when framed and approved of by the Central Legislature should be presented to the British Parliament with a view to being embodied in a Statute.

This Council also recommends to the Governor General in Council that without prejudice to the above recommendation and as a tentative measure, effect be given to such recommendations of the majority report of the Reforms Inquiry Committee as are consistent with the recommendations of the minority report.'"

THE HONOURABLE SIR ALEXANDER MUDDIMAN (Home Member) : Sir, before I proceed to deal with the points raised by the amendments which have been moved which are in effect in spite of the change made by my Honourable friend Sir Deva Prasad in all essentials the same, I propose to make a few observations with reference to certain remarks that have fallen from the previous speakers. Now, I always listen to my Honourable friend Mr. Sethna with great interest. I know I shall hear a well reasoned and clear cut speech ; and if I express some disappointment to-day, it is because I feel that the amendment is one that even his eloquence could not adequately support. I must in the first place point out that it really is quite a matter of frequent occurrence that if you take away a certain portion of the majority it becomes a minority. I leave his point at that. Further, as to his remarks on the personnel of the Committee, I will only make one or two reflections. I have never yet heard that the fact that men have grown grey in the service of the Crown was any disqualification for assisting in deliberations connected with work on which they had spent the whole of their lives. That, however, is a small matter no doubt. What I do regret is that my Honourable friend should have thought fit to refer to the Maharajadhiraja Sir Bijay Chand Mahtab Bahadur of Burdwan as an official and to suggest that he is tainted with official views and so disqualified as a patriot. Let me tell my Honourable friend that the Maharajadhiraja is one of the largest zemindars in Bengal and has a stake in the country not even inferior to that of my Honourable friend. If Indians of high standing who serve the Crown in responsible positions are to be tarred with the official brush and regarded as disqualified from giving impartial judgments, India will not be so well served in the future as she had been in the past.

Turning to the amendment, I really wonder whether my Honourable friend has read the minority report with any care. He refers to the recommendations of the minority report. In effect there is only one recommendation, that is, an immediate Royal Commission. The sting of that report is contained in the tail. It is true that the minority were pleased not to be quite hostile to certain recommendations of the majority report : perhaps even in one or two instances they were favourable ; but their general attitude was that the constitution is not worth amending, they contended it wants ending. They recognised however that before this could be effected some kind of Royal Commission would be necessary.

Now, my Honourable friend who sits behind Mr. Sethna (the Honourable Mr. V. Ramadas Pantulu) who also moves the same amendment, though, I think, he fights under a somewhat different banner, was pleased to observe that his plan of campaign was Swaraj within the Empire if possible, but if not, outside. I do not know whether Mr. Sethna would assent to that proposition. At any rate I may tell this House at once that Swaraj outside the British Empire has no possible interest for me. My Honourable friend also observed that if he lived 150 years ago, he would have been far stronger and far more powerful than he is now. Where does my Honourable friend live ? I believe

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he lives in the Kistna District of the Madras Presidency. I am quite sure of one thing, that 150 years ago he would not have been speaking in Simla in peace and safety. My Honourable friend says that whatever amendments may be made within the scope and purpose of the Preamble, he will not work this constitution. Does he really mean that, I wonder. Well, I hope he does not. At any rate I should have thought that the very amendment he has put down, unless it was meant as mere empty verbiage, indicates that he might possibly be prepared to do so under certain circumstances. What is it that this amendment really means? I find great difficulty in following it. I have heard three or four speeches in this House and three or four speeches in another place and I have not yet understood whether what is offered to Government is an ultimatum or an offer. One speaker refers to it as a thing to be asked for; another speaker speaks of it as a thing to be demanded. The extraordinary thing about the amendment is that the reasons given for it are entirely different and that different speakers in supporting it assign different meanings to its terms. Indeed, the actual meaning of the amendment is still to this moment somewhat doubtful to me. Let me examine it. It falls into three parts. In the first place, this Government are to take immediate steps to move His Majesty's Government to make a declaration in Parliament embodying certain changes, which are, frankly, Dominion Self-government; that is to say, you are going to ask Parliament to pass with one leap to a declaration of this kind. We are to go to Parliament and say: Whatever may have happened in India, whatever the Secretary of State may have said, and whatever may have been said in the Preamble of the Government of India Act (and I will not again read that Preamble which I have read so often), the whole position is to be altered with a stroke of the pen, and the British Government are to make a declaration to Parliament of a kind which, I think everybody will agree, is a very remarkable advance on the present constitutional position. Now, Sir, this is clearly in contravention of the minority report. That report contemplates that before any structural changes could possibly take place, there must be something in the nature of a Statutory Commission. We have heard this on the authority of the men who signed the minority report—persons, I admit, of weight, for it has never been my custom to impugn the authority of those with whom I may have had the misfortune to disagree on certain points. At any rate the signatories of that report recognised that any violent step forward must be preceded by a commission, if not the statutory commission, at least an authoritative commission. As I said in another place, the first part of the amendment which we are discussing is therefore a virtual repeal of section 84A of the Government of India Act. That is the section under which there must be a statutory commission not later than ten years from the commencement of the Act, that is to say, after some four years from now. That is the first point I want to make against the amendment, namely, that it is in contravention of the recommendation of the minority report.

It was suggested in another place that the second part of the amendment was intended or might be read as covering a statutory or Royal Commission. No one in this House has apparently even dreamt of that. Nor do I think, if we apply the ordinary rules of construction, such an interpretation is possible.

Moreover a Royal Commission will determine fundamental principles and not details, and must precede and not follow such a determination.

Now, Sir, my Honourable friend Mr. Crerar in his speech touched lightly on what I think, at any rate, is a definite and interesting point in this amendment which has been supported for so many different reasons and in so many different places. It is, I understand, intended to be a definite statement from all the persons who support it in this House and in another place that they do desire to proceed upon the basis of western institutions, and that they desire to see democracy established in India. Those who put forward this amendment must be taken as admitting that they do not want to proceed on the lines of any Oriental form of constitution, and that they have abandoned the idea of an indigenous product in this sphere. They have accepted the principle that India's future progress must lie along the well known paths of western representative institutions. Now, in that connection I will draw attention to what the Secretary of State said. He said, and this is what my Honourable friend was referring to when he spoke of the reply of India to the Secretary of State :

" It has been the habit of the spokesmen of Swarajist thought to declare in anticipation that no constitution framed in the West can either be suitable for or acceptable to the peoples of India ".

Then he goes on to say :

" It has always seemed to me that a very simple answer might be given to such a contention ".

He does not claim that Britain has any speciality in framing constitutions and he expressed himself as quite prepared to consider a constitution framed on a different basis from that on which the British constitution rests. But I assume from this amendment that that has been definitely rejected by them who support the amendment.

Well, Sir, we are asked to make this startling declaration and that in the face of the speeches that have been delivered by the Secretary of State and His Excellency the Viceroy. I am not prepared to go into an examination of the theoretical position. I do not believe that in this House such a course will command any support at all. I believe this House to be a House pre-eminently of practical men who look at problems, which are submitted for their consideration, in a practical way, and that is the way in which I want the House to approach this great problem. What is the position ? I have no desire whatever to stir up ill-feeling or to refer more than is necessary to what has happened in the past. The facts are clear. When this constitution under which we now sit here was brought into operation, a large body of prominent Indian thought declined to have anything to do with the constitution at all. They said that it was a device of the devil. They said that they would have nothing whatever to do with it and they remained outside the Legislatures. I am glad to say that they are here to-day, and I do not care myself for what reasons they came in. They came in, I think, to curse, for my Honourable friend said that there ought to be destruction and not construction. I trust that they may remain here to bless and that they will pass from destruction to construction. Sir, constitutional advance can be secured by constitutional

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means in one way only and that is by the good-will of the British Parliament. I have no desire to reiterate that. It is known to you all but it is a fact that you must never lose sight of. You can secure advance by the good-will of the British Parliament and you can secure it subject to a condition that I will refer to later. Parliament has laid down that in four years' time from now there must be an examination by a Statutory Commission into the working of the present constitution. Now, Sir, I myself have never attached any great importance to the question of date. Undue importance has, I think, been attached to this question in some quarters. There is no doubt that the eagerness for a statutory commission must be attributed to the fact that those who claim it so ardently feel that with a statutory commission some advance will be gained. I do not think there is any doubt that this is the reason of the call for early examination by the Commission. Therefore, the really important matter is not the particular year when the Commission meets, but the evidence and the facts which can be put before the Commission which will lead that Commission to the conclusion that further development on constitutional lines is both feasible and desirable in India. That is the whole point. Now, the Secretary of State has told you—and I need hardly repeat it here—that the British Government are not slaves of dates. In other words, he distinctly indicates that, given certain conditions, the date of the Statutory Commission could be advanced. Sir, that might not be an unmixed benefit for India. You have been told—and that I think was the most conclusive answer that you could have got—by His Excellency the Viceroy that in his judgment to hold a Royal Commission immediately would be disastrous to the best interests of India.

Now, that is not advice that this House is likely to regard lightly. It is advice from the head of the British Government in India, a man who has been nearly five years in India. It is furthermore the advice of His Excellency Lord Reading, a statesman trained to know the signs of the political sky, and moreover a statesman who has recently returned from a visit to England which has brought him into contact with politicians of all schools of political thought: therefore that is advice that this House will, I know, give very, very great weight to.

The amendment to my mind—to any practical man—must mean that before you can ask Parliament to make all or any of its presumed declarations you would have to present to Parliament the report of a statutory commission. No great constitutional change—I think I am correct in saying—has ever been made with regard to India by the British Parliament without some inquiry of that character. Therefore, as a condition precedent, you must have the appointment of a Royal Commission. That statutory commission cannot be appointed at present, nor is it desirable to appoint a Royal Commission at present. I think the advice given by His Excellency Lord Reading establishes that beyond the shadow of a doubt.

Then you ask, is there no means by which the date of this commission can be advanced, or is it that we have no hope of speeding up things and that you bang the door in our faces? The Secretary of State has given you the

answer to this in his speech. With regard to the rise or acceleration of constitutional progress he says :

“ The door of acceleration is not open to menace ; still less will it be stormed by violence. But there never has been a moment since the Constitution was adopted in which the Government of India, acting in harmony with the Government at Home, has not been vigilantly and attentively considering the spirit in which the present reforms have been received in India. It has indeed been an imperative and urgent duty for my predecessors and myself so to consider them. Developments have been easily conceivable to me—are still not wholly inconceivable to me—in which the acceleration of the date of the Royal Commission might have been recommended even by very cautious statesmen ”.

Then, Sir, I turn to the next portion of the amendment which proposes, after a declaration to Parliament has been made, which I have shown the House is not possible to constitute, a convention, round table conference, or other suitable agency adequately representative of all Indian, European and Anglo-Indian interests to frame with due regard to the interests of minorities—and here let me pause and make a comment—the interests of minorities is not one of those fundamental principles to be laid down by Parliament. They are to be referred to this convention. This convention is to be constituted in consultation with the Legislature presumably, since the amendment is now in this House, both Chambers of the Legislature.

It is evident, therefore, that the framers of the amendment recognise that although the fundamental principles are to be recognised by Parliament merely on the verdict of the Indian Legislature, still when it comes to consider the details, then it is desirable to call in representation of a wider nature. The amendment recognises, in other words, that as at present constituted the Legislature cannot be regarded as fully representative of all the interests mentioned in that portion of the amendment.

Then the next thing is that the details are to be referred back to the Legislature, and there they are to be considered and solved. They are then to be submitted to the British Parliament to be embodied in a Statute.

And there, Sir, again I have felt very great difficulty in understanding the position taken up by different persons who have spoken on this amendment. I was told in another place that this clause meant that when the details had been considered by the Legislature, they were to be submitted to Parliament, and Parliament, without any further consideration, without altering a dot or comma or a semi-colon, was to enact them as an Act. On the other hand, I was told also on this very same point : “ Oh no, that is not the case ; obviously no one wishes to interfere with the supremacy of Parliament, and therefore Parliament would be able to amend the Statute if it wished ”. Well, Sir, I have heard nothing in this House on that point ; I have not heard my Honourable friend Mr. Sethna say whether he would admit any liberty to Parliament in the matter, or whether Parliament would be required, as indeed they did in connection with certain Colonial constitutions, to enact without amendment. The point is one not lacking in importance.

THE HONOURABLE MR. PHIROZE C. SETHNA : Except any reasonable amendment.

THE HONOURABLE SIR ALEXANDER MUDDIMAN : I am glad to hear my Honourable friend would accept any reasonable amendment. If he got

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his fundamental principles accepted as he proposes, he might well agree to accept any reasonable amendment.

Well, Sir, I have now, I hope, dealt faithfully with the amendment. It only remains for me to say that I should be the last to desire to throw obstacles in the legitimate progress of the constitution of India. I have every desire to see India advancing on the lines which are dear to many of you. I have every desire to see that happen, but I have no desire to see that happen if it is to bring in its train consequences which are not favourable to the people of India as a whole. None whatever. There has been a great appeal by His Excellency the Viceroy for co-operation. Co-operation, as I said in another place, is of course a course of conduct not a phrase. It does not mean that I should stand here and say I am going to do something in the future; it does not mean that you should say you are going to do anything in the future; it means that reasonable men will be able to conclude from facts, from facts and actions, that Government have received that measure of co-operation which the Secretary of State says is essential before there can be any reconsideration of the date of the inquiry.

THE HONOURABLE MR. G. A. NATESAN (Madras: Nominated Non-Official): Sir, they say no constitution is perfect and no Code will be free from flaws and would not give an opportunity to lawyers to argue either way. With this observation I rise to support the amendment though some of its clauses may be open to criticism. But I would like to point out that, if to-day I support this amendment, I do so for some reasons which I consider sound, and which I trust will appeal to my Honourable friends on the opposite side. In the first place these proposals embody in substance, if not materially in many cases, the proposals for reforms which have been advocated for some years since the introduction of the Montagu-Chelmsford Act by the Party to which I have the honour to belong and to which I belong even now, despite the epithets and obloquy and calumny thrown on some of its honoured members.

In the second place, I rely upon the fact that the Government of India, through the mouth of its Home Member some years ago, also undertook to report to the Secretary of State that there was a desire in the Assembly and in the country that some changes in the present constitution ought to be effected. In the third place, I rely upon the fact that when the recommendations of the Muddiman Committee were published, in almost every Provincial Council a sense of dissatisfaction in some form or other was expressed at the recommendations of the majority and the desire that the recommendations of the minority should be given effect to. There is yet another reason, Sir. The Ministers and the Members of the Executive Government of the various Provinces and some even in the Central Government, most of them belonging to my Party who undertook to work the reforms facing a considerable amount of unpopularity, have stated as the result of their experience that dyarchy does not satisfy the requirements of the country, that the aims, the aspirations and the ideals for which I and my countrymen are yearning for could not possibly be reasonably satisfied by a continuance of the present system, and therefore some better system more suited to the genius and the requirements of the country should be adopted. My strongest reason

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for supporting this amendment, however, is the declaration of His Lordship the Secretary of State in Parliament, Lord Birkenhead. I do not take the same view of that speech as some of my friends and colleagues and fellow-workers have done. In another place where I had the opportunity to write about it I said I would take Lord Birkenhead's statement as genuine, particularly that portion where he said he would be glad to see signs of co-operation in this country and he would be glad also of any attempt on the part of all classes and politicians of all shades of thought to evolve a scheme which could be put before Parliament for consideration. Now the condition precedent His Lordship the Secretary of State made was that there should be a "co-operation." Now, Sir, as far as the Party to which I have the honour to belong is concerned they have been co-operating with the Government. They undertook to work this machinery in the face of considerable criticism at the hands of others. They have done it well, they have done it honestly and they have earned the encomiums of my Honourable friends opposite and other officials who have had anything to do with them not only in the Central Government but in the Governments of the various provinces. So far as the attitude of what are called the non-co-operators and Swarajists is concerned, it is undoubtedly true and it would be idle to conceal a fact so patent, that they came here "with the determination to use uniform, unyielding, consistent obstruction in order to make government impossible." But as the Honourable the Home Member very rightly observed, no good will be served by raking up the past. But if we are to take the word of the leader of that Party and of other of its responsible officials for what it is worth, I take it that there is a genuine desire on the part of most of them to co-operate; and I find further that ample proofs to that effect have been given. In the first place, the leader of the Party, in moving this Resolution elsewhere, said that :

"he was more or less adopting this attitude because it was exactly the sentiment expressed in the minority report of the Muddiman Committee".

Another gentleman said that the Swarajya party had really accepted the Liberal Federation's programme. Not only that. I found the other day testimony borne by officials themselves and by a member of the Government of India to the way in which many Swarajists were actually helping Government. If a newspaper report can be relied on, I read this morning that Sir Basil Blackett said that he personally believed that there had been a great deal of co-operation over the Steel Protection Bill and in the separation of Railway finance from general finance; he also added that the Secretary of the Swaraj Party was now a very valuable colleague on the Public Accounts Committee; and it is hardly necessary for me to give public expression once again to the great tribute which the late President of the Legislative Assembly, Sir Frederick Whyte, paid to the Secretary of the Party. He said that though a professed non-co-operator he was every morning assisting him in enabling the Assembly to do its work satisfactorily. Sir, I state at once and I state it honestly and sincerely—and not in any spirit of derision—that we all thought that the policy they had adopted was wrong. Government thought so, I thought so and the Party to which I belong thought so; and we are glad that in this matter of doing something for the future re-generation of this country those

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who have hitherto been pursuing a policy, if I may so term it, of ploughing the sands, do now realise that it is high time to try and work, realising the conditions actually existing, and do something which is practical and practicable. I therefore think that the condition stipulated by Lord Birkenhead has been satisfied to the extent of the declarations and actual course of conduct pursued by the leader of the Swaraj Party and others of their way of thinking. I shall not labour this point any longer. But even granting that some of these people did not co-operate with Government, may I ask have you treated justly and fairly the Moderates and Liberals who supported your scheme, knowing full well that it could not be worked with complete success, but yet worked it to the best of their ability? Let me also point out that from the very beginning the Liberal Party have been stating that a certain amount of responsibility in the Central Government was absolutely necessary. I happened to be the general secretary of this Party for over two years and I claim to have attended most of its meetings and read its literature; and I may state here that in every successive session of the National Liberal Federation they insisted that the government of this country could not be carried on satisfactorily in consonance with the aims and aspirations of the people so long as an element of responsibility was not given in the Central Government. Do you not think that these people at least who have worked your scheme should be taken somewhat more seriously? What after all is the report of this minority? I do not like the idea of entering into a discussion of the personnel of the minority, but my point is this: the report of this minority is the opinion of people who have served the Government in one way or another. One has served in the Government of India under the Montagu-Chelmsford Act; another has been a Minister of the Crown; and a third came by election into the Assembly as an Independent Member and continues even to-day as an independent in his judgment and is able to carry others with him, while not suffering himself to be drawn by others. But, Sir, I have got a still higher case than that. I happened to read this morning a very careful analysis of the views of a number of Indian Ministers and Indian Members of the Executive Council, who have worked the scheme. It is not necessary for me to quote all these opinions—they are taken word for word from the statements of Ministers and Members. But I would add this—and this is a factor which should be taken into consideration by the Government of India—that since then I find such an important measure as the Commonwealth of India Bill has won the sympathy of the Honourable Sir C. P. Ramaswami Aiyar who is now a Member of the Madras Executive Council. Such eminent men as Sir Krishna Gobinda Gupta, Sir Sivaswamy Aiyer, Sir Ali Imam, Sir M. Visveswarayya, Sir P. Rajagopalachariar, who was the first President of the Madras Legislative Council, all these have expressed their disappointment at the majority report.

More than anything else I would mention another reason as helping our case. When the system of dyarchy was contemplated the members of the Indian Civil Service thought that it was not workable. Not only that. Lord Birkenhead himself, the present Secretary of State for India, has declared that he too at one time was certainly not in favour of it.

If all these facts are taken into consideration, I think a very reasonable case has been made out. On the evidence of those who have had to work this scheme for a number of years, on the evidence of publicists and others who have watched its working, on the evidence of officials who have had long and intimate connection either with the Central or the Provincial Governments, on all this evidence, I think, treating it as a matter of pure evidence, an impartial student who wishes to study the question and arrive at a fair conclusion, will come to the conclusion that a good case has been made out to show that the acceptance of the statement in the majority report that the present constitution is satisfactory and that it could be mended in certain respects, is far from actual facts. I also know that there are some people in the Civil Service who have had to work this, who seem to think that it is high time that dyarchy was done away with, and that a form of Government, unitary and more satisfactory, should be adopted for the good government of India.

There is one more point, Sir, that I should like to urge, and that is this. Even in the Provinces --and I come from a Province where I think, in spite of our unfortunate differences over communal matters, dyarchy cannot be said to have failed even in the Provinces where it has been found to be working fairly, even in these cases it is not because the principle of dyarchy was strictly applied, but because the principle of dyarchy was not actually put into practice. And we had a Governor who tried as far as possible to have in practice the theory of joint responsibility; if I am correctly informed, it is being done in some matters even at the present day.

Another important proof to show that this is not the opinion of certain politicians only. On the 9th of March last the *Times of India*, a leading Anglo-Indian daily paper, which is respected by Anglo-Indians and by many Indians as well as for its sobriety of judgment, in commenting upon public affairs, wrote thus on the Reforms Committee Report :

"The question is, is India to make a further democratic advance. That is a question which must be faced and answered by the Government of India and the British Parliament. It is precisely the question which the Committee have not been allowed to consider and to which they provide no answer".

I think, Sir, this may be taken as a fair statement of the case. Sir, the Honourable the Home Member has tried his best at a very critical time in the history of the Legislative Assembly to adopt a conciliatory policy, and I hope that he will not seriously stick exactly to the terms of his Resolution, and even if it is carried, will not allow matters to rest there. The very fact that he thought it necessary to make an announcement in the other place the other day that Sir Frederick Whyte has been put on duty to examine, study and report on the relations of Central and Local Governments in other countries shows that he, at any rate, thinks that the time has come for an examination of this question, and I take it that is an index that things are not quite satisfactory now, and that therefore some sort of inquiry at least in one direction should be undertaken.

I would now like to make one more observation on this amendment. It may be that certain parts of it may not be quite satisfactory. I personally do not like some of the clauses. Perhaps I should not rake up the question of

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the Preamble, and being a nominated Member, I enjoy to-day the privilege of giving my views as I consider the matter to the best of my judgment ; and I certainly do not like to state at once that every seat should be elected. I say it in no spirit of selfishness. I happen to have taken an interest in public life for over a quarter of a century. Knowing full well the actual conditions, I know that there are classes and interests which perhaps require special representation. There are perhaps a few things which you may not find quite satisfactory. But let me tell you—it was pointed out in another place and I acknowledge it myself—that even in this amendment, while we are anxious to get rid of dyarchy, we feel that in the Central Government some sort of dyarchy is necessary. What does it show ? In my opinion, it is a genuine and an honest realisation of the existing difficulties. We feel that we cannot immediately come and tell you, “ Look here, take this as our political programme ; bring this scheme to-morrow.” This amendment in substance asks you to take steps—mark those words. My interpretation of it is this, that the Government of India, having regard to the facts disclosed in the report of the Muddiman Committee should try to take steps.....

THE HONOURABLE SIR ALEXANDER MUDDIMAN : Immediate steps.

THE HONOURABLE MR. G. A. NATESAN : . . . immediate steps to make all possible arrangements to have a round table conference or committee consisting of all classes and interests and see how far all these points should be considered.

THE HONOURABLE SIR ALEXANDER MUDDIMAN : I am glad to have yet another interpretation.

THE HONOURABLE MR. G. A. NATESAN : This is an interpretation which will be reasonable from my point of view, and it is the only interpretation which I would ask Honourable Members opposite and others to put upon it. Consider all these proposals of ours. It is quite possible that when you take steps, you may find that one or two things in it could not be carried out. It is quite possible, when you convene a committee or round table conference that various other views would be put forward ; some difficulties would be experienced. But what does this show ? It shows that it is the interest of all political parties in this country to propose to Government the immediate, the urgent necessity for an inquiry into the present state of things, to express clearly that if the evidence of the Report of the Muddiman Committee is to be taken seriously at all, dyarchy has not been successful, or at any rate that it could not be worked satisfactorily under the present conditions, and there is a great need to take a further step in advance.

Some reference has been made to the fact that some of us have dropped the idea of a Royal Commission. Assuming it is so, what does it show ? That also shows that the leaders of the various parties have combined together, have put their heads together, to adopt this amendment, realising that if a Royal Commission was not possible, other steps should be taken to have the whole case examined and put before the responsible authorities.

I have only one word more to say, and it is this. I recollect about 10 years ago talking to a Civilian in the Madras Presidency with whom I happen to have intimate personal relations, who is now out of the country, and with whom I am still in touch. He said, "I quite agree with you. Perhaps some of the reforms should be adopted, but I cannot possibly reconcile myself to the altered conditions it would involve." The answer that I gave him was, "You will be leaving a legacy of trouble to your successors." I know that in the present Government of India there are men who have served for over a quarter of a century. Some of them are my personal friends who have laboured hard in one field or other, whether as official or non-official. We also have at the head of the Government of India a Viceroy, a great statesman with a great reputation. I appeal also on behalf of others for whom, though I have no authority, yet I venture to speak.

I do not think that the present state of things can continue. You cannot possibly prolong the present state of things without adding to the discontent which prevails in this country. I think the needs of the country do demand a further step. It may not perhaps be exactly the steps in the direction in which we want. It may be that we do not approve of the steps which you propose to take. But certainly is it beyond all the possibility of good statesmanship and political wisdom for you and for some of us here to sit together and confer together, to realise exactly what the difficulties are and then frame a scheme which will suit you, satisfy us and above all enable this country to move onward to the destiny to which I think we are rightly entitled? My Honourable friend Mr. Crerar in his speech, whose literary diction and elegance I admire, naturally referred to the fact that the British constitution is one of long growth. If the British constitution is one of long growth, the British character also has been unique. There is no country in the world like India which has been governed and administered in the fashion in which it has been by the British. I admit all the good that the British Government has done. It has done many things to its credit. But may I also tell him that it is too late at this hour of the day after the Great War, after the pronouncements of her great statesmen who said that day after day the world was changing and nations which once were dormant were waking up to think of new spheres, new ambitions and new ideas of government to expect them to stand still. You must remember your own statesmen have made declarations during the War and talked also of self-determination, you must realise the responsibility you owe to the people of this country, and you, at least those who compose the present Government of India and those who preside over it, ought to be able to say at this juncture, at a time when there was a conflict between the people and the rulers, when there was a serious divergence of opinion as to the scheme to be adopted, "We were not unwilling to give them a helping hand in the onward march to the goal which they are looking to and fighting for".

THE HONOURABLE SRIJUT CHANDRADHAR BOROOAH (Assam : Non-Muhammadian) : I have been in this House for a pretty long period not to be able to foresee the fate of an amendment like the one moved by the Honourable Mr. Sethna. But, Sir, we are here to speak what we think right. Now what is this quarrel about? The Government of His Majesty have

[Srijut Chandradhar Borooah.]

already declared that full responsible government will be given to India. We know that and the Government of India know that. There is no quarrel whatever about that. We know that our goal is full responsible government and that it will come to us step by step. "Progressive realisation" is the term used. The only quarrel is about the rate at which this progressive realisation should proceed. We know very well that, unless and until the Government of India make a recommendation, the British Government will not let us proceed from one step to another.

Take the case of a small zemindari. Suppose the *raiyats* ask for some privileges and concessions. Do you think that the zemindar will ever grant them, so long as his manager, the man on the spot, assures him that the time has not yet come for those privileges and concessions, and that he will be able to manage the *raiyats* for a long time, even without those privileges and concessions being granted? It is exactly the same here. We are quite sure that as long as the Government of India would not propose that we should make a move, the British Government would not let us make any.

Now, we want to go at a greater speed towards our goal. That is what the Liberals want. That is what the Swarajists and what the Independents want. And that is what the Muhammadans and the non-Muhammadans want. But the Government say "No. We won't let you go so fast". But why? We know that there will be a Royal Commission in 1929, but can you find anything whatever in the declaration, which says that we should not proceed faster, that we should not accelerate our speed, even if the circumstances would justify our doing so? Do the authorities at Home ever say that they will refuse to consider our case, even if we are able to make out one in the meantime? You have tried and tried us enough. I beg to ask you—have you ever found us wanting? Have you ever found us unfit? Have our Ministers and Executive Councillors been found unequal to the work entrusted to them? We have given you some of your best Judges, best lawyers, best executive and administrative officers. Would not our Assembly and Councils compare most favourably with any new Parliament in any part of the world? You have found us quite up to the mark whenever and wherever you have given us a trial. If some have sometimes gone against you, it is not because they are unfit for their responsibilities, it is not because they are not willing to shoulder their responsibilities, it is not because they cannot realise their responsibilities, but simply because by harassing you, by embarrassing you by putting more difficulties in your way, and by making your existing difficulties more complicated, they want to bring you round to their way, which they have so long failed to accomplish by any other means. We do not ask you to hand over at once to us the Army and some other important departments. Even those, which we ask you to put us in charge of, we are willing to manage under your guidance and your advice. Why then should you not let us go to our goal a little faster than we are now doing? Sir, there is very little justification for this, if they are really willing to help us in the matter. I know that the Government give us things always too late. The Indian National Congress grew tired

of demanding self-government ever since the year 1885. A declaration has come at last but it has come as late as 1917 and still there are so many obstacles in the way. The same may be said of the simultaneous examinations for the Indian Civil Service. I beg to ask you, if you give a thing at all, why don't you give it at the proper time when the people will appreciate it, when by giving it, you will earn not only the co-operation of the people but also their heartfelt gratitude? Why defer it till then, when the people become tired of asking for it when the thing loses all its charms for the people, and when probably they will not be satisfied with what you give them, but ask for something better? Is this statesmanship? Is this a good policy?

We happen to know something about our masses. They are no longer as indifferent or as ignorant as sometimes they are believed to be. Indeed during the last four or five years they have learnt a lot of things which they did not know before, and in these few years they have learnt things which they would probably have taken an age to learn through the education imparted in the schools and colleges. They can now, to some extent, think for themselves. We have been brought up here at their expense to represent their views; and I feel it my duty to say that, unless something on the lines of the amendment which has been proposed is done, the task of governing India will be far more difficult, far more embarrassing and far more serious, and the Government alone will be responsible for the consequence. Sir, I lend my full support to the amendment moved by the Honourable Mr. Sethna.

The Council then adjourned for Lunch till Fifteen Minutes to Three of the Clock.

The Council re-assembled after Lunch at Fifteen Minutes to Three of the Clock, the Honourable the President in the Chair.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (West Punjab: Muhammadan): Sir, when we were given all these new reforms, they were given to us by His Majesty's Government and the British Parliament. Now when they were given to us, it was then decided as to the course of action which was to be taken. According to that course, progress has to be made. Some of us who were naturally impatient wanted that the further reforms should come earlier, and for this, as we all know, the Reforms Inquiry Committee sat. All the difference between the two Reports, the majority and the minority reports, is that one wants further reforms immediately, and the other wants to improve the matters as they stand. Well, when we have to get these reforms from Parliament, we cannot very well take them by force. If they were to be taken by force, I would say to those who want to do it, "better try it and not worry in this matter here in the Council." But for those who do want to please the British Government and Parliament and then to ask for more reforms, the best thing is to take what we can get now gratefully and then ask for more. Now asking for more has got no limits: and you can ask for the moon. The first thing is what the Swarajists or Extremists want. One of my friends said that their idea is to have it within the Empire if possible, and if not, without it. I am one of those who would like in the beginning at any rate, Swaraj without the Empire. And why? Because if we got Swaraj later on in the Empire that will be more stable. What will happen if we have Swaraj at once? The

[Colonel Nawab Sir Umar Hayat Khan.]

first thing will be that we will see that the power does not remain for an hour in the hands of all those classes into whose hands our Government have been playing and to whom they have been giving mostly the reforms and power. It will be useful for us, because my country and my friend's country (the North-West Frontier Province) is not very wealthy : at any rate most of us are not wealthy. We will make a fortune. We will sweep the whole country which will not be under the British Raj. Then when the people see that it is much better to remain under the Empire which has got a good army and which is organised, and knowing that it takes time for us to be in a position so as to look after ourselves, they will ask for the proper Swaraj within the Empire. Then it will be more stable and we would not hurry as we are apt to now and then.

Now, Sir, I will say something about the reforms since they have come. The reforms were not meant for the few people who take part in the debating society here ; they were really meant for the masses. Now, what have the masses since got ? We people who live amongst them in my own province know that corruption has increased, because with this transitional period the Government's hands have become so weak in forcing law that they give protection to all political parties who break it ; and when we try to bring them to book, thousands of rupees of the public money are spent and directly they are sent to jail, thereby making them sufficiently angry, Government let them off. Naturally they do the same thing again, and more money is spent. This is what we have got from the reforms, breaking of the law and spending of the money of the poor innocents who do not want to make trouble in the country. Then, Sir, the political consciousness also has come about. Those of us who used to say that the Government do not give us this and do not give us that, now find that we have to get these things from each other. We have to divide these loaves and fishes among ourselves. Then of course we begin to fight with each other. And in India which is full of castes and creeds, and not only two or three religions but these religions have got sub-sections again, the difficulty comes that one party says that they have not got sufficient men in the Government Service and the other says that they are not properly treated by such and such a community. In my own province there have been riots, there is not a department of the Government where one community is not complaining of the head of another. There are rings amongst them and even the ablest men of one religion are kicked out of office and those who are in the greater numbers see that the others do not come in. Things do not only rest here. Recently our people have accused even the highest men serving under the Government. One community says that such and such a man is not giving us our due, and others whenever they have got a head of a department who belongs to another religion accuse him also by saying that he does not give them their rights. This is the case from top to bottom.

Again, we find that, although we have been burdened with extra expenditure because of the creation of these Legislative Councils, we have not got any benefit out of them. The poor zamindars, who are so much over-burdened by the moneylender that they have to pay four times more than they

have taken from him, find that as yet no law is enacted by these Councils to give them relief from these moneylenders. In fact, they are so angry that they are looking forward to the day, which is so much wanted by our Swaraj friends, when India should have Swaraj out of the Empire. They are simply longing for that day, because then there will be nobody left to ask for the heavy interest as perhaps their books will be burnt when the whole country will be in a state of chaos. This will be the result of the extremists reforms that are so much wanted by them.

Now, Sir, people have been quoting from history and I would also like to refer to it. History from the very beginning shows that whenever there has been an invasion from without, India has been unable to withstand it. I have heard in another place that we had a very old civilization at that time. I would like to know where was this civilization when year after year Mahmud Ghaznavi invaded India and not even once could his invasions be stopped. It will be seen that my co-religionists ruled in India for something like eight centuries and then naturally we had to stop some day and the British Government have followed in our footsteps....

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY : Why naturally ?

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN : Because the sun, after it rises to the Zenith, goes down. There is no nation and no country which can always remain stationary ; it must go up and then come down. It is the same way with yourself. You were young and strong at one time and now you are getting old and weak—(Laughter)—and one day nature will get the better of you. So, Sir, Government when they are thinking of giving over the powers to some one should take into account the Muhammadans from whom they took the reins of government, and give them a trial to see if they can do better this time. If you were to look at the tropical countries and also the countries in a temperate zone, you will find that there are very few countries which are not under the influence of people belonging to the northern countries, because there the climate kills the weak and thus there is the survival of the fittest. Now, if there have been invasions from outside as I have shown historically, what is the use of asking for a change if the same old thing is to happen again ? Why don't you keep the present Government ? To-day we are quite all right and are getting these reforms. We should not try to have the reforms in a hurry only to lose them later on. Suppose the Government were to leave the country to-day, what would happen ? The Punjab would take as large a portion of the country as is near it ; Nepal would take another part and the Ruling Chiefs would take all the territory around them, and so on, till perhaps our friends from the Frontier would come down upon us and sweep us, or perhaps another Eastern nation might attack our seaports. Our friends in down country do not mind this change because whenever there has been trouble in India it has been in the north. It is we in the Punjab who get killed and no trouble reaches the people down country.

But this time, I believe, that our friends saw something of the *Emden*.

3 P.M.

Now these sea powers will attack Bombay and Madras, and thus the Punjab alone will not be attacked. Had they had

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any experience of invasion they would have thought twice about taking such hasty steps?

Then, Sir, to get reforms is all right but it is very difficult to retain it unless one has got some power. And what is that power? The Army. We see now, Sir, that political parties have begun to meddle with that best of machines. The Army ought always to be kept aloof from politics. We now see a committee in which politicians are invited to help and the others are only poor ordinary soldiers who perhaps will be unable and unequal to argue with these politicians who may thus get the better of them. If that happens, they will Indianize it naturally with their own sons. A man was asked "Go and bring a beautiful child" and he brought his son—an awful ugly looking child. He was asked, "Why did you bring this ugly child?" He said, "See him with my eyes, and you will find him most beautiful." The same thing will happen when these people try to meddle with the Army. They will bring in their beautiful sons and we know what the result will be.

What I mean to say by all this is that it is all very well to open one's mouth and ask for everything. The difficulty is whether we can digest it. Our house is a house that when any ill-advised or hasty step is taken, it is our business, our duty to stop it, and though we have got some men who perhaps have got the same views as elsewhere. I think the majority of the House will see that we should take gratefully what we are given so that those who have to give further may be pleased to give more.

Then, Sir, I would again suggest to the House that the best course that we can adopt is to agree with the majority report and then wait till the Commission comes, and if we all unite, which we have not hitherto done, and can show that we are united as a nation, then perhaps the Commission may see that we can get further reforms. But the thing which does not exist is that nation about which we hear every day, whether the nation is Muhammadan or Hindu. We are also afraid that if our new reforms come, anything that comes up for the good of the Muhammadan community will be at once lost, because three-fourths will be against it on one side and one-fourth on the other. We, Muhammadans, are not very keen that such a time should come very soon.

THE HONOURABLE MR. K. C. ROY (Bengal : Nominated Non-Official): Sir, I can assure the House that I accept without hesitation the underlying principle of Mr. Sethna's amendment. I know of no Indian, not even the Malik Sahib, who will not accept that ideal; but the only thing that troubles me is the character of Mr. Sethna's motion as it stands on the agenda. The Leader of the other House has told us this morning that we are a body of businessmen, and so we are. I look upon Mr. Sethna's amendment not as a business proposition at all. What does it mean if we accept even a fraction of what Mr. Sethna suggests? It means a new Parliament Act. Now what is the position of Indian affairs in London? Mr. Sethna has given us only partial details. We have got at Westminster a strong Ministry representing the Tory democracy of Great Britain. There we have got some men who honestly believe that western institutions are unfit for an eastern country; we have got reactionaries among them, who think the Montagu-Chelmsford Act was a great mistake, and if

they were given the opportunity they would not hesitate to go back upon the element of direct responsibility. I think both this House as well as the other House have not been fully alive to the great service which Lord Reading has rendered to us. He has at least committed the Baldwin Ministry to the acceptance of the Preamble of the Government of India Act, and that is a great deal. Then again, Sir, His Excellency has managed to commit the Baldwin Ministry to the statement that there is no bar to the appointment of a Royal Commission before 1929. If that is not an achievement, I ask the House to answer what it is. Then again, Sir, let us take the Liberals. They are all more or less Imperialists. I know many of them; I enjoyed the hospitality and courtesy of these people last year, and I know what they think of the Indian position. As for Labour, they are very difficult; when they are in office they are not in sympathy with us; when they are out of office they are all in sympathy with us. Many of us have read with astonishment, particularly my friend Mr. Ranga-chariar and myself who had personal contact with Lord Olivier, what he has recently said. I know what he told us when he was in office and I know what he has told the House of Lords now that he is not in office. Then again there is the Independent Labour Party. Politically to-day they do not count for very much, and I can only use the words of my own countryman, Mr. Saklatvala, who told me definitely that any party, be it Labour or Independent Labour, when thrown into the present Imperial political system, will think of the Indian question in the same strain as the two older Parties. This is the outlook for India to-day.

I will now come to an analysis of the amendment which my Honourable friend Mr. Sethna has moved. The Council, it is suggested, should ask for a new declaration in Parliament. What for? The declaration of 1917 was made, and the Act of 1919 was passed not in a spirit of panic, but in the hour of victory and were given with the utmost good-will and benevolent intentions. I think, Sir, the House will recognise that it is a risky experiment at the present moment to ask for a new declaration. Then, Sir, there is the question of revenue and expenditure. The revenues of the Government of India are vested in the Crown. I think, Sir, in any devolution of power to the Government in this country, the Crown will always remain as an indispensable factor of our political existence, provided we are agreed to remain in the British Empire. Under the circumstances, Sir, I see no case has been made out for the change. And as for expenditure, I have always been a warm advocate of the view that expenditure should be vested in the Governor General in Council. We made a serious attempt in this direction in 1919 when Lord Crewe's Committee examined this question. As we all know Lord Crewe's Committee recommended the abolition of the India Council, but owing to strong agitation in England in 1919, the Council still exists. Then again, Sir, a dyarchy has been proposed in respect of revenue and expenditure. The military and political expenditure is to be controlled by the Secretary of State, while other expenditure will be controlled by the Government of India. I do not know what is the proposal of my friend Mr. Sethna about revenue for the Army as well as for political purposes. Who will control this? Then again, Sir, the payment of all debts and liabilities lawfully contracted by the Secretary of State in Council on account of the Government of India is to be under the control of the Secretary of State. This matter

[Mr. K. C. Roy.]

has for long been before the country and has often been discussed. I know that the experts think that these transactions should be vested in our High Commissioner and not in the Secretary of State for India. This is the expert view, and I do not know how a businessman like my friend Mr. Sethna has induced himself to accept this proposition. Then comes the question of the Secretary of State. If the Secretary of State is to be shorn of all the powers that we want to deprive him of, there will be no need for the Secretary of State. The Secretary of State for India will cease to exist, and India will be handed over to the Secretary for the Dominions.

And next, Sir, comes the question of the Indian Army. This is a matter, which although I am a Bengali, I have taken great interest in. I have been a warm advocate of Indianization of the Army. I was a witness before the Military Requirements Committee and also before the Esher Committee, and I gave my views there in unmistakable terms. Last summer there was a deputation of Indians who waited on the Prime Minister and I was one of them. There also I raised the question of the Indianization of the Army, and the answer which the Prime Minister gave us must be treated as confidential because the conference was confidential; but before we Indianize the Army we should try and obtain an Indian Army Council on which there should be a strong civilian element. I do not wish to abolish the Commander-in-Chief. Nothing is further from my thoughts; but what is needed, if we want to Indianize the Army, as the first essential factor, is an Army Council with a strong civilian element on it. If you leave it to the purely army man, the day of complete Indianization will perhaps never come.

Sir, as I am a nominated Member I do not desire to express my views on the elective character of the legislative bodies, but I feel very strongly that opportunities will have to be found for Elder Statesmen, who cannot fight an election, in the Senatorial Chamber, by nomination. I should like to tell the House only this, that it was Lord Morley who had to sit in the House of Lords, and it was only the other day that the Baldwin Ministry promoted Lord Oxford and Asquith to the House of Lords.

Then, Sir, I come to the functions of the Central and the Provincial Governments. I see that Sir Tej Bahadur Sapru and his colleagues have proposed dyarchy for the Government of India. This is by no means a new proposition. This was a proposition we placed before the Selborne Committee, and neither the Committee nor we could come to an understanding. The Honourable the Leader of the other House who was connected with the reform movement from its very inception was present in London on behalf of the Government of India and he knows all about it. I need hardly say any more on this point. Sir, as regards dyarchy I should only like to say a word or two. The best brains of India were present in London in 1919. There was the late Mr. Tilak, there were Mr. Rangaswami Iyengar, and Mr. Ramachandra Rao, there was Mr. Jinnah, there was the Right Honourable Srinivasa Sastri, there was the late lamented Sir Surendra Nath Banerjee. Thus political opinions of all shades and creeds were represented there, but we could not really invent a better form of government than dyarchy, and in my opinion dyarchy as a transitional institution has not done badly.

Now, Sir, I come to the main point. I am quite prepared to support the Honourable Mr. Sethna's amendment if he would tell me how he proposes to enforce it. What is the sanction behind it—an inquiry which was very pertinently made by Mr. Goswami in another place. We can enforce it by three means and three means only. The first is by armed intervention. Can we do it? His Excellency the Commander-in-Chief can give a better answer to that than I can; but I know a little about the Indian Army, having been a student of it for many years, and I know that the Indian Army is very contented and loyal. They are looking forward to improvement and advance in the soldiers' sphere and they now know their equality with their brethren, the British soldier. The second method we can adopt is non-violent non-co-operation. Well, we tried that only three years ago,—with what result? We know what Mr. Gandhi had to say about his Himalayan miscalculation. We know the movement has failed; we know it cannot go on unless we are nationally united and disciplined. The third means is good-will and co-operation. It is on that third means I rely for constitutional progress in India. I know, Sir, my country has a high destiny before her and I believe in the high mission of British Government in India. I am therefore not pessimistic. When my amendment comes on I hope to say something more, but in the meanwhile I am sorry I cannot support the Honourable Mr. Sethna's amendment.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, the question before this Council for consideration is whether the existing constitutional machinery of government is or is not suited to the present day needs of the people of this country. The test by means of which we can judge its suitability is whether it does or does not hamper our future progress and development on sound constitutional lines. If under the present constitution of government we can grow to the full extent of our capacities, then we need not ask for a revision of the constitution; but if on the other hand the present system of government dwarfs and checks our growth and development in any directions, then it is quite legitimate for us to ask for the immediate revision of the constitution; and I believe it is the duty of the Government of India which claim to be the trustees of the dumb millions of India to change the present system of government. I will not appeal to the sentiment of the Honourable Members of this Council, but I will, Sir, from the practical business man's point of view, try to show in a few words that the present system of government, which does not profess to be responsible either to the people of this country or to their representatives in the representative bodies, mars our progress and hampers our development in many directions. Under the existing constitution the Government of India is, in the words of the late Lord Curzon, only a subordinate branch of the Government of Great Britain. The Viceroy and Governor General of India is merely a local agent of the Secretary of State for India. The Indian Cabinet is responsible to the Secretary of State for India. And what is the consequence? The Government of India has naturally to be carried out in the interests not of the people of this country but mostly in the interests of the people of the British Isles. The people of India have been crying themselves hoarse against the imposition and continuance of the excise duty on Indian cotton goods, and I also believe the Government of India are in favour of its abolition; but

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as the Secretary of State and the Cabinet are against its abolition the Government of India cannot afford to offend the Lancashire people. The excise duty on our textile industry cannot be taken off for this reason. The Government of England set aside a million of pounds for the encouragement of their coal industry in the middle of the year ; the Government of India are also considering the grant of a further protection to the steel industry in the middle of the year ; but when the Indian cotton millowners in deputation approach His Excellency the Viceroy in a time of crisis they are told that the cotton excise duty cannot be taken off in the middle of the year. Take other industries, Sir. The Government of India find it difficult to prevent the dumping of foreign railway locomotive engines and wagons on India, and they are unable to grant protection to the cement industry which has been recommended by the Indian Tariff Board. Again, we have now been crying ourselves hoarse against the present day currency and exchange policy of the Government of India. All Indian economists and Indian business men are agreed that the recent exchange policy of Government has ruined Indian industry and is driving out our goods from various foreign markets and has thrown a large number of people out of employment. But the Government of India are helpless and cannot without the permission of the Secretary of State for India help us. Again all Indian economists are agreed that it is in the interests of India that the Gold Standard Reserve and the Paper Currency Reserve should be kept in India and not in England, but here again, Sir, the Government of India cannot, without the permission of the Secretary of State for India, move an inch. The personnel of the recently appointed Currency Commission is.....

THE HONOURABLE THE PRESIDENT : Order, order. It seems to me that the Honourable Member is anticipating his budget speech.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : I am dealing with matters, Sir, which under the present constitution the Government of India are unable to meet well. I brought in the currency question, Sir, because the personnel of the Currency Commission did not meet with the approval of the people of India. Then, again, Sir, take the problem of the defence of India. Other countries under nationalist Governments are rapidly training their people in the modern methods of warfare. But the Government of India, in the matter of the Indianization of the Army, are moving, I am sorry to say, at a snail's pace. It is in the interests of the country as well as of the Army that all sections of the Indian population should get military training and should be recruited for the Indian Army, and that a very much larger number should be recruited for Sandhurst. Evidently, the Government of India, as at present constituted, cannot move in this matter more rapidly. India's sons, under the present system of government, are denied admission into the Air Force or into the Royal Artillery Force. Then, again, when we come to consider the position of Indians overseas, in the British Colonies or elsewhere, the Government of India, as at present constituted, are able to do very little for us. Even in Burma, which is supposed to be a province of India, attempts are being made to shut out Indians from that country. In all matters of industry, trade and

commerce, in the Indianization of the Army, in the treatment meted out to Indians abroad, I mean in countries outside India, we find that the Government of India as at present constituted, cannot look after our interests as well as they should do. Our interests are practically neglected. This indifference will continue as long as the Government of India are in practice treated merely as a subordinate branch of the Government in England. If no restrictions are to be placed on the development of Indian industries, if India's trade is not to be hampered by imposing invidious restrictions in the matter of rates and freights on railways, if India's trade and industries are not to be killed by the present exchange policy, if India is to be made fit to defend herself from foreign aggression, and if we want that Indians overseas should not be insulted and humiliated, then it is very necessary that the Government of India should be made responsible to the Indian Legislature and should be released from the shackles put upon them by the Secretary of State for India. The Council of the Secretary of State for India can be of no benefit to India. It should therefore be abolished, and the position and status of the Secretary of State for India should be made identical to that of the Secretary of State for the self-governing Dominions.

Then, Sir, in the provinces too, we all know that dyarchy has failed. It has weakened the Government. Under the present system the Finance Member is entirely in charge of the provincial funds. He and his department, practically speaking, are the paymasters of the transferred departments. We hear the complaint almost from every province that the Ministers are not able to get enough money for the development of the departments under their charge. We also find that it is very very difficult in actual practice to draw the line between the transferred subjects in charge of the Ministers and the reserved half.

Then again the presence of a nominated element in the Provincial Councils has weakened the position of the Legislatures, and has prevented them from keeping the Ministers under their control. No amount of tinkering with the existing system of dyarchy can remove the present defects and establish a system of responsible government in the provinces. We must therefore do away with dyarchy and make the provinces quite autonomous in the administration of the departments handed over to them.

Sir, four and a half years ago when the Montagu reforms came into force, the men who came to the Councils and the men who were appointed Ministers and Executive Councillors, honestly and sincerely tried to work the reforms, but at every step they found that the machinery devised failed to protect the interests of India, and it was soon discovered that under the dyarchical system, responsible Parliamentary government, as intended by the authors of the reforms, could not be established in the provinces. Dyarchy is dead and it is no use sticking to the deadhorse. I freely admit, Sir, that India owes much to England and I also admit, Sir, that she has established peace and order in the country and has put us on the road to progress in Western civilization. But, Sir, I would urge upon Government to fit India for larger responsibilities in the comity of nation. I would ask them not to have a superstitious regard for dates. I hope they will not postpone the revision of the constitution till

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1929. I, therefore, request Government to accept the amendment moved by my Honourable friend Mr. Sethna and substitute what he has moved in place of the Resolution moved by the Honourable Mr. Crerar.

My Honourable friend Sir Malik Umar Hayat Khan said something about digestion. I might say, Sir, that the digestive powers of various persons differ. In case our gallant Malik has not been very well able to digest the present constitution, I am sorry for him. He has also mentioned that the Councils have proved a burden to the country. That itself shows that he has not digested the present constitution. He says, and I want to correct him in this matter, that the British Government took possession of this country from Mussalmans and so Mussalmans should have a better share in the government. I hold Sir, that this is wrong. The British Government took possession of the Punjab from Maharaja Ranjit Singh, who was a Sikh ruler, and as far as the rest of India is concerned, the facts are well known, and I need not dilate upon them. Our gallant Malik has also made an unwarranted attack on the Skeen Committee. I was sorry to hear his observations on this subject. We hope a great deal from the Skeen Committee. I think it is one of the most important Committees which have been constituted by Government. Generally it is said that these Committees bring about no result. But I think that this Committee will bring about good results and open the door to Indians to a much larger extent to get an entry into the Indian Army.

One thing more, Sir, which I want to say. Our friend, the Honourable Malik, has said that the Legislatures have done nothing to protect the agriculturists from the hands of the money-lender. I think, Sir, he is quite wrong there. In the Punjab, and India as a whole several Acts have been passed to protect the money-lender. (Laughter.)

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN ; That is right. That is the fact which has come out.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : I am sorry, Sir, I mean the agriculturists. I can also say, Sir, that by these Acts money-lenders have developed even among the Zamindars who are following in the footsteps of non-agriculturist money-lenders and who are charging much heavier interest from their own brother agriculturists.

One point more, Sir, and I have finished. Our gallant Malik has also said that India is not a nation. I entirely differ from him. India is a nation in all its aspects. I need not dilate much upon this point, because from Peshawar right down to Cape Comorin, India is under one rule, under one law and under one Government. With these few words, Sir, I strongly support the amended Resolution put forward by the Honourable Mr. Sethna.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : General) : Sir, if I were convinced that the two proposed amendments had anything to do with the matter before the Council and had any reference even of the remotest kind to the Resolution proposed by the Honourable Mr. Crerar I should be prepared to give them my very serious consideration.

The debate which has taken place on the amendments, on the other hand, convinces me that the Members who have supported the amendments and the Movers of the amendments have gone off the rails. The immediate issue before the Council as embodied in the Resolution is that certain alterations which are permissible within the scope, structure and purpose of the Government of India Act and which the majority of the Reforms Inquiry Committee have recommended should be carried out. That Resolution is met with a formidable arraignment of the policy of the Government in the past with proposals of a somewhat reactionary character. The Muddiman Committee was appointed not for the purpose of overthrowing the Government of India Act, not for the purpose of recommending suggestions beyond the scope of that Act, but that Committee was appointed for the purpose of helping towards an easier and smoother administration of that Act. This morning as well as elsewhere a great deal has been said about the majority and the minority reports. I for one attach no significance to numbers. I do not care which report is signed by a majority and which report is signed by a minority ; nor will I enter into the arena of the verbal jugglery which has been indulged in here as well as in the other House regarding which is the real majority and which is the real minority report. I look to the substance of the recommendations. I look to what is practicable and what is attainable. I discard the ideal, also the imaginary and chimerical calculations. Sir, even when the Muddiman Committee was appointed, Sir Malcolm Hailey made absolutely clear the scope of that inquiry. He said :

“ If our inquiry into the defects of the working of the Act shows the feasibility and the possibility of any advance within the Act, that is to say, by the rule-making power provided by Parliament under the Statute, we are willing to make a recommendation to that effect. But if our inquiry shows that no advance is possible without amending the constitution then the question of advance must be left as an entirely open and separate issue on which the Government is in no way committed.”

Sir, that is the gist of what the committee was really intended to do. Attempt has been made to mix up that “ open and separate issue ” with the result of the recommendations embodied in the majority report. Now, Sir, it has already been pointed out that the real scope of the inquiry was expressly limited within the structure and purpose of the Act.

That fact itself was acknowledged by the minority report and I quote a passage from that report in this connection. The minority report says :

“ So long as this Act continues to be on the Statute-book, it is impossible to dispense altogether with the classification of subjects into reserved and transferred. It therefore follows from clause 2 of the terms of reference by which we are bound that the utmost limit of any positive suggestions open to us is the transfer of more subjects or the amendment of certain rules or even of the Act itself in matters of detail for the rectification of administrative imperfections.”

Sir, the minority committee knew the significance of the inquiry. They knew that the inquiry was limited and they proceeded upon that. In the concluding paragraph of their report the minority committee after discussing at great length some suggestions beyond the scope and purpose of the reference, after travelling beyond the actual scope of the inquiry stated as follows :

“ To our mind the proper question to ask is not whether any alternative transitional system can be devised but whether the constitution should not be put on a permanent

[Sir Maneckji Dadabhoy.]

basis, with provisions for automatic progress in the future so as to secure stability in the Government and willing co-operation of the people. We can only express the hope that a serious attempt may be made at an early date to solve the question. That this attempt should be made—whether by the appointment of a Royal Commission with freer terms of reference (not so restricted as these terms of reference) and larger scope of inquiry than ours or by any other agency—is a question which we earnestly commend to the notice of the Government."

It would clearly appear from the statements to which I have drawn the attention of the Council that though the minority report discussed in detail certain proposals beyond the scope and purpose of the Act they confined their recommendation to the earlier appointment of the Royal Commission to take all these matters into their consideration. Therefore, Sir, it is astonishing that both in the other House and in this House these two formidable amendments should be tabulated for the purpose of discussion, and the Council will be asked to divide on that amendment. I am also greatly astonished that two of the most distinguished signatories to the report of the minority were the strongest supporters of the amendment in the other House. It is very difficult to understand the position taken up. I have therefore shown that though the principles and demands embodied in the amendments may fairly form the subject matter of a discussion as a separate issue, they have nothing absolutely to do with the main proposition before us and that the amendments really do not arise out of the Resolution which the Honourable Mr. Crerar has proposed.

THE HONOURABLE SAYID RAZA ALI: Is the Honourable Member in order in impugning the authority of the Chair? The Chair has allowed the amendment.

THE HONOURABLE THE PRESIDENT: The Chair is capable of looking after its own interests.

THE HONOURABLE SIR MANECKJI DADABHOY: Sir, what do the amendments ask us to do? I have pointed out that the amendments are in the first instance irrelevant. I also go further and say that these amendments could not be constitutionally moved in the face of the Preamble of the Act of 1919 and in the face of the existing constitution. The amendments now in question ask, in other words, for immediate full responsible government, if not Dominion Government. I do not know whether under a Dominion system of Government you would have any more real and important powers than what are embodied in this Resolution. Now, Sir, Honourable Members are aware that Parliament has laid down a distinct principle as regards the advance to be sanctioned. Parliament has not even delegated that authority to the Government of India. The Government of India are also not to have any voice in the matter of the decisions to be arrived at regarding the progressive advancement of the privileges under the Act of 1919. The House of Commons has kept that privilege jealously to itself. I shall not trouble to read that Preamble. Everybody is aware of it, everybody knows it, that the British nation as represented by the British Parliament is to be the sole judge of the progress made in this country and the stages by which responsible Government is to be allowed. If that principle has been laid down rightly or wrongly—I am not concerned at present with the morality of that

Preamble—if that Preamble has been laid down rightly or wrongly, is it within the power of this Council, is it within the power of the Government of India, to come forward with a catalogue of these formidable demands and ask that by a stroke of the pen the present constitution should be set aside, and that a new constitution tantamount to full responsible Government should be substituted? Sir, even the authors of the Montagu-Chelmsford reforms did not contemplate such a swift change. I shall read one small paragraph from the Report of the authors of the reforms which will make my position absolutely clear:

“The final form of India's constitution”—it is paragraph 350—“must be evolved out of the conditions of India and must be materially affected by the need for securing Imperial responsibilities. The dominating factor in the intermediate processes must be the rate at which the provinces can move towards responsible government. At the same time the change obviously cannot be confined to the provinces. In proportion as they become more responsible, the control which the Government of India exercises over them must gradually diminish.”

Here is an explicit pronouncement which was embodied in the Preamble of the Statute which was subsequently passed in Parliament: and in the face of these definite pronouncements, I submit that any demand like the one which is embodied in the amendments before the Council is in my opinion somewhat unwise and unachievable.

Sir, I have referred to the legal and constitutional aspect of the case. I shall say a few words on the expediency of these amendments. I yield to none in this Council, not even to Mr. Ramadas Pantulu, in my love and affection for this country. I yield to none in my patriotism. I have at heart the interests of India. I have a large stake in the prosperity of this country, and I therefore distinctly state that the policy now adopted of attempting to defeat this Resolution by submitting these amendments is a short-sighted and a doubtful policy. Sir, I am profoundly grieved that the Assembly has spurned, and that even an attempt should be repeated in this Council to spurn, at the great opportunity given by the English people to India through their representative in the House of Lords. I feel profoundly sorry for the country. If this opportunity had been rightly grasped, if it had been sympathetically caught hold of, if it had been graciously acknowledged, it would have resulted in infinite good to this country and the beneficent advancement of the people of this country. That appeal was reiterated in no unequivocal terms by Lord Reading. He asked India, he asked the representatives in the Indian Legislature, to extend to him their hands of fellowship, to extend to the Government of India their co-operation, so that he may be in a position to do something substantial, something solid and material in the direction of the advancement of the country. That offer has been discarded with contumely; that offer has been painfully thrown away. The co-operation which he asked for has been responded to by arraigning the Government of India with a long, and formidable catalogue of charges against them, by reciting their sins in the past, as my friend on my right (the Honourable Rai Bahadur Lala Ram Saran Das) has just done. That real opportunity which was given to the country has been thrown away by asking for the shadow and discarding the substance. Does any sane man outside this Council, does any Honourable Member in this Council really think that the House of Commons is going to accept immediately these

[Sir Maneckji Dadabhoy.]

proposals? I have just returned from England and let me tell you what I have been able personally to gauge in England. I have had long talks, long discussions, with many influential Members of the House of Commons and I tell you sincerely, if you accept my word, that the feeling in England is altogether changed. The feeling is very very hostile to this country. That hostility has been mainly brought about by the unsagacious action on the part of our legislators. I was distinctly told by many Members of the House of Commons that India need not expect any sympathy from Parliament unless she sincerely and genuinely comes forward and endeavours to meet them half-way and extends to them her good-will. I assure you, Sir, this has been the result of my personal interview with many eminent and influential Members of that august body. If any of our legislators think that by force, by threat or by passing these amendments they are going to gain their object, they are seriously mistaken. I speak with great sorrow to-day on this subject, because I feel that the great chance which was made available for the advancement of the people of this country has been spurned and spurned without rhyme or reason, that it has been thrown away only for the purpose of following the ideals of some of the people whose imaginations outrun their judgments. I am sorry that such a state of things has happened and I trust that this House will not commit the same mistake. This House contains many statesmen of great experience and with a knowledge of the world and with a knowledge of parliamentary procedure. I appeal to them with all earnestness that the right way for the advancement of our dear country and for the promotion of the interests of our country, which are at the heart of every one of us here, is not by frantic and unexplained opposition but really by co-operation and by extending our good-will. It is from that standpoint I hope that this Council will consider the original Resolution on the subject. The original Resolution does not ask anything more than the removal of certain defects and certain imperfections in the administrative machinery which have been catalogued at the end of the majority report. Power should be given to the Government of India to carry out those recommendations as early and as far as possible. There is nothing wrong in that. It is not even inconsistent and incompatible with your demand as embodied in the two amendments. Let those demands be brought forward at the right and proper time. Let the Royal Commission come to this country as early as possible. And, when the Royal Commission meets in India, it is open to our statesmen and political leaders to press these demands on the attention of that Commission. We will not lose anything. We shall then be able to press these demands with greater weight and we may get their sympathy towards at least some of our demands. As I have, therefore, pointed out, do not mix up and confuse the issue regarding further demands with the matter before the House, and I trust you will pass this Resolution—I cannot say unanimously—but at least with a large majority. Remember one thing. These amendments may have the effect of exciting attention elsewhere, but they will never weigh seriously to-day with any prudent and right-minded man or with His Majesty's Government. Also, pray, remember that our action to-day is watched by the outside world and you will justify your statesmanship and the existence of the Council of State by the decision you adopt to-day.

THE HONOURABLE SIR WILLIAM CURRIE (Bengal Chamber of Commerce): Sir, may I as a member of a community which appreciates the natural political aspirations of India express very shortly how the position appears to us. As business men we want a stable government, reasonable taxation, no restrictive or racial legislation, and as little State interference as possible. The history of the past few years of the politics of the province from which I come, namely, Bengal, is a sad one. It is one of entire non-co-operation, and, looking back on these past five years in Calcutta, we can see little evidence which can justify the hope that, if larger political powers be now given, the interests of minority communities will be protected. There have been no actions on the part of the opposition which can inspire confidence in their sense of responsibility and which can lead the mercantile community to believe that that peace and quiet, wherein we wish to carry on our ordinary avocations, will be available. If we are given proofs in the next few years of an earnest desire to co-operate—and by proofs I mean deeds and not words—proofs that minority communities and business interests will be protected, then I think I may say that support towards the goal of Indian political aspirations will not be withheld by the European commercial community, amongst whom the Honourable Mover has so many friends, and who, I am sure, like myself, value his friendship most highly.

THE HONOURABLE MR. R. P. KARANDIKAR (Bombay: Non-Muhamadan): Sir, I readily confess in all humility to a sense of inferiority in the matter of listening to the opposition remarks with that commendable equilibrium which appertains naturally to the Honourable Sir Alexander Muddiman. He has been able to listen to an onslaught on his opinions and his views with a sort of forbearance which is marvellous. I am trying to copy him but do not think that I shall be able to attain my object. I am anxious here to scan the position in the very limited time, though not the extended time which some speakers had this afternoon. I should like to see where the difference lies. There have been reports by what is generally known as the Muddiman Committee, call it the majority report on the one side and the minority report on the other. I have ventured to think out the situation. What is the difference between these two opinions? The one relies thoroughly on the Preamble and the dictum that the stages for Indian political advancement should be set by Parliament; the other school of thought appertaining to the minority report considers that India should advance on the lines of self-determination, the stages being determined by India herself. Now, there is a third school, which thinks out the matter in quite a different way. People who have understood the situation from the deliberations in the Assembly last year think that perhaps the limitations that were imposed upon this Committee, as well as the personnel of the Committee, were responsible for the rejection of the considerations and deliberations and conclusions of this Committee altogether. There is a school of thought which holds the limitations severe, the personnel that formed the Committee as unjustifiable. All this pertains to the third school.

Now we are here considering a certain proposition. We have certain amendments before us, and when I consider the amendments I really consider them relatively to the Resolution before the House. It is impossible to consider the amendments altogether

[Mr. R. P. Karandikar.]

shorn of the important original proposition to which these amendments relate. In that view perhaps it is legitimate and quite justifiable for one to consider the whole matter together. I am not here to dilate on the various aspects of the Resolution, but I am struck with one point in it which perhaps has escaped those of us who have been considering the whole situation very anxiously, like my friend the Honourable Sir Maneckji Dadabhoy, who in his peroration perhaps skipped over the principal point in the whole Resolution itself, which asks the Governor General in Council to accept the principle of the majority report. Now I must declare at once that if it was shorn of this statement, and if the Resolution were merely limited to the acceptance of the recommendations of the majority of the Committee, there would be less opposition than what the Resolution has called for in the Council. What offends most is the insistence upon the acceptance of the principle underlying the majority report. I have taken the principle to be that the Preamble is not to be shaken, that the stages have to be determined by some one else and not by India. That is the principle which India can no longer allow to be maintained. That is the difference, I make no secret of it. There have been endeavours made here to point out that it is the business of India, in the first instance, obviously not without the help of our fellow citizens and our brothers in the West and the Mother of Parliaments, to decide the capability of India. Therefore it is that I am going to accept one or two propositions that have been laid down by the Honourable Mr. Crerar in his very lucid introductory remarks. He has been appealing to the whole Council, the whole country, to satisfy Parliament. Every one is willing, and considers it his duty, to satisfy Parliament. In the next place, he says fully utilise the resources. I quite see the point. It is upon those principles that we are fighting our case. Every school in India adheres to the proposition that under the circumstances it is Parliament that will decide the fate of India. The difference is what kind of Parliament will decide the fate of India and who are going to instruct that Parliament? Who are going to determine how to utilise fully the resources? Therein lies the difference. One school in England considers that it is the man on the spot that will decide. Hence it is we independent men are asked to look to the man on the spot here, and are told that whatever is supported by the Executive Council here, or by members belonging to the Government, who sympathise with us will carry more weight than any agitation in India for India's advancement. It is thus that we are looking out to see how we can enlighten the man on the spot, or rather the generous men on the spot. Those here are trying to convince people who have it in their power to approach Parliament, to approach the Home Office, to approach the Secretary of State with a real representation of India's needs. If the amendment is conceived and put forward in a very very long document it is in the hope that perhaps if anyone wants to find out for himself what is the method being suggested by the other side he will find it there. If no method had been suggested the attack would have been on the ground that it was merely a nebulous statement without any concrete form, nothing suggested "and consequently we will accept the better defined official view." It is in that hope, Sir, thoroughly loyal, loyal to the interests both of Great Britain and of Greater India that I am putting forward this situation simply for the

consideration of those who nervously think that this amendment is likely to frighten Parliament out of its wits. I am quite willing to accept the confidences which have been extended to us unasked by my Honourable friend Sir Maneckji Dadabhoy on the result of his interviews with leading men in England who may perhaps at the moment be ruling the destinies of India. But I have full faith in history, the history of Parliament as it was made and as it is being made now. The Parliament of 1917 is not the Parliament of to-day. I am quite willing to satisfy any Parliament if we are given the chance to-day. We ask for that chance by this Resolution. For instance take the first point in the amendment, if we satisfy this House and this House recommends to the Governor General to put forward our views, he will say these are the views of Indians focussed, crystallised, in the form of a Resolution. If we want some agency to speak to Parliament, here it is. All we want is that Parliament should give us a chance.

Then I come to the next point. The Honourable Mr. Crerar says, "Use the resources you already have." That is just what we ask for: give us the chance of using our own resources. Do not say "Thus far and no further." We appeal to you to give us the fullest chance and then to judge us. Allow us at least to see whether we can use our resources to our own advantage, whether we can satisfy them or not with all our resources at our fullest disposal. Now, I put it to His Excellency the Commander-in-Chief, do Indians have the fullest rights and privileges in the matter of military employment? Of course he is trying his level best, for which we are grateful to him and his department; but the chances are very few and rare. We want to enlarge our opportunities. Take every department possible and you will see the same thing. We are told that the hand of fellowship should be extended in co-operation. Everybody here says, "This is in fellowship, this is in co-operation." But where is co-operation? Liberty, where hast thou fled? Everyone here is trying to say "I extend my hand in co-operation." One gentleman says "Co-operation? No, no, nothing of the kind. It is the mailed fist that will do the trick and nothing else!" But the nations which have relied on the mailed fist in the past have suffered. We hold it is the open palm extended for co-operation, for India, that will give us everything. Now our amendment may be faultily worded. The method in which the Resolution is put in the amendment may not be all that can be desired. I quite see the force of that. We are all deficient in the art of phraseology to which the bureaucracy or diplomacy attaches so much importance. Well, help us with your better knowledge. We have done our best. It may be possible with your co-operation to put this amendment in a better form, in a form more acceptable to everyone with the principal points given therein. We want our resources to be placed fully at the disposal of Indians. Then we will appeal to that Parliament which is the Mother of Parliaments and show it that given the opportunity India can succeed in spite of all appearances to the contrary. In every country, in all civilisations, we find that some people though sunk at the bottom of the abyss still hope on, and I am one of those who clings to hope. Not that the amendments themselves are quite in order or represent everything that is desired; but if it is to be accepted by the whole nation in spite of the eminent verdict that was passed elsewhere by

[Mr. R. P. Karandikar.]

the other House whose opinion I respect, I should think really that that is all the greater reason for us not to support the principle as is enunciated in the Preamble, which I refuse to accept; and I would advise every Indian and every European that feels with Indians not to accept the Preamble as enunciating the principle which ought to guide the destiny of India in the future.

THE HONOURABLE DR. DWARKANATH MITTER (West-Bengal : Non-Muhammadan) : Sir, I must in the first instance congratulate the Honourable Mr. Crerar on the remarkably able and lucid exposition of the case for the Government as embodied in the Resolution which stands in his name. The questions involved in that Resolution and in the amendments seem to me to be of very great complexity. They involve a basic or structural change in the constitution of the Government of India of very great and immense magnitude, and any statesman, however bold or wise he may be, has to pause before he could ask the British Parliament to accept a cut and dried scheme in the form of the amendment at once and without further examination. Sir, the principle underlying the amendments is undoubtedly acceptable to the House. The British Government is committed by its declaration of 1917 to the goal of self-government and all of us, whether Moderates or Extremists, Independents or Swarajists, are committed to that goal; but that goal, it must be recognised, is to be attained by successive stages and not by a sudden leap into the unknown. Sir, in this connection one has to bear in mind to whom we address this appeal to give us this constitution which the amendment seeks to put on a permanent basis as the constitution of British India. We are addressing it to the British Parliament. Honourable Members will not forget in this connection that the British are a practical people, not quick to respond to ideas, although remarkably ready to adopt themselves and their institutions to the exigencies of a new situation. Sir, the Honourable Mr. Crerar has rightly reminded us that the reforms in India are based on the lines of western representative institutions, and as such they must partake of the character and the processes of development of the said institutions in England. Now, Sir, in England itself, what has been the attitude of the British Government towards democracy? I see it stated on very high authority that the movement even in a free country like England of the British people towards democracy has been slow, irregular, empirical and illogical. The British people appeal to precedent and not to principle; they appeal to history and not to philosophy; to the law of the land and not to the natural rights of the human race. I entirely agree with the Honourable Mr. Crerar that no people has so consistently developed on historic lines as the British people. To none is it so necessary that historic continuity should be maintained. If we judge the amendment in the light of these characteristic of the British people, we have to proceed with cautious steps; slowly but surely we have to proceed towards the goal which is adumbrated in this amendment, which is a very good ideal which we are to keep in view.

Now, Sir, we have been faced with two reports, the majority and the minority reports. There are four of my distinguished countrymen who have subscribed to the minority report. They lay down the policy which is

involved in these amendments. On the other hand the majority suggest that there can be changes made in the structure of the constitution as laid down by the Government of India Act, 1919.

It is stated by the majority, on the one hand, that dyarchy has not been given a sufficient trial; on the other hand, it is stated in the minority report that dyarchy has entirely failed in the major provinces. Now that is really the verdict of 9 very distinguished jurymen, five of whom are divided as against the other four. In such circumstances, what strikes me as the real solution of this question is that there should be, in view of the divergence of opinion which was presented before the Reforms Inquiry Committee, an independent examination by a very great or impartial tribunal. And that leads me to suggest, Sir,—it may be covered by the subsequent amendments and therefore I am not in a position to state that the amendment which we are discussing now should be accepted as a whole, that leads me to think that a case has been made for a Royal Commission to examine the whole question. As to when the Royal Commission should come, whether now, or not later than the year 1929, that is a question for the Government to decide. But what strikes me is that there should be, as I have already submitted to this House, a further examination of this question, I mean an examination into the principles underlying the amendments by a body of men in whom the British Parliament and the Indian people may have confidence.

The Honourable the Home Member has reminded us that the British people are no slaves to dates. He has quoted from the statement made by Lord Birkenhead that the British people are not bound, they are not fettered, by dates. If so, having regard to the divergence of opinion, I would submit to this House, whether a case has not been made out for the appointment of a Royal Commission in the near future, if not exactly this year, at least next year or the year after. I appeal to Government to consider this aspect of the question. Of course, I would have been very glad to support this amendment if it had suggested the appointment of a Royal Commission as an alternative. I do not know if it can come within clause (a) of amendment IA “to constitute a convention, round table conference or other suitable agency adequately representative of all Indian, European and Anglo-Indian interests”. It does not come within that, for IA (a) will have to be read with the Preamble :

“This Council recommends to the Governor General in Council that he be pleased to take immediate steps to move His Majesty's Government to make a declaration in Parliament embodying the following fundamental changes in the present constitution of the machinery and administration of India”.

All that I suggest is that there should be an examination of the whole question by a Royal Commission.

Now, with regard to some of the remarks which have been made by my Honourable friend Sir Maneckji Dadabhoy that the amendment is reactionary and revolutionary in character, I say with regret, Sir, that I join issue with him. It places an ideal before us. It is a goal which we have to attain by successive stages, though not all at once.

Sir, in submitting my views to this House on this question, I want to make it quite clear to the Government that this is not an ultimatum presented

[Dr. Dwarkanath Mitter.]

on behalf of any party. It is not a question now, as my Honourable and learned friend Mr. Karandikar has just pointed out, for the Indian people to decide; it is not left to the Indian people to determine what shall be their constitution. We are bound by the Government of India Act. The Preamble to that Act lays down in clear terms that whatever has to be determined about the future of India, it has to be determined by the British Parliament.

So long as destiny has placed us under the British rule, we have to accept this position that whatever changes have to be made have to be made by appeal to the British Parliament, whose good wishes in this respect we have to value and consider. With these remarks, Sir, my position is this that I cannot support the amendment, but I want to steer a middle course and ask the Government to consider seriously whether a Royal Commission could not be appointed either at once or within a short time.

THE HONOURABLE SIR ARTHUR FROMM (Bombay Chamber of Commerce): Sir, when looking at the list of business for to-day, I wondered whether the Home Secretary had any sense of gratification at the lengthy amendments which his short Resolution had called for. I have no quarrel with the amendments either for the reasons put forward by my Honourable friend Sir Maneckji Dadabhoy or for any other reason. In fact, on the whole I think they indicate some sort of advance in this country, because two parties have come together and at least they have put forward some sort of constructive proposals. Whether we agree with their constructive proposals is altogether another matter. These two parties, after putting forward their constructive proposals in another place, have put their heads together and were very clever in asking one of the best speakers in this House among the non-official Members to propose the amendment here. I feel sure that if these amendments were carried, it would be due to the great speech made by my Honourable friend Mr. Sethna, and I congratulate him on his speech, because he spoke in a calm and reasonable manner without going into absurd platitudes. The Honourable Mr. Sethna was followed by a Member from Madras. He said we should all have been happier 150 years ago. I understood him to say that India was happier 150 years ago. Well, Sir, we have been referred to in another place as elder statesmen, but I do not think we can go back 150 years; so, perhaps, we cannot give a satisfactory reply to the Honourable Member. Personally I would rather live in India at the present day. Then I am sorry to say the Honourable Member uttered threats. I do not suppose these threats frightened the Honourable the Home Member or any of the other Members of Government, nor do I suppose they frightened my gallant friends from the Punjab or any other Member of this Council. I do regret that any speech uttered here should have taken the form of threats of some sort of reprisal if the subject which the speaker had at heart was not given heed to. Fortunately another Member from Madras got up and paid a tribute to the Government of the British in India over this long term of years. He paid a great tribute, and of course most of us think he was quite right. He then went on to say that dyarchy does not suit the aspirations of this country. Nobody thought it would. Dyarchy was only intended as an intermediary stage. It is not the final goal. No one ever said that it was the goal. It was an intermediary stage, and as an intermediary stage, I consider

it was one—it might still be one—if worked well, of considerable beneficial education.

Now, Sir, we have heard a good deal of talk about these^e amendments which are before us. But let us get down to hard facts of the case. The Honourable the Home Member has repeated here to-day what he has said before, that the final judge of the progression to constitutional Government in this country is the British Parliament. Certain people in this country may not like this, but it is a fact and there is no getting away from it. I can only assure my Indian friends in this House that we, Europeans in India, are ready to support any well thought-out scheme towards progressive government step by step. We have repeatedly announced that fact, but we have always deprecated any undue hurry. We do not say it should be too slow, but we have advocated that precipitancy in this matter would probably set the clock back.

Now one word more and I have done. I appeal to Honourable Members of this House not to throw over the recommendations of the majority of the Muddiman Committee. I feel perhaps a little diffident in putting this before the House since I was one of the signatories to it. But I can only tell you that we sat for many weeks, we heard evidence from all over the country and the recommendations of the majority were only put down on paper after the greatest consideration and thought. And then again, the minority came with us nearly the whole way and it was only towards the end,—I am not revealing any secrets,—it was only towards the end that they broke off and wrote their minority report. I appeal to Honourable Members of the Council to accept the recommendations of the majority and to accept the main Resolution which is before us, that is, the Resolution put forward by the Honourable Mr. Crerar. It seems to me that we are all in one boat, but perhaps bow is not quite keeping time with stroke and wants to set a faster pace. We are all in one boat and I appeal to Honourable Members of this House to pull together and then I feel sure that we shall attain the goal which we are all aiming at.

THE HONOURABLE MAJOR NAWAB MOHAMED AKBAR KHAN (North-West Frontier Province : Nominated Non-Official) : Sir, some Honourable friends have put their cases for taking into careful consideration the recommendations contained in the minority report in such a manner that it makes it very difficult for me to say that I think the time is most inopportune to consider these recommendations. I have read this report of the minority on the working of the reforms in India with some amount of attention, although not very critically or fully. But from what I have read, it seems to me that it is diametrically opposed to what has been reported by the majority in this connection. It requires as soon as possible the appointment of a "Royal Commission" with freer terms of reference and a larger scope of inquiry into the working of the reforms in India, whereas the majority submits a number of recommendations for changes to be made in the existing system of administration under the Government of India Act, 1919. I have no intention to insult the intelligence of the House by dilating upon the working of the reforms, since it is unanimously agreed by nearly all that they have not worked satisfactorily. The question therefore devolves itself into whether it is expedient to give effect to the recommendations made in the majority report or to comply with the suggestions expounded in the minority report.

[Major Nawab Mohamed Akbar Khan.]

Before jumping to give a practical shape to the opinion held by the latter, let us first examine into the causes for this unsatisfactory working of the scheme of administration under the Government of India Act. I don't think the reasons for this unsatisfactory working are far to seek, for every Honourable Member in this House seems aware of the fact that the reforms were launched in this country in circumstances of exceptional difficulty. They came into operation in 1921, when the non-co-operation and the Khilafat movements were at their height. These movements deprived them of the participation of a number of leaders of Indian opinion. Their antipathy did not cease with the failure of the movement, but it dogged the footsteps of the reforms, throughout their course, with a growing hostility against the Government. It contributed much to the hatred and disrespect of authority and to quote the words of the report itself :

" it deprived the first Legislative Councils of the interest and credit which they might have won from the public in normal conditions ".

But circumstances have changed since then and I don't think it will be inadvisable to see it worked in an amended form as recommended in the majority report for another period of three years, after which the Government will see their way to appoint a Royal Commission to examine into their operation. I fully appreciate the impatience of those politicians who think that the time has come for taking step forward in the path of reform, but I am afraid this impatience of theirs might not prove the impatience of a patient to eat everything, when the stomach in consequence of a prolonged sickness is not capable of digesting heavy food.

To me there appears no justification for such hastiness in taking a step forward in the path of reform. In my opinion, it would be better if we allow another chance to the operations of reforms—of course along with the recommendations of the majority report—and see how it works. It would be much better to act on the principle " better half than none " and accept with all willingness and gratitude what is extended to us by the Government at this juncture. Three years will not take long to elapse, after which, I believe, Government will have no hesitation in appointing the Royal Commission so vehemently asked for in the minority report of the Reforms Inquiry Committee. I do not think I will be going wide of the mark if I say a few words about the North-West Frontier Province. Endeavours are being made by an underlying selfish motive to put forward a demand on behalf of the North-West Frontier Province for a reformed constitution. I cannot say whether these endeavours will be successful or not but this much I can say with certainty that the granting of full reforms to the North-West Frontier Province at the present juncture will be premature. The people of the province, both Hindus and Muslims, are quite content with the present form of administration, but I cannot bind myself to the statement that they will never aspire to the introduction of a reforms scheme, although for the present there is no demand for it.

THE HONOURABLE SIR DINSHAW WACHA (Bombay : Nominated Non-Official) : In a grave issue of this constitutional nature now under consider-

ation by this House, it is quite natural that there should be difference of opinion. Opinions have been expressed by the majority and the minority of the Muddiman Committee. For my part, with the greatest respect to both, I shall put forward my own views on their recommendations. Both parties have put forward their views very clearly. Perhaps the one party is more constitutional, the other party is more advanced. That is what I consider to be the essence of the case ; but, of course, their respective views must be received with all due deference as emanating from persons all good and true. Having made this preliminary observation I may remark that I am now the only survivor left of the old Congress which was founded in 1885, and which was established for the very purpose of instituting constitutional reforms in the administration of the country. Well, Sir, 40 years have passed by. All my best friends who distinguished themselves and who were instrumental in afterwards getting the reforms, first in 1892 and afterwards in 1909, all, alas, have gone—and the last of them and the most brilliant only passed away the other day, my old friend, Sir Surendra Nath Banerjea. Well, Sir, if I can give my experience, I will say this—that during the 40 years and more of my public life I have learned and unlearned many things, and the greatest lesson I have learned is this, to *hasten slowly*. It has made me more cautious, and being cautious I repeat, that in a grave matter of this kind namely, constitutional reforms, we ought to hasten slowly. Hastening slowly does not mean that we should be only stationery ; rather we should be progressive, but progressive step by step. As the architect builds his house brick by brick, we must build our constitutional house brick by brick ; and brick after brick is never put together without the necessary experience of the architect. One has to see that the bricks laid are dry and do not soon loosen endangering collapse. The bricks should be well baked, strong and sound to last many years like a marble monument. Constitution building should be of the character just described and my advice to all my friends here as well as outside this House that we all should hasten slowly. It may be that Government are sometimes too slow, and it may be that we are sometimes too much in advance of sterling, enlightened and mature public opinion. Bearing in mind this fundamental maxim, it is always best to have a golden mean, and that golden mean is—“neither to go too fast nor too slow.” As Tennyson says, if going up the hill we find the horse is going slowly, examine the pace and try and make it go a little faster ; but if the horse goes too fast down the hill and we find that we may go down very soon to the ground and meet with a catastrophe, then it is needful to apply in time the brake and whip so as to make it go slow. That is exactly the position in which we must act in this matter whilst going uphill. If we want to be sure to reach the top of the hill, the Pisgah of our aspirations, then the pace at which we have been going must be deemed the best. I personally consider it so ; and I only give the benefit of my experience to my fellow-Councillors here and in the other House if they are wise and willing enough to follow up. I am speaking, I repeat, from my own experience : and having been in the public life of this country for more than 40 years, I can say that the safest and surest way for ourselves to reach the goal of our aspirations is not to go very fast, as we are now doing. It is the only way to win. The difference in view between me and my friends, the authors of the minority report, with reference to the Resolution which has been moved by Mr. Crerar

[Sir Dinshaw Wacha.]

here is one of caution and time. I will refer to one important point here on this subject. I should like to read what the late Sir Courteney Ilbert has said. You know very well he was the real draftsman of the constitution now in operation and particularly of the Preamble. I suppose Honourable Members, at least the Indian Members, know very well that he was the Law Member of the Government of India years ago, somewhere about 1883, and that he was the author of the famous legislation known as the Ilbert Bill. It was a very good Bill but about which much ado for nothing in particular was made. Well, he was the draftsman of the constitution, which it ought to be tinkered with. He has written a small book which perhaps very many of you have seen and read; I cannot say it is really a compendium; but it is a most useful explanatory memorandum or commentary for popular use; and here I shall give you at least the substance of it in almost his words:

"The new constitution enlarges enormously the powers of the Indian Legislature. Under the Morley-Minto constitution all that the Central Legislature could do (apart from the purely legislative functions) was to discuss the annual financial statement, to ask questions and to make recommendations to the Government."

He then proceeds to explain what are the outstanding features of new constitution:

"The new Act deals not only with the Central Legislature but with the composition of the Governor General's Executive Council."

And here is the most important part of it:

"Part III of that Act changes the relations of the Secretary to the Parliament who sits at Westminster, remodels the constitution and procedure of the Council of India and sets up a new office, the holder of which is charged with important functions and styled the High Commissioner of India."

These are the reforms, additional reforms, I say of a most extensive character. I request the Council to carefully consider the far-reaching effects of the many salient sections of this constitution. That is the same constitution before you now which the amendments contemplate trifling or tinkering with. Now I say that this constitution is only three years old. We have had no fair and reasonable experience of its working. Some of us who were too wise said: "We will not have it. It is unacceptable." Others thought that it was useless to enter the Council and work it. Some there were who thought of entering the Council in order to wreck the constitution. Can it be said that those who entered and those who did not have obtained that experience which all practical men of business sitting in a deliberative assembly should possess? Have they really understood the value or appreciated the far-reaching and most beneficent effects of this very constitution so generously granted to us. If you do appreciate it, then I say please study well and closely the Preamble. And if the Preamble, which is so comprehensive, is well understood, then nothing could be better for us all than to unite and vote for Mr. Crerar's Resolution, which is the most useful and practical, than oppose it by the many amendments put before us. The amendment of my Honourable friend Mr. Phiroze Sethna, which he so

lucidly explained in his vigorous speech and others are well known all over the country for the last six months, ever since the publication of the report of the Muddiman Committee. These are replicas and replicas and 2nd, 3rd and 4th editions of the original one broadcasted. Here of course in this House and in the other House you only hear the echoes of what has been said *ad libitum* outside. No doubt these amendments are good in themselves in a way; but what I contend is that this is not the time to legislate for them. They are too previous. The time will come, in all probability in 4 or 5 years more, when they could be safely introduced for a general approval. The time is bound to come and when it does come I feel sure that every one of us will be able to consider and approve of the very best of these amendments. I am quite conscious of that, but in the meantime if we are wise, if we are patient, and if we want to move slowly, if we have the true interests of our own selves and our country at heart, then I do say, it is far better to go slowly and adopt the Resolution which has been so ably and lucidly put forward by Mr. Crerar and supplemented so well by my Honourable friend Sir Alexander Muddiman. I have nothing more to say save this that the present is a crucial time, a critical time, when we have to pause, consider and go cautiously. Some people may say "Go forward, don't be afraid; we have no faith in Government and we cannot depend upon Government. The Preamble may go to the dogs, Parliament may go to the dogs." That is not the attitude which public citizens experienced in public life should assume or approve, as responsible people like us act in a statesmanlike way. Parliament certainly is the ultimate arbiter. Parliament is the master of the Governor General. Remember that. People here have said that the man on the spot should have all the power. The man on the spot is doing it very well indeed. He has been most generously doing all in his power with sympathy and keen political sagacity. But after all, there is the Parliament and the Parliament alone which is the master of the Governor General, and as you know Parliament is composed of many very wise men, practical and cautious men, with traditions of several hundred years of constitutional Government. We have not got experience of even seventy months. I therefore say let us obey Parliament and have full faith in it as I have, that our cherished aspirations will be duly realised in good time. The Preamble is very good indeed. I tell you so once more Sir Courteney Ilbert himself has expressed himself so, and you will understand it better as you grow in experience and wisdom. Having said so much, I do hope in conclusion that this House will refrain from following the hasty example of the other House. We are supposed to be more elderly, although we are not all elderly here, but we possess greater acquired knowledge and experience of public affairs and we should at least correct those who want to be hasty, and do the right thing in the interests of the country. I believe, Sir, the interests of the country will be better served by having a modicum of Mr. Crerar's Resolution than the amendments which may perhaps bring more catastrophe. Reasoning so, I appeal to the House not to prolong the discussion any further but accept Mr. Crerar's Resolution. (Applause from Government Benches.)

THE HONOURABLE NAWAB BAHADUR SIR AMIRUDDIN AHMED KHAN (Punjab : Nominated Non-Official) : Sir, the Resolution moved by

[Sir Amiruddeen Ahmed Khan.]

the Honourable the Home Secretary and the views expressed by the Honourable Sir Maneckji Dadabhoy have my heartiest sympathy and support. In my humble opinion there has so far been no indication of any genuine co-operation of the responsible Indian political leaders in working the existing constitution and there is therefore absolutely no occasion for an immediate inquiry into the constitution. Apart from all this it is my most firmly established faith that any alteration in the constitution on the lines contemplated in the proposed amendments will be highly disastrous to the genuine interests of the country at large and would throw the country into a state of chaos and confusion, because in the long run it would mean the elimination of the entire British tone from the administration of the country and leave it entirely to the care of the people of the country who, I am sorry to say, have given abundant proof of their total incapacity to rule their country during a considerable time in the past. This position, as a well-wisher of the country, I am not at all prepared to accept. I am one of those who have by life long practical experience and observation of the state of affairs in the country learnt to look upon the continued close connection of the British King and Government with the administration of India as a blessing to the people of the country and I fervently and most sincerely hope and pray that this connection may continue undisturbed for centuries to come. Sir, I oppose the amendment.

THE HONOURABLE SIRDAR CHARANJIT SINGH (Punjab : Nominated Non-Official) : Sir, I rise to support the Resolution of my Honourable friend Mr. Crerar. The Resolution seeks to remedy the defects which have been found to exist in the working of the reforms. We have heard several speeches against the Resolution, but I do not think any Honourable Member has told us why we should not remedy those defects. Much has been said about the majority and minority reports. A perusal of the minority report will show that the minority themselves admit that the recommendations of the majority, if accepted, may remedy some of the defects of the administrative machinery. The only difference between the majority and the minority seems to me to be that the minority report asks for a Royal Commission or some other agency to revise the whole situation. Now, the Resolution before this House does not touch that proposal at all. That is a proposition which, I think, is beyond the scope of the Resolution and was beyond the terms of reference of the inquiry itself. Beyond this, the minority does not make any recommendation at all. Therefore it cannot surely be said that this Resolution is against the minority report or that the amended Resolution is in support of the minority report. The reforms have been a great step forward and more than that we have got the assurance of the Secretary of State and of His Excellency the Viceroy that there is no reason why a Commission may not be appointed before 1929.

But, Sir, the basis for that achievement must be sincere and mutual co-operation. No doubt many Indians have given or are willing to give co-operation in working out the scheme, but I am afraid it cannot be said that that phenomenon has been general or that co-operation has been given on a wide scale. So at the present moment we would be wise in accepting the Resolution of the Honourable the Home Secretary. I therefore cordially support it.

THE HONOURABLE MR. MANMOHANDAS RAMJI (Bombay : Non-Muham-madan) : Sir, I rise to support the amendment moved by my Honourable friend, the Honourable Sir Deva Prasad Sarvadhikary. The time has arrived when the demand of the Indian nation for allowing them a Government responsible to their elected representatives should be met by the grant of a larger measure of reforms. This demand is not only from the intelligentsia of this country but also from the masses.

Sir, the amendment that is now proposed by my Honourable friend in a slightly modified form, as this House is aware, has been accepted by a very large majority of the other House ; and therefore, it does not require any discussion at any great length. Convincing arguments in favour of this amendment have been advanced there. The present Government as is well known is not now carried on solely in the interests of this country and to the satisfaction of its people. The Legislature has no real power of the purse, and the Executive is not responsible to the elected representatives of the people. The Government of India, as it is at present constituted, is faulty. We therefore desire, Sir, to improve upon the present constitution. If the Government were responsible to the people of this country, our commerce, industries, education and other nation-building activities would have been far more advanced than they are now. The position and status of our countrymen abroad would have been far better. At present, Sir, India is allowed to be exploited without any check whatever, and our brethren abroad are suffering under many disabilities and humiliations, even within the British Empire. Sir, see what the British Government in England have done after the War. They have taken measures to protect their commerce and industries from being ruined. They have taken measures to find credit abroad. They have taken measures to protect their industries from unfair competition and from dumping by the passing of the Safeguarding of Industries Act. That, Sir, is what a responsible Government is expected to do for a country. What do we find here ? One of the most prominent industries is passing through a critical condition. The Government look on complacently ; and suggest an inquiry in the matter, which might take a long time and possibly by that time serious damage to that industry might be caused. Sir, it is well known that in a similar situation, the British Parliament in England found readily ten million pounds to avert the miners' strike and thus saved the country from the national loss of a much greater magnitude. The Government of India are unwilling to provide one crore of rupees to the pioneer industry to relieve it from its present difficulty of unfair foreign competition.

The expenditure of the present Government is top-heavy ; the needs of the country are not adequately provided for ; the provinces cry for money for education, sanitation and medical relief. These are neglected to such an extent that no other nation would tolerate it. Under the circumstances the only course left open to the people of this country is through their chosen representatives to change the mode of Government. The Government therefore will be well advised in accepting this amendment which is very moderate and reasonable. Sir, in conclusion I do not wish to make any comment upon the very lengthy speech of my Honourable friend Sir Maneckj Dadabhoy. His speech speaks for itself. Therefore I do not think it is

[Mr. Manmohandas Ramji.]

necessary to reply to his speech at all. I congratulate my European commercial friends, Sir William Currie and Sir Arthur Froom, on their moderation and I join hands with them in the view that Indian commerce and European commerce are standing in the same category, and therefore the commerce of this country as a whole, irrespective of whether it is British or Indian, is to be benefited by good government, and that is what we want by these amendments. Sir, at last I hold the same opinion as was expressed by my Honourable friend, Mr. Karandikar. What we want the Government to do is to take the condition of the people and their wants into consideration, and do the needful as the occasion demands. With these few words I commend the amendment.

THE HONOURABLE THE PRESIDENT : The original question before the House was that the following Resolution be adopted, namely :

"This Council recommends to the Governor General in Council that he do accept the principle underlying the majority report of the Reforms Inquiry Committee and that he do give early consideration to the detailed recommendations therein contained for improvements in the machinery of Government."

to which an amendment was moved :

"That for that Resolution the Resolution* standing on the paper in the name of Mr. Phiroze C. Sethna, and moved by him by way of amendment, be substituted."

To that amendment again two amendments were moved by the Honourable Sir Deva Prasad Sarvadhikary :

"To substitute for the first paragraph of Mr. Sethna's amendment, the first paragraph of that† which occurs in Sir Deva Prasad Sarvadhikary's name in the paper, and to substitute for the last paragraph of Mr. Sethna's amendment the last two paragraphs† of his amendment."

The question I have to put to the Council is that the two amendments proposed by Sir Deva Prasad Sarvadhikary be made in the amendment proposed by the Honourable Mr. Sethna.

THE HONOURABLE SIR DEVA PRASAD SARVADHIKARY : May I suggest that the two amendments may be put separately because they are matters of substance and some Members may be inclined to vote for one and not for the other.

THE HONOURABLE THE PRESIDENT : I have no objection to putting them separately, though it seems to me they hang together. If one is rejected and the other accepted, Mr. Sethna's amendment becomes more or less unreadable.

The question before the Council is :

"That for the first paragraph* of Mr. Sethna's amendment the first paragraph† of the amendment standing in the name of Sir Deva Prasad Sarvadhikary on the paper be substituted".

The motion was negatived.

*Vide pages 371—72 of these debates.

† Vide pages 384—85 of these debates.

THE HONOURABLE THE PRESIDENT: The next question before the Council is :

"That for the last paragraph* of Mr. Sethna's amendment beginning with the words 'This Council further recommends' the last two paragraphs† of the amendment standing in the name of the Honourable Sir Deva Prasad Sarvadhikary, beginning with the words 'This Council further recommends' be substituted."

The motion was negatived.

THE HONOURABLE THE PRESIDENT: The question now before the Council is :

"That the amendment* in the form of a Resolution moved by the Honourable Mr. Phiroze C. Sethna be substituted for the original Resolution‡ moved by the Honourable Mr. Crerar."

THE HONOURABLE MR. YAMIN KHAN: May I rise to a point of order ? As two days have been fixed and there are a good many Members who have not spoken on this question, I suggest that this vote may be taken on this motion to-morrow, or, if you like to continue the discussion after this hour, there might be some Members who would like to speak.

THE HONOURABLE THE PRESIDENT: I am not proposing to continue any discussion after this hour. I have not appreciated yet the Honourable Member's point of order. As far as I understand, the discussion on the Honourable Mr. Sethna's amendment is entirely finished.

No Honourable Member rose and therefore I rose to my feet to put the question.

The question is that the Honourable Mr. Phiroze Sethna's Resolution be substituted for the Honourable Mr. Crerar's original Resolution.

The Council divided :

AYES—10.

Ayyangar, Mr. K. V. Rangaswamy.
Borooh, Srijut Chandradhar.
Karandikar, Mr. R. P.
Khaparde, Mr. G. S.
Manmohandas Ramji, Mr.

Natesan, Mr. G. A.
Ramadas Pantulu, Mr. V.
Ram Saran Das, Rai Bahadur Lala.
Sarvadhikary, Dr. Sir Deva Prasad.
Sethna, Mr. Phiroze C.

NOES—29.

Abbot, Mr. E. R.
Aftab Ahmad Khan, Sahibzada.
Akbar Khan, Major Nawab Muhammad.
Amiruddeen Ahmad Khan, Nawab Bahadur Sir.
Chadwick, Mr. D. T.
Charanjit Singh, Sardar.
Commander-in-Chief, H. E. the.
Crerar, Mr. J.
Currie, Sir William.
Dadabhoy, Sir Maneckji.
Dutt, Mr. P. C.
Fazl-i-Husain, Mian Sir.
Froom, Sir Arthur.
Hadow, Mr. F. A.

Ismail Khan, Haji Chowdhuri Muhammad.
Laird-MacGregor, Mr. E. G. L.
McWatters, Mr. A. C.
Misra, Pandit S. B.
Mitra, Mr. K. N.
Mitter, Dr. D. N.
Parsons, Mr. A. A. L.
Roy, Mr. K. C.
Sarma, Sir Narasimha.
Sen, Mr. B. C.
Tek Chand, Diwan.
Thompson, Mr. J. P.
Umar Hayat Khan, Col. Nawab Sir.
Wacha, Sir Dinshaw.
Zahir-ud-din, Khan Bahadur Saiyid.

The motion was negatived.

* *Vide* pages 371-72 of these debates.

† *Vide* pages 384-85 of these debates.

‡ *Vide* page 367 of these debates.

THE HONOURABLE THE PRESIDENT : The decision of the Council brings the Council back to the original Resolution moved by the Honourable the Home Secretary. As there are several other amendments on the paper to that Resolution, I think this will be a convenient moment to adjourn the Council.

The Council then adjourned till Eleven of the Clock on Saturday, the 12th September, 1925.
