

Saturday, 28th July, 1923

THE
COUNCIL OF STATE DEBATES

(Official Report)

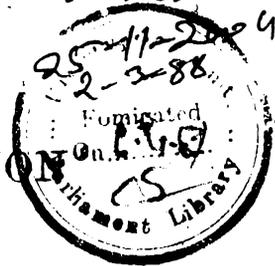
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(From the 16th to the 28th July 1923)

THIRD SESSION

OF THE

COUNCIL OF STATE, 1923.



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COUNCIL OF STATE.

Saturday, 28th July, 1923.

SPEECH DELIVERED TO THE COUNCIL OF STATE AND THE LEGISLATIVE ASSEMBLY BY HIS EXCELLENCY THE VICEROY.

His Excellency the Viceroy having arrived in procession with the Presidents of the Council of State and the Legislative Assembly took his seat on the Dais at Eleven of the Clock.

HIS EXCELLENCY THE VICEROY : I am here to-day to address you on what must be generally recognised to be a most important occasion. This is the last day of this Session of the Legislature and the last day of the last Session of the first Legislative Assembly constituted under the Government of India Act of 1919. The close of this Session marks a stage in the working of those reforms. We have reached the end of a definite part or chapter in that gradual development of self-governing institutions in the Indian administration which is the declared policy of the British Parliament. We have advanced one step forward, an important step, in the progressive realisation of responsible government in British India as an integral part of the Empire. I pause to dwell on this point. I desire others to realise, as I do, what the end of this period means for India. It began by a momentous declaration of policy by His Majesty's Government who determined it to be necessary to give effect to this policy by successive stages and forthwith to take substantial steps in that direction. Since that announcement we have been travelling on that road, and we have now almost reached the halfway-house on that journey. We in India at this time will naturally desire to pause and appraise our achievement ; but this stage holds interest not only for us,—though it must have a special and intimate importance for us,—but for a wider public. Of necessity at the close of this Session the British Parliament, upon whom lies the responsibility for the welfare and advancement of the Indian people, must look back and take stock, in the words of the preamble of the Act, " of the co-operation received from those on whom new opportunities of service have been conferred."

There is another aspect of the question. Our constitution enacts that on the expiration of 10 years after the passing of the Act of 1919 a Statutory Commission shall be appointed to inquire into the working of the system of government, the growth of education and the development of representative institutions in British India and all matters connected therewith, and to report thereon. In effect at the time stated the progress and achievement under the reforms are to be weighed in the balance for the purpose of determining the degree and extent of the next move forward. They are to be tested in the crucible for the alchemist to decide of what metal they consist and whether they ring true. I remind you

that time is passing and that we have almost reached the moment when half that statutory period will have elapsed. The achievement of the Indian Legislature, and especially of the first Legislative Assembly in these circumstances, assumes a special importance. The work they have accomplished, the influence they have exercised, the example and experience they bequeath to their successors, all contribute to that atmosphere of success or failure which will surround the Reformed Constitution when the Mother of Parliaments sends her representatives to inquire into the working of the system of government.

To-day we are bringing to a conclusion the proceedings of the first Indian Parliament under the Reforms and we are assisting at the obsequies of our first Legislative Assembly ; it is therefore meet and proper that we should review past action as we pronounce its funeral oration ; but we are also at the stage which precedes and heralds the birth of a second Assembly ; and we may for this reason also fitly assess our experience and hand on its fruits for the benefit of our successors.

I have spoken of the special interest which our proceedings to-day have for ourselves and for the British Parliament. They are also keenly watched by a larger public. No one can have failed to note the great growth of interest in the proceedings of the Indian Legislature which has been a prominent feature of the British Press in the last two years. Time was when the notices of Indian affairs in the British Press were few and intermittent. That day has passed with the reforms. Time was at the outset of the reforms, when a section of the Indian Press professed to ignore the deliberations of the Indian Legislature except for occasional and brief outbursts of malicious depreciation. Those days are gone. You may have your detractors ; you may have your critics ; but you have now everywhere created and sustained a vivid and living interest in your actions. You have made the Indian Legislature the mirror of events in India. All matters of importance to India are reflected in your questions and Resolutions. Before I pass to your achievements in the working of the reforms, I will examine the political situation regarding the reforms. Those who are opposed to the true interests of India and are blind to her position in the British Empire and to the mutual protection and strength those ties assure, have not been slow to allege that the reforms are of a transitory nature ; that they were the outcome of the political complexion of a moment ; that they have neither substance nor permanency ; that you live in short in a fool's paradise whose palaces and gardens will vanish in the twinkling of an eye like the passing of a mirage. Nothing could be more untrue. I came to India immediately after the initiation of the Reformed Constitution, pledged to carry on that constitution and entrusted with special and new responsibilities by His Majesty as Governor General to that end. On me was the charge laid that it was His Majesty's will and pleasure that " the plans laid by our Parliament for the progressive realisation of responsible government in British India as an integral part of our Empire may come to fruition to the end that British India may attain its due place among our Dominions." A solemn declaration of policy, had been made by His Majesty's Government to the same purport ; the legislation had been passed with the assent of all political parties in

England. Since then there has been no change and there will be no change in the announced policy. It is the recognised policy of the British Government however constituted. There have been changes in Prime Ministers, changes of parties in power in England, changes in the personnel of the Secretary of State for India; but the fundamental policy as regards Indian reforms has remained unaltered; and it is the unshaken determination of the British Government to carry out those reforms not only in letter but in spirit.

There has been criticism of the illusory nature of the reforms. Those who wish to hinder the progress of India along her settled path have charged the reforms with being an empty shell without a core. They have termed them a dress giving only the trappings of reality to a dead body which had neither life nor force.

The achievements of the Indian Legislature have been decried. Their position and privileges have been ridiculed; their motives have been misinterpreted. Their sincerity and patriotism have been attacked. Let history be their judge. I am confident that no difficulty will be found in sweeping aside those travesties of their earnest and constructive labours; but this is not all. The Assembly itself has been at times despondent. There have been moments in this House when voices have been uplifted crying on the Reforms as a niggardly gift and a sham. My sympathy at all times is with laudable desires for constitutional advance and longings for a wider horizon; but when I examine the position the Legislative Assembly has attained, the use it has made of its opportunities, the effect and dignity with which it conducts its debates and the broader aspect of its powers upon the policy of the Government of India, I cannot but feel that the Assembly at times takes far too narrow and restricted a view of its potentialities and real influence; and I must suspect that sentiment on occasion tends to obscure reason and dims the vision of those solemn promises of the British Government and of the Charter of Indian liberties of which the Government of India Act is the repository. Weigh for a moment the influence and power of the representative element of this House against that of its predecessor, the Imperial Legislative Council. Compare the realities of its responsibilities with pre-existing conditions. Reflect on the establishment on a firm basis in this House of Parliamentary traditions and on their incalculable effect on the future.

I do not desire to enter upon a catalogue of the legislative achievements of the Legislature or to enumerate in detail those Resolutions or questions or recall those debates which have produced material results on the Executive action of the Government. I prefer to recapture for a moment the atmosphere and the state of political feeling in India when I assumed my office and to ask you to judge how far this has changed and how far your influence and action have contributed to this change. When I first came to India I was at pains to get into touch with political thought, to hear grievances and study the press so that I might acquaint myself with those matters which appeared to be a subject of general complaint. My impressions of the burning questions of the day in Indian opinion as gathered from those sources was as follows: In the first place, there was a deep tide of resentment regarding curtailment of liberties. The more progressive considered the statutory restrictions on the freedom of the Press to be unnecessary, unduly restrictive and incompatible with the spirit of reforms. The same exception was taken to a number of special enactments

restrictive of certain aspects of political agitation and known as the Repressive Laws, and particularly included the Rowlatt Act. Strong views were expressed to me as regards the number of British troops employed in India, the strength of the Indian Army and the burden of military expenditure. The military position was represented as showing a total want of confidence in India and as strangling the material expansion of the country by weight of army expenditure. Though Indianisation had begun in the Civil Services, the absence of any regular scheme of Indianisation of the Army was quoted as a proof of the mistrust of Indians by the British element and as designed effectually to prevent the ultimate realisation of responsible self-government in India. A like suspicion was alleged to be at the root of the failure to associate elected representatives of the people in advisory capacities with the problems coming before the Departments of the Executive Government.

India was represented as dominated in fiscal matters by the British Government and by the economic interests of Great Britain. The stores policy of India was said to be dictated to stifle the expansion of industry in India, and accusations were levelled that its main purpose was to place the maximum amount of orders with British manufacturers. Finally, the bureaucratic Government were charged with having established for the perfection of their own ends an unduly complex and expensive administrative machine and with having expanded its activities in directions not desired by the Indian public and out of proportion to India's resources.

I need hardly recall to you how the case now stands in regard to those subjects. For I know that you count the measures, which have been adopted by my Government on the strength of your representation of public opinion in those matters, among the most priceless pages in your annals; you may perhaps feel that the policies you advocated are not yet in all cases fully accepted, but when you leave this House you may assuredly point to many grievances, which were the cause of much bitterness and suspicion, checked by you in their early growth and now lying strangled on the open road you have left behind you.

These achievements arrest immediate attention; but there are other matters to be mentioned, particularly as they relate to activities of a more constructive character which will, I trust and believe, have an important and beneficial effect upon the future interests of India. In the Indian Factories Amendment Acts, the Indian Mines Act and the Workmen's Compensation Act, the Legislature has placed on the Statute-book measures destined to protect labour and has taken a progressive view of that great responsibility which rests on its shoulders as the representative of a vast labouring population. The Indian Emigration Act deals with the difficult problem of safeguarding the interests of Indians who may emigrate to find a livelihood abroad; and a striking feature of this legislation is that the final decision of measures for their protection has been vested in the Legislature itself. No measure before you was hedged about with such special difficulties as the law to abolish racial distinctions, but no rift occurred in the delicate web of compromise and good-will; and the Statute is now with us—a permanent monument of mutual desire to work together

to a common understanding. In the Criminal Procedure Amendment Act the Legislature brought to a successful conclusion a task of great magnitude and complexity which had occupied the energies of our draftsmen for nearly a decade. It will fall to few Legislatures to have to dispose of a measure of such difficulty and importance in the domain of the criminal law.

While at times sentiment has run high and some event has found the Assembly and the Executive Government apparently at opposite poles, these differences have seldom been perpetuated, and friendly and frank discussions have frequently led in the end to better understanding.

Some differences unfortunately have remained. It was perhaps scarcely to be expected that at the present stage of the constitution every divergence of opinion between the Government and the Legislative Assembly would be composed by discussion. Often my Government has accepted the views of the Legislature notwithstanding that these did not coincide with those of the Executive. But a special responsibility has been laid by the constitution upon the Governor General in certain cases, and in my judgment special powers are essential to the discharge of the duties of the Executive in the present state of constitutional development in India. Nevertheless the occasions of the use of these special powers should be and, I am happy to observe, have been rare. The most recent and notable instance of their exercise was in connection with the necessity for balancing the budget. The reasons for the action which I felt it incumbent upon me to take at that time have been published. My action provoked criticisms; I have no intention of re-opening the discussion save that I will add that in my opinion subsequent events have tended to confirm the wisdom of my original decision. The responsibility was grave and the decision rested with me alone. I trust that those in the Assembly who have felt and expressed themselves strongly on the subject will leave this House without any feeling of bitterness, holding to their opinion as their consciences may dictate and acknowledging the same liberty to others who may differ from them, among whom I count myself.

• My Government have to acknowledge a continuous and solid measure of support in times of disturbance and agitation from the Legislature, and in general a steady influence exerted for the maintenance of law and order. I have said enough, I trust, to establish beyond controversy the real advance accomplished and to place beyond the power of depreciation the disciplined efforts to increase the well-being of the people of India which have characterised this, the first Indian Legislature.

• Before I part from the Legislative Assembly I wish to pay a tribute to Sir Frederick Whyte who, with a knowledge and experience brought from the British Parliament and imbued with the ancient traditions of that House, has presided over your deliberations. I know that you would wish to be associated with me in offering a meed of appreciation of the technical knowledge, sympathy, patience and fairness of mind which have characterised his association with your Assembly.

For me as Governor General the first Legislative Assembly under the reforms and in my term of office must necessarily hold special ties of

interest, and I must view its dissolution with no small measure of regret. My feelings on its disappearance are however tempered by the knowledge that I still retain without change the valuable services of the Council of State ; and I am sustained by the thought that I can continue to rely on the sobriety of judgment of this Chamber of Elders which with this Assembly formed part of the first Indian Legislature and on their support of the best interests of India in all matters that closely touch her well-being.

I had intended to confine myself to-day to a survey of the work of the Indian Legislature over the period of the life of the first Legislative Assembly and not to dwell on matters of recent occurrence too near to us to be judged in their proper perspective ; but before I pass to another part of my subject, I feel it my duty to make some observations about Kenya which is at the moment uppermost in my thoughts and yours. The news of the decision regarding Kenya came to me and to my Government no less than to you as a great and severe disappointment ; for India had made the cause of Indians in Kenya her own. As His Majesty's Government has stated, this decision conflicts on material points with the strongly expressed views of my Government as laid before the Cabinet by the Secretary of State for India. India's representations were fully placed before His Majesty's Government and received most patient and careful consideration ; but we must record our deep regret that His Majesty's Government did not feel justified in giving greater effect to them. We are conscious that there were important aspects, perhaps not sufficiently understood by us, which His Majesty's Government were called upon to weigh and determine, and we fully appreciate and acknowledge their whole-hearted efforts to arrive at a fair and equitable conclusion. They have announced their decision and the Government of India must consider it and arrive at its conclusions. If submission must be made, then with all due respect to His Majesty's Government it can only be under protest.

We do not fail to realise the great difficulties in which His Majesty's Government were placed. They were faced with a conflict between two powerful interests. The deputations with great vehemence urged two completely divergent points of view. Between these two there appeared to be no ground for agreement on any point ; and besides there lay on His Majesty's Government the grave responsibility for considering the unchampioned and inarticulate interests of the native population which form the great majority in the Colony. It is not easy in India with strong feeling for the Indian side of the cause to appreciate with real detachment the considerations which His Majesty's Government had to bring to bear on the difficult problem. Attention in India is naturally concentrated on the rights and claims of Indians, while His Majesty's Government have a larger field to cover and wider responsibilities to exercise ; and we must remember that although the decision has disappointed us, yet on some points to which we were strongly opposed, but to which the settlers party attached great weight, the decision is against them. On three important points decisions favourable to the Indians have been pronounced. His Majesty's Government have declared against the grant of responsible government within any period of time which need now be taken into

consideration. Further, they have refused to countenance the introduction of legislation designed to exclude from British Colony immigrants from any other part of the British Empire. In addition they have definitely rejected the principle of segregation. On the question of the future control of immigration no final conclusion has been reached. The principle stated is unexceptionable and as a declaration of policy it will be welcomed by Indians. We are, however, uncertain as to the precise method by which immigration is to be controlled, and how the control will affect Indians ; but you may rest assured that I and my Government will use every effort to impress our views on this subject without delay upon His Majesty's Government.

It is unfortunate that the last days of the first Legislature should have been overclouded by events regarding the treatment of Indians overseas. Yesterday the Legislative Assembly passed a Bill enabling the Governor General in Council to frame rules, if and when he considers it desirable, to regulate the entry into and residence in British India of persons domiciled in British Dominions and Possessions other than the United Kingdom. The principle of reciprocity had already been accepted by the Imperial Conference, and therefore a Bill conferring powers on the Governor General in Council in his discretion to make rules for the purpose of enforcing reciprocity is in itself unobjectionable ; but the moment selected for this legislation may in some quarters be regarded as unfortunate, especially when accompanied by speeches in favour of retaliatory measures. It is but natural that there should be a desire in your mind publicly to express your determination to befriend and support Indians overseas to the best of your ability, but I must express serious doubt whether your object will be effected by these means. Will their position be improved politically and materially by steps in the nature of retaliation ? May it not have an opposite effect and make their situation more difficult ? Have they been consulted ? Is it their wish ? Apart from other considerations will it help India ? I shall not dwell upon the subject. The Bill cannot reach the other Chamber this Session, and meanwhile there will be opportunity for further information and reflection.

I have paused to-day to examine the progress of the first Legislature and the position it has attained. In the face of vehement and sometimes bitter opposition you elected to give your services to your country and became Members of the Legislature, determined to devote your powers to attaining your aims and ideals by constitutional methods. You may not have accomplished in the short period all that you had hoped. You may perhaps find the pace of progress too slow, but can you point to greater achievements for India during so brief a period of time ? Would other means have accomplished as much ? There are those who have set other ideals before them. Destruction not construction is their avowed aim. They would wreck the Reforms. What have they accomplished for India ? What blessings have they brought to her people ? Have they brought harmony ? Have they brought security ? Have they brought peace ? What goal have they set before them ? By what road are they to attain to it ?

You need not meddle with uncertainties or speculate on the unknown. You know the port to which your ship is sailing. You have set your

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course ; the star by which you steer shines bright before you. The first stage of your passage lies behind you in your wake. You have learnt to work your craft. Whatever storms or dangers may lie before you, you are confident in this knowledge and by the help of Providence you will bring your ship in safety to its journey's end. It is in this spirit that I ask those who have the interests of India in their hearts to use their influence in the coming elections to help India forward by the only secure road to the attainment of her cherished desires.

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