

24th January 1927

THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)

Volume I

FIRST SESSION
OF THE
THIRD LEGISLATIVE ASSEMBLY, 1927



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LEGISLATIVE ASSEMBLY.

Monday, 24th January, 1927.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock.

ADDRESS OF H. E. THE VICEROY TO MEMBERS OF THE LEGISLATIVE ASSEMBLY.

(His Excellency the Viceroy with the President of the Legislative Assembly having arrived in procession, His Excellency took his seat on the dais.)

H. E. the Viceroy: Gentlemen, it is my pleasant duty to-day to welcome you to the opening Session of the Third Legislative Assembly and to wish you well in the labours you are about to undertake. Since I last had the honour of addressing you, the elections have wrought their changes, but, although we miss the presence of some whose faces and names were familiar in the last Assembly and in the wider political life of India, I am glad to see that many have returned, whose experience in previous Houses will be of great value in the important deliberations which this Assembly will be called upon to undertake.

To-day you meet for the first time in your new and permanent home in Delhi. In this Chamber the Assembly has been provided with a setting worthy of its dignity and importance, and I can pay its designer no higher compliment than by expressing the wish that the temper, in which the public affairs of India will be here conducted, may reflect the harmony of his conception.

As regards external affairs, there is only one matter to which it is necessary for me to refer. As Hon'ble Members are aware, the situation in China has been the subject of grave anxiety. Attacks have recently been made on the lives and property in the various treaty ports of the mercantile communities, which include many Indian as well as British subjects. Certain Settlements have already been evacuated under pressure and the property of the residents extensively plundered. Other and even more important areas are similarly threatened, and His Majesty's Government have reluctantly decided that it is their duty to send reinforcements to China to protect the lives of those for whose safety they are responsible. Having regard to the fact that India is the nearest part of the Empire in which forces are available for immediate despatch, the Government of India have agreed to co-operate in this purely defensive action by contributing a contingent, including Indian troops.

Public opinion throughout the world has lately witnessed the enlightened action that has been taken to bring to an end the conditions of slavery previously existing in Nepal. Hon'ble Members will have welcomed more recent examples of the same humane movement, provided by the action of the Khan of Kalat within his territory, and by the measures taken only

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last month by Government to stamp out slavery in some of the outlying territories situated close to the Burmese frontier.

A few months ago I had the opportunity of visiting another of India's frontiers on the North-West, and of seeing for myself evidence of the improved conditions which there prevail. I trust that the policy which my Government has been pursuing for the last four years in Waziristan will continue to prove of benefit both to the independent tribes and to the adjacent parts of British India.

When I addressed the Indian Legislature on the 17th August last, I stated that the Union Government had agreed to hold a Conference at Cape Town with representatives of the Government of India, in the hope of reaching a satisfactory settlement of the Indian problem in South Africa.

The delegation, appointed by my Government and generally accepted by Indian opinion as representative, sailed for South Africa on the 24th November, and on arrival received a most cordial welcome from both the Government and the people of the Union. The Conference was opened by the Prime Minister of the Union on December 17th and closed on January 18th. As Hon'ble Members have seen from telegrams that have appeared in the Press, a provisional agreement has been arrived at between the delegations of the Indian and Union Governments, which will require ratification by the respective Governments.

Hon'ble Members will share the satisfaction of my Government that Sir Muhammad Habibullah and his colleagues, again happily assisted by the devoted and unselfish labours of Mr. Andrews, should have succeeded in reaching an understanding which, as we may hope, will lead to a settlement of this long-standing problem. Those who recall the difficulty that this question presented a few months ago will feel that the new aspect which it has assumed reflects high credit on those who have represented the two countries in these discussions. Our delegation have already left South Africa and are due to arrive in Delhi on February 6th. Pending their return and the receipt of their report, I am not in a position to make any announcement regarding the provisional settlement that has been reached. It is intended to publish the results of the work of the Conference simultaneously in both countries, and in regard to the date of such publication we are bound to consult the wishes of the Union Government. My Government will not fail to give the Chambers of the Indian Legislature an opportunity of discussing the matter at the earliest possible opportunity.

I now turn to the announcement made by my predecessor on the 9th February 1926 in the Council of State conveying the decision of His Majesty's Government to re-constitute the Royal Indian Marine as a combatant force, thus enabling India to enter upon the first stage of her naval development, and ultimately to undertake her own naval defence. Lord Reading pointed out that much constructive work had to be done before the Royal Indian Navy could be inaugurated. I am glad to be able to say that considerable progress can already be recorded. The Bombay Dockyard has been busily engaged on the equipment of the Depot Ship, and only one sloop remains to be acquired in order to complete the initial strength in ships. Details of recruitment, organisation and finance have been worked out, and the most important of the proposals of my Government under these heads are already in the hands of the Secretary of State. The necessary legislation in Parliament will be carried

through, I hope, early this year. My Government will then be in a position to introduce legislation to provide for the discipline of the new force; and when that legislation is passed, the Royal Indian Navy will come into existence.

A recent event of outstanding interest has been the arrival in India of the Secretary of State for Air in the first of the great air-liners sent out to this country by the Imperial Airways Company. In so far as India is concerned, this development of aviation marks the introduction into the country of a new form of civil transport. India is a country of vast distances, but aviation annihilates distance as it has hitherto been reckoned. The increased speed of air-transport, coupled with the facilities which it offers for surmounting geographical obstacles, will be a potent factor in shortening the communication of India with other countries, and also in linking up her own widespread Provinces, thus drawing them more closely together as members of a single nation.

As the House knows, there are several financial and commercial matters, with which we are at present concerned. After a series of balanced budgets the Government of India may justly claim to have reached a strong financial position, with their credit firmly established both within and outside India. While securing this result, for which India owes a real debt of gratitude to the Hon'ble Finance Member, Sir Basil Blackett, Government have been able to abolish the Cotton Excise duty, to reduce the salt-tax and to extinguish a considerable proportion of the Provincial Contributions. During the present Session, in addition to the annual Finance Bill, legislative measures will be laid before you to give effect to the principal recommendations of the Currency Commission.

A Bill will also be placed before you, based on the recommendations of the Tariff Board as regards protection to the steel industry. The declared object of our protective policy is that ultimately the protected industries should be able to stand alone and face world competition unaided, and it is by this criterion that the success or failure of the policy will be judged. The remarkable progress made at Jamshedpur since 1924 affords reasonable grounds for hope that, before many years have passed, steel will be made as cheaply in India as in any country in the world, and that the need for protection will disappear. But it is necessary, if capital is to be attracted to the industry, that manufacturers should be assured for a reasonably long period of the continuance of the basic duties applicable to imports from all countries. The Board however are, I think, right in forecasting that after seven years the time will have come to review the position afresh and ascertain, in the light of the circumstances then existing—not whether the industry deserves protection, for that question has been decided—but whether it still needs it.

The Tariff Board, which was specially constituted to consider the claim to protection of the cotton industry, is, I understand, about to submit its report, and my Government will seek to arrive at a prompt decision on the issues involved.

I turn now to topics of a more general character, which must necessarily occupy a prominent place in all our thoughts.

This Assembly is of particular importance inasmuch as within its lifetime must be undertaken the Statutory enquiry, prescribed by the Government of India Act. This fact is my excuse—if such be needed—for speaking frankly on some aspects of the general situation. But, before

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doing so, I desire to make my own position and that of any Governor General plain.

As long as the final control of Indian policy is constitutionally vested in the Secretary of State on behalf of Parliament, it is the duty of the Governor General, while he holds his office, to guide his conduct in conformity with the general policy approved by the Imperial Government. Just as in Parliament, however, Indian affairs are with foreign policy rightly held to be outside ordinary party controversies, so a Governor General as such has no concern with British party politics. It is his duty with his Government to seek faithfully to represent to the Imperial Government what he conceives to be India's interests, and he must count on the help of the Legislature to enable him to do this fairly. On the other hand, it is possible that he may be able to help India, by telling those who represent her in her Councils, from his own knowledge, of the manner in which, and the angle from which, the judgment of Parliament is likely to be formed.

I do not ignore the fact that there is a section of opinion in India which rejects the right of Parliament to be the arbiter of the fashion or the time of India's political development. I can understand that opinion, I can acknowledge the sincerity of some of those who hold it, but I can devise no means of reconciling such a position with the undoubted facts of the situation.

But there is another section of opinion which, while hesitating to prefer so fundamental an objection to any right of Parliament to be the judge of these matters, would yet say in effect that it was indefensible for Parliament to exercise its judgment in any sense but that of granting to India forthwith a wide, if not a complete, extension of responsible power.

The distinction between these two lines of criticism is narrow; for Parliament would be no real judge if its title were held to depend for sanction upon the judgment that it delivers, and it is scarcely possible to impugn its right to deliver a free verdict, without challenging its title to sit in judgment on the case.

I have not infrequently been told that the problem is psychological, and that many, if not most, of our present difficulties in regard to pace and manner of advance would disappear, if it was once possible to convince India that the British people were sincere in their professed intention of giving India responsible government.

It is difficult to know in what way one may hope to carry conviction to quarters which remain unconvinced. I have already stated my belief that, whether what the British people has sought and is seeking to do in India will be approved or condemned by history, their own inherited qualities left them no alternative but to open to India the path in which they had themselves been pioneers, and along which they have led and are leading the peoples, wherever the British flag is flown.

Moreover, in the success of the attempt to lead a friendly India towards self-government, the self-interest and the credit of Great Britain before the world are alike engaged, and forbid her to contemplate with equanimity the failure to achieve a purpose which has been so publicly proclaimed. Every British party in a succession of Parliaments, elected on the widest franchise, and therefore representing in the widest possible manner the British people, has pledged itself to the terms of the 1917 Declaration.

They have implemented those terms by legislation, and thus given practical proof of sincerity by introducing wide and far-reaching changes into the structure of Indian Government.

From those undertakings no British party can or will withdraw, and, although the British race may lack many excellent qualities, they can afford to remain unmoved by charges of bad faith, which their whole history denies.

But, it is said, the alleged sincerity of Parliament receives practical contradiction on the one hand by arbitrary executive acts such as the detention of certain men without trial in Bengal, and on the other by the reluctance of Parliament to give a firm time-table for the completion of its loudly professed purpose of making India herself responsible within the Empire for her own government. The first question concerns the exercise of that executive responsibility which must rest upon any administration, however constituted; and, though I am well aware of its political reactions, it is a question which must be dealt with on its merits, and has no direct relation with the general question of constitutional advance. For constitutional forms may vary widely, but the maintenance of law and order is the inalienable duty of all those on whom falls the task of government. And indeed the action, of which complaint is made, is solely due to the fact that Government has had good reason to believe that those now detained had rejected the way of constitutional agitation for that of violent conspiracy, and that to put a term to their dangerous activities was essential.

I share with all Honourable Members the desire to see an end to the necessity for the continuance of these measures, but the guiding principle in this matter must, and can only, be the interests of the public safety. Nor is the matter one that rests wholly or mainly in the hands of Government. Before releases can be sanctioned Government must be satisfied either that the conspiracy has been so far suppressed that those set at liberty, even if they so desired, would be unable to revive it in dangerous form, or if the organisation for conspiracy still exists, that those released would no longer wish to employ their freedom to resume their dangerous activities. Government have always made it clear, and I repeat to-day, that their sole object in keeping any men under restraint is to prevent terrorist outrages, and that they are prepared to release them the moment they are satisfied that their release would not defeat this object.

The other main ground for challenging the sincerity of Parliament is based, as I have said, upon the general method of approach that Parliament has adopted towards the problem of Indian constitutional development, and as regards this, I wish to speak more fully.

Those who are anxious to see constitutional advance must either coerce Parliament or convince it. I cannot emphasise too strongly that in this matter they are not likely to succeed in coercing Parliament, and that Parliament will resent the attempt to do so, under whatever shape the attempt is made. Moreover, it must inevitably be gravely disquieted by language, which appears to be inspired by hostility not only to legitimate British interests, but also to the British connexion. Nor is this feeling on the part of Parliament the mere selfish desire to retain power that it is sometimes represented. Parliament believes, and in my judgment rightly, that as it has been placed by history in a position to guide

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and assist India, it would be definitely defaulting on these obligations if it surrendered its charge before it was satisfied that it could be safely entrusted to other hands.

Parliament therefore will be rather inclined to examine the practical success or otherwise that has attended the attempt it has made to solve the problem. It will be quite ready to believe that there are features in the present arrangements which can be improved—and it will be ready to improve them. What it will not understand is the line of argument which says that, because the present foundations for future responsible government are alleged to be at fault, this is necessarily to be remedied by immediately asking those foundations to bear the entire weight of the whole edifice we desire to build.

When Parliament invites India to co-operate in the working of the reformed constitution, it does not invite any Indian party, as it was authoritatively stated the other day, to lay aside for the time being its demand for Swaraj; it does not desire that any party or individual should forego the freest and fullest right of criticism and constitutional opposition to any action that Government may take; but it does invite Indian political parties to show whether or not the ultimate structure, which Parliament is seeking to erect, is one suitable to Indian conditions and Indian needs. If it sees any large section of Indian opinion, however vocal in its desire to further the cause of Indian self-government, steadily adhering to the determination to do nothing but obstruct the machinery with which India has been entrusted, Parliament is more likely to see in this evidence that the application of Western constitutional practice to India may be mistaken than proof of the wisdom of immediate surrender to India of all its own responsibility. It is therefore a matter of satisfaction that a considerable part of the political thought of India has not allowed itself to be dissuaded by criticism or opposition from endeavouring to work the new constitution with constructive purpose. Those who so guide their action are in my judgment proving themselves the true friends of Indian constitutional development.

Parliament is likely to judge these matters as a plain question of practical efficiency. It will be less interested in the exact legal and constitutional rights granted by the reforms to the Indian Legislatures than in the extent to which these Legislatures have realised their responsibilities and duties. It will be quite willing to recognise and make allowance for the limitations placed upon Legislatures by the existing constitution; but it will be genuinely puzzled and disappointed if it finds that a good part of ten years has been wasted in a refusal to play the game because some of the players did not like the rules. Propaganda in favour of altering the rules in the early stages of the game will have little effect on the mind of Parliament, but, on the other hand, it will certainly be influenced if it finds the Indian Legislatures exercising their responsibilities, albeit limited, in a spirit of service to India, and tacitly assuming always that their real responsibility is greater than that which is expressed in any Statute.

For Parliament has spent hundreds of years in perfecting its own constitution, and knows very well that it has only grown into what it is to-day by the steady use and extension of the power, at first limited, but by

custom and precedent constantly expanding, which it contained. There was a time in Canada, when the religious differences between Protestants and Roman Catholics were supposed to constitute an absolute bar to full self-government; but after a few years, owing to the good sense of the Canadian Legislature, the very real powers of the British Parliament to intervene were silently allowed first to fall into desuetude and then to disappear. Parliament knows too that it is by this means that everyone of the Dominions has obtained fully responsible self-government, finally leading, as we have seen at the last Imperial Conference, to a wide revision of the letter of constitutional relations previously prevailing between the several Governments of the Empire.

What then is the position?

If we concede, as I ask we may, to British and Indian peoples sincerity of purpose, we are in agreement on the fundamental matter of the end we desire to reach. There may be, and is, disagreement over the ways and means of reaching it; but it is surely a strange distortion of perspective if we allow our conduct to be unduly influenced by differences on issues, which are after all only incidental to the main issue on which we are agreed.

Here, as in other human affairs, evolutionary progress can be realised in two different ways, between which we have constantly to make our choice. Either we can search out points of agreement, in the final purposes which inspire thought and action; or, rejecting these peaceful counsels, we can follow the way of conflict where agreement is forgotten, where disagreements are exaggerated, and where the fair flowers of mutual understanding and trust are overgrown by the tangled weeds of suspicion and resentment. In many directions and throughout many centuries the world has made trial of the last, and, in sore disappointment at the results, is coming painfully to learn that the way of friendship may be at once the more noble and the more powerful instrument of progress.

I have thought it right to say so much, because I am deeply impressed with the gravity of the situation and with the necessity that lies upon us all of facing facts. I am conscious that much that I have said may evoke criticism and excite opposition; but I hope that I may have succeeded in saying it in words that will not wound the legitimate susceptibilities of any. If in this respect I have anywhere gone astray, and employed language which has falsified my hopes, I would here express my genuine regret. But believing as I do that what I have said is true, I should think myself to have been lacking in my duty, if I had been deterred from telling this Assembly frankly what I conceive to be the truth, from fear that it might sound unpleasantly upon their ears. It were better to be blamed for saying unpleasant things if they are true in time, than to be condemned for saying them too late. I think it is essential that India should clearly appreciate some of the factors which will be powerful to influence the mind of Parliament. I have sought, so far as my own experience and knowledge on these matters is of any worth, to place India in possession of them, and I earnestly hope that, in the time which will elapse before the Statutory enquiry, events may follow such a course as may convince both India and Great Britain that it is possible for them harmoniously to work together for the consummation of their common hopes.