

**THE
COUNCIL OF STATE DEBATES**

VOLUME I, 1927

(8th February 1927 to 29th March 1927)

**THIRD SESSION
OF THE
SECOND COUNCIL OF STATE, 1927**



CALCUTTA : GOVERNMENT OF INDIA
CENTRAL PUBLICATION BRANCH
1927

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COUNCIL OF STATE.

Wednesday, 23rd February, 1927.

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

MEMBER SWORN:

The Honourable Sir George Rainy, K.C.I.E., C.S.I. (Commerce Department: Nominated Official):

RESULT OF THE ELECTION TO THE PANEL FOR THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

THE HONOURABLE THE PRESIDENT: I have to announce to the House the result of the election held yesterday to the Central Advisory Council for Railways. The following eight Members have been elected:

The Honourable Sir Dinshaw Wacha,
The Honourable Rai Bahadur Lala Ram Saran Das,
The Honourable Sir Arthur Froom,
The Honourable Sir John Bell,
The Honourable Mr. Ramadas Pantulu,
The Honourable Mr. Mahmood Suhrawardy,
The Honourable Rao Sahib Dr. Rama Rau, and
The Honourable Shah Muhammad Zubair.

THE HONOURABLE THE PRESIDENT: With reference to the motion carried in this House yesterday that the Council should proceed to elect the panel for the Standing Committee to the Department of Commerce, I inform Honourable Members that nominations for the panel will be received by the Secretary up till the hour of noon to-morrow.

MOTION *RE* APPRECIATION OF THE RESULTS ACHIEVED BY THE GOVERNMENT OF INDIA DELEGATION TO SOUTH AFRICA.

THE HONOURABLE SIR DINSHAW WACHA (Bombay: Nominated Non-Official): Sir, I beg to move the following Motion:

"This Council begs to convey to His Excellency the Governor General in Council its appreciation of the results achieved by the Government of India delegation to the recent Round Table Conference on the Indian question in South Africa, and expresses the hope that the direct relations that have now been established may eventuate in lasting amity between India and South Africa by the satisfactory settlement of any questions that might still require adjustment."

Sir, no words of mine are needed to commend this motion to the Council. In fact, Sir, it is the echo of the general wish expressed by

[Sir Dinshaw Wacha.]

the Honourable Members of this House the other day soon after the popular Leader of the House had read the terms of the agreement, namely, that it is the duty of this Council to express its cordial appreciation of the very valuable and strenuous efforts the Governor General in Council has made towards the solution of this vexed problem of South Africa. The problem has been the outstanding feature of Indian agitation for the last 30 years and more, and happily, owing to the exertions of two of our latest best Viceroys, it has now been finally settled. During the interval there has been a great deal of agitation on the subject. Many incidents and vicissitudes have occurred of a most undesirable character, but all the same, they have been removed. There was a time when, I am sorry to say, the climax of the exasperations of the public in India had reached the stage when they suggested there should be a kind of economic war with South Africa, as a measure of retaliation. However, Sir, by the statesmanship of our rulers and the common sense of the people we never reached that calamity. We are in a position to-day to congratulate ourselves that a happy settlement has been reached. As a matter of fact, no two Viceroys have exerted themselves so strenuously with patience and perseverance, with judgment and statesmanship, as Lord Reading and Lord Irwin. His Excellency Lord Reading, from the day that he was appointed Viceroy of India made the most earnest efforts to see how this long-standing vexed problem could be settled and a *via media* established. We are glad to say that owing to his perseverance and other qualities the question of how to bring about a *via media* was nearly established. However, his term of office expired and he had to leave India. But in Lord Irwin we found another Viceroy equally persevering, equally patient and equally promising to bring the matter to an end, and fortunately for him, he has most successfully achieved that end. The two circumstances that were in his favour during the last six months are these. The Imperial Conference had discussed this question last summer in London and we all found that the attitude of General Hertzog, Prime Minister of the South African Union, and other members of it were so very favourably disposed towards the solution of the question. Another circumstance was that later on General Hertzog himself offered that his delegates should come here and see for themselves and understand, unofficially of course, the feelings and sentiments of the people here on this question. These two circumstances have been very fortunate in our case and led to a Round Table Conference. A Round Table Conference was on the lips of many people even before, but never materialised. However, these two incidents brought the matter round and a Round Table Conference was fixed. It was held in December. Here too, happily, owing to the selection made by both sides, the South African Union and the Indian Government, we had as members of the delegation men in whom the public had very great confidence and who were men of distinction in public affairs. That being the case, of course, everybody expected that there would be a good solution, and this happily has now become an accomplished fact. To my mind, Sir, it appears like this: that the delegation went to work with something like the spirit of Locarno; the spirit of Locarno was there; there was an atmosphere of peace and good-will towards each other, and I think that has greatly helped in bringing about a solution. The historian of the future will say that like Locarno in Europe there was likewise a minor Locarno in South Africa. However, Sir, all is well that ends well, and we are all glad—the whole of India is glad so far as I can see from the papers that are

before me—that there is satisfaction all round on this settlement. It may be that, as usual, there are men who will be critics of the Government whatever the Government does or does not do; but they do not matter. I believe there is general satisfaction all round on the subject, and that is a matter for congratulation on the part of ourselves and on the part of the Government of India. The only thing that now remains, as was said by the Honourable Sir Muhammad Habibullah, is that the details will have to be settled and direct relations will have to be established; and I hope, as I have said in the motion, that the details and principles will also be discussed and agreed upon in the same spirit of good-will and cordiality as the main problem. With these few remarks I take my seat.

THE HONOURABLE SIR ARTHUR FROOM (Bombay Chamber of Commerce): Sir, it is with great pleasure that I support the motion moved by my old friend, Sir Dinshaw Wacha and in doing so I congratulate the Government of India on the conclusions reached by the Round Table Conference on the Indian question in South Africa. I also extend my hearty congratulations to those Statesmen in South Africa who rendered such happy conclusions attainable. In particular, our thanks are due to Sir Muhammad Habibullah, and his coadjutors, the Honourable Mr. Corbett, our old friend the Right Honourable Srinivasa Sastri, the Honourable Sir Phiroze Sethna, another Member of this Council, Sir Darcy Lindsay and Sir George Paddison. As my old friend here has pointed out, this question of Indians in South Africa has been a problem before the Government of India for very many years. Each successive Viceroy has wholeheartedly and unrestrainedly upheld India's views, and it must be a matter of no small gratification to His Excellency Lord Irwin, as it is indeed to us, that an agreement has been arrived at during His Excellency's term of office. Pre-eminent among the conclusions arrived at is the decision of the Union Government to drop the Class Areas Bill, and that this should have been achieved would alone have well justified the existence of the Honourable Sir Muhammad Habibullah and his fellow-workers in their sphere of an Indian deputation to South Africa; but they have accomplished more and our thanks are unrestrainedly due to them.

Sir, I wish to refer briefly to the wise decision of Government in their invitation to a deputation from South Africa to visit us last autumn; and I applaud India on having extended to that deputation her open hospitality, the generous hospitality which India knows so well how to extend, better perhaps than any other country in the world. The deputation must have returned to South Africa much impressed with all they saw and with a vivid recollection of a right royal reception at the hands of a kindly people; and, Sir, I cannot help thinking that that in itself paved the way for the gracious reception in South Africa of our deputation from India and contributed in no small degree to the crowning success of the Round Table Conference. Sir, I will not proceed further; there are doubtless many other Members of this House who wish to speak, and I imagine that, on this auspicious occasion, "e'en the ranks of Tuscany can scarce forbear to cheer".

THE HONOURABLE MR. P. C. DESIKA CHARI (Burma: General): Sir, I have great pleasure in associating myself with the expression of appreciation of the successful labours of the mission to South Africa. In expressing our gratitude to the delegation I hope we are voicing the feelings

[Mr. P. C. Desika Chari.]'

of gratification and relief with which people of all shades of opinion in this country received the terms of agreement between the Government of India and the Union Government. With pardonable feelings of pride I congratulate the deputation headed by the Honourable Leader of the House, who hails from the same town as myself, on the ability and tact with which they handled a delicate and extremely difficult and baffling problem at a critical juncture, on their having concluded an acceptable and honourable compromise, and on having in fact accomplished a task which at this time last year was deemed well nigh impossible. I hope the Honourable Members of this House will share with me this feeling of pride on account of the fact that no less than three Members, including the Leader of the deputation, are Members of this House. I am not disposed to be critical at this juncture and I hope the Honourable Members of this House, to whatever party they may belong, will not embarrass the Government whose unstinted efforts and sincere advocacy of the cause of Indians in South Africa will not be denied by anybody. Sir, I value the results of the deputation more on account of the changed angle of vision and the spirit of good-will with which the South African Government approached the Indian problem as embodied in the terms of the agreement, than on account of the terms themselves which have been conceded by the agreement. The terms are of this significance, that even South Africa has after all come to realise the gravity of the injustice done to the Indian population there and to recognise that Indians as human beings are entitled to a certain amount of consideration on the principle of live and let live, and that they have got a just claim to certain essential and rudimentary rights of domicile. We are all aware that Indians are still denied certain elementary rights and that the political and municipal franchise to which their domicile entitles them are not conferred upon Indians domiciled in the Union. But we have to take note of the fact that the Union has seriously begun to think of the uplift of the Indians there and that the Union Government evinces a desire to provide Indians with facilities for housing, sanitary arrangements and education. It is also satisfactory to note that the Union Government is prepared to provide Indians with advisory committees of representative Indians with a view to solve the problem.

Sir, it is not necessary for me to dilate upon the achievements of the delegation as contained in the agreement, a copy of which has been put into our hands. I find, Sir, from it that there is a definite abandonment of the vexed policy of segregation. We find in the terms of agreement the system of assisted emigration in place of repatriation, provision for the entry of wives and minor children which are intended to enable Indians to live a happy life in the country of their domicile, a strict adherence to the principles of the Industrial Conciliation Act and Wages Act to all people alike including Indians which enable all people to take their place on the basis of equal pay for equal work and the acceptance of the principle of limiting the discretionary power to local authorities by statutory limitation and giving them the right of appeal when the time comes for it for revision of the Trade Licence Laws; these are advantages for the accomplishment of which we have to thank the deputation. But I hope and trust the same spirit of good-will and co-operation which characterised the beginnings made for the happy relationship of the two Governments will enable the Union Government to work out the details in the same spirit, and I hope the outstanding problems will be

worked out in the same spirit of co-operation and good-will. Sir, I once again appeal to the Members of the Swarajist Benches, and especially to the Leader of that Party, not to make statements which are likely to mar the beginnings of that happy relationship of cordiality and friendship which are likely to promote the interests of Indians in South Africa. Sir, if the Honourable the Leader of the Swaraj Party would only resist the temptation to make statements which are likely to mar the good beginnings, I believe the future of the domiciled Indians in South Africa will not be greatly imperilled.

Sir, before I conclude, I should like to say one word as regards the character of the Agent or Commissioner to be appointed by the Government of India in South Africa. It is necessary that the Agent or Commissioner to be appointed should be an Indian, because I think, Sir, that an Indian as an Indian will be able to impress upon the Union Government more than any representative of British origin who would have an impress upon him of the character of a British Agent paid to champion the Indian cause. A greater significance will be attached to the fact that an Indian is there, and that he is voicing the true national feeling whenever this question arises again in South Africa. In making this suggestion I am not actuated by any feeling that any representative appointed from among the ranks to which my Honourable friend Mr. Corbett belongs will fail in his duty, but it is necessary to appoint an Indian in order to impress upon the Union Government the right attitude of the Indian people. With these few words, Sir, I heartily support the motion which is before the House.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (Punjab : Nominated Non-Official): Sir, as I have always taken a keen interest in the debates on the South African problem, it will not be right if I do not join to-day on such an auspicious occasion. At this time, I join the chorus on a different keynote. I used to be the bitterest of critics on the subject and I used to go to the length of saying that we should declare a war against South Africa. I even once told the Government that when one hundred per cent. of us are on one side on the South African question, if they do not help us, they are not our true Government. I am glad to find to-day that the British Government, specially our Indian Government, have been our true Government and they have helped Indians out of the humiliation and shame to which they were subjected in a foreign land. If we can be the bitterest enemies, I think we can also be the greatest friends, because after all knowing each other well as enemies at one time, if we become friends again, we become much truer friends. I only hope, Sir, that our friendship will develop and the whole question will be settled satisfactorily once for all. Sir, I have known the Honourable Sir Muhammad Habibullah for a long time, and from the very time I first saw him I could see in him a statesman of great calibre. Though we should not ignore, as my friend Sir Dinshaw Wacha said, the spirit of Locarno, I think the spirit of the Empire as a whole to be united was much greater in England when the Prime Ministers of all the Dominions met than even Locarno, and those statesmen returned to their Dominions with the changed angle of vision which was to a large extent responsible for this happy settlement. But as we call it in India, the "Sehra" i.e., the garland is on the head of our great friend Sir Muhammad Habibullah. With these few words, I support the motion heartily.

THE HONOURABLE RAJA NAWAB ALI KHAN (United Provinces: Nominated Non-Official): I rise, Sir, to support most cordially the motion which stands in the name of my Honourable friend, Sir Dinshaw Wacha. I feel it to be in the fitness of things that commendation for the successful issue of a very "difficult and delicate mission"—to quote the words used by the Leader of the House—relating to a question which deeply touches Indian national sentiment should come from the most senior Member of this Council who has always taken a deep interest in the status of Indians in South Africa, and whose fearless patriotism is a guarantee that any praise that he may give in the matter will not be lightly given. In my opinion, the results announced to us the other day could not have been improved by any delegation that this country could have sent. For I should like the House to bear two facts in mind. The first is that only in July 1925 Dr. Malan, Minister of the Interior, had stated in the Union Legislative Assembly that the Indian, as a race in South Africa, was an alien element in the population and that no solution of the Indian question in South Africa would be acceptable unless it resulted in a very considerable reduction of the Indian population in that country. The second fact is that the Areas Reservation Bill, the introduction of which provided the occasion for the speech to which I have just referred, was intended to achieve this object (1) by introducing commercial and residential segregation, (2) by imposing restrictions on the right of Indians to acquire immoveable property, and (3) by prohibiting after 1930 the admission into the Union from outside of the wives and minor children of Indians resident in South Africa. Dr. Malan's determination to place this Bill on the Statute-book was frequently expressed, and in the evidence which was given before the Select Committee of the Union Legislative Assembly to which the Bill was referred, the representatives of European opinion in South Africa urged strongly, not only that the Bill should be passed but that its provisions should be made more drastic. The Indians in South Africa were of opinion that, if this legislation were passed, "it would threaten the Indian community with absolute annihilation". I am using the words of the South African Indian Congress. The Paddison deputation helped to secure postponement of the legislation pending a Round Table Conference between the representatives of the Government of India and the Government of South Africa on the Indian problem. This Conference has now agreed, not merely that the Bill should be dropped, but has secured from the Union Government a declaration of policy "that it is their duty to devise ways and means and to take all possible steps for the uplifting of every section of their permanent population" and "that in the provision of educational and other facilities the considerable number of Indians who remain part of the permanent population should not be allowed to lag behind other sections of the people". Thus, not only is the Indian community in South Africa saved from a measure which threatened it with annihilation, but is assured that "it would not be allowed to lag behind other sections of the people". No words of mine, Sir, are necessary to bring out the contrast between the position now reached as a result of the Conference and the position as it was in July, 1925, when a responsible Minister of the Union Government described the Indian as an alien and introduced legislation which was intended to reduce his number by drastically restricting his trading and proprietary rights. This, Sir, is a transformation as happy as it is remarkable, and I am sure that every reasonable person in India and in South Africa will view the change with unmixed satisfaction. To Indians in South Africa who, ever since the Bill

was introduced, have been living in the shadow of segregation and other threats to their existing privileges, this part of the settlement must be a great boon.

The next point in the settlement which I wish to dwell on is the scheme of assisted emigration. There seems to be a disposition in some quarters to regard this as something new and something improper. I do not pretend, Sir, to be an authority on this very complicated question, but it appears to me that the principle of assisting Indians to return from South Africa to India is as old as the Smuts-Gandhi settlement. Indeed, according to the evidence which Mr. Andrews gave before the Select Committee on the Areas Reservation Bill last year, this principle has the support of Mr. Gandhi himself. For my part, Sir, I fail to see how the assisted emigration scheme can be described as "new". Its principal new feature is that, whereas under the existing scheme of repatriation a person who accepts a free passage has to surrender his Union domicile irrevocably, under the new scheme no such surrender will be required, and this is a decided improvement. Nor, Sir, do I agree with those who think that the scheme is improper. I am unable to detect any element of impropriety in it. It is entirely optional. It does not require any one to leave South Africa if he does not wish to. And it enables a person availing himself of the benefits of the scheme to return to South Africa, if he so desires, within 3 years of leaving the Union. What possible objection can there be to a person migrating of his own free will to the land of his own birth or the birth of his forefathers, if conditions in South Africa are not congenial?

I would not detain the House, Sir, over the proposal of the Union Government that the Government of India should appoint an agent in South Africa. I sincerely hope that Government will accede to this request and send the most suitable man as their representative. If the right person is selected for it, the appointment may help to place relations between India and South Africa on an entirely new basis.

Reference has been made, Sir, to the fact that nothing was done to secure for Indians in South Africa the political and the municipal franchise. I yield to no one, Sir, in the desire to see that Indians who have settled in other parts of His Majesty's Dominions should have the same privileges as any other class of his subjects. But I recognise, Sir, that this is an ideal, the practical attainment of which must depend upon local circumstances. The position in South Africa is singularly difficult. I do not agree with the views which the majority of white people in that Dominion hold on the question of Indian enfranchisement, but it would be idle to disguise the fact that it is their views which must affect the attitude of the Union Government in the matter. As the annexure says, it is not possible for that Government to take action which is much in advance of public opinion. We have no alternative, therefore, but to wait for a change in the opinion of the electorate in South Africa. Let us hope that the friendliness which now marks the relations between the two countries will rapidly grow and bring about the change that we all want. The agreement provides for periodical consultation between the Government of India and the Government of the Union, and I have no doubt that, as soon as circumstances permit, this question will be taken up on the occasion of one of these periodical reviews. I would say the same thing about municipal rights.

To conclude, Sir, I would repeat what I said at the start that this agreement is the best that could have been secured in the circumstances, and

[Raja Nawab Ali Khan.]

the delegation which negotiated it deserves the warmest commendation from this House and from India. To us, Sir, it is a matter of peculiar gratification that the leader, the deputy leader, and one member of the delegation are Members of this House and the fourth—the Right Honourable Srinivasa Sastri was once a Member of a former Council of State. Their achievement is in a way our achievement and the great credit which justly belongs to them for the success which attended their efforts is in a measure reflected on this House. I hope, Sir, the House will support Sir Dinshaw Wacha's motion unanimously.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadian): Sir, I rise to support the motion which has been so ably moved by the Grand Old Man of this House, the Honourable Sir Dinshaw Wacha. It is a matter of pleasure to find that the Indian delegation to South Africa was led by an Indian, the Honourable Sir Muhammad Habibullah, the Leader of this House, who by his statesmanship achieved unexpected success. This is perhaps the first time that an Indian has led such a deputation abroad—a delegation the personnel of which was received with universal satisfaction. The agreement brought about will be received in India and by the Indians in South Africa with feelings of gratification and relief, and it is hoped that this settlement will eventually lead to the complete fulfilment of the best hopes for the future of Indians in South Africa. Our thanks are due to Lord Reading, His Excellency Lord Irwin and the Government of India for the paternal interest they have taken in this matter. The Honourable Sir Muhammad Habibullah, the Right Honourable Srinivasa Sastri, the Honourable Sir Phiroze Sethna, the Honourable Mr. Corbett, Sir Darcy Lindsay, Mr. Bajpai and the other members of the delegation, deserve our hearty congratulations on having obtained a settlement, which has been ratified by the Government of India and by the Union Government, and which it will be universally agreed is, in the words of Mahatma Gandhi, an eminent expert on South African affairs, "honourable to both parties." The terms are the best that were possible under the circumstances. The untiring services of Revd. Mr. C. F. Andrews deserve great credit as they went a great deal to help both the delegations and the Union Government in its deliberations, and his work was greatly responsible for creating a healthy atmosphere in South Africa. On two essential questions, firstly, "compulsory repatriation" and secondly, "compulsory segregation" a fairly acceptable and honourable compromise has been arrived at. The Class Areas Bill has been definitely dropped. The position in respect of sanitation and housing in the Port Durban area and around it will be carefully investigated by the Union Government. We welcome the recognition by the Union Government of the Indian community as an integral part of their population. If the atmosphere of good-will and sociability which has now been established between India and South Africa is kept up and encouraged, the settlement can be used as a solid foundation for erecting the beautiful temple of freedom for Indian settlers in South Africa. But the success of the settlement very largely depends upon the selection of the Agent or Commissioner who will be selected to represent the Government of India. He must be a person of eminence, great ability and great strength of character and ought to be an Indian. The very fact of his being an Indian will strike the imagination of the European population and raise Indian settlers in European estimation.

I also take this opportunity of thanking General Hertzog and Dr. Malan, the Minister of the South African Delegation, for their sympathetic interest and their efforts which were responsible for this happy settlement.

THE HONOURABLE MR. G. S. KHAPARDE (Berar Representative): Sir, I have always compared the Commonwealth as it is called now, of free nations to a re-united joint Hindu family. A re-united joint Hindu family originally springs from one ancestor. Then the members divide, then they go abroad, make their acquisitions and then again come back and re-unite. That is a re-united Hindu family. Our British Empire is something of this kind. I have always compared it to a re-united Hindu family. I shall compare it with the story which I am going to relate later on. In this re-united family there was a very good jewel and that jewel got stolen. Then the charge was made that the head of the family had appropriated the whole thing to himself and pretended that the jewel was lost. There was a great uproar all round and various people started in search of that jewel. The head of the family did not like it, of course. Then they found that a boar had taken away the jewel. They ran after the boar and they found later on that a lion had killed the boar. They went in search of the lion and found that it was killed by somebody else and then there was immense darkness. They penetrated through that darkness and there was a great deal of adventure, and ultimately they discovered that that jewel was there. Then the head of the family started and went there and of course he saw the boar and the lion and then the darkness and he had to make his way through the darkness and he did make his way through the darkness. I compare that story to the present case. There was the Boer War. We were one of the causes why the British Government went to war with the Boers. The treatment given to us induced the British Government to go to war and we helped the British Government as far as it lay in our power and eventually we succeeded, of course. Then they took away the jewel that we possessed and concealed it in a great deal of darkness. That is the racial prejudice that was raised in South Africa. There were various other matters also that intervened and at one time it looked as if the door was going to be shut entirely against us and we were going to be excluded for ever from South Africa. Then one of our friends, Sir Tej Bahadur Sapru, said, "Nothing of the kind; you cannot shut the door; if you do so I shall have to put my foot down; you will have to crush me before you close the door." Then they said, "We keep the door open for discussion." He succeeded in keeping the door open for discussion. Then the deputation went there and discussed the matter. I do not say they have got back the whole jewel. But they have dispelled the great deal of darkness there was about it. That prejudice has gone away to a considerable extent. The deputation came here and we enlightened them and our friends went there. I do not say that the darkness has entirely disappeared, but it has become visible darkness. Gradually there will be more light. The great credit which I give to our delegation is for the pioneer work which they have done. It is not only that what they have done is very great. It is very great indeed. But further work has been made possible by them. What they have done is good enough, but they have made it possible for further work to be done, and that further work will be done by co-operation between the Indian Government and the Union Government. One of our agents will be there, and as my Honourable friend suggested, I hope that agent will be an Indian, an educated Indian, a well qualified Indian, and a person more or less versed in diplomacy also, if possible. And then further work

[Mr. G. S. Khaparde.]

will be done and then the jewel will come back. That is to say, all that we had there and all that we want will come. We will get not only the municipal rights, the ordinary rights of citizenship, but I suppose the time will come when our people will rise and acquire several things. They have got good brains and muscle. I hope an Indian will become President of that Union. That is what I look forward to. This has been rendered possible by the labours of the delegation that went from here. My Honourable friend opposite, Sir Muhammad Habibullah, was the leader of this deputation. I am an old man. I will not live to that time. He is younger. I hope he will live to that time and he will help the President with his advice and counsel. With these words, Sir, I heartily commend this motion to the acceptance of the House.

THE HONOURABLE MAHARAJADHIRAJA SIR BIJAY CHAND MAHTAB OF BURDWAN (Bengal: Nominated Non-Official): Sir, one may truly say that this is in a sense a historic occasion and I trust that my Honourable colleagues here will pardon me if I allow my mind to travel back first of all to 1909 and 1910 when the Natal indentured labour question was so much exercising the minds of Indians, and when a gentleman who since, by the evolution of India, has become a Mahatma, was a plain Mr. Gandhi, met many of us in Calcutta and brought to our notice the conditions of Indians in South Africa. I well remember my late esteemed friend Mr. Gokhale enlisting the sympathies of us all in the then newly formed reformed Councils under the Morley-Minto Reforms, and I well remember the debates that took place in the old Imperial Council on the subject. Since then things have moved and things have moved fast. When I went to England as a representative from India at last year's Imperial Conference I was warned by the India Office that whilst the attitude of the Indian delegates to the Imperial Conference of 1923 was not misunderstood, it had unfortunately not cut any ice. In consequence when I was asked to be careful in saying anything that I had to say on the question of the Indians in South Africa, I naturally realised that my task was to try and bring good-will and good fellowship between the South African delegation to the Imperial Conference and the members of the Indian delegation, and to further the progress of the good work that had been done by the Paddison Committee during its visit to South Africa. I do not in any way wish to take the credit of having been even unintentionally instrumental in gaining the good-fellowship and good-will of General Hertzog and the members of his delegation; but my mind travels back to a memorable afternoon at the Imperial Relations Committee when Lord Balfour was discussing what should be the formula of the status of the Dominions. Unfortunately or fortunately for me, my first in command was not there and I rather ventured, when I saw that there was a good deal of heat in the discussion, on suggesting a formula which more or less is the formula which has since been adopted. After that afternoon's meeting General Hertzog and I clasped hands as friends, and I congratulate Sir Muhammad Habibullah on having been fortunate on behalf of India to have achieved what we had not achieved up to now; and although there may be a great deal yet to be done, I trust that the establishment of India's right to have direct relationship with South Africa and the appointment of an Agent is not only another step towards the realisation of India being a partner of the Commonwealth of British nations, but also that it

will usher in an era of prosperity to those Indians who have made South Africa their home, and that it will make not only the lot of Indians out there happy but will bring about a better understanding and better relationship between the Union Government and the Indian Government. I wish to congratulate one and all of the delegation, particularly my esteemed friend Sir Muhammad Habibullah, on the success which he has achieved, and would suggest, Sir, with your permission, that our best thanks should be conveyed not only to Lord Irwin but to Lord Reading for their share in the work; and I think that when we are discussing big problems and applauding the achievements of big statesmen we should not forget that little man who has done so much for the Government of India in this matter—I mean Mr. Bajpai. With these few words, Sir, I wish to support most heartily the motion moved by my esteemed friend, Sir Dinshaw Wacha.

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras: Non-Muhammadan): Sir, I rise to give expression on behalf of the Congress Members of this House to our sense of appreciation of the labours of the delegation headed by Sir Muhammad Habibullah and to our feelings of gratification for the beneficial results produced by their visit to South Africa and the holding of the Round Table Conference at Cape Town. When it is conceded by such an eminent authority on South African questions as Mahatma Gandhi that the agreement arrived at by the representatives of the two Governments is the best possible under the circumstances and that it is honourable to both parties, it is impossible to withhold our praise from the representatives of the Government of India, so ably headed by Sir Muhammad Habibullah, for the part they played in effecting a settlement.

The agreement, apart from its actual terms, undoubtedly discloses not only tokens of good-will and a change of heart, but also a desire on the part of the Union Government to view, in future, problems affecting the Indian settlers from a sympathetic standpoint.

Before expressing our view on the merits of the settlement, I have to state that owing to a variety of causes we are confronted with a somewhat difficult situation. Firstly, the procedure adopted by the Government of India in announcing to the Central Legislature the ratification of the agreement, without previously inviting the Legislature to consider it, is open to grave objection. By denying to the Central Legislature even the function of an advisory body in a matter of such national importance, the Government of India have not only placed the Legislature in a very embarrassing position, but assumed the entire responsibility for the settlement. Again, Sir, it is not easy for us to express any considered judgment on the settlement before we know how the people immediately affected by it namely, the settlers in South Africa, appraise its value. It will take some time before we receive reliable information regarding the effect of the agreement on their minds. Neither the people of India nor the South African Indians are parties to the settlement. So, frankly speaking, no question of accepting it or not accepting it arises. All that is possible for Indians in both countries to do at present is to express their opinion on the terms of the agreement and its immediate effects and future possibilities. The opinion of the South African Indians is indeed of primary importance in judging the matter, but we must remember that they are placed in a situation which hardly permits of the exercise of their free will in the matter;

[Mr. V. Ramadas Pantulu.]

and their own choice can hardly be viewed as a case of self-determination. So we, the Indians in India, have an equal responsibility in the matter. We have an obligation to see that if our fellow-countrymen are permitted to live in other lands, it is only on terms not derogatory to national self-respect.

Handicapped, as we are, by such serious limitations as stated above, I am glad to be in a position to acknowledge that there are some beneficial provisions in the agreement. The dropping of the Areas Reservation Bill, which aims at practically driving away Indians from the Colony, 12 NOON. the abrogation of the provisions of section 6 of the Indian Relief Act under which an Indian had to sign away his domicile and that of his wife and children before leaving the Colony, the lowering of the age of minority fixed for emigration from 21 to 16, the acceptance in practice of the formula of equal pay for equal work, the proposals for uplifting the Indian community by schemes of education, sanitation and housing and some provisions of the scheme of assisted emigration, are undoubtedly very good points in the settlement. All the same, I think it will be folly to shut our eyes to the dangerous points which are contained in the scheme. The adoption of Western standards of life which is virtually made as a *sine qua non* for living in the Colony is a matter of great difficulty. Sir P. Sivaswamy Aiyer pertinently raised vital issues regarding the exact implications of the expression "Western Standards" and the financial burden that will be involved in the attempt to conform to those standards that might be ultimately demanded by the Union Government. The scheme in the case of those who cannot attain that standard in the near future will perhaps amount to compulsory repatriation. Mahatmaji's fears, therefore, of repatriation re-emerging as re-emigration are real. Again, the Indian Government and the people should also be watchful over the operation of the provision to send settlers to countries other than India under the assisted scheme. The provision about refunding assistance money and bonus in the event of returning to South Africa virtually destroys the concession of non-forfeiture of domicile and of liberty to return to the Colony. Again, the clause provided for investigation into sanitary and housing conditions in and around Durban which will include limitation on the sale of lands may result in cramping the Indian community residing in Durban. Then again the entire question of the civic freedom and elementary citizen rights of Indians in South Africa are relegated to the womb of the future, and no assurance is forthcoming. India cannot overlook these unsatisfactory features.

The proposals for the appointment of an Educational Commissioner and an Agent on behalf of the Government of India will be widely welcomed, but the object in view may not be accomplished unless Indians of high attainments and approved standing and who will command the confidence of Indians in this country as well as in South Africa are selected for these posts of trust and responsibility.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay: Non-Muhammadan): Sir, it must be as gratifying to the Honourable Sir Muhammad Habibullah, the Leader of our House, who by a happy coincidence was also the leader of the delegation from the Government of India to the Round Table Conference at Cape Town in South

Africa, as also to the deputy leader, the Honourable Mr. Corbett, as it is to myself, who are all three Members of this House and served on the delegation, to hear the favourable comments made on the work of the Conference by the speakers who have preceded me and to read what comments have already appeared in the Press so far. Sir, on many important questions relating to the affairs of Indians, perhaps the Government of India have not seen eye to eye with the Indian public, but on this vexed question of South Africa it is most gratifying to us that the Government of India took up a stand which was quite in consonance with the views of the Indian public from the time that Lord Hardinge was Viceroy. His successors were as determined and carried on the struggle, and it has fallen to the lot and good fortune of His Excellency Lord Irwin that within the first year of his Viceroyalty, he and his Government have been able to achieve such good results. If the Government of India delegation has achieved some success, we as members of that delegation are quite prepared to admit and acknowledge the yeoman service rendered by the deputation which went to South Africa a year before us. They laid a strong and solid foundation upon which we have been able to raise a superstructure which, we feel confident, as years go on, will gain greater and greater strength, and I believe that the Government of India acted very wisely in appointing the former Chairman Mr. (now Sir George) Paddison as one of the members of the delegation and have acted equally wisely in lending us the services as Secretary of that able and efficient officer Mr. Bajpai who was also the Secretary of the deputation.

The House may not be generally aware that South Africa in size and extent is one-eighth of Canada and one-sixth of Australia. South Africa is divided into four provinces, Cape Province in the South with 277,000 square miles is larger in extent than the other three Provinces put together; while the combined area of the other Provinces, the Orange Free State, the Transvaal and Natal falls a little short of 200,000 square miles. I give these particulars to the House, because I desire to remind Honourable Members that although since 1911 these Provinces have been united and the Government is now known as the Government of the Union of South Africa, before the Union these Provinces had their own Governments and their own different laws. The tendency, therefore, still continues of endeavouring to follow in many directions the laws which prevailed when there was no union, and this accounts for the difference of treatment of Indians in the different Provinces. The Indian population to-day in South Africa is estimated at 173,959, of which there are less than 200 in the Orange Free State, and there is no likelihood of that number increasing, because no more Indians are admitted in that Province. In the Cape Province, there are 6,615. The Transvaal is regarded as the richest Province so far as its mineral wealth is concerned, and the number of Indians in that Province is 15,747, whilst the remainder of the 151,420 are in Natal. Now, Natal including Zululand, be it remembered, is by far the smallest of the four Provinces; but if it is the smallest, it is the most fertile and measured by population and taxable income by far the wealthiest. In the Cape Province for nearly 800 years there have been Asiatics who are known as Cape Malays. They were brought there originally from Java, and for these Cape Malays there is always a soft corner in the hearts of the South Africans. Most of them live in the Cape Province, and whatever laws were applicable to the Cape Malays were made equally applicable to the Asiatics in this Province, with the result that the lot of the Asiatics in Cape

[Sir Phiroze Sethna.]

Province is not as bad as in the Transvaal and in Natal. The Areas Reservation Bill and the disabilities contemplated therein were the result of agitation from Natal and the Transvaal. The Areas Reservation Bill, if it were passed last year, would indeed have driven away Indians from South Africa bag and baggage, and if our delegation had succeeded in doing nothing more than have the Bill withdrawn, it would have been credited with having succeeded in its purpose. As the House was informed by the announcement read out by the Honourable the Leader of the House and also by the annexure to the same which was handed over to us two days ago, the delegation was able to accomplish more. It is not necessary for me to refer to these details, but I shall in brief refer to some of the criticisms which have been offered not only by Honourable Members in this House, but also by others who by their firsthand knowledge and their long-standing connection with South Africa are in a position to speak with authority. The House will admit that there is no person in the whole of India who understands this question so well as Mahatma Gandhi. His opinion has been expressed in the papers and to which reference has just been made by the Honourable Mr. Ramadas Pantulu. In brief, he says that the settlement is honourable to both parties. It is not the best that can be conceived, but it is the best possible. I doubt, he adds, if any other delegation could have done more. But, whilst paying this compliment, he refers to what he calls some danger points. In particular, he does not like the idea of repatriation being now called "re-emigration". The fear at the back of his mind is that, if it is re-emigration it may entitle the Union Government to send away Indians to far-away Fiji or British Guiana, where we would not like them to go. I may state before the House that at the Conference all that was contemplated by way of emigration was that, if the South-African-returned Indians wanted to emigrate after their return to India, they might be sent to those countries with which we have emigration arrangements, such as the Island of Ceylon and the Straits Settlements. If hereafter the Union Government contemplate or propose to send any of its Indian subjects to Fiji or British Guiana, they will not be able to do so without consulting the Government of India, and it will be for the Government of India to withhold their consent if they desire to do so.

Another fear which Mahatma Gandhi has expressed is in regard to matters of segregation. He thinks that the special steps under the Public Health Acts, etc., might lead to segregation. On the contrary, it will avoid segregation, and for this I may refer Mr. Gandhi to his able lieutenant, Mr. Andrews. He will convince him that, within the last few months, it was measures like this, namely, the co-operation of Indians with the authorities, recommended by Mr. Andrews himself that stamped out the epidemic of small-pox in Durban in far quicker time than it would otherwise have done. It was therefore we asked for the privilege of having advisory committees and which I know will be welcomed by our Indian friends in South Africa. These are the principal comments of Mahatma Gandhi. There was reference by some Members to-day, and I have also heard it said outside, that it is unfortunate that the delegation were not able to obtain either municipal or parliamentary franchise for Indians in South Africa. My answer to that criticism is, that enough is as good as a feast, and we dared not ask for more for fear of risking what we had secured. But at the same time, I do believe that in due course of time we shall obtain these privileges too.

Sir, the Honourable Dr. Malan, Minister of the Interior, observed that "it is the duty of every civilised Government to devise ways and means and to take all possible steps for the uplifting of every section of their permanent population to the full extent of their capacity and opportunities." Those Indians who desire to remain behind permanently are referred to in that sentence. This clearly shows that the authorities there assume the responsibility of uplifting our Indian friends in the Union Government and we hope that, when progress has been made in education as well as in other matters not only municipal but also parliamentary franchise will be extended to them. In fact, Dr. Malan's statement enunciates Cecil Rhode's axiom of "equal rights for all civilized people."

In addition to Mr. Gandhi I should also like to quote what Mr. Andrews thinks of the work done by the delegation. Whilst we were on our return voyage, he telegraphed to the *Indian Daily Mail* the following: (1) India's dignity is now unstintingly recognised, (2) her social status upheld, (3) a friendly atmosphere now regarded as normal and anti-Asiatic outbursts discredited, and (4) a determination has been reached to settle everything in future by Conference and not by force. These, Sir, are the criticisms of men who understand the question better than anyone else, and I think this might be taken as excellent testimonials from persons who are able to criticise.

It is true that trade licences are not given to Indians to-day as freely as in the past, and this is because the giving of a licence is in the hands of municipalities but even then the total of licences has not decreased. Competition is not so much with the Dutch or with the British South Africans as with members of the Jewish community who are evidently in a better position to influence Municipal Councillors. Our Indian friends told us that they can safely rely on getting justice in the matter of licences if only they were allowed to appeal to the highest tribunal. We have asked for such right of appeal and we expect that, when the licensing laws are next taken up for revision, the Union Government will pay heed to our request.

My friend the Honourable Mr. Ramadas Pantulu has made certain criticisms but has laid stress on two points. His first point is that before ratifying the agreement, Government should have consulted the Council and the Assembly. This is a matter to which I am sure the Honourable Leader will fully reply. His next point is that what is of primary importance is that the Indian settlers in South Africa will approve of what the Conference has done. I may be allowed to say that the South African Indian Congress held an emergency session before we reached that country and deputed three members from each of the three provinces to acquaint us with the situation and all their grievances. These gentlemen were in constant touch with us and rendered us great help. They of course did not know the result of the Conference, but they must have learnt the details in South Africa two days ago when the announcement was made in India on the 21st instant. Knowing the views of these representatives and understanding their requirements, I may assure Mr. Ramadas that what has been done is bound to prove acceptable to them. They did not want a set-back which has been secured and they will realise that there will be gradual progress hereafter.

Sir, much has been said in regard to the appointment of an Agent from the Government of India. I entirely agree that the success of the details

[Sir Phiroze Sethna.]

to be worked out and the continuance of better relations between the two countries will depend very largely on the selection to be made of that officer. He must be an officer who is a *persona grata* with the Indians, but also one who will command the respect of the Union Government, and in my opinion preference should be given to a suitable Indian for the position.

I may here quote a telegram which Mr. Andrews wired out to London some days before the Indian members of the Conference left Africa. "Thank God" (this appeared in one of the English papers) "Thank God a satisfactory result has been reached owing chiefly to Sir Muhammad's skilful leadership and Mr. Sastri's wonderful moral personality and spiritual vision." We certainly owe a great deal to the consummate tact of our Leader and the inclusion of Mr. Sastri added great weight to the delegation. But I would like to emphasise in this House as I did at a meeting in the Town Hall at Johannesburg when addressing our Indian friends that we must not forget the work done in collaboration with us all by our three European colleagues. They worked as devotedly and as hard in the Indian interests as did any single Indian member of the delegation. And the Indian community, both here and in South Africa, have every reason to be grateful to the Honourable Mr. Corbett, Sir Darcy Lindsay and Sir George Paddison for the devotion with which they discharged their duties on the mission on which they were sent out.

Mr. President, if any credit is due to the delegation as a whole, let me assure you that far greater credit is due to the Union Members of the Conference. They approached the subject not only in a spirit of conciliation, but what is more to the point, free from the bias and prejudice which prevailed in the country before the Round Table Conference was agreed to, and for this we are greatly indebted to them all. The ball was set rolling by the Prime Minister himself at a luncheon given by the British Indian Union in London to representatives from different countries to the Imperial Conference, and at which function one of our own colleagues, the Honourable the Maharaja of Burdwan, was also a distinguished guest. General Hertzog in replying to the toast of the guests made use of words which I am sure will not be out of place if I quote them to the House to-day. He observed:

"We have had our differences in the past—certainly not quarrels, but differences of considerable importance to India, to South Africa and also to the Empire. Well, so far as those differences are concerned, I feel convinced that with a better understanding of one another—of one another's requirements and outlook—and with the will to do that which should be done as between friends and as between nations who desire to stand over against one another as friends, we shall come to the conclusion that we are prepared to see one another's requirements, and, as far as possible, to meet them. I am prepared to say that we have no fear that these difficulties and problems will not be eventually settled to the satisfaction of the one as well as of the other."

This feeling was not confined to the Honourable the Prime Minister alone. The Honourable the Minister of the Interior, Dr. Malan, was most sympathetic. Of course it was not all a plain-sailing but, to give them their due, we must admit that they always considered our point of view sympathetically and arrived at the satisfactory conclusions that we reached. And for this not only are we obliged to the Prime Minister and to Dr. Malan, but to every individual Union delegate to the Conference. Sir, the atmosphere had so completely changed by the time of our return that I cannot do better than quote a telegram from its South African

correspondent to the *London Times* which was published in that paper a day before we left Cape Town. It reads as follows:

"The Conference has been a triumph for personal consultation. Relations between the delegates of the Indian and the Union Governments have been uniformly most cordial, and the Indian delegation leaves for India in a gratified frame of mind. The principle of direct dealing between the two Governments, thus found successful, may be developed beneficially in future."

Sir, just 4 or 5 days prior to the Indian delegation sailing from Bombay on the 24th November, General Hertzog, when receiving the Freedom of the City of London, was also presented by the Lord Mayor with President Kruger's wagon which was brought over to London by Lord Kitchener and presented to the then Lord Mayor as a trophy. General Hertzog in accepting the gift used these memorable words: "We have defeated the British by friendship". May we in our turn use his own words and say that India has defeated South Africa by friendship, and may we in the words of this motion hope that the friendship now formed will be a lasting one and that as a result of the Conference which history will record as the Hertzog-Habibullah agreement there will be beneficial results forthcoming now and hereafter. (Applause.)

THE HONOURABLE SARDAR CHARANJIT SINGH (Punjab: Nominated Non-Official): Sir, I should like to congratulate the Government of India on the satisfactory agreement which has been reached on the South African question—an agreement which I am glad to find has been reached in the words of Dr. Malan himself "in entire absence of a spirit of bargaining—that it has been a whole-hearted settlement and that no stigma of racial inferiority whatsoever is implied by it". The success which has crowned the efforts of the Indian delegation is in a large measure due to the far-sighted statesmanship of the Government of India and to the tact and sagacity of the members of the delegation, and in particular of its leader, who is no other than our Honourable friend Sir Muhammad Habibullah.

I am sure the discontent which was fanned to a flame by this vexed question has now been buried for ever, and I earnestly hope that this honourable and friendly settlement will prove a solid foundation for a lasting friendship and good-will between the two great nations concerned.

In this connection I should like to say that our thanks are also due to Mr. Bhole for his share in the achievement of this result.

THE HONOURABLE SARDAR SHIVDEV SINGH OBEROI (Punjab: Sikh): Sir, though I desire very much to join in this chorus, as my Honourable friend Sir Umar Hayat Khan said, I see, my lot having fallen last, I cannot find any points which have not been dealt with by the previous speakers. I would like to be very modest and very brief in my appreciation of the settlement which has been made between the Indian Government and the Union Government through the fruitful endeavours of the Indian delegation. After hearing the statement which was read out by the Honourable the Leader of the House, I took the annexure thereto with me. I wanted to read it, to think it over, and find out its good points and its shortcomings. I read it once and then left it and then took the *Hindustan Times* to read its comment on it. I found there a quotation from Mahatma Gandhi, the bitterest critic, though the sincerest of our Government, in which he said that the settlement made was an honourable one. After that, I ceased to work my brain any more on the point, because I thought that when a gentleman, who has the subject of South Africa at heart, and who is the best authority on the subject, and who

[Sardar Shivdev Singh Oberoi.]

is the greatest critic, as I have said, of our present-day Government has said so, there was nothing for me to do but to come to the conclusion that the settlement which had been reached was really worthy of appreciation. We must congratulate the Honourable Members of this House because not less than three Honourable Members of this House were on the Indian delegation which has rendered so much service to the country. Before this matter was brought before this House I happened to meet Sir Muhammad Habibullah at his house, and he told me that he had been successful not only in getting a settlement made on favourable terms to Indians, but he had also been successful in forming cordial and friendly relations with the members of the Union Government, and he was confident that the relations which had been so successfully formed would encourage him to win more points for the benefit of Indians in the future. This is a matter of real gratification to us to hear from the Leader of that delegation. Although all the Viceroys since Lord Hardinge have taken vigorous steps to voice Indian aspirations, yet it has fallen to the fortunate and happy lot of His Excellency Lord Irwin that this settlement has been arrived at between the two Governments in the first year of his Viceroyalty; and we think it a very happy augury for his regime.

As regards the remarks of my friend, Mr. Ramadas Pantulu, that the political rights of franchise have not been given, I think there is nothing to fear because I feel that the way has been paved and the time will come when those ambitions of the Indians in South Africa will be fulfilled in course of time.

I would like to mention one point, Sir, about this Round Table Conference. A Round Table Conference has achieved so much for the Indians under a foreign Government. I think that differences of opinion between two Governments or between the people and the Government can be settled much better by means of a Round Table Conference than by other means; and I would pray that there may be more Round Table Conferences to settle differences. I would also suggest that the ambitions and aspirations of the Indian people to get their political rights may also be settled by a Round Table Conference, and with these few remarks I heartily join in supporting the motion.

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN (North West Frontier Province: Nominated Non-Official): Sir, it was announced in April last that the Union Government of South Africa had agreed to hold a Round Table Conference with a view to consider all possible methods of settling the Indian question in a manner which would safeguard the interests of Indians in South Africa. The Union Government had also agreed to receive a deputation from India to participate in the deliberations of the said Round Table Conference to be held at Capetown in December 1926. Since the commencement of the Conference which has lasted till the 12th January 1927, every hope had been entertained of an amicable compromise in the matter and much anxiety has been felt by the general public as to the result of the said Conference. It is a matter of great relief to those anxious about the conclusions arrived at the Conference that the Government of India have been pleased to announce the settlement thus reached by the strenuous efforts of the deputation from India. It appears from the conclusions arrived at the Round Table Conference that

there has been a full and frank exchange of views in the matter, resulting in a true appreciation of mutual difficulties and a desire to co-operate in the solution of the problem in a spirit of friendliness and good-will. The Honourable Sir Muhammad Habibullah, under whose leadership the deputation sent by the Government of India had the good fortune to make a representation of their views in the matter, is to be highly congratulated upon having secured a settlement that appears honourable to both the parties. He might have had to confront difficulties in arriving at a settlement which according to some is not the best that could be conceived but in fact the best that was possible; the settlement itself provides abundant proof of the endeavours and interest displayed by the deputation in this behalf, and I have every reason to believe that their endeavours in securing such a settlement will not go unappreciated by those concerned in the betterment of Indians in South Africa. Although I am not in a position to predict what may follow later on, yet from the statement made by the Honourable the Leader of the House and by conversing for a short time at Peshawar with the members of the South African deputation, I had sufficient reasons to believe that the members of the Indian deputation would exert their utmost to convince the Union Government of the necessity of acceding to the settlement now reached. I am glad to say that a settlement has been made as I anticipated it. Now that friendly relations have been established between the Government of India and the Union Government of South Africa, it is hoped that some of the unsolved problems will be dealt with in future satisfactorily. It is greatly to the credit of the deputation led by the Honourable the Leader of the House that it has succeeded in making the Union Government postpone consideration of that most objectionable measure called the Class Areas Bill for the next three years. Gradual concessions are more durable than those acquired hastily. My own Pushtoo proverb says in this respect:

"Eating little lasts for one's life-time, but to swallow too much is always poisonous."

With these words I strongly support the motion brought forward by our Grand Old Man, Sir Dinshaw Wacha.

THE HONOURABLE RAJA SIR RAMPAL SINGH (United Provinces Central: Non-Muhammadan): Sir, I join with my Honourable friends in offering my congratulations to the Honourable Sir Muhammad Habibullah and his colleagues on the successful settlement of the South African question which was agitating the public mind for a long time past. It was a vexed and complicated question, and at one time it seemed to be beyond solution, but the firmness and determination of the Government of India to protect Indian interests, coupled with the perseverance, tactfulness and conciliatoriness that they brought to bear upon bringing about this agreement should be cordially approved by this House. The terms of the agreement themselves are a distinct gain to the Indian people residing in South Africa; but I value more the bright prospect of future amity and good understanding and better relations between the two countries. It has potentialities of bearing fruit in the shape of bringing about that equality in status and freedom that India very much claims, and will leave no stone unturned to obtain. Let us hope that the details will be worked out by the Union Government, in consultation with the Government of India, in the same spirit which prevailed at the time of the Round Table Conference, and that no

[Raja Sir Rampal Singh.]

one-sided interpretation will be allowed to mar or impede the friendship or rather the future progress of friendship that has been established. With these words, Sir, I cordially support the motion that has been moved by my Honourable friend, Sir Dinshaw Wacha.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces: Nominated Non-Official): Sir, as one of the oldest Members of this Council and as one who had participated before in many discussions on the South African question, I would not like to give my silent vote on this occasion. Sir, I join in the chorus of congratulations which have been extended to the Habibullah delegation. There is no doubt, as Sir Phiroze Sethna has pointed out, that South Africa has been defeated by friendship, and I hope this friendship which has now been formed, and whereby suspicion and prejudice have already been dissipated, will develop into a state of amity which will be of an enduring character for the benefit of both India and South Africa.

Sir, in this settlement I do not look only to the agreement which has been arrived at. The agreement does contain results of a great achievement, but the significance of this agreement contained not in what it actually embodies, but in the possibilities and potentialities it opens out and we hope that friendship and trust will, in future, develop to the extent of settling many other important points of differences and obtaining for Indians both the political and municipal franchise and other concessions in South Africa.

There is one point which my friend Mr. Ramadas Pantulu made as regards Government not having given an opportunity to the Indian Legislature for discussing this agreement before the ratification had taken place. I have not the slightest doubt that the Honourable the Leader of this House will explain the official point of view, but I congratulate the Government on not having allowed discussion on this matter from a non-official point of view. If this matter had been discussed before the agreement had been ratified, perhaps, in some quarters, it might have led to some ill-informed and acrimonious controversy over what further ought to have been achieved and a discussion of such matters would have taken place with the result that it would have embarrassed the Indian Government as well as the South African Government. There are certain people who may not be quite satisfied with the concessions obtained. They may not be enthusiastic over the achievement of the Habibullah Delegation, but if good feelings are maintained between the two Governments, and if our relations of amity are continued, we fully expect in the fulness of time to obliterate altogether those unhappy days of controversy in the past, and in future we can always look forward to harmonious working with the Union Government and watch over the rights, privileges and claims of our Indian friends in South Africa.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal: Muhammadan): Sir, I rise to join the chorus of congratulations to the Honourable Sir Habibullah who led the Indian deputation to South Africa so successfully and to support the Mover of the motion. I feel an immense pride that this signal honour of leading the deputation has so aptly fallen on the most honoured Member of our House. The splendid statement that we have heard from his lips and others bear ample evidence of his superior tact

and diplomacy, which we have learned to associate with all his undertakings. Sir, I am also aware of the extremely delicate and difficult task that he along with his other honourable colleagues had to undertake and the greater is his glory that he has accomplished it with such remarkable success. As a Muslim representative coming from West Bengal, I feel it my duty to express my heartiest congratulations on his successful conclusion of a very important and delicate undertaking with such marked success. This indeed will be a landmark in the history of our country where an Indian had led the deputation to a foreign Government which had till now defied even the political sagacity of the late Mr. Gokhale. Need I assure my Honourable friend Sir Habibullah that not only this House, but the entire country, will feel deeply grateful to him for having brought the delicate and ever present problem of Indians in South Africa to a successful termination. With these few remarks I resume my seat.

THE HONOURABLE NAWAB SAHIBZADA SAIYAD MOHAMAD MEHR SHAH (East and West Punjab: Muhammadan): Mr. President, I rise to offer to Sir Muhammad Habibullah and his colleagues my hearty congratulations on behalf of the whole of the Muhammadans of the Punjab, and more especially on behalf of the Landholders whom I have the honour to represent here.

The troubles that had faced Indians in South Africa and the unjust treatment which was feared would be meted out to them had proved to be a source of great anxiety to all the inhabitants of India irrespective of caste or creed. The complications involved in the affair were so disheartening that the solution of this question looked almost impossible.

The settlement of this great problem in so befitting a manner is due first of all to the sincere help given by the Government of India and, secondly, to the great ability and skill with which the deputation dealt with it.

Moreover, it is a matter of special pride to us that one of those who helped to solve this question was an Indian worthy of great respect and another the Leader of this House.

There is no doubt whatever that the success attending this undertaking has so increased Sir Muhammad Habibullah's old popularity that India's present and coming generations will always look upon him with great respect.

Once more, Sir, with sincere and great regard, I offer my congratulations to Sir Muhammad Habibullah, and I earnestly pray that this settlement may for ever preserve the rights of the South African Indians and may be instrumental in promoting friendly relations with the other nations.

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH SAHIB BAHADUR (Education, Health and Lands Member): Sir, while making a statement on behalf of the Government of India the other day in this House, I had expressed my embarrassment in having to give expression to the appreciation of my Government to the work of this delegation, and I had hoped that Honourable Members who had listened to that statement from me would acquit me of any sense of vainglory or immodesty and recognise that in making the remarks that fell from me I was acting merely as the spokesman of the Government of India. My

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embarrassment to-day is far greater as I am sitting here listening to the encomiums that have been so gracefully lavished upon me and the members of my delegation for our work in South Africa.

Speaking for myself, Sir, I cannot resist the temptation on this occasion to frankly admit that, whatever my capacity, my tact, my skill or my statesmanship might have been, the work that has really been achieved would have been impossible, nay unthinkable, if I had not the loyal, the zealous and the enthusiastic co-operation of my colleagues on the delegation. We worked together as a team, and may I honestly confess that our team work was exemplary. Every one of the members contributed his best, and I take this opportunity of acknowledging with the greatest gratitude the help, the assistance and the co-operation which I received from them.

My task to-day, Sir, has been considerably minimised on account of the contributions which have been made to the discussion by most of the Honourable Members who have examined carefully and minutely the terms of the agreement which was laid on the table of the House the other day. I do not at all, Sir, on behalf of the delegation lay any claim to what has been actually accomplished, but I do say and say with emphasis that what we have accomplished is really the potential good which has yet to come. Every one of us knows the interest which Mr. Gandhi has been evincing in the condition of Indians in South Africa. I believe I am right in saying that there is no living authority greater than him on this question, and I think I cannot do better than quote one very significant sentence from the article which he is contributing to his newspaper *Young India*, an advance copy of which has been supplied to us through the kindness of the Associated Press. He says:

"What has been accomplished is an almost sudden transformation of the atmosphere in South Africa from one of remorseless hostility towards Indians to that of a generous toleration and from complete social ostracism to that of an admission of Indians to social functions."

What is that change of attitude due to? It is indeed due to the change of atmosphere in South Africa. And what does that change of atmosphere in South Africa really connote? It connotes that there has been a change of heart, and once we have secured a change of heart, may we not confidently hope that the problems in South Africa will go on solving themselves in future until the Indian shall have received that treatment which he is rightly entitled to? Well, there have been certain circumstances which contributed to the happy result which the delegation was in a position to secure. I have already in my statement to this House brought to its prominent attention one significant circumstance, namely, the good work, the noble work, that was done by the Paddison Deputation in South Africa. But I should not at the same time forget to give prominence to those factors which enabled the Paddison Deputation to achieve the remarkable result which they did. Honourable Members will remember that about this time last year feelings in India had been roused almost to boiling point. Expressions of opinion were forthcoming from every quarter as regards the action that should be taken by the Indian Government for the purpose of ameliorating the conditions of the Indians in South Africa.

Various suggestions were being made from time to time as to what should be done. It was at a time when the atmosphere was so much disturbed that Lord Reading, with his usual sagacity, foresight and statesmanship, summoned unto himself a conference of the leaders representing various parties and expressed to them the hope that, as very delicate negotiations were proceeding at that time between the Government of India and the Union Government of South Africa and the Paddison Deputation was doing its utmost to bring about the best results possible, that they should restrain themselves from indulging in any criticisms which would only tend towards the further disturbance of that atmosphere. Thanks indeed to the wisdom of those leaders there was a lull and a calm. Not only to the leaders, but our thanks are no less due to the public press and to Indians as a whole for the restraint which they exercised over themselves. This, I may assure the House, had a marvellous influence on the South African mind and induced them to listen to the representations which were made to them by the Paddison Deputation which resulted in the suspension of the Class Areas Bill which was then on the tapis of the Legislative House of the Union. We shall not therefore forget our gratitude to the leaders, to the public press, and to the people of India, who in their turn contributed to the creation and the maintenance of the calm atmosphere which virtually led to these happy results. I think I may in the same breath pay a handsome tribute to the wisdom, sagacity and statesmanship of the Ministers in South Africa. From the moment that we met them, the feeling dawned upon our minds that they, like ourselves, were quite willing to enter into the Round Table Conference with an open mind, that they were as anxious as ourselves to explore all possible means of solving a problem which for decades past had been agitating both the South African and the Indian mind, and that they would extend their help to us in the solution of this problem to the best of their ability. Fortified therefore with that conviction, we entered the Round Table Conference in a spirit of optimism, and I am glad to assure the House that throughout the proceedings the same feelings of good-will and the same feelings of cordiality prevailed. We cannot therefore be sufficiently thankful to them for all that they did at the Round Table Conference. I cannot on this occasion omit to mention two very significant names—names which must figure in the future history of the relations between India and South Africa as towering personalities. I refer to my friends General Hertzog and Dr. Malan. General Hertzog as Prime Minister, possessed supreme power either to accept or reject these proposals. His charm of manners, his sincerity of purpose, his broad-mindedness, his earnestness to view Indian questions from the standpoint of establishing permanent and lasting friendship between his country and India were no mean asset in the achievement of our object. Of Dr. Malan I cannot speak in sufficient terms of praise. I was told that he had a varied career during his lifetime. It would seem that

1 P.M. he began life as a clergyman, took to journalism and is now a Minister, and I think the least compliment that I can pay him is that he combines in himself the godliness of a clergyman, the acute intellect of a journalist and the diplomacy of a Minister. He was of the greatest help to us and I must acknowledge it most gratefully indeed. One other circumstance which I ought not to omit to mention is the hospitality which was extended to our delegation by the Union Government. From the moment we landed in South Africa until the moment we left the

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shores of Delagoa Bay we were the guests of the Union Government. Their large-hearted hospitality towards us is beyond description. The care and attention which they paid to our comforts and the great solicitude which they displayed towards us during our stay stagger description. They had detailed special officers to look after our comforts and conveniences. These, like our guardian angels, made us feel that we were really at home. This was not merely a token of hospitality which one extends to another, but there was a deeper significance behind it—it was an earnest of their good-will and friendliness, and I think that as leader of the delegation, I must offer my grateful thanks to the Union Government for their splendid hospitality.

A few—I shall not call them criticisms in the sense of the word—but a few observations have been made by some of the Honourable Members. While I attach great significance to the fact that my friend the Honourable Mr. Ramadas Pantulu, who is the accredited leader of the Swaraj Party, has also joined in the chorus of congratulations that were being showered upon the members of the delegation, he has made a few remarks in regard to the procedure adopted by us on the results of the Conference. He complained that in a sense the cart was put before the horse, in that the Government of India ratified the agreement and then allowed this House to discuss it. I do not pretend to be an authority on constitutional law, nor is my antiquated knowledge of law so good as to enable me to indulge in a discussion of that very difficult question. But to my mind it seems palpably correct to say that the function of ratifying treaties and agreements rests with the Executive, and not with the Legislature. I think I may take shelter, if I may, in what happens in the Mother of Parliaments. I have yet to know of a single treaty or agreement which Great Britain might have entered into and which prior to ratification was placed before Parliament for such purpose. I know Parliament is allowed an opportunity to discuss, but I maintain that the function of ratification rests with the Executive Government. There was, therefore, no lack of respect for this House on the part of the Government of India when they ratified this agreement and allowed the House to discuss it. But furthermore, even the Union Government of South Africa, which of course is a democratic country and is a self-governing colony, did not adopt the procedure that has been suggested by my Honourable friend Mr. Ramadas Pantulu by placing this agreement before its Parliament and then announcing it to the country. On the other hand, if Honourable Members followed the statement which I made the other day, I made it distinctly clear that the Union Government had informed us that they had ratified the settlement that had been tentatively reached between the two delegations and that they were going to announce it to their Parliament on the 21st; that I was anxious therefore that a simultaneous announcement should take place here and begged the leave of the Chair to announce it on the same day. From the accounts that have appeared in the public press one would also have noticed the fact that Dr. Malan made the statement that he promised he would on the 21st in his Parliament and conveyed the information that their Government had ratified it already. I think I am not so pessimistic as my Honourable friend Sir Maneckji Dadabhoi in regard to the possibilities which might have ensued if this tentative agreement had been placed before the Council before the Government of India had ratified it. I am a stout optimist myself, I do not anticipate that this

House would have rejected the agreement if I had placed it before it at that stage, nor do I expect that there would have been anything like acrimonious discussion over the settlement. I feel that the agreement would have received the same chorus of praise which it has done to-day. But for the reasons already explained by me the Government of India were justified in adopting the only correct procedure which they should have done in the circumstances, and I hope Mr. Ramadas Pantulu will take it from me that in this case they have not deviated from the usual procedure. It was only to be expected that Mr. Ramadas Pantulu should have raised the issue in regard to the non-conferment—shall I say—of political and municipal rights to Indians. One or two Honourable Members have relieved me of the task of answering him on that point. I will only add that when good feelings between the two communities grow the grant of political rights would adjust itself to the prevailing conditions. It would not therefore have been prudence or wisdom on the part of the delegation to have put that item in the forefront of their demands; but the delegation have secured from the Union Government what might be regarded as a prelude to such possibilities. They have secured from them the right on behalf of the Indians that committees of Indians should be associated with local bodies for discussion of questions in which the Indians are interested and when this method of consultation and of identifying the Indians with their own interests and of bringing them into contact with the members of local boards is established, let us hope that what Mr. Ramadas Pantulu has in view may be secured in process of time.

He was rather anxious as regards the light in which the Indians in South Africa would have received this announcement, and he was feeling therefore a bit nervous as to whether he should give his blessings to this agreement in anticipation of a knowledge of such views. Thanks to the information which we have got from Reuter this morning, we have been assured that all shades of opinion in the Cape Province applaud the Indian agreement. So any misgivings on that point might also be made to rest.

I think, Sir, before I close I should not fail to mention the noble, unselfish and humanitarian services rendered by that godly person and true Christian, namely, Mr. Charlie Andrews. He was practically the link between the delegation and the Indian community in South Africa. He was in daily touch with myself and with my colleagues and was responsible for a great deal of information which the delegation was able to secure from the Indians in South Africa. His services cannot be ignored in connection with this settlement.

To conclude, Sir, I shall borrow with your permission a simile. We, the members of the delegation might well be compared to a body of medical practitioners; we were summoned to South Africa to examine a patient whose condition had been pronounced to be critical who was suffering from a chronic disease. We went there and we examined the patient, diagnosed the disease and applied effective remedies. We have now returned with the satisfaction that the patient has turned the corner. That does not mean that he should not be looked after in future; that does not mean that the need for further nursing or treatment has disappeared. He will continue to be nursed; he will continue to be treated; and he will continue to be looked after, and we are hoping that from day to day he will make progress until he is himself again.

THE HONOURABLE THE PRESIDENT: The question is that the following motion be adopted:

"This Council begs to convey to His Excellency the Governor General in Council its appreciation of the results achieved by the Government of India delegation to the recent Round Table Conference on the Indian question in South Africa, and expresses the hope that the direct relations that have now been established may eventuate in lasting amity between India and South Africa by the satisfactory settlement of any questions that might still require adjustment."

The motion was adopted.

The Council then adjourned till Eleven of the Clock on Thursday, the 24th February, 1927.
