

21st February 1928

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume I

SECOND SESSION

OF THE

THIRD LEGISLATIVE ASSEMBLY, 1928



DELHI
GOVERNMENT OF INDIA PRESS
1928



Legislative Assembly.

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Deputy President :

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MR. G. H. SPENCE, I.C.S.

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CAPTAIN SURAJ SINGH, BAHADUR, I.O.M.

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MR. N. M. JOSHI, M.L.A.

MR. JAMNADAS M. MEHTA, M.L.A.

DR. A. SUHRAWARDY, M.L.A.

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LEGISLATIVE ASSEMBLY.

Tuesday, 21st February, 1928.

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

MOTION FOR ADJOURNMENT.

ARREST AND DEPORTATION OF THE *EX*-MAHARAJA OF NABHA.

Mr. President: I have received from Sardar Gulab Singh a notice of a motion for the adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance, namely :

The arrest and deportation, effected in British India, without the authority of law, of Mr. Gurucharan Singh, *ex*-Maharaja of Nabha, on the night of the 18th or the morning of the 19th.

Sardar Gulab Singh.

***Sardar Gulab Singh** (West Punjab: Sikh): Sir, I ask for leave to make a motion for adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance, namely. the arrest and deportation, effected in British India, without the authority of law, of Mr. Gurucharan Singh, *ex*-Maharaja of Nabha, on the night of the 18th or the morning of the 19th.

Sir, I beg to bring to your notice that the matter proposed to be discussed is of recent occurrence and of a definite character, as stated in the motion. It is free from all the exceptions given in the Legislative Rules, Standing Orders and Business and Procedure Rules. Gurucharan Singh is no longer a Maharaja or Prince of any State. We here only want to discuss the detention of Gurucharan Singh which was effected in British India. I trust you will give your consent.

Sir Denys Bray (Foreign Secretary): Sir, I desire to take objection to the motion, not on the ground that the matter is not specific or urgent or of public importance, but on the ground simply that our Legislative Rules debar discussion of the case. The specific matter which is sought to be brought under discussion is, I submit, Sir, barred by rule 12 (v), Indian Legislative Rules, which lays down that the right to move the adjournment of the House shall be subject to the following restriction, namely :

“the motion must not deal with a matter on which a Resolution could not be moved.”

This takes us on at once to rule 23(1)(ii), which lays down that no Resolution shall be moved in regard to any matter affecting the relations of what

*Speech not corrected by the Honourable Member.

[Sir Denys Bray.]

I may term for purposes of brevity the Government with any Prince or Chief under the suzerainty of His Majesty, or relating to the affairs of any such Prince or Chief, or to the administration of the territory of any such Prince or Chief. Now the specific matter which it is sought to bring under discussion is certain action that has been taken in pursuance of principles affecting the relations of Government with Princes and Chiefs at large. More specifically, it is action that was taken while the *ex*-Maharaja himself was a Prince or Chief under the suzerainty of His Majesty. More than that, it is action that of its essence affects and must continuously so affect Government's relations with the present Chief or Prince, who has indeed been created in that position by such action. And if one proceeds further with the restrictions under sub-clause (ii) it obviously, as it seems to me, affects the administration of the territory of the present Prince or Chief. I submit, Sir, that the restrictions under our rules in this matter are absolute.

Mr. President: Is the *ex*-Maharaja of Nabha at present holding the status of a Prince or Chief?

Sir Denys Bray: No, Sir.

***Diwan Chaman Lall** (West Punjab: Non-Muhammadan): Sir, in reply to the Honourable Member who has just raised an objection may I point out that under sub-clause (v) of Rule 12 the motion no doubt is barred if it deals with a matter on which a Resolution could not be moved. Now, turning to the question of Resolutions under rule 23, to which Sir Denys Bray referred, we find that there are only two objections. The first objection is that we cannot move a Resolution on any matter affecting the relations of His Majesty's Government, or of the Governor General or the Governor General in Council with any foreign State. We are not concerned with that objection, but we are concerned with the second one according to Sir Denys Bray. The second one reads:

"any matter affecting the relations of any of the foregoing authorities with any Prince or Chief under the suzerainty of His Majesty, or relating to the affairs of any such Prince or Chief, or to the administration of the territory of any such Prince or Chief:"

Now I cannot understand how the *ex*-Maharaja of Nabha can be considered in the first instance to be a Prince or Chief under the suzerainty of His Majesty. It is admitted by the Honourable Member over there that he is no longer holding the title of a sovereign Chief. On the other hand if it is sought to consider the matter in the light that the Government of India are suzerains and that he is a vassal, even that does not apply because he is no longer a Ruling Chief. Under international law it is recognized that at certain periods the relation of suzerain and vassal disappears, and I submit in the present case the relation of suzerain and vassal has disappeared and the *ex*-Maharaja of Nabha can no longer be considered a vassal of the British Government. Therefore sub-clause (ii) of rule 23 does not apply. There is no relationship existing at the present moment between the *ex*-Maharaja of Nabha and the British Government which can make this rule operative in connection with the discussion of this question on the floor of the House to-day. I submit that even according to the interpretation of international law there is no relationship existing

*Speech not corrected by the Honourable Member.

between the two, and under the circumstances we are perfectly within our rights in discussing this question on the floor of the House to-day.

Mr. S. Srinivasa Iyengar (Madras City: Non-Muhammadan Urban): I am surprised that the Honourable Sir Denys Bray should take objection to this motion. The question really is whether at the time of arrest and deportation he was a Prince or Chief under the suzerainty of His Majesty. He was not a Prince or Chief at the time of arrest and deportation. The question to discuss which leave is asked is not a question which relates to the deprivation of the Chief's rights, nor to his deposition, or anything of that kind. It only deals with the arrest and deportation in British India of a person who was a Chief but who, it is admitted, was not a Chief at the time of such arrest and deportation. Therefore I submit that his case does not come within the prohibition. Nor is the matter sought to be raised a matter which comes within the mischief of the words "or relating to the affairs of any such Prince or Chief, or to the administration of the territory of any such Prince or Chief", which is a point upon which much stress was laid by the Honourable Member. The Honourable Member then went on to say that such a matter generally affects the relations of Princes with the State. That is not really the wording of the prohibition. The prohibition deals only with the relations of the Government with any Prince or Chief, not with the status of Princes or Chiefs. Therefore, I submit the prohibitions must be strictly construed, as they affect the right of Members; and if they are so construed neither the subject matter which is sought to be raised comes within the prohibition, nor is the person concerned a Prince or Chief. Therefore, on both these grounds I submit that the motion for your consideration, Sir, is in order. I would only refer to Sir William Lee Warner's book on Native States of India showing that under the Manipur precedent and the other precedents connected therewith both the Princes as well as the subjects of Indian Princes owe direct allegiance to the Crown. There is no doubt about that. Nor is there any doubt that, for instance, for all purposes of protection in foreign countries Princes as well as subjects of Indian States are held to be British subjects. Now, Sir, I submit that it appears that the gentleman referred to in the motion had not been allowed to remain in the territory of which he was formerly the Ruler; he has been in British India, and therefore even if there be any doubt as to the question whether he has the status of a British subject, I submit he has the status of a temporary British subject who owes temporary allegiance, as a resident in British India, to the Government in India and therefore allegiance carries with it the duty of protection. Also, his protection must be according to the laws of the land: and as the arrest and deportation are not sought to be justified under any of the laws of British India, I submit it comes within the ordinary case of whether a great question does not arise by reason of any person, any resident, who is in British India being deprived without the authority of law of his liberty and being arrested and deported to some other place in British India. Therefore I submit that the question which does arise is a very narrow one. It does not affect the relations of Government with Indian States, nor does it affect the administration of the Nabha State, nor does it affect the affairs of a Prince except in so far as after he ceased to be a Prince he was arrested and deported; nor does it affect the relations of the present Ruler of Nabha, who is I understand a minor boy, the son of the *ex-Maharaja*. Therefore, Sir, I submit the motion is fully in order, it comes within the letter. it

[Mr. Srinivasa Iyengar.]

comes within the spirit, and the *ex*-Maharaja is an Indian subject of His Majesty entitled to the ordinary protection of the ordinary laws; and if a Member asks for the leave of the House to raise that question, the point whether he can be deprived of that may be new, but the principles which govern it are of perennial validity.

Mr. Arthur Moore (Bengal: European): Sir, I submit one proposition is absolutely incontestable. I think it cannot be denied that any discussion in this House of the fortunes or fate of the *ex*-Ruler of Nabha absolutely concerns the relations of the Government of India with the existing Maharaja of Nabha and the State of Nabha. (Hear, hear.) Any proposition to the contrary is obviously untenable and I am sure cannot for one moment deceive your intelligence.

***Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions: Non-Muhammadian Rural): I am surprised, Sir, at the speech of the Honourable Mr. Arthur Moore. I cannot understand how anybody with any sense of fairness in him could have made that speech. (*An Honourable Member*: "Common sense".) The relations of the Maharaja of Nabha, who is a minor, with the Government of India will be affected by the question of the treatment meted out to the *ex*-Maharaja! (Laughter). Therefore, his father, who is not a Maharaja, who is not the Maharaja of Nabha now, will be denied the ordinary courtesy and protection which the laws of this land give to every subject of His Majesty. I submit that is an outrageous proposition. We want to know the reasons. There may be reasons for the Government of India's action. If there are such reasons, the Government of India will have an opportunity of stating them before this House.

Sir Denys Bray: I rise to a point of order, Sir. Is the Honourable Member in order in discussing reasons now?

Pandit Madan Mohan Malaviya: I am surprised at the nervousness of my esteemed friend. I submit if the Government have reasons on their side, when the motion comes on for discussion they will have their opportunity to put them forward and this House will have the opportunity of considering them; but as the facts have been reported in the papers and as the communiqué of the Government of India shows, there is reason to ask that a more sensible course, a more just course, a course more consistent with law should have been followed in dealing even with an *ex*-Maharaja, and I submit, Sir, Mr. Gurucharan Singh, as he is now described, rightly or wrongly, deserves the protection of the law as much as any other man living within the British Empire, and it is with a view to show that he does deserve that protection that this motion is brought forward. I submit this House will do justice to this motion, or will not do the serious injustice of opposing it. I hope the motion will be accepted unanimously.

Mr. Muhammad Yamin Khan (United Provinces: Nominated Non-Official): Sir, during the last elections for the Legislative Assembly the *ex*-Maharaja tried to stand for the Legislative Assembly and he wanted his status to be absolutely cleared.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadian Rural): At that time he was not the *ex*-Maharaja of Nabha.

Mr. Muhammad Yamin Khan: His status was at the time of his candidature clearly defined and it was decided that he was not a British subject. He pleaded the point that either he should be a British subject or he must be treated as a Prince or as the subject of a Prince. But it was decided that he was not a British subject, he was not the subject of a Prince, and therefore the only thing he wanted and which was not declared was that he was still the Maharaja of Nabha, although he was deprived of his ruling powers. That was the position which was decided specifically and, as we all know, he did not contest this by an election petition. Therefore, he accepted the position which was given to him. The point now before the House is whether he was still at the time when he was taken away holding the same position or not under the same Treaty by which he was dealt with. (*An Honourable Member:* "Treaty?") To my mind, Sir, he held the same position when the present order was passed and therefore this motion for adjournment does not come within the purview of this House. (*An Honourable Member:* "Have you read the communiqué?")

(The Revd. J. C. Chatterjee rose.)

Mr. President: Does Mr. Chatterjee wish to speak?

The Revd. J. C. Chatterjee (Nominated: Indian Christians): Sir, I wish to make one or two observations. It is quite clear that the *ex*-Maharaja is not the Maharaja of Nabha but it does not seem to be clear whether he has lost his right as a subject of the Nabha State. Is he a subject of an Indian State, or is he a British subject? There is a case in point. A member of the Ruling House of a neighbouring State a short time ago sought election to the Punjab Legislative Council. He had before the said election for the Punjab Legislative Council resided and owned property in British India for years and years,—I cannot recall how many years, but at least 20 years. Well, when he stood as a candidate for election to that Council, after some time an objection was urged that he was not a British subject, that although he had resided so many years here and had not any connection with the State and the Ruling House to which he belonged, he had not become a British subject but remained a subject of that State, and therefore he was declared ineligible for election to the Punjab Legislative Council. I submit that here is also a similar case, and though the *ex*-Maharaja is no longer the Maharaja of Nabha, he is still a subject of an Indian State and therefore not a British subject, and that therefore the House cannot consider the adjournment motion on that ground.

Lala Lajpat Rai (Jullundur Division: Non-Muhammadan): Sir, I am really surprised at the argument that has been advanced by Mr. Yamin Khan and Mr. Chatterjee. I could excuse Mr. Chatterjee, because he is not a lawyer and he does not understand the significance of an order in an election case at all. But I am really surprised at Mr. Yamin Khan, who is presumed to be a lawyer (Laughter) advancing that kind of argument. We have absolutely nothing to do with orders passed in election proceedings. Those orders are not binding on anybody; we have nothing to do with them. The simple question before this House is this, is this motion barred by the Standing Orders of this House? That is the only question, and in that question the only interpretation which the Chair is required to put is whether this motion affects the relations of the Government of India

[Lala Lajpat Rai.]

with any Ruling Prince or Chief. That is the language of the rule. We have nothing to do with the question whether the *ex*-Maharaja is or is not

Mr. President: There is something beyond that.

Lala Lajpat Rai: What is that, Sir?

Mr. President: Even if the motion is in order under Rule 12, the President has got the power to withhold his consent in a proper case.

Lala Lajpat Rai: That is all right. I do not object to that. It is entirely in your discretion, Sir, to give or not to give permission. So far discussion has proceeded on whether it is barred by the rules or not. There is no bar under the rules, and all this discussion which has been raised about the orders in election proceedings, his not being a British subject, has no bearing. I do not know whether Mr. Chatterjee has raised the argument under the instructions of the Christian Conference which he was representing the other day or whether it is an argument which has come out of his own brain. It is absolutely clear that the motion is not barred under the rules. Whether the President in his discretion is going to allow this discussion or not is a different thing. The President ought to exercise that discretion in favour of the motion being discussed, because it really seems to me preposterous, or outrageous, as Pandit Malaviya has put it, that without any provision, without any notice, without any information, a man should be spirited away in this way to a place far away from his home, without making any preparations. This is such a serious thing that I submit the Assembly ought to take notice of. I therefore pray that the President will allow discussion on this motion in his discretion.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhamadan): Sir, I ask Honourable Members to dismiss from their minds the case of the *ex*-Maharaja of Nabha. Let them visualise the case of a Chinaman or a Japanese or an American and they will immediately grapple with the point at issue. Suppose in Delhi there are visitors from America, Japan and China, and the Deputy Inspector General of Police lays hold of one of them and says, "Come along, I will imprison you." Now, I ask you, Sir, whether in these circumstances this House would not be entitled to protect the liberty of these foreigners who have come to Delhi. I venture to submit that under the Indian Penal Code any person who lays his hand wrongfully upon the person of another becomes immediately guilty of wrongful confinement or wrongful restraint. That makes no distinction between an alien or a British subject. Now, if that is the first proposition and is conceded, let us apply it to the case of the *ex*-Maharaja of Nabha. The *ex*-Maharaja of Nabha, to say the most for the other side, was a foreigner and he was living for about four or five years in British India. Was he or was he not amenable to the jurisdiction of the British courts, and was he or was he not subject to the protection of British laws? That is the first question, and is the Deputy Inspector General of Police who seizes hold of a person and takes him from one place to another against his wishes protected by any law, British law, to seize him and take him from one place to another place against his consent? These are the dual aspects of the case which we have to bear in mind, the action of the Deputy Inspector

of Police on the one hand and the rights of the person whom he arrests and takes away against his wishes to another place. Now, I ask you, Sir, to apply the analogy which I have given just now to the case of the *ex-Maharaja* of Nabha. It is admitted that he was not a Ruling Prince. It is also admitted that he had foregone whatever rights he possessed as the feudal lord of Nabha in favour of the British Government for the time being. Therefore he was an ordinary subject, subject to the ordinary civil, as the lawyers call it, municipal law of the country. If he had committed any offence, he would be liable under the Indian Penal Code to be punished accordingly. If anybody commits an offence against him, he is equally liable to be punished under the provisions of the Indian Penal Code. Therefore, in regard to the *ex-Maharaja* of Nabha when he was taken away from Allahabad to another place in the Madras Presidency by the Deputy Inspector General of Police, we have two questions. First, Sir, we ask the House to consider on a motion for adjournment what right the police have to take away any man. We are not concerned here whether he is a Ruling Chief or a Chief or a Prince. Has a British policeman a right to confine and restrain any person here otherwise than in the due course of law? This is the first question, and the second question is, had he in this particular case any authority to take him away from a place he was residing in to a place to which he did not want to go? That is the question really which this House should consider and I fail to understand how any technical plea on the one side or the other can whittle down these broad facts of the case. What answer can the Government give to this aspect of the question? It is a plain question. The plain question I ask is this. Under what law have you taken away this person from one place to another? That is the whole question, Sir, with which this motion for adjournment is concerned, so far as it affects our British police for which we pay and which is subject to the Police Act and the provisions of the Criminal Procedure Code and the Indian Penal Code. That is the one question. The Honourable Sir Denys Bray says it affects the relationship of the suzerain power with the feudatory States of India. But this question is neither here nor there. The relationship between the suzerain power and the Nabha State is not here concerned at all. It is the question of the personal right of a person, his personal liberty in British India, and that right is assured to him by the Penal Code and the Criminal Procedure Code, which says to all and sundry that so long as you are here the British laws will protect you, and subject to British laws your conduct will be regulated. It does not matter at all whether the person affected is an *ex-Prince* or a pauper, British or otherwise. I go further and say, suppose he were a Native Prince and suppose he had taken up his residence here.—we have got a large number of Princes here. Suppose, Sir, a police official said, "Come along, I catch hold of you, we will take you to Agra". Shall we not be entitled to raise the question here, because the person who seizes hold of him had no authority to do so and we may have to pay damages for his wrongful arrest. That is the position, Sir, with which we are concerned. The British laws have been misapplied and misused for the purpose of circumscribing the liberties of the subject. It does not matter whether he is or is not a British subject. I therefore submit that, viewed from that standpoint, the motion is perfectly in order.

The Honourable Mr. J. Orerar (Home Member): Sir, I would like to submit one or two points with regard to what has just fallen from Sir

[Mr. J. Crerar.]

Hari Singh Gour. I venture to suggest to the House that the arguments which he has used are really arguments on the merits which might be in their place on a motion for the adjournment of the House. But the point which is actually before the House is a much narrower one. It is entirely a question of procedure, a question as to whether under our Legislative Rules a motion of this kind is in order. The second point which you yourself indicated is the further question which might arise on a proposition of that kind, and that is, that even if a motion is formally in order, its admission is entirely within the discretion of the Chair. Now, as regards the admissibility of a motion of this kind, I must emphasise the points taken by Sir Denys Bray which have been singularly ignored. The action which this motion would raise was action which referred to a person who was at that time the Maharajah of Nabha . . . (*An Honourable Member*: "No, he was not.")

Pandit Madan Mohan Malaviya: At what time?

The Honourable Mr. J. Crerar: The point taken, I think, is that by the action of the Government of India he ceased to be the Maharaja of Nabha and therefore these rules do not apply. That is to ignore the point taken by Sir Denys Bray that on the deposition of the *ex*-Maharajah of Nabha, his son the Tikka Sahib became the Maharajah and the action which has been taken undoubtedly affects the relations of Government with him as a Prince or Chief. That is the point.

Mr. C. S. Ranga Iyer: Sir, I want to place before you a legislative precedent, and that is the case of Maulana Mahommed Ali who was and is a citizen of a Native State, a subject of the Nawab of Rampur. When the Maulana was interned his case was discussed in the Central Legislature and therefore, Sir, before giving your ruling, I hope you will bear this precedent in mind.

Mr. K. Ahmed (Rajshahi Division; Muhammedan Rural): Sir, before anything further happens—(Laughter and Applause)—I want to . . .

Mr. President: Will the Honourable Member permit me to give the ruling now?

Honourable Members are aware that all questions affecting the relations of the British Government or the Government of India with any Chief or Prince of an Indian State are placed beyond the jurisdiction of this House. Similarly, all questions affecting the relations of any Chief or Prince of an Indian State with his subjects are also beyond the jurisdiction of this House. In this particular case I feel that the House cannot discuss this motion without raising a debate on the relations between the Government of India and the *ex*-Maharaja of Nabha who since his deportation has ceased to be a Prince or Chief. The subject matter of the motion may not contravene the letter of rule 23 but I am convinced that it does contravene the spirit of that rule. I know that during the last two years attempts have been made several times to raise a debate on the Nabha affair in some form or other, and I have always disallowed any such debate, I hold, therefore, that in the peculiar circumstances of this case I should withhold my consent to the making of this motion.

THE INDIAN NAVY (DISCIPLINE) BILL.

Mr. G. M. Young (Army Secretary): Sir, I move for leave to introduce a Bill to provide for the application of the Naval Discipline Act to the Indian Navy.

The objects of this Bill, Sir, are sufficiently explained in the Statement of Objects and Reasons, and the Bill itself has been in the hands of Honourable Members for some days. I propose, with your permission, Sir, to speak at some length on the motion which stands next in my name; and I make only a formal motion now.

The motion was adopted.

Mr. G. M. Young: Sir, I introduce the Bill.

Mr. G. M. Young: Sir, I move that the Bill to provide for the application of the Naval Discipline Act to the Indian Navy be referred to a Select Committee.

The Bill with which we are dealing, Sir, exercises the power, conferred on the Indian Legislature by the new section 66 of the Government of India Act, of applying the British Naval Discipline Act to the naval forces raised and maintained by the Governor General in Council, with such adaptations and modifications as are necessary to suit Indian conditions. The application of the British Naval Discipline Act is, however, a part of the general reorganization of the Royal Indian Marine. I propose, therefore, with the permission of this House, to take the opportunity of recapitulating the main features of the reorganization and the general intentions of His Majesty's Government and the Government of India with regard to the future of the force. I say "recapitulating", because these are matters about which detailed information has for a long time been before the public and before this House.

From the earliest days of the East India Company, that is for a period of over 300 years, there has been a Sea Service in India, the ships and personnel of which have served in practically all the maritime operations that have been undertaken in Asiatic waters down to the present day. In the course of its history, the Service has been known by various names. It began as the Honourable East India Company's Marine. Then for nearly 200 years it was known as the Bombay Marine, with an interval from 1830 to 1863, when it was called the Indian Navy. From 1877 to 1892, it was called His Majesty's Indian Marine; and it has enjoyed its present designation, the Royal Indian Marine, from 1892 until now. From 1612 to 1863, that is, for 250 years of its history, the service was a combatant service. Since 1863, when its title was altered again from the Indian Navy to the Bombay Marine, the service has been a non-combatant one: and in order to take part in active operations at sea, the personnel of the Royal Indian Marine have had since 1863 to be given special temporary combatant status for the purpose. This can be effected by a section in the Indian Marine Service Act of 1884 which empowers His Majesty's Government on the existence of a state of war between it and any other Power, to attach any part or all of the Indian Marine to the Royal Navy, so that during the period of attachment it becomes an integral part of the Royal Navy. One of the indirect consequences of the passing of the Bill

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now before the House will be the abolition of the section, and with that the power of His Majesty's Government to take over unconditionally the naval forces of the Government of India will cease. Another expedient for giving combatant status to officers and men of the Royal Indian Marine in time of war has been to attach them temporarily as individuals to Naval or Military Forces serving in the campaign. At the outbreak of the Great War, some of the ships and crews of the Royal Indian Marine were handed over to the Admiralty under the section of the Indian Marine Service Act to which I have just referred. Other officers were given commissions in the Navy or in the Army, but no proper provision was made to regulate the status of such ratings as served under them.

As the result of the Great War generally, and in particular of the advice given by Admiral of the Fleet Lord Jellicoe to the Government of India, on his visit to India, the Government of India formed the conclusion that the Royal Indian Marine would fulfil a better and more useful purpose and be of greater service to the country if there were allotted to it definite duties in war, and if it were restored to a permanent combatant basis and systematically trained in those duties in times of peace. The changes contemplated by the Government of India were as follows.

The Force would relinquish its former duty of conveying British and Indian troops in its own troopships. It would also relinquish as a Service the greater part of its station duties at various ports, and the responsibility for lighting and buoys in those ports and in the Indian waters. In exchange for these functions it would begin to undertake and be trained for certain services. The chief of these are,—the naval defence of Indian harbours, which means mine-laying and mine-sweeping and other connected operations, and, secondly, the protection and convoy of Indian sea-borne trade in Indian waters. It would retain the task of marine survey, which has a definite naval as well as commercial value, and its officers would continue to carry out the administration of marine transport work for the Government of India. At a later stage it was hoped that the force would be able to take over the services which are required by the Indian Government in the Persian Gulf—services at present performed by sloops and gun-boats of His Majesty's Navy. The scheme therefore does not involve the creation of a new Navy. Still less does it mean, as might have been gathered from certain comments in the Press, that India has to embark upon a costly naval programme, a wide expansion of naval personnel, or heavy expenditure on capital ships and other large vessels of war. As I have shown, there has been a naval force in India since the early part of the 17th century. For the last 65 years only, that force has been engaged on non-combatant duties in peace time and granted a partial combatant status whenever the occasion demanded. The proposal is that in future the Service should actually be trained for, as well as utilized in, war.

The Government of India appointed a Departmental Committee in the spring of 1925 under the Presidency of the then Commander-in-Chief, Lord Rawlinson, with the object of drawing up a scheme for the conversion of the Royal Indian Marine into a force of permanent fighting status, to be trained and employed in such combatant duties as the Service could undertake at its present strength, and without considerable increase in its cost. There was, moreover, the further object of providing by these means the nucleus of an Indian Navy analogous in some degree to the naval forces.

of the self-governing Dominions,—a nucleus which India, if she so desired, could eventually develop into a force capable of taking a larger share in defence. Accordingly, the Departmental Committee were entrusted with the task of drawing up a scheme for the purpose of putting into effect a policy defined as follows :

“The reconstruction of the Royal Indian Marine as a combatant force, to enable India to enter upon the first stage of her own naval development, and ultimately to undertake her own naval defence.”

This, Sir, is the *ultimate* goal. The naval defence of a country involves, broadly speaking, two tasks. One is the maintenance of a fleet of war, capable of engaging an enemy fleet in battle, and of guarding the country's shores from hostile invasion. That task—an onerous, difficult and costly task—is one with which, in the present state of India's naval resources, the Indian people and the Indian revenues cannot and should not be charged. It will remain, as hitherto, the function of the British Navy. The other task is the one that I have outlined—the protection of Indian shipping in Indian harbours, and the convoy of Indian sea-borne trade in Indian waters. To this second task we propose that the reconstituted Royal Indian Navy should apply itself.

The Government of India and the Departmental Committee had also to consider another line of development. Whether the Royal Indian Marine was to be reorganised or not, the time had come for inaugurating a policy of Indianisation in the commissioned ranks of the service. I had better perhaps explain how the force is at present constituted. The petty officers and deck and engine room ratings, that is to say, the main rank and file, are, and have been since 1863, Indians, recruited from the Ratnagiri District in Bombay. Till recently, the warrant officers of the Royal Indian Marine were British boatswains. But in the reorganisation of the force, the Government of India have discontinued the recruitment of British boatswains, and their place will in future be taken by Indian warrant officers. This Indianisation of the warrant officers' ranks was begun in 1922 and at the present time half the cadre is already composed of Indians.

As I have stated on previous occasions in this House, the Government of India, in continuing the recruitment of the lower ranks, must for the present rely upon that small community in the Ratnagiri District from which their Indian personnel has so long been drawn. But, as I have also stated, it is not their intention to ignore the claims of other sea-faring communities, some of which have expressed a desire to be allowed to enter the Service. The Indian Navy will not for a long time, at any rate, be a large force, but we hope that some increase in its present strength may soon be feasible. When that happens, opportunities for service in the ranks will be offered to other communities.

As regards the commissioned ranks, Indians have always been eligible to enter the Royal Indian Marine either as deck or engineer officers. But until very lately, so far as the Government are aware, no qualified Indian candidate has ever applied. It has been suggested that this may have been due to the fact that the Royal Indian Marine was not sufficiently advertised in India. How far that is the case, I am not prepared to say. But judging by the number of applications received from unqualified candidates at one time or another, it would appear that the existence of the service, and the fact that its commissioned ranks were not barred to

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Indians were sufficiently well known. The qualifications were, however, not such as the sons of Indian gentlemen would ordinarily come by; and in actual fact the executive officers of the service were recruited in the main from the mercantile marine training ships, "Worcester" and "Conway", and the engineer officers from men who had served a full apprenticeship in shipyards of the United Kingdom. The community which has hitherto provided the rank and file does not include families of sufficient status and education to supply officer ranks. The Government of India and the Departmental Committee therefore felt it incumbent upon them to institute a scheme by which vacancies in the commissioned ranks would be definitely reserved for Indians if suitable candidates were forthcoming, and also to create facilities by which Indian youths from any part of the country could acquire the necessary training.

I may say here, Sir, that a naval officer, even in so small a navy as we contemplate, is a highly trained and specialised individual. He is not only a commander and leader of men, but he has to be an expert in navigation and in the art of manœuvring a ship; he has to be an expert in gunnery, in guns of various calibres, and an expert in mining and countermining and all the operations connected with them. He has to have a considerable knowledge of signals, of electricity and of naval engineering. He is not the kind of officer that can be created in a day.

The proportion to be reserved for Indians at the outset is one-third. I know, Sir, that this proportion will give at present only a small number of vacancies. But it must be remembered that the service itself is a very small one, and that hitherto such a thing as an Indian naval officer has never existed. If we are to preserve continuity in the service, we must, for some time, rely considerably on British recruitment. One-third cannot be called a low proportion as a start. At present we have no certain knowledge that Indians of the requisite qualifications will be willing to devote themselves to and persevere in a naval career.

Diwan Chaman Lall (West Punjab: Non-Muhammadan): Does one-third mean only one?

Mr. G. M. Young: There will be more than one, Sir.

But as soon as practical experience has assured Government on this point, an increase in the vacancies offered for Indian officers must inevitably follow.

The Departmental Committee presented its report early in 1925. The Report has been before the public for nearly three years, during which the practical part of the reorganisation has been carried out, and the force is now ready to enter upon its new status as the Royal Indian Navy as soon as the legislation represented by this Bill enables that status to be conferred upon it. I will explain as briefly as possible what has been done.

The sloops of the Royal Indian Marine, "Clive", "Cornwallis" and "Lawrence" have been reconditioned, and armed as sloops of war. Two patrol craft boats and five trawlers have also been reconditioned. The old R. I. M. troopship "Dalhousie" has been converted into a depot ship; and, as Honourable Members are aware, another old troopship, the "Dufferin", has been made over to the Commerce Department as a training ship for the mercantile marine. One new sloop, required to bring

the force up to its proper initial strength, is being built. The service has ceased to provide ships for the performance of station duties in ports, and to be responsible for the lighting and buoys services in the Persian Gulf and in Indian waters generally. The requirements of the reorganised service in the matter of equipment and stores have been very carefully worked out and are now more or less settled. Orders have already been placed for most of the material. All details of organisation, administration and finance are settled. As regards pay and conditions of service, the elevation of the force to a combatant status necessitates the enrolment of all the lower ranks. Up to now enrolment was possible under the Indian Marine Act, but optional; and very few men have availed themselves of the option. Although enrolled service carries with it a pension, the great majority of the lascars of the Royal Indian Marine have preferred to serve on temporary agreements, which of course permitted their migrating to the service of the larger steamship companies whenever they wished. Under the new scheme all ratings will be enrolled, and their service will be pensionable.

The Government of India have decided, in consultation with His Majesty's Government, upon the arrangements connected with the recruitment and training of the officer ranks, European and Indian. We have in preparation a pamphlet which explains fully the terms and conditions of recruitment and training. I had hoped to have this pamphlet published before introducing the Naval Discipline Bill in this House; but there are one or two points on which we have still to reach final decisions in conjunction with the Admiralty. The pamphlet will be published in a very short time. I should, however, inform the House that we have abandoned the original proposal of the Departmental Committee to take Indian candidates on the executive side from the Prince of Wales' Royal Indian Military College at Dehra Dun and public schools only. Since the Departmental Committee reported, the mercantile marine training ship "Dufferin" has been successfully inaugurated; and the present Director of the Royal Indian Marine, Captain Headlam, who is known I think to many Members of this House as one of the most distinguished officers the service ever had, considers the first entry of boys into the "Dufferin" so promising in every respect, that Government are likely in future to look largely towards this source for its Indian naval officers. Accordingly, we intend that Indian appointments not only on the executive side but also on the engineer side shall be filled by competition at an open examination to be held in this country. We intend further that the examination should be the same as, and simultaneous with, the special entry examination for the British Navy, modified, where necessary, to suit Indian conditions, and we propose that the written part of it should be conducted by the Public Service Commissioners in India. This means that any Indian boy, with the requisite preliminary qualifications of age, will be eligible to sit for the examination no matter where he comes from.

The period of training both for executive and engineer officers must necessarily be in the United Kingdom. The Admiralty have kindly undertaken to afford to our cadet officers precisely the same training facilities as they give to officers of the Royal Navy. The course in both instances is a long one, and the Government of India hope to offer considerable financial assistance in order to enable Indian cadets to go through the course without undue expense. The first entry of candidates under the new system of recruitment will take place during this year. Meanwhile, as there has

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been no recruitment to officer ranks of the Service for the last year or two, an endeavour has been made to fill some of the vacancies by direct recruitment. Honourable Members may have seen in the papers the recent **appointment of a Mr. Mukherjee as an Engineer Sub-Lieutenant in the Royal Indian Marine.** Other applications for direct appointment on the executive and on the engineer side have been received and considered since the reorganisation scheme was decided upon, but none of them was from a fully qualified Indian candidate. We are therefore holding up one-third of the recent vacancies and will offer these for competition among Indians together with current vacancies when the first open examination takes place towards the end of 1928.

As regards the training of the rank and file in combatant duties, the services of two Royal Navy specialist officers in gunnery and mine-sweeping have been obtained on loan from the Admiralty to supervise training in those duties and the progress made under their direction has been most satisfactory. (I do not know if Honourable Members saw a report which was published by the Commanding Officer of H. M. S. " Emerald " on a small detachment of Royal Indian Marine ratings who went with the Defence Force to Shanghai, and while there were given a short special course in gunnery. Captain Franklin wrote in eulogistic terms of the discipline and smartness of these men, judging from whom he seems to think that the Royal Indian Marine contains very fine material for a Navy. This is the opinion of a senior officer in His Majesty's Navy, and it affords valuable confirmation of the hopes the Government of India themselves entertain for the future of the Force.)

I should like to take this opportunity of paying a tribute to the headquarters staff of the Royal Indian Marine and in particular to Captain Headlam, the head of the Service, for the unsparing energy that they have devoted to the task of reorganisation, and for the smoothness and ease with which the necessary changes have been brought about. I should mention also the great keenness that has animated the whole personnel, British and Indian, of the Royal Indian Marine throughout the period of reorganisation and the spirit of enthusiasm with which they look forward to taking their place as one of the recognised fighting forces of the Empire.

It now remains for the Indian Legislature to complete the work by enacting this Bill. I will explain as briefly as I can the genesis and object of the Bill. Section 66 of the Government of India Act, as amended last year in Parliament by the Government of India Indian Navy Amendment Act, empowers the Indian Legislature to apply to the naval forces raised by the Governor General of India in Council the British Naval Discipline Act, with such modifications and adaptations as are required to suit the Act to Indian conditions. This step is necessary in order to confer upon the naval forces in India a definite combatant status and to enable it to take its place as one of the Navies of the Empire. The outward and visible sign of this status is the flying of the White Ensign—the Flag which is borne by every British ship of war, and without which no such ship can be recognised, by friend or enemy, as a combatant vessel. His Majesty's Government are now offering to confer combatant status and the right to fly the White Ensign upon the naval forces in India from the very beginning of their new development: but it is an indispensable condition that the common Naval Discipline Act of the Empire should be applied with, as

I have said, the necessary modifications. The Governments of Canada and Australia have applied the Act to their Navies with very few modifications. More extensive alterations are, in the opinion of the Government of India, necessary to adapt the Act to Indian needs and conditions, but the underlying principle is the same—that all the Navies of the Empire should have the same organization, duties and status, and should serve under a common Flag. I may mention here a point about which I have been asked frequently by Honourable Members and others. The White Ensign is flown at the stern. At the bow each Navy of the Empire flies its own distinctive flag. The Royal Navy flies the Union Jack and the Royal Indian Navy will fly its own Flag at the bow. I do not intend, Sir, to deal now with the various clauses of this Bill. They will no doubt be considered exhaustively by the Select Committee, with whom we propose, if the Committee agrees, to associate the Director of the Royal Indian Marine as an adviser. But I think it will be found that the changes, although we have made them as few as possible, are all that are required for the purpose. There is little, indeed I think nothing, of a controversial nature in them.

There is a motion on the paper by my Honourable friend Mr. Haji to circulate the Bill for purposes of eliciting public opinion. I realise, Sir, that this Bill has been in the hands of Honourable Members for only a short time. Its provisions were only agreed upon finally between the Admiralty, the India Office and ourselves less than a fortnight ago. We have had to print with it the whole of the Naval Discipline Act as it stands; and the Bill and the Act together do perhaps present the appearance of a rather complicated piece of legislation. As a matter of fact, the substance of this Bill is quite simple, and the main difficulties in its preparation have been purely points of drafting. The existing Indian Marine Act is in itself a Naval Discipline Act but an incomplete and unsatisfactory one. It applies only to the enrolled personnel, which as I have already stated, is at present a very small proportion of the force. It is, however, an adaptation, of sorts, of the British Naval Discipline Act. What the Admiralty now require, before conferring the status of Navy upon the force, is an Act which shall be as nearly as possible uniform with the Discipline Acts of the British Navy and of the Dominion Navies. If Honourable Members will look at the Statement of Objects and Reasons and the Notes on Clauses, they will see that there is no important question of policy involved in the actual provisions of this Bill. I therefore venture to suggest to my Honourable friend that no advantage will be gained, but on the other hand a considerable amount of time will be lost, if the Bill is circulated for opinion. When he moves his amendment my Honourable friend will no doubt explain the points on which he thinks public opinion should be elicited. But the present view of the Government, subject of course to anything that he may urge, is that the detailed provisions of the Bill do not affect the main policy of the reorganization, which has been before the public for two years and which I believe every one who has at heart the future of India's sea-faring activities and sea-borne trade entirely approves.

Sir, I move.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Mr. President, in spite of the very

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eloquent and instructive speech of my Honourable friend the Army Secretary I have to oppose the motion that he made just now. I would venture to say that never in the history of the Indian Legislature has a measure of the most far-reaching consequences been brought up with so much unostentation and with so much innocence. The object of the Bill that is now before the House is to apply with the necessary modifications to suit Indian conditions the provisions of the British Naval Discipline Act. When this House is asked to legislate for the discipline of the officers and men of the Indian Navy we might be pardoned if we ask the very simple question, "When did this Navy come into existence and with whose consent was this navy brought into existence?" Sir, my Honourable friend, the Army Secretary, gave a brief history of the successive stages which led to the present measure that is now before the House. In my own way I will attempt to give a brief resumé of the history leading up to the present legislation, and I hope when I have concluded my remarks I shall have convinced Honourable Members who are open to conviction, that this House cannot be asked to proceed with the present Bill.

In 1612 there was in existence in India a naval force paid for and controlled by the East India Company. In 1862 it was decided that the Royal Navy should take over the naval defence of India and the place of the Indian Navy was taken by a non-combatant force. In 1884 an Act of Parliament created the Royal Indian Marine, and in the first year of the Great War the Royal Indian Marine was incorporated with the Royal Navy for war purposes. After the War was over, the question of reorganising the Royal Indian Marine as a combatant force came to the fore, and in 1919 this question was examined in great detail by Admiral Lord Jellicoe. In 1922 and 1924 the question was further examined by some of the Naval Commanders-in-Chief. After the question was examined so far, it was referred to a Departmental Committee presided over by the late Lord Rawlinson, and I believe my Honourable friend Sir Bhupendra Nath Mitra was a member of that Committee. The Committee reported, and in February 1926 His Excellency the Viceroy announced in another place the decision of the Government of India with the concurrence of the Secretary of State and of the Admiralty for the establishment of a Royal Indian Navy, and a simultaneous announcement was made on the floor of this House by His Excellency the Commander-in-Chief who gave the further interesting information that His Majesty had given his approval for the flying of the White Ensign on the Royal Indian Navy. That was the occasion when this House heard for the first time that we were going to have a Royal Indian Navy. In 1927 a Bill was passed in Parliament amending section 66 of the Government of India Act which made provisions for the bringing into existence of the Royal Indian Navy, and this amending Act, amongst other things, enacted that the Indian Legislature would have power to apply with necessary modifications the British Naval Discipline Act to the proposed Royal Indian Navy. That, in short, is the history that has led up to the present measure.

The first question that naturally arises is, why was the Indian Legislature not consulted before the Government of India with the concurrence of the Secretary of State and the Admiralty decided to convert the Royal Indian Marine into a combatant force to be styled the Royal Indian Navy?"

On the 7th March 1927 Mr. Lansbury asked the Under-Secretary of State for India:

"whether the Legislative Assembly in India has approved of the proposals contained in the Government of India Indian Navy Bill now before this House,"

to which Earl Winterton, the Under-Secretary of State, replied:

"The publication of the Committee's report, on which the Bill is founded, gave members of the Assembly an opportunity to initiate a debate on the whole scheme if they desired, but, so far as I am aware, they have not availed themselves of it in the twelve months that have since elapsed. As I stated on the 22nd February, 1926, the Assembly will, in due course, be required to consider consequential legislation.

Mr. Lansbury: Would it not be worth while to postpone this Bill until the Legislative Assembly has assented to it?

Earl Winterton: No. As I explained in my answer, consequential legislation which will follow, on the passage of legislation in this House and in another place, will have to be passed by the Assembly in India, and then will be the time to discuss the matter."

The Noble Earl, the Under-Secretary of State, said in the House of Commons that though the Report of the Departmental Committee was before the public in India for 12 months Members of the Indian Legislature did not desire to initiate any debate on the subject. I ask whether this was a fair presentation of the case. I ask whether before taking such a momentous step as the creation of an Indian Navy it was not the duty of the Government to come forward with their proposals and give an opportunity to this House in the form of a Resolution or motion to discuss the Report of Lord Rawlinson's Committee. This Assembly was not given any such opportunity, and when the announcement of His Excellency the Viceroy in another place and that of His Excellency the Commander-in-Chief on the floor of this House were made, the Royal Indian Navy, I suppose, had become an accomplished fact, and to-day for the first time we are given an opportunity to discuss the principles of a Royal Indian Navy.

Sir, if the whole question of the constitution of an Indian Navy were now open for discussion before this House, I would not have thought it necessary to oppose the Bill at the present stage. But my reason for opposing the present measure is this, that without the consent of this House the Government of India had decided to create an Indian Navy and necessary legislation was passed by both Houses of Parliament, and what we are asked to do to-day is simply to legislate for the discipline of this Indian Navy which has been created without our consent and without our approval. The Noble Earl, the Under-Secretary of State, said in the House of Commons that when the consequential legislation was brought before the Indian Legislature the Indian Legislature would then have an opportunity to discuss the principles underlying this measure.

X When one discusses the principles underlying the creation of a navy, the main questions that one is confronted with are chiefly these: firstly, who will pay for this navy; secondly, who will officer the navy; and thirdly, what will be the control of the Legislature over this navy? Under ordinary circumstances, in normal countries these questions would be superfluous, if not absurd; but, Sir, we in this House are placed in a position in which, when a measure of this nature is brought forward, we have to examine the question with our eyes open as to who will pay for it, who will officer it, and who will have the ultimate control over it. The question as to who will pay for the Indian Navy is very easily answered. Of

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course the tax-payer in India will pay for the Indian Navy. That question does not require much discussion or elaboration. So I will straightaway go to the second question—who will officer the Navy. On this point we have got the Report of Lord Rawlinson's Committee:

"With the proposed initial strength of the force recruitment of executive officers will be required at the rate of about 3 a year"

and then they go on to state in the same paragraph:

"One vacancy in three should always be definitely reserved for an Indian if a suitable candidate is available."

It is that one candidate about whom my Honourable friend the Army Secretary said that one-third of the recruitment would be reserved for Indians. I wish, that in order to make it look more imposing he had said 33½ per cent. of the future recruitment will be reserved for Indians. This 33½ per cent. comes to this—that one place every year will be reserved for an Indian and that also if a suitable candidate were available. Where are we to look forward to for a suitable candidate? Lord Rawlinson's Committee again give their opinion about this:

"One appointment every year should be reserved for an Indian either from Dehra Dun or an English public school"

and they go on to state in the same paragraph:

"As the age of study at Dehra Dun is 12 to 18 it is likely that several years will elapse before any Indian cadets enter the Navy from that institution."

Lord Rawlinson's Committee have stated that it will be several years before any Indian cadet enters the Indian Navy from the College at Dehra Dun. When this question was raised in the House of Commons, the Under-Secretary of State said:

"The Bill does not alter the existing law as now applied to the Royal Indian Marine. Under the existing law Indians are eligible for commission in the Royal Indian Marine service. In practice it has been found that a class of educated Indians willing and capable of serving as officers on ships is almost non-existent. Full opportunity will however be given to any young Indian who comes forward and is prepared to be trained as a naval officer."

This old story we have heard times out of number—that young Indians willing to serve and capable of serving are not forthcoming and that such a class is practically non-existent. In glowing terms the Under-Secretary of State said that the Bill does not alter the existing law and that Indians are even now eligible for commissions in the Royal Indian Marine; and yet what exactly is the position in the Royal Indian Marine? On this subject we have got some very interesting remarks in the proceedings of the House of Commons. Lieut.-Commander Kenworthy said:

"I wish to refer to the present officers of the Royal Indian Marine. These officers have done their course at Whale Island and on His Majesty's Ship "Vernon" for the study of naval subjects, gunnery and torpedo. There is quite a respectable officers' list in the Royal Indian Marine. There are nine post-captains—one is the director—25 commanders, 21 lieutenant-commanders, 29 lieutenants and nine midshipmen on the officers' list. In addition there is an engineer-captain, nine engineer-commanders, 25 engineer-lieutenant-commanders and 11 boatwains, all of them Britishers, and there is not one of Indian birth in the whole of that list."

That is the composition of the Royal Indian Marine from which under the existing law Indians are not excluded merely because they are Indians! The same Honourable Member has something to say to the remark of the Noble Under-Secretary of State that Indians willing to serve and capable of serving are not forthcoming. Lt.-Commander Kenworthy says: "What chance have they had in the past?" He is referring to Indians and then he goes on to say that during his short service he came across Chinese, Turkish and Siamese officers and also Japanese, and asks the very pertinent question.

"If we can train Turks and Chinese and Siamese officers, why cannot we do the same with regard to Indian officers?"

The answer was not forthcoming. That is the position of the Royal Indian Marine. And in the future Royal Indian Navy that will come into existence one cadet every year would be admitted if a suitable candidate is forthcoming. We will therefore have a navy which for decades together at any rate will be officered entirely by British officers and I ask Honourable Members on this side of the House to consider whether they would be willing parties to create an Indian Navy, in which though Indians may not be technically and legally excluded, which will take several years to be officered by Indians.

And now I come to the third question that I raised—who will have control over this Indian Navy—and this brings me to the most interesting aspect of the whole question. The question of control over the Indian Navy is admirably explained by the Noble Earl the Under-Secretary of State for India. During the course of the debate he said:

"This new Indian Navy"—

—I would ask Honourable Members to mark this carefully—

"will be in exactly the same position in relation to the Assembly as the Indian Army is at present. While I believe it is true that it is not possible under the Government of India Act for the Assembly to discuss any actual items dealing with military expenditure in the Budget, they can discuss and reject or accept the whole Budget of which these items are a part; they will have exactly the same rights from the legislative and statutory point of view over the new force as they have over the Army."

Comment on this passage is superfluous. Later on he says:

"May I say, in conclusion, that I commend this Bill to the House for the reason that, to the best of my belief and the belief of my Noble Friend the Secretary of State for India and of the Government of India, it is desired by the people of India."

Sir, I would ask whether the people of India desire to create an Indian Navy over which their control will be exactly identical with the control which this House has over the Indian Army. (*Mr. M. A. Jinnah*: "Which means *nil*.") Provision is made in the amending Bill for the control. It is of course stated at the outset that the Indian Navy will be primarily for the defence of the Indian coast. So far very good; but in times of emergency it can be taken over by the British Admiralty. But who is to consent to the taking over of the Indian Navy by the British Admiralty? The Governor General in Council. If he is convinced that an emergency has arisen he may hand over the control of the Indian Navy to the British Admiralty; not with the consent of the Indian Legislature, not with the consent of the Indian people. And those who know that the Governor General in Council is a subordinate branch of the British Government know how hollow this provision about the sanction of the Governor General in Council is. Well, as citizens

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of the British Empire, no doubt we must be ready in time of emergency to place our Navy at the disposal of the Royal Navy. But then, Sir, is it too much to ask that before such a serious step is contemplated the Indian Legislature's consent may be asked? Would any Britisher dare to suggest for a moment that in a time of Imperial emergency the Australian Navy should be taken over by the British Admiralty without the consent of the Federal Parliament in Australia? Such a suggestion would be deeply resented. I hope that whatever power this House has or has not, it has at least not lost the power of resenting such a suggestion. So, in times of emergency and Imperial need the Indian Navy must be made over to the British Admiralty. Very well. We will put up with that, but who is to bear the expenses at that time? The provision in the amending Act is this, that Indian revenues shall not be appropriated for this purpose without the consent of both Houses of Parliament. Sir, the whole discussion that took place in the House of Commons during the passage of this amending Bill forms very interesting reading. In the second reading of the Bill Mr. Ammon moved the following Resolution:

"This House being desirous of expanding the powers of the elected representatives of the Indian people in the control of Indian affairs cannot assent to the second reading of a Bill for the provision of an Indian Navy which fails to place such a Navy under the control of the Indian Legislative Assembly and has not been submitted to and approved by that Assembly, and incidentally involves an increase in Imperial Naval Forces."

This was the amendment that the Honourable Member moved on the motion for the second reading of the Bill. Of course people who know the constitution of the British House of Commons will know what must have been the fate of that amendment. It was lost by a great majority. Later on, in the report stage, when the clauses of the Bill were taken into consideration, three very significant amendments were moved to the Bill.

The purport of the first amendment was to enact a provision that the Indian Navy shall not be used for any other purpose but for the purpose of Indian defence. When such a motion was moved it was resented by the Under-Secretary of State for India and by those sitting behind him. What an absurd thing to suggest that in a time of grave emergency, when the Empire is involved in a war, that our Indian Navy should not be given the privilege of partaking in the great struggle! Surely even such a suggestion is absurd. And therefore that amendment was defeated. The Honourable Member then moved his second amendment. The purpose of that amendment was that when the Indian Navy is used for purposes other than purely Indian defence then the cost of those operations should be borne by the British Exchequer. Well, one would think that such a proposal is very reasonable. If the British Admiralty wanted the services of the Indian Navy, we would for the sake of Imperial considerations place our Navy at their disposal; but surely they must pay for it. But even that suggestion is absurd! Would you deny to India the privilege of contributing from her Exchequer in a time of great emergency? This amendment will cut out that glorious prospect. And therefore that amendment was also thrown to the winds. Well, the Honourable Member who moved these amendments was very persistent; he tried a last shot, and his third amendment was this. When the Indian Navy is used for purposes other than Indian defence then Indian revenues shall not be

appropriated for that purpose without the consent of the Indian Legislature. Surely that was an unanswerable case. India would no doubt like, out of her great Imperial sentiments, out of her loyalty to His Majesty, his heirs and successors, to place her Navy at the disposal of the British Admiralty, and she would also like to have the privilege of contributing the expenses of those operations; but surely she would be given the privilege of contributing of her own free will to those operations. But even that amendment was rejected and the Noble Earl the Under-Secretary of State for India had a very significant answer to give to this, as he considered, impudent claim on behalf of the Indian Legislature.

Lala Lajpat Rai (Jullundur Division: Non-Muhammadan): On which side did the Leader of the Labour Party vote?

Mr. R. K. Shanmukham Chetty: I will find it out later on. Sir, in answering this amendment that Indian revenues should not be appropriated without the consent of the Indian Legislature, the Noble Earl the Under-Secretary of State replied as follows:

"It has never been pretended at the present transition stage of the Indian constitution that India through her Assembly has full control over the revenues of India. It has never been pretended by us that she has"

—mark the words that follow—

"and except for a very few Indians there is no demand that that control should be given at this moment."

There is no demand except by a few people, vociferous people like me, that the control over Indian revenues should be placed in Indian hands!

Sir, that is the history which has led up to the present legislation. Of course my Honourable friend the Army Secretary has introduced a very innocent measure. These questions are not now before the House. He simply asks us to legislate for the discipline of the navy. Surely we must thank the Honourable Member, the Army Secretary, that we have been given the privilege of legislating for the Indian Navy, that the British Parliament has not taken upon itself even this duty of legislating for the discipline of the Indian Navy.

I hope I have explained at sufficient length the significance and true purport of the measure that is now before us. Fortunately for us we are placed in this situation now, that without the passing by the Indian Legislature of the measure that is now introduced by the Honourable Member the Army Secretary, the Indian Navy cannot come into existence, unless it be that His Excellency the Viceroy in virtue of the extraordinary powers vested in him certifies that the passage of this Bill is necessary for the safety of the country and for the discharge of his duties in the administration of the country. The amendment to the Government of India Act was called the Indian Navy Bill, and Mr. Wheatly, speaking in the course of the debate, said:

"I submit that if the Government resists this amendment, then the title of the Bill is a misuse of words. The supreme control of the Navy surely indicates its ownership. If the supreme control is vested in this House, then this Navy ceases to be an Indian Navy and becomes for all practical purposes a British Navy. It is surprising that the policy outlined here has emanated from the Conservative Party. India is to be asked to pay entirely for its ships and its Navy. Every penny of the cost is to be met from revenue collected from the poor Indian tax-payer. The Conservative Party comes along and asks us to accept the principle that although the Navy is paid for by India and according to all the laws of property should therefore belong to India, they should insist on the right, when it suited their purpose, to be entitled to confiscate this Navy."

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That is the power that has been reserved to the British Government, and I would ask Honourable Members on this side of the House whether they would be parties to passing the measure and creating a Navy which will not be under their control.

Mr. M. A. Jinnah: Pass a Bill laying down the discipline.

Mr. R. K. Shanmukham Chetty: But fortunately for us that Navy cannot exist and function as a combatant force without the passage of this Bill. And if the House rejects this Bill, then whatever might be the decision of the Government of India and the British Admiralty, they cannot have an Indian Navy as an effective combatant force. (*Mr. M. A. Jinnah:* "Certification.") Certification of course, but surely it is too much to ask that we should be consenting parties to this measure.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Why do you not bring in some amendment later on? Will it not do what you want?

Mr. R. K. Shanmukham Chetty: Of course my Honourable friend does not understand these things, and I hope he will not interfere.

Mr. K. Ahmed: You do not propose to answer and monopolise the time, and others do not get their chance.

Mr. R. K. Shanmukham Chetty: These subjects are too big even for him. Sir, in concluding my observations (*Hear, hear*)—I have been speaking very unpleasant things and I am sure my conclusion will come as a great relief to my friends on the other side—I cannot do better than quote the words of one of the speakers in the House of Commons, Mr. Whitley. During the third reading he said:

"I want to take this opportunity of entering a most emphatic protest against the provisions of this measure. I do not know what case was or could be made out for the Indian Navy but I know that no case can be made out for an Indian Navy which is not under the control of the Indian people. What we are asked to do here is simply farcical. We are asked to subscribe to a situation in which there will be an Indian Navy which may be taken away by the very people who in certain conceivable circumstances may be India's chief enemy and used by these people while they retain the power, the right, to say who is to pay for the Navy during the time it has been used without the consent of the Indian people."

That summarises the whole scheme, that summarizes the whole situation and puts it in a nutshell.

Mr. M. R. Jayakar (Bombay City: Non-Muhammadan Urban): But they are trustees for us!

Mr. R. K. Shanmukham Chetty: It may be that in the case of the Army we are placed in no better position. But when the Army in India was brought into existence, it was not brought into existence with our consent. In passing this measure in this House to-day we will be consenting parties to a measure which deliberately takes away from the purview of the Indian Legislature all control over the Indian Navy, and I ask whether Honourable Members should be consenting parties to such a measure. Sir, I am sorry to use strong words but I would conclude by saying that I would not touch the present measure with a pair of tongs.

Mr. Sarabhai Nemchand Hajl (Bombay Central Division: Non-Muhammadan Rural): Sir, in view of the fact that there is an amendment

standing in my name to refer the Bill for eliciting public opinion, may I know if I can speak on this subject at the present stage without barring my right to move my amendment when the time comes. In that case, Sir, at this stage of the discussion I would like to bring prominently before Government a few words in connection with the subject of the Indian Navy which I am afraid they have forgotten to pay attention to in their zeal for complying with the requirements of the British Government. This Bill is the result of an attempt to force an Indian Navy on the people of this country under conditions which, as my Honourable friend Mr. Chetty has pointed out, cannot but be regarded as very humiliating. We, Sir, in this country are to pay for this Royal Indian Navy, but the control is to rest with the Governor General in India and with the Parliament in England. It has been stated that the Indian Legislature will have as much control over the Navy as it to-day possesses over the Army. We know the ridiculous nature of our control over the Army, and therefore we do not want a similar control, we want something more. We want the power to say to-day that the Indian Navy is not to be used outside Indian waters without the sanction of this Legislature, that Indian funds are not to be spent upon this Navy when the Navy is engaged outside Indian waters without the consent of the Indian Legislature. The analogy of the Army drawn by the Under-Secretary of State for India in England is very misleading, Sir. While the Indian Army was growing, this Legislature was non-existent. India was then governed under a system which did not admit even of that mild form of representative government that we have got to-day. But now India having got the Legislative Assembly, I do not think it is right for the English Government to thrust a Navy on the people of India over which their representatives have no more control than over the Army. It has been said, Sir, and very graphically my Honourable friend Mr. Chetty pointed out how the Secretary of State for India and his Under-Secretary in the House of Commons had come to the conclusion that the people of India wanted a Navy. It was stated that it had been brought to their knowledge that the people of India wanted a Navy.

Mr. M. S. Aney (Berar Representative): According to the best of their belief. ✓

Mr. Sarabhai Nemchand Haji: Yes, their belief changes according to their monetary requirements. That being the case, Sir, I would like to put before the House a few facts with regard to the expression that was given to the subject by Indians interested in this subject and the occasion for that expression. It was only in course of the tours of and the evidence taken by the Indian Mercantile Marine Committee that Indians had some opportunity of saying what they wanted with regard to merchant shipping and a fighting Navy, both of which are complementary to each other. The merchant marine provides the second line of naval defence. The Navy of to-day with its battleships and cruisers, its destroyers and submarines would be seriously handicapped in its activities, would even fail in them if it was not adequately supported by the mercantile fleet providing transport, munition and hospital ships, auxiliary cruisers and mine sweepers, Q ships, sub-marine chasers and other vital necessities of naval warfare. This being the case, and as no country in the world has got a fighting navy without an adequate merchant fleet, the Indian witnesses put the national view point before the Indian Mercantile Marine Committee. And in this connection, Sir, I should like to add my tribute

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of praise to the work done on that Committee by the Chairman of that Committee who happens to be even now the Director of the Royal Indian Marine and with regard to whom the Army Secretary paid such a well deserved tribute. But, Sir, while paying the tribute to the Director of the Royal Indian Marine and the President of the Mercantile Marine Committee, I am afraid I can not but bring censure on the Government of India for not carrying out the definite recommendations of the Committee over which Captain Headlam so worthily presided. This Committee in its report dealing with the question of the Royal Indian Marine says :

“It is the almost unanimous desire of all Indian witnesses ”

—over a hundred appeared before this Committee—

“that the creation of an Indian Navy capable of defending the coasts, harbours and commerce of India should proceed hand in hand with the development of an Indian Mercantile Marine.”

Here the Government had definitely the views of people interested in shipping and business matters and definitely the views of the Mercantile Marine Committee that the development of the Indian Navy should be simultaneous with the development of an Indian Mercantile Marine. Their very words were, “It should proceed hand in hand.” Very well, Sir, in that case, if the recommendations of this Committee with regard to the transformation of the Indian Marine into the Indian Navy are to be carried out, why not the other recommendations?

Mr. B. Das (Orissa Division: Non-Muhammadan): Because that will go against British shipping.

Mr. Sarabhai Nemchand Haji: That is exactly my point, Sir. I wish the Honourable the Army Secretary, while praising the arduous work of Captain Headlam in connection with the reorganisation of the Navy and the very great share he took in the deliberations of the Mercantile Marine Committee, had urged upon his colleagues in the Government of India the necessity of paying sufficient attention to the whole question, the whole question of establishing a Navy simultaneously with a merchant marine. In this country, Sir, we are all accustomed to the Government of India getting hold of one section of a complete scheme which suits them, leaving the other section untouched. Now that we have got the power to say how far these tactics will be tolerated, we are surely justified in opposing any method by which a big burden is thrown on India without any corresponding advantage.

With regard to the personnel of the Navy, as my Honourable friend has pointed out, the proportion of 33-1/3, which sounds very big when we talk in hundreds, reduces itself to a mere farce when it comes to the facts of the case. Three men are to be taken every year on each of the two sides of the Royal Navy, the executive and the engineering. 33 per cent. of 3 comes to 1! We are told that for the sake of this one man we should incur large expenditure, that we should undertake responsibilities we know not how great. If, Sir, in this connection the Government were quite honest, the least they could have done was to come forward with a proposal according to which at least all the new entrants into the Indian Navy would have been Indians. After all, it is only six men every year and I am sure, now that the Government of India have wisely decided to

allow the men from the Indian Mercantile training ship "Dufferin" to compete for these examinations, sufficient numbers will be available to allow of the necessary number being available every year. It has been stated to us—it really sounds very ridiculous that it should be so stated—that Indian gentlemen are not coming forward to join the Royal Indian Marine. May I know, Sir, what steps Government took to bring to the notice of the people of India that these careers were open to them? The Government of India has always been in touch with the "Conway" and "Worcester" authorities in England; but there are educational institutions in this country which could have given them engineers, if not executive officers. We have got a few engineering colleges. Did Government get in touch with them? No. They did not do that. Did they ever, through their machinery, the district officers, inform people in this country that openings were available in the Royal Indian Marine? Naturally, Sir, in view of this indifference, it was impossible for the people of India on their own to find out what were the prospects of the shipping line and the allied naval line. Sir, this was brought out very prominently in the course of the various Committees appointed by the Government of India during the last few years after pressure began from the elected Members of the various Legislatures to find out the possibilities of Indian participation in Indian shipping. The one door, the one main door, one of the important doors, by which men are recruited for the Navy in England is the Mercantile Marine, and in this country unfortunately this door has remained closed to the people of this country. So it is absurd on the part of the Secretary of State and his Under-Secretary in the House of Commons to say that Indian gentlemen of the required standing did not come forward. As a matter of fact, when Indian gentlemen tried to come forward, they found that in this country the British and foreign, non-Indian, companies that had got hold of the carriage of the coastal and overseas trade of the country did not allow Indians to act as apprentices on board their ships. Sir, in a case where Indians are not allowed opportunities to work as merchant seamen, even as apprentices, let alone ship's officers, how are they going to have the knowledge of what is before them in the Royal Indian Marine or in the Royal Navy? When a Resolution was moved in this Honourable House on the 12th of January 1922 by Sir Sivaswamy Aiyer in connection with the Indian Mercantile Marine, my Honourable friend Mr. K. C. Neogy quoting a report of a Committee appointed by the Government of Bengal gave the following quotation:

"The whole question (that is to say, the question of Indian apprentices on board the ships) centred in one point, *viz.*, are the shipping companies willing to employ the Indians as apprentices? The Marine Superintendents of:

- (1) the British India Steam Navigation Company Limited,
- (2) the Asiatic Steam Navigation Company Limited,
- (3) the Indian General Navigation Railway Company Limited,
- (4) the Rivers Steam Navigation Company Limited,

were present and I asked them point blank if they were willing to take in Indian apprentices. All of them expressed their inability to do so, and their official reply runs as follows:

'It is doubtful if the shipping companies would find it'

—mark the words, Sir—

'either possible or expedient to employ Indians as mates while there are other Europeans on board with whom these Indians would have to associate.'

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The entire people of this country are untouchables from the point of view of the Europeans who are on board the British ship,—the British ship that has exploited the resources of this country for the last fifty years and more. The disgrace of it is so great. . . .

The Honourable Sir George Rainy (Member for Commerce and Railways): May I ask the Honourable Member to give the date and the place where this official reply was given?

Mr. Sarabhai Nemchand Haji: This was quoted by my Honourable friend Mr. Neogy in his speech on the 12th January, 1922, and this will be found at page 1544 of the Legislative Assembly Debates, Vol. II, Part II. This, Sir, is the case. I shall just finish the quotation, with your permission. :

“I tried to ascertain the cause of this unwillingness and got my colleagues to admit that it was the question of prestige that stood in the way. My friends expressed their sympathy with the aspiration of our young men to adopt the sea life, but they could not see their way to allow the Indian lads to mix on equal terms with the European lads who are already there as apprentices.”

Sir, this was in 1922, at a time when public opinion in India had not begun to exert itself in connection with the development of Indian shipping. I am aware, Sir, that these very companies who behaved in such an anti-Indian, or shall I say, in such anti-Imperial, manner, changed their outlook after the appointment of the Indian Mercantile Marine Committee. These companies under pressure of public opinion later on gave an undertaking to the Mercantile Marine Committee that they would have no objection to entertaining Indians as apprentices, but the quotation that I have put before you will show to the House that this anti-Indian policy has been followed by the British shipping companies in this country right down to the year 1924. This being the case, and Indians having been debarred from working as officers and engineers on the ships, how is it possible for Indians to think of openings in the Royal Indian Marine? How could they think of participating in a scheme of defence from which they were, if not theoretically, practically excluded? That is why I feel, Sir, that if the Government are very keen about this problem of an Indian Navy, let them come forward with a definite statement, at least as a sign of repentance for their inactivity in this matter in the past, that they are prepared to recruit all the men and all the new officers now and henceforward required for the Indian Navy from Indians and Indians alone. If this is done, we shall have in a fair measure an assurance that the Government of India are sincere in their proposal to have an Indian Navy.

The other point to which, with your permission, Sir, I should like to make a reference, is the seriousness with which the Labour Party in Parliament tried to tackle this problem. When the Secretary of State in the House of Lords was talking very vaguely, and when the Under-Secretary of State for India was talking equally vaguely in the House of Commons, it was the Labour Party.—be it said to their credit, though they are at the moment discredited (Laughter from the Official Benches)—who put up a strong opposition to the passage of this measure in the House of Commons. It was stated, and quite rightly too, that the Indian Legislature was the proper body to initiate this kind of legislation, that

the Indian Legislature should have control over the Navy, that the Indians were the owners, that they were the people who should have control over the Navy and that they should decide where it was going to be used. Sir, I have tried to analyse the voting on the various motions that were put before the House in the House of Commons, and I find that on all the days the Labour Party show a strength of 120 to 130 in connection with voting on the main motion or on the amendments connected with it, while the Government strength was about 240. But this block of 120 Labour Members, who were speaking not merely in the interests of India but from the Imperial point of view as well, found that their advice was not heeded. The Government in England relying upon their voting strength pushed this measure through. Now that it is attempted to seek the sanction of this House to this measure, let this House stipulate that it will not agree to an Indian Navy unless the personnel henceforward recruited is Indian, that simultaneous attempts will be made to carry out the recommendations of the Indian Mercantile Marine Committee, that the Indian Navy will proceed hand in hand with the Indian Mercantile Marine, that the control of the Indian Navy will be vested in the Legislative Assembly, and that that Navy shall not be used for purposes of war outside Indian Waters without the sanction of the Indian Legislative Assembly. If the Government are agreeable to these terms, I dare say, Sir, that they will have a less hostile House to meet on this motion.

Mr. K. C. Roy (Bengal: Nominated Non-Official): Sir, I am one of those vociferous men who have always claimed Indian rights over Indian revenues. I also agree with most of the observations made by my Honourable friend Mr. Shanmukham Chetty, but his persuasive eloquence to-day have left me unconvinced. What is the present position in respect of the Navy to-day? That we as Indians are not eligible for admission into the Royal Navy. This Bill seeks indirectly to remove that disability. (*An Honourable Member*: "No, no.") Are we going to

Mr. B. K. Shanmukham Chetty: British Navy?

Mr. K. C. Roy: I understand the highly technical position which my friend Mr. Jinnah proposes to take up.

Mr. B. K. Shanmukham Chetty: I may correct my friend and point out to him that, so far as the competency of Indians to enter the British Navy is concerned, this Bill does not change the existing law at all.

Mr. K. C. Roy: But I may inform my Honourable friend that the Indian Navy is a part of the British Navy, the rank and position of officers are going to be the same and identical in every respect, and the clause which figures so badly or rather which disfigures the Navy list will disappear in course of time.

Then again, Sir, my friend Mr. Chetty has quoted chapter and verse from the Labour Members. The Labour Members have suddenly become favourites in this House. (Laughter from the Official Benches.) I wonder what the cause is. I shall not, however, trouble the House with quotations from the Labour Members, but I shall give only one quotation from an eminent man who was a Member of this House and who took a very great interest in the naval and military affairs of the Empire. This is no other

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than my friend Sir Sivaswamy Aiyer. Of Course, a man with his mentality cannot be expected to give a very enthusiastic support to what, after all, is not a very satisfactory Bill; but this is what Sir Sivaswamy Aiyer wrote:

"The new measure does not propose to add to the expenditure hitherto incurred upon the Royal Indian Marine. The only important change that will be effected is the training of the personnel for fighting purposes and the conversion of the service into a combatant one. The rank and file of the new Navy will mainly consist of Indians and the training of Indian lads for the new service has been already taken in hand. Indians will not be ineligible"—

—mark the words—

"Indians will not be ineligible for appointment to naval commissions, and there will be no differentiation as regards the character of the commission."

Now, I ask Mr. Jinnah to pause and consider over these few words.

Mr. Vidya Sagar Pandya (Madras: Indian Commerce): When was that statement made?

Mr. K. C. Roy: You may have a copy of the book. I am lending you a copy. That is the precise position I take up. This measure is throwing open to us a new door of advancement, and this we are asked to reject.

The second point I take up is that the Indian Navy, with the progressive development of self-government in this country, will be a great asset as a part of the Indian national defence. Are we going to reject it? We have talked ourselves hoarse over the question of a national military organization for India, and here is an opportunity for us, and we are asked to reject it.

Then, Sir, there has been some confusion about the growth of this new policy. My friends Mr. Young and Mr. Shanmukham Chetty I P. M. have given us some sort of a history. But what is the history of a new change? It can be found only in the history of the war. Sir, it is generally known that the Royal Indian Marine broke down during the course of the War and suggestions were made for its reconstruction. The Government at home and the Government in this country took a very serious view of this question and they decided to abandon the Indian Marine and to have a Royal Indian Navy. They moved, I claim, in the right direction. Sir, I shall also give a small extract from the Mesopotamia Commission's Report which will illustrate my point:

"It is enough here to say that its position is not considered satisfactory by its present Director, nor by the late Secretary of State for India, Lord Crewe. The latter indeed informed us that he had been so impressed by the unsatisfactory position of the Marine Department that he had in contemplation changes in it when the War broke out."

The present proposal arose out of the Mesopotamia Commission's Report. It was not a part of the Singapore Base; it was not a part of the policy of Imperial aggression. But it was a part of the reconstruction of Indian non-combatant forces into combatant forces with Indian personnel and Indian entry into the higher ranks.

Then, Sir, three points have been urged by my friend Mr. Shanmukham Chetty against the proposal. First, he says about finance. Of course,

I mean it will be financed out of the funds which were so long responsible for the financing of the Indian Marine. I fully understand that we have no control and I am one of those who claim that control, but that control will not be secured by rejecting the Bill.

Lala Lajpat Rai (Jullundur Division: Non-Muhammadan): Will it be secured by voting for the Bill?

Mr. K. C. Roy: At least some advance will be made. But no advance will be made by rejecting the Bill. Not only will you not get the Indian Navy but you will be left with the Indian Marine in its present position.

Then again, Sir, the second point is the constitutional point, to which Mr. Shanmukham Chetty has referred at great length. I fully understand that the Governor General in Council does not enjoy the confidence of this House and I am sorry for that. But we cannot forget that there are three Indian gentlemen sitting as Members of the Governor General's Council.

Lala Lajpat Rai: Does that make any difference?

Mr. K. C. Roy: Some trust, a little trust, is also due to them.

Mr. K. Ahmed: Why don't you get yourself elected first? I know you will not get a single vote from any constituency in Bengal.

Mr. K. C. Roy: But, Sir, I ask the House to pause one moment and consider what will be the effect of the rejection of this measure. As Mr. Shanmukham Chetty has very correctly pointed out, it is open to the Governor General to certify the measure. But why should he do it? If Indians are not admitted to the Royal Navy it will really please men who are in the Royal Navy to-day, in the same way as the exclusion of Indians from the Indian Army will please Army officers.

Then, Sir, it will debar us from an honourable career; it will prevent us from organising a national military defence which we have so long desired. I hope, Sir, the House will consider the position that was taken up and support the motion for circulating the Bill if my Honourable friend Mr. Haji moves it.

Mr. B. Das: Sir, I had no desire to participate in this debate. But when my Honourable friend Mr. Haji there spoke falteringly on behalf of Indian commerce and shipping, begging a little here and there, and when I heard my Honourable friend, Mr. K. C. Roy, whom I know to have taken some interest in Indian defence, I felt that there are times when credulity can go no further. There are some people here who believe too much in the Government, in whom some of us on this side have no faith at all. Sir, it has been shown to us that if we establish an Indian Navy there will be Indianisation. We have heard enough of Indianisation, and those of us who will take part in the debates of the next few days will talk of Indianisation and how every promise given by the Government has been broken; none of their promises have been kept and when in the name of Indianisation we are asked to create an Indian Navy and not an Indian Navy but a Royal Navy, well, that bait does not catch anyone on this side.

Sir, I have every sympathy with my friend Mr. Haji, when he tackles British shipping and wants to oust British shipping. That is a different case to asking us to circulate this Bill which will ensure the bondage of

[Mr. B. Das.]

Indians further and further. Well, there is talk of the amendment of the Indian Constitution. Well, if that Constitution is altered, if Indian defence is controlled by Indians, then we will think of Indian defence. The Indian Army is not under our control at present and this new bait of an Indian Navy that will force us into closer subjection is no attraction. My friend Mr. Roy says the money will come, the money will be paid by those who are already paying. Well, it is the tax-payers who are always paying. If there are 56 crores of rupees that are being spent on the Indian Army, we are not going to allow one farthing more to the Navy, to be spent on this so-called Royal Indian Navy, from whose control Indians are deliberately excluded. They might take one Indian, just to dangle him, just as occasionally they put Indians on the staff of the Railway Board to dangle before us. But so far they have not Indianised the Railway Board. That is not an exclusive department where Indians are to be excluded. It is a department controlled by this Assembly. Well, we have not yet succeeded in Indianising it. We have not been able to put one Indian as a member of this Railway Commission. And to-day we are asked to give our sanction, to give our tacit sanction to this Royal Indian Navy that will emasculate us further. My Honourable friend, Mr. Young, did not tell us what will be the cost to the Indian nation in money if this Royal Indian Navy is created. My friend Mr. Roy fights shy of Labour Members of Parliament. The Labour Members in the House of Commons did us a kindness in defending our Indian national honour. Sir Sivaswamy Aiyer has voiced the sentiments of Indians times out of number but the times are changed. Every day we are changing. As Pandit Motilal Nehru said: The sands of time are running out. So every day it is changing. There was a time when we wanted tacitly to give our consent to certain things but this House is unable to give any consent to anything by which the power of the bureaucracy and the executive will be strengthened, so that the slight power even which is in the hands of the people of India should be taken away by the executive and the Government of India and the British Government, and the Indian people be left powerless. On that ground alone, until we get our right of self-determination, I do not desire that there should be any Indian Navy, be it a Royal Navy or any Navy.

Colonel J. D. Crawford (Bengal: European): Sir, my Honourable friend Mr. Jinnah (*who had also stood up*) will have the usual chance of pulling me to pieces afterwards. Sir, as one who has taken some professional interest in the question of defence, I yet feel a good deal of diffidence—much more diffidence than my Honourable non-official friends **there**—in debating on this question of naval defence for India. I would like to deal first with Mr. Chetty's speech which interested me considerably since he brought forward certain logical arguments. He made great play with the fact that this House had not been given time to consider this question of an Indian Navy. It has been on the anvil, as he must know, for some time and the mere fact that the Indian Navy cannot come into existence until this Bill has been passed is surely enough safeguard in so far as this House is concerned. I am quite satisfied on that point. If you fail to pass this Bill there is no Indian Navy. We are as we were. The position of the House, I am sure he will agree, is adequately safeguarded in that manner. I do not for one moment suppose that the creation of an Indian Navy is at the moment a vital question of India's safety and I cannot see what necessity there would be to certify the Bill

if the House refused it. He went on to talk a good deal about who will officer the new Indian Navy. He made great play with the fact that this 33 1/3 per cent. recruitment will only mean one officer. Even if he had said 100 per cent. it would only mean 3 officers. The number is not very great in either case. He also made great play with the fact that these would only be appointed if men of suitable qualifications were to be found. He did not mean to suggest appointing any officer to the Navy without suitable qualifications. He did not do that. He agrees that men who want to go into the Navy must be of suitable qualifications. He pointed out that nothing very much had been done to train Indians and to provide them with the necessary qualifications, and he quoted the present complexion of the Royal Indian Marine which he said was entirely British. I understand Indians can go into the Royal Indian Marine without any difficulty if they want to, but one of the difficulties that has to be got over is that men are not forthcoming at the moment and that our policy should definitely be one of training.

Lala Lajpat Rai: Suppose they are.

Colonel J. D. Crawford: Why have they not come forward?

Lala Lajpat Rai: Suppose they are forthcoming in future. Will you take them? There is nothing in the Act.

Colonel J. D. Crawford: I understand that men will be available

An Honourable Member: One out of three.

Mr. Sarabhai Nemchand Haji: Change your percentage.

Colonel J. D. Crawford: That is for Government.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): What have you got to say?

Colonel J. D. Crawford: I am not averse to men entering if they have the necessary qualifications.

Mr. K. Ahmed: Necessary qualifications, according to your own point of view!

Colonel J. D. Crawford: Now, Sir, the point that appears to me necessary for this House to consider is this. Does India require anything in the nature of naval defence? Surely, with our five thousand miles of coast there is only one answer to that. It does need something in the nature of naval defence. When you get Swaraj what is going to be your position? You will still require your naval defence.

Mr. B. Das: We will settle that. You need not trouble about it.

Colonel J. D. Crawford: You require your naval defence, and whenever that position occurs, sooner or later, you do not want to be in the position of then having to make a start regarding your naval defence. It will be far better to make a start now and to build up something which you can take over when self-government is given. That is the position. And what is the argument that this House has time and again urged against the Government on this question of defence? They have said, "You cannot hand over the Government to us now because you have

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emasculated us." That is the constant cry and yet, when there is an opportunity to have training then there is the suggestion that it must be refused.

Lala Lajpat Rai: One in three. That is the training.

Another Honourable Member: Give us control.

Colonel J. D. Crawford: I am making an endeavour to put the case before the House in so far as I see it. It is perfectly plain to me that you will need naval defence. It is quite right that you should have naval defence, and that you should make a start.

Mr. Sarabhai Nemchand Haji: Will you insist upon adequate guarantees from the Government?

Colonel J. D. Crawford: Mr Chetty raised the constitutional question that we should not create a navy which does not come under this Legislature. That, I admit, is a perfectly logical argument. But it obviously is equally impracticable to have one section of the defence under this Legislature and another section of your defence not under this Legislature, and I understand that the position of certain parties in this House has been that during the transitional stage they do not propose to take up the question of defence or take over the question of defence.

Lala Lajpat Rai: Entirely wrong.

Colonel J. D. Crawford: It has very often been stated in Resolutions that have been passed in this House. If you consider that an Indian Navy should be started it seems right that at this particular stage you should place it with the rest of the defence of India and eventually the time will come when you will have something upon which India can build her own defence when that position arises.

Mr. M. A. Jinnah: Sir, my friend Colonel Crawford as usual had the good luck to precede me. Now, Sir, I listened to his speech and I wondered whether he was speaking as the Government of India or the Secretary of State for India. He told us very frankly that he is not the Government of India. We knew it. He also told us that it is not in his power to do anything. We knew it. But we want to know what is the Honourable Member's position and has he very carefully considered this question? The question before the House is whether this Bill should be referred to a Select Committee, and I understand that if this House gives the answer in the affirmative, we accept the principle of this Bill. Now, Sir, so far as this Bill is concerned, it confines itself purely to matters of a disciplinary character. But if it only stopped there, then the question would be very easy of solution. But it does not, and I will point out to my Honourable friend Colonel Crawford the grave implications of passing the Bill in the words of the Under Secretary of State for India—I will quote those words presently. The position is this. Lord Winterton was attacked by some members of the House of Commons thus:—"You are passing this Bill. If this Bill is enacted into law, the position will be that an Indian Navy will be created, and that the entire burden of the maintenance and administration of that Indian Navy will be borne by the Indian tax-payer and yet the Indian Legislature will have no voice in the control of the

Indian Navy, financial or otherwise. It will have only the privilege to pay for it, the budget being non-voted. Further, that Indian Navy which you are creating can be utilised by the Admiralty in any part of the world, if the Governor General gives his consent, compelling India further to pay for it if both Houses of Parliament pass a vote to that effect. Now, very rightly the Opposition in that Parliament said that this was a monstrous thing to do on the face of it. You are expressing your desire to help India. You want to create an Indian Navy. You want to give the people of India the opportunities to enter that Indian Navy as officers and yet you are allowing one vacancy as against two British.

Mr. K. Ahmed: After seven years.

Mr. M. A. Jinnah: And in return is this what you are offering to India while pretending to create an Indian Navy for the people of India? That was the position. Now I will quote the words of Lord Winterton. What did he say? He said, that is so. There is no doubt about it. It cannot be challenged that that is so. I will read his words now and I hope that my friend Colonel Crawford will follow it. This is what he said, . . .

Mr. K. Ahmed: He will never follow it.

Mr. M. A. Jinnah: "Some one may ask what opportunity will be given to the Legislature in India to deal with the Bill".

—that is, the one before the Parliament—

"The opportunity will be this. In the first place, this Bill cannot come into effective operation in India without consequential legislation by the Assembly, and when that Bill is discussed by the Assembly, there will be full opportunity of discussing the whole question of the Indian Navy."

I ask Colonel Crawford, I ask my European friends, and I ask the House, do you accept this position for India? That is the question you have to answer now and here. Do you accept this position; are you going to support the Government. The issue is not the Disciplinary Bill. The issue is this, do you accept the Bill which was before the Parliament, which I have described, and which has been enacted into law? That is the issue before you, and your vote to-day does not mean that you are merely dealing with the Discipline Bill, but you are going to give your sanction to the Bill which has become law. That is the question for you to decide. To my European friends I say; if you were in my place to-day, I am sure you would not accept that position, and I will tell you why. The only point in its favour was made out very clearly by my Honourable friend, Mr. K. C. Roy, for whose understanding I have very great respect. He said, and very rightly said, that up to the present moment unfortunately, it was not possible—and I do not want to use any strong language because it does not serve any good purpose,—unfortunately it was not possible for any Indian to rise to the rank of an officer in His Majesty's Navy. That was our misfortune up to the present moment. Says Mr. K. C. Roy, that misfortune, that disgrace, that humiliation, which has been inflicted upon India for all these years, is going to be removed and you will at least get an opportunity of one Indian out of three, who may, in course of time, be admitted, and therefore this badge of disgrace will be removed from India. Yes, it is an advantage, but what is the price we have to pay for it, Sir,

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that is the issue this House has got to decide? Now, I will read what Sir Sivaswamy Aiyer said. It is not quite fair to pick out one passage and say, here is the advantage. No doubt one Indian may rise to the rank of an officer in the Navy, and I am not disputing that. But for that advantage are you going to give your consent to the Bill which has been passed into an Act by the Parliament and which lays down disadvantages of a vital character which I have described? That is the question you have to decide. What does Sir Sivaswamy Aiyer say? He says:

“The illiberal spirit of the legislation is responsible for the scanty enthusiasm which it has evoked in the country”

—that is, this Bill—

“The creation of an Indian Navy even of limited dimensions which can be supported by Indian finances and is necessary and sufficient in view of India’s membership of the British Empire is an arduous and costly process requiring the co-operation of many factors, and the sooner a start is made in a liberal, sympathetic and trustful spirit, the better will it be for the Empire and for India.”

Now, I ask my Honourable friend, Mr. K. C. Roy, is this measure started in a liberal, sympathetic and trustful spirit?

Mr. K. C. Roy: I never said it is, but Sir Sivaswamy Aiyer never objected to the Bill.

Mr. M. A. Jinnah: I ask Mr. Roy not to follow Sir Sivaswamy Aiyer blindly. Will you not exercise your own judgment? And let me tell the House that I have got as great a respect for the intellect, capacity and judgment of my Honourable friend Mr. Roy, as I have for Sir Sivaswamy Aiyer. Cannot you exercise your own judgment, and I say to this House, if I have to wait, if I have to lose what I consider is the inherent right of the people of India to be admitted to the rank of officers in the navy—if that is going to be denied to me as it has been denied up till now, and if I have to wait for it until I get it in a decent manner under decent conditions, it is better to reject this Bill than accept the present position. I therefore ask the House to say without any hesitation, “Let Parliament reconsider the position and when a really proper measure is offered to us in that spirit of trustfulness and co-operation then this House will accept it.

Mr. K. C. Roy: On a point of order, Sir. May I ask your ruling whether I shall be in order if I move the circulation of the Bill?

Mr. President: The Honourable Member had had an opportunity and he missed it.

The question I have to put is

(At this stage Diwan Chaman Lall rose in his place.)

Mr. President: Does the Honourable Member wish to speak?

Diwan Chaman Lall: Yes.

Mr. President: The Honourable Member did not rise in his seat. The House stands adjourned till 2-30 P.M.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Diwan Chaman Lall: Sir, after the speech delivered by my friend Mr. Shanmukham Chetty I consider there is very little to be said on this side of the House; but since the debate has gone on, certain arguments have been adduced, particularly by my friend Mr. K. C. Roy and by Colonel Crawford, which I think should be met. The position, as I visualize it, is this: Constitutionally none of us here representing the people can support the position as it is placed before us by the Government. The constitutional position is merely this—that in pursuance of a desire on the part of Great Britain to have an adjunct to the British Navy in Indian waters, the Government have gone over the heads of the Legislative Assembly and the people of India and brought in a proposition in the Houses of Parliament and they want us now to support that proposition by our votes. I consider that that is not only an insult to the people of India but it is a constitutional issue which we have to face and we, by supporting it, would be robbing ourselves of the right of our own self-determination in this matter which is of vital importance to this country. A great deal has been said by my friend Mr. Shanmukham Chetty in regard to the control of the Indian Navy, not by the Legislative Assembly or by the representatives of the people but by the Governor General in Council who would be acting under the dictates and the mandate of the British Government. I would like to remind the House of the actual position in regard to Indian defence. I understand that in the year 1921 a Resolution was moved in this House and supported by no less a person than the Army Secretary of the day, Sir Godfrey Fell, in which it was definitely declared that except in the case of an extreme emergency the Indian forces of defence will not be utilised except for the purpose of Indian defence. I would like to remind Honourable Members opposite of the terms of that Resolution. It was said that:

“the Army in India shall not as a rule be employed for service outside the external frontiers of India except for purely defensive purposes and the employment of troops on garrison duties overseas with the consent of the Government of India.”

I want to ask the Honourable Members opposite: Was that not a definite promise given on the floor of this House to the representatives of the people that the defence force of India would not be employed for any purposes barring the purposes of defence of India except in the case of very grave emergencies, and how is it that Lord Winterton now comes forward in the House of Commons and propounds a proposition in direct contradiction to the Resolution that was passed by the Assembly in the year 1921?

Mr. G. M. Young: I would answer it now, Sir. The answer is that the Resolution of 1921, though applicable only to the Army, has been applied to the new Indian Navy by the Act that was passed at home, which contains the very words that he has now quoted—that except in case of very grave emergency the Indian Navy cannot be employed by the British Government, that is to say employed for purposes other than local defence, except with the previous consent of the Governor General in Council. The words are there.

Diwan Chaman Lall: The position here is this. Here we are being asked to place the Navy that you are going to create in India at the disposal of His Majesty's Government in case of emergency. That is what you are suggesting.

Mr. G. M. Young: With the previous consent of the Governor General in Council.

Diwan Chaman Lall: I submit that the wording is not the same. If the Honourable Member will look at the wording of the 1921 Resolution and the wording at present employed in regard to this Bill he will see that the wording is not the same. Here we have a definite assurance that the force will not be used outside India except in very grave emergencies. I would like to know from the Honourable Member whether these very words are used in this case. I challenge the Honourable Member to say whether these very words have been used in the Navy Bill.

Mr. G. M. Young: The words used are :

"If the Governor General declares that a state of emergency exists which justifies such action, the Governor General in Council may "

and so on.

Diwan Chaman Lall: Here we have the words "very grave emergency". I admit that the distinction is very fine, but what my Honourable friend fails to realise is the question as to who is going to be the arbiter to decide what is a grave emergency and what is not. I submit that by the 1921 Resolution we have forced the Government to place this matter in the hands of the representatives of the people. They must have a voice in determining whether there is a grave emergency or not. The representatives of the people passed the Resolution and it is for them to consider what is and what is not a very grave emergency. In the present Bill we are discussing you are placing the right in the hands of the Governor General in Council. That is my reading of the situation and if it is a correct reading of the situation I declare that you have departed from what you said in 1921. Then you come down to the Imperial Conferences of 1923 and 1926. What is the essence of the Resolutions passed? That the naval forces of each Dominion will be used for local purposes; and I have from Lord Winterton himself a corroboration of what I am saying. He said in his speech in the House of Commons that the policy declared in the announcement followed the recommendations of the Imperial Conferences of 1923 and 1926 which were to the effect "that the primary responsibility rests on each part of the Empire for its own local defence", but there is no primary responsibility placed upon any part of the Empire for the defence of the Empire as such. Their responsibility is for their own local defence. You have gone beyond that. You are going on to the position that we are not only responsible for our own local defence but that whenever called upon we shall place our forces at the disposal of the British Government (*An Honourable Member:* "Subject to the decision of the Governor General in Council.") Yes, but my friend Mr. Chetty has already given a reply to that—that the Governor General in Council is a subordinate branch of the British Government. Whatever the British Government dictates in matters of world-wide concern, the Governor General in Council will not have the slightest hesitation in carrying out the dictates of His Majesty's Government.

Then, Sir, there is a very important matter which was raised by my friend Mr. Shanmukham Chetty. Here we are creating a Navy or rather a Navy is being created for us or being forced upon us. For what purpose? It has been said in the House of Commons during the course of the debate that it is the desire of the British Government to supplement its Naval

forces by the creation of a Navy in Indian waters. That is a charge that has been levelled but not answered by any representative of His Majesty's Government on the floor of the House. Mr. Lansbury said that it is the desire of the British Government to create a Navy for the purpose of the defence of the Pacific. They want a Navy in the Pacific. It is alleged, I do not know with what truth and it is for the Honourable Member to tell us, that the creation of this Indian Navy in such a tremendous hurry was in pursuance of the policy which the British Government have of safeguarding the Empire at various strategic points. For instance there is the Singapore base. Is it or is it not a fact that the creation of an Indian Navy is part and parcel of a scheme for the defence of the whole of the East by the British Government for the protection of what it calls the British Empire? Is that not so? The charge has been levelled and no reply has been given.

Now who is going to pay for the Navy that is going to be thrust upon us? It has been stated that India will have to pay for it, that at the present moment we are paying about 41 to 46 lakhs for the Royal Indian Marine. I do not know the correct figure.

Mr. G. M. Young: The figure is considerably higher than that.

Diwan Chaman Lall: Let me put it at 50 or 60 lakhs. In the House of Commons the figure of 46 lakhs was given. It has also been stated that for the purpose of the creation of this Navy we shall have to pay an extra sum of 10 lakhs. Now, I want Honourable Members to remember that the 60 or 70 lakhs that we shall be paying for the creation of the Royal Indian Navy is going to come out of the pockets of the Indian tax-payer, but that the Indian tax-payer will not have any voice whatsoever in the expenditure of this large sum of money, this sum of money which reckoned by the average Indian earning capacity amounts to the yearly earnings of nearly 16 lakhs of India. And we are being asked, asked by Honourable Members opposite, to agree to this proposition, that we should pay out this money and have no control over it. I ask my Honourable friend Mr. K. C. Roy, when he talks about humiliation, is it not a greater humiliation that we should be called upon to pay even a single penny without having any voice in the expenditure of it? Is that not a greater humiliation? We are being treated as slaves, as if we had no voice whatsoever in the determination of the constitution of our own forces. Here is money being taken out by force by Great Britain from the Indian tax-payer and we have no voice in the matter. I ask, is this or is this not a humiliation greater than the humiliation he was objecting to? Then, too, we are being asked to create a navy which will not be on the same basis of equality as the Dominion navies. Is not that also a great humiliation? And what is it we get in return for it? The opportunity in years to come when we can get qualified Indians, of having one Indian as a naval officer after he has received the necessary training. And what do we give? We place our naval forces at the beck and call of His Majesty's Government; we give money out of the Indian purse and we have no control over that. I consider it is a greater humiliation to us to agree to the principle of this Bill than the humiliation that my learned friend was objecting to.

Now, Sir, we have reasons given in the House of Commons in regard to the justification of the imposition of this navy upon India. We have the noble Lord Winterton very ignobly misleading the House. I want to

[Diwan Chaman Lall.]

refer for a moment to what he says in regard to the control of the Assembly in this matter. He said:

"Some one may ask, what opportunity will be given to the Legislature in India to deal with the Bill. The opportunity will be this. In the first place this Bill cannot come into effective operation in India without consequential legislation by the Assembly, and when that Bill is discussed by the Assembly there will be full opportunity of discussing the whole question of the Indian Navy. In addition this new Indian Navy will be in exactly the same position in relation to the Assembly as the Indian Army is at present. While I believe it is true that it is not possible under the Government of India Act for the Assembly to discuss any actual items dealing with military expenditure in the Budget . . . "

Not to discuss. This is the extraordinary ignorance displayed by the noble Lord. He is supposed to be the Under Secretary of State for India and he does not even know whether we have the right or not to discuss items in the Budget. Of course we have the right to discuss them, but we have no right to vote upon many items. (*An Honourable Member*: "We have not the right to discuss.") I think my Honourable friend is wrong. It has been ruled that we have the right to discuss but have no right to vote on certain items of military expenditure. (Hear, hear.) This is what Lord Winterton says:

"They can discuss and reject or accept the whole Budget of which these items are a part."

I say it is an utter falsehood for the noble Earl to have uttered on the floor of the House. He knows, or he ought to know, that we have no right whatsoever to throw out the military Budget because it is a non-votable subject. Now he was supported in what he said by another great friend of India, Mr. Pilcher, who was once a Member of this Legislative Assembly and who has become famous in Indian politics because of certain statements he made. Now what does Mr. Pilcher say? He is trying to throw light on the constitutional position in regard to the Legislative Assembly and the military Budget. He says:

"The Assembly is in entire control until a given moment when an emergency arises. That is a much better position so far as the Assembly is concerned than the position in regard to the Army."

He says further:

"This Bill however goes almost to the extent of making the Assembly the absolute arbiter in this matter. It is given complete control over the whole personnel of the Indian Navy."

He has actually misled the House and suggested that we would be in a much better position in regard to the Navy than in regard to the Army and that we would have a greater control over the navy than the Army; whereas the position remains absolutely the same. And I challenge my Honourable friend the Army Secretary to get up and support Mr. Pilcher, that great pillar of Anglo-Indian society. Not only this, but Mr. Pilcher's statement that the Assembly would be the absolute arbiter in this matter is an astounding untruth.

Now, Sir, it is with arguments of this nature that they were able to go to the House of Commons and mislead the Members of the House of Commons and get the support they did get in regard to this Bill. I say that the constitutional position, the military position and the financial position are so overwhelmingly unfavourable to any proposition of this

nature being accepted by us that no Indian with any self-respect would be a party to the proposition before the House. And why would we not be parties to the acceptance of this Bill? For the simple reason that we would be stultifying ourselves if this Royal Indian Navy were to be instituted. Why did not the noble Earl in the House of Commons wait until the reformed constitution was going to be considered? Why did he not make this part and parcel of the scheme for the future governance of India, and why did he take this step in such a hurry in the year 1927? I would like a reply to that from the Honourable Member. There are some of us who are convinced that Great Britain is veering towards a great war. We are confirmed in that suspicion by no less a person than His Excellency the Commander-in-Chief; and the suspicion has naturally arisen in our minds as to whether this is not part and parcel of the scheme which Great Britain has formed for the reorganization of the military and naval defence of the British Empire. But if that is being done, I submit it is not for us to pay for it. I consider it utterly dishonest on the part of British politicians to ask India to pay not only for the defence of the British Empire but to pay for the naval defence of India. After all it has been urged that the Indian Navy will probably never be utilized for combatant purposes. That has actually been said and I can quote chapter and verse for it. But nevertheless there are duties to be performed which are being performed in the Persian Gulf, for instance. There are other policing and coastguarding duties of a like nature. But those are the concern of British statesmen. It is their responsibility, not ours. Why ask India, poverty stricken India, to take it on her shoulders? I submit that what we will get—I appeal to my Honourable friend Mr. Roy—what we will get will be a mercenary navy, a navy paid for by us but over which we have no control; a navy which is going to be utilized against us, just as the Army is some times used against us, and against Eastern nations fighting for their freedom; a navy which might be put to any improper use which Great Britain may have in view. Are we going to be parties to this proposition? My friend Colonel Crawford said, "Do you want a navy?". Of course we want a navy, but we do not want a navy under these conditions. We will not have a navy at any price except our own price, and our price is, place the navy under the control of the Legislative Assembly; let that navy be controlled by the Legislative Assembly; let the finances of that navy be controlled by the representatives of the people. We are quite willing to have a navy on those lines. We are not going to be parties to the imposition of a Royal Indian Navy upon us by the fiat either of Lord Birkenhead or Earl Winton. If they have their own plans let them work out their plans. It has been alleged in the House of Commons that because Great Britain could not under present circumstances ask the Admiralty to increase her naval forces they are going about getting this in a left-handed manner. They want India to support their plans in regard to an increase in naval armaments by giving India an Indian Navy. But is it an Indian Navy? I ask that again. It is neither Indian nor a navy. What we are getting now is merely a police force for the purpose of policing the waters of the Eastern Seas, and it will be used not for purposes beneficial to us, but for purposes which are going to be exceedingly useful to Great Britain in an emergency. I submit, in these circumstances it would not only be a tremendous humiliation to us to agree to the imposition of the burden of a navy upon the Indian tax-payer, but it would be contrary to the policy

[Diwan Chaman Lall.]

of peace and good will that India stands for to-day in regard to Eastern nations.

I have only one quotation to make, Sir. It was stated in the House of Commons that Lord Winterton considered that India was in favour, Indian public opinion was in favour of the creation of an Indian Navy. I say emphatically that Indian opinion, as far as it has expressed itself, is not in favour of the creation of an Indian Navy under these circumstances. It is not. I say it definitely and deliberately, it is not. One newspaper said:

"We were overjoyed at the prospect in India of having a full-fledged Navy in A. D. 2526 by which time it is hoped naval warfare will have become obsolete owing to the greater vogue and efficiency of aerial warfare and navies will have become objects of curiosity fit to be kept in aquatic museums."

That is the type of navy that India is going to get. 33 per cent., one-third, no doubt one in three is going to be qualified: we have seen how many years it is going to take to Indianize completely the Navy under this scheme. Are you meaning seriously to deal with India and the promise of Indian self-government and Indian defence, or are you merely intending to play with the Indian people and go on creating these little toys for them in order that they should go on suiting your purpose? Is this your purpose, and not the good of India? I submit that in these circumstances it would be the greatest humiliation for any Indian to be seen voting for this measure which is so obviously and openly humiliating to the people of India.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Sir, I wish to ask the indulgence of the House only for a few minutes. I consider that the motion before the House has been discussed from the non-official Benches very exhaustively and, if I may say so, also very ably. I however wish, Sir, to deal more fully with one aspect which I think deserves very full consideration at the hands of Members who will be voting on this shortly. Even my friend, Mr. K. C. Roy, if I recollect it rightly, has during the last several years been agitating for more power for the Assembly as far as the military Budget is concerned, and if I am not misinterpreting any of his speeches in the past I believe he has pressed for greater power for this Assembly over the military Budget. The addition of a Navy to the paraphernalia of Indian defence adds one more non-votable item, and I venture to ask Mr. K. C. Roy himself whether he can reconcile this with the views which he has expressed in the past. I do not wish myself, Sir, to stipulate for Indianization or for any particular condition. I believe that every country ought to have its own resources for purposes of defence and protection, and to that end I welcome an Indian Navy any day. I would not grudge any reasonable amount which may be required for the purpose of keeping that Navy up to the point of efficiency comparable with the best nations in the world. But I do feel, Sir, very strongly that it is more than due to this House and to the country that not a pie more shall be agreed to by this House in any form which may make such expenditure non-votable by us. Our effort, Sir, all along has been ever since 1921 to reduce the non-votable heads of expenditure, and under any excuse or with any temptation to say that that will add to the list of non-votable items strikes me as being extraordinarily queer for any non-official member. I feel that it is not

at all a question of our not wishing to have a navy. All that we say is that we must be masters of it, and as far as the expenditure on it is concerned, we should be able to have an effective voice. I heard, Sir, last week a good deal from the opposite Benches which are the latest recruits to the Swarajist Party of India. The Honourable the Leader of the House and Sir Bhupendra Nath Mitra both claimed that they were better Swarajists than my friends here. (Cheers from the Official Benches.) *(An Honourable Member of the Congress Party: "They are the rivals of the Swarajists.")* I heard, Sir, a good deal last week from those Benches regarding the necessity of trusting Government and co-operation by us with Government. May I ask, Sir, whether it is not deliberate mistrust of the Assembly and of the non-official side that Government wish to put the Navy outside our reach and say, "Consider this Bill in all seriousness"? As one who is prepared to spend any amount that may be rightly considered necessary either on the Army or on the Navy or on the Air Force, I say that we cannot be parties to anything which will entail this expenditure if that is to be without our vote. Mr. K. C. Roy quoted from Sir Sivaswamy Aiyer. Nobody in this House who has seen Sir Sivaswamy Aiyer's work during the first two Sessions of the Assembly could doubt Sir Sivaswamy Aiyer's great anxiety and solicitude for India's advance in matters military or naval. But even there I wish to point out to my friend, Mr. K. C. Roy, that Sir Sivaswamy said—I do not know whether he made it a condition or not—that this new measure does not propose to add to the present expenditure on the Navy. May I ask Mr. K. C. Roy if he has had any guarantee from the Army Department that the expenditure on the Indian Navy which is to be now created with our sanction will be restricted to what is being spent at present on the Royal Indian Marine, and, if not, what precaution has Mr. K. C. Roy taken to see that the necessary condition which Sir Sivaswamy Aiyer mentions will be observed? What guarantee is there, Sir, that within the next five or seven years two crores of rupees will not be spent on the Indian Navy? And if Mr. K. C. Roy's reply is—I see he smiles, but he might as well reply, I will give way to him—that of course there is no guarantee about it, may I ask Mr. K. C. Roy how he justifies his vote on this score? Sir, the military expenditure of India, which Lord Meston estimated at 45 crores for the past war period—and he made that estimate in about the year 1918—has stood, even in spite of the Retrenchment Committee, Sir, at 57 crores. What are we able to do here? We wail and weep and criticise and are called people who can only put forward destructive criticism. Does this House wish to further put itself avoidably and deliberately in that position, in that most unenviable of positions? Is there any Indian who can say that he will not ensure the position for the future if he possibly can? I say that this is the opportunity, and although it may mean that the Navy may not be available to us for the next few years—and with the mentality of the British Government as at present unfortunately it threatens to be that—although it may mean even that, India must most respectfully say, "We cannot avail ourselves of this very tempting offer because we do not know where it will lead us to."

(Some Honourable Members moved that the question be put.)

Mr. K. C. Roy: On a point of personal explanation, Sir, . . .

Mr. President: Munshi Iswar Saran.

Munshi Iswar Saran (Lucknow Division: Non-Muhammadan Rural): Sir, the ingratitude of the extremists is disheartening, their unreasonableness is distressing. Here is a Navy Bill which has been brought into being for the benefit of India, and here are these Indian patriots who are raising all kinds of objections. They talk of the systems prevailing in Canada and Australia, while they forget that in India we
 3 P. M. have Hindus and Muhammadans, we have social customs which are abominable, we have untouchables, and everything else which has been described by our good friend Miss Mayo. All these they forget, and they also forget that the English are our trustees—and they mean to remain our trustees out of sheer generosity for all time to come—and they are creating a Navy solely for our good and they advance all sorts of objections. Sir, the situation is really distressing.

To be serious, Sir, (Laughter) Colonel Crawford has asked us: "You have been crying for a Navy, you have been pleading that you have been emasculated, and when a chance is offered to you, you refuse to take it." Quite right. We should be guilty of the greatest disloyalty to our country if we refused to take a real chance if it was offered. But I wish to tell my Honourable friend Colonel Crawford and others of his way of thinking that we are not children. We make a distinction between a genuine offer and an insincere offer or an offer which would not be beneficial.

Lieut.-Colonel H. A. J. Gidney (Nominated: Anglo-Indians): Where is your telescope?

Munshi Iswar Saran: My telescope is here (pointing to his head). My friend has not got it. Now they say one Indian boy will be taken every year. And mind you, Sir, there is the proviso to come, "Provided that a suitable candidate is forthcoming". Sir, if the situation were not so serious, this proviso would be comic. When will you get rid of this suspicion of our capacity? Let me remind the House of one instance. When there was a talk about taking Indians in the Executive Council of the Viceroy, those of us who are not very young, will remember the great hue and cry that was raised in certain quarters. It was said, "Oh, the Government would go to pieces; these people would not be able to keep secrets; there could not be co-operation" and all the rest of it. What is the result to-day? Instead of one, we have three Indians on the Executive Council, and I venture to think, Sir, that their English colleagues instead of being weakened have been strengthened at least by the three gentlemen who have the honour of occupying seats in the Executive Council at the present moment.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Are they also Indians at heart?

Munshi Iswar Saran: They are very much Indian in looks.

Maulvi Muhammad Yakub: And looks alone?

Lieut.-Colonel H. A. J. Gidney: They gave their votes.

Munshi Iswar Saran: I wish to say very clearly that it is not my characterisation, but the characterisation of a Member of the House of Commons that in the face of all the facts which he found he deliberately

came to the opinion that it was all nonsense to call this an Indian Navy. I submit, Sir, that the Honourable Member of the House of Commons spoke perfectly correctly. Here you have got a Navy officered by Englishmen; the cost to be paid by us; the Navy to be ordered about not by the people who pay or by their representatives but by somebody else. Would you call this Navy "Indian"? I ask the House this question in all seriousness. The Under-Secretary of State said that it would be wrong, and this is what Colonel Crawford also said—I do not know whether he took his inspiration from Earl Winterton—but be that as it may—to have two different systems, one for the Army and the other for the Navy. He said there would be a great anomaly if you had one system of rules governing the Army and another system of rules governing the Navy. It appears as if we gave our consent to the existing arrangement about the Army. The Under-Secretary of State said:

"If this House and another place and the Indian Legislative Assembly have accepted as a matter of course the existing position in regard to the Indian Army, which is a much larger force than the Indian Navy is ever likely to be, it seems rather absurd to ask this House to make an alteration in the case of the Navy."

Now, my very respectful submission is—Earl Winterton is a very great man; I wish to speak with very great respect—that he would have been perfectly right if he had dropped the "Legislative Assembly" out of this sentence. We did not accept the existing position about the Army, and we will not accept it. But if we cannot help it, we are not to blame. All the money that you spend over the Army, practically the whole of it, is non-votable. We may talk, we may discuss, we may do whatever we like, but there is not the ghost of a chance of our being able to cut even a pie out of this non-votable item. Apart from that, the personnel and everything else connected with the Army does not depend on the Legislative Assembly, but depends on some extraneous authority. I submit, Sir, that two wrongs do not make a right. If the arrangement about the Army is unsatisfactory, I submit that is no reason why the arrangement about the Navy should be unsatisfactory as well. Let there be no mistake in any part of the House. We, the Indian Members of the Assembly, do most certainly want a navy. We want a navy, so that we may be able to take up the naval defence of our country. We want to pay for our navy. We do not want anybody else to come and share our liability in this matter. We want our navy to be officered by our own people and we say that if need arises, as it may well arise, you may come and ask us for the use of our navy such as it might be, and it will be for us to decide whether we shall place our navy at your disposal or not. I do venture to think, Sir, that if matters go on smoothly, Indians will always be ready to help when help is sought; but, Sir, there is a world of difference between asking for help and taking your resources without having the courtesy even of asking you for it.

Sir, it may be said, "Oh, it is a very small navy". I quite agree at present it is a very small navy. But I am reminded of what I read in a speech delivered in the House of Commons. One of the members talking about the Indian Navy Bill said it was just like an unexpected and perhaps undesired baby which was born and the young mother when she was perhaps taken to task for it said "Oh, it is such a little thing." The mother forgot that the baby would grow. And this Honourable Member in the House of Commons said it was forgotten that this Indian Navy would grow in time and would not remain as it was to-day. Our expenditure on it may not be very much at present, but there is nothing to prevent its growing,

[Munshi Iswar Saran.]

and grow it must, if the Indian Navy is going really to be effective. Sir, the whole policy, if I may say so without causing offence to anybody, fills us really with despair. There is the Report of the Skeen Committee. It is hanging fire. Now, here comes the Indian Navy Bill. The Indian Navy Bill has been passed in the House of Commons without our having been consulted about it. I happened to be in England at the time and I had a talk with some of the Members who took a very prominent part in the discussion and they all shared the objections which we are now taking the liberty of advancing on the floor of this House. All these various things seem to be parts of one policy which is being pursued, and the result of which is that Indians will not be made fit to defend themselves either on land or water as quickly as they desire.

Sir, if I had said what the present Home Secretary of the Conservative Government has said there would have been much criticism that I was violent or that I was an irresponsible man. This is what he has said :

"Let us be frank. Let us clear our minds of cant. We are not in India for the love of Indians, but we are in India for what we can make out of it."

(Hear, hear from the Congress Benches.) That seems to be quite clear, and I say so with great respect, that seems to me to be the policy underlying the whole business. It is very difficult to divine what is in the minds of the high and the mighty who are responsible for the policy which they are pursuing at the present moment, but they must really forgive us if, from the facts which we see and which we cannot ignore, we come to the conclusion that the Home Secretary was honest, though perhaps he was more courageous than discreet.

Lieut.-Colonel H. A. J. Gidney: Sir, I have very few remarks to make on this subject. I have listened very attentively to the various speeches made on the other side, and it seems to me that this House has expressed itself in no uncertain terms against this gift of a navy to India. Parliament has decided that a navy is needed and Parliament in offering it to India has passed the Act we are to-day discussing and the opposite side of the House refuses to accept it. Various reasons have been adduced—the only one I have not heard to-day is that of my friend Mr. Ranga Iyer's inkpots to drive away this naval gift. (Laughter.) But, Sir, the matter seems to me to be a most contentious one and is one which certainly requires a great deal of consideration and thought, particularly after what the opposite Benches have said. Personally, I think the time offered by Government in which to consider this very important measure has been very short indeed. I also consider that the percentage of recruitment, namely, one Indian out of every three appointments, *i.e.*, 33½ per cent. is so small as to be hardly worth considering. Then one can imagine the wrangle and confusion when the communal question will be introduced in this matter. You will then have a Hindu selected one year, a Muhammadan the next year and I shall claim an Anglo-Indian in the third year. (*An Honourable Member:* "What about the depressed classes?") Now, at this rate when will India be able to get her Navy

Mr. O. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Rotation perhaps is no crime. (Laughter.)

Lieut.-Colonel H. A. J. Gidney: I know, but notation is: I ask, Sir, when would India get a navy at this rate? Here we have a measure of defence

in which the Legislature desires to play an important part. I consider, that the Legislature has every right to demand that its voice be heard in this matter, because, after all, if self-government is ultimately to be given to India, self-defence, the naval defence of India, must naturally be in the power and control of the Legislature. I therefore consider that India should have a larger voice than she has at present or is offered in the Bill under discussion. But, Sir, as I said before the matter is so contentious that it seems useless for Government to try and foist on India a navy to be administered on these narrow lines. The motion before the House is that the Bill be referred to a Select Committee. Now, I ask, what is the Select Committee going to do? I was about to propose that the Bill be circulated for eliciting public opinion thereon, but this would be of no avail to us because it has already received its legitimate passport in the Houses of Parliament? I would therefore suggest for the consideration of the Government Member and of the opposition benches that this matter be adjourned and the Bill be withdrawn and that the opinions expressed in this House be submitted to the Secretary of State for India for reconsideration in the light of the opinions expressed to-day in this House.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non Muhamadan): Sir, I should like to say a few words in connection with this Bill. In 1918 at the close of the War, the Government of Great Britain appointed two Committees, one presided over by Lord Esher for the reorganization of the Army and the other presided over by Lord Jellicoe for the reorganization of the Navy. Lord Esher drew up a report in which he alluded to the Army of India as a part of the Imperial defences of the Empire. We in the first Assembly, Sir, got alarmed at the fate of the Indian Army as an arm of the Imperial Forces, and we asked the Government to appoint a Committee known as the Esher Committee over which Sir Godfrey Fell, Army Secretary, presided. The report of that Committee was unanimous and a series of Resolutions were moved, the purport of which was that the Army in India is not kept for Imperial purposes, and that the primary purpose of the Army in India was to ward off external aggression and the maintenance of internal peace. The Government of India, as I have said, accepted those Resolutions, and, with the concurrence of the united Government of India, these Resolutions were passed. These were transmitted to the Secretary of State. In the meantime there was a change in the British Cabinet, and these Resolutions were jettisoned and the Imperial Defence Committee said, "We do not want to have anything to do with these Resolutions; we stick to Lord Esher's original report".

Now, Sir, we have been fighting since 1921 against the decision of the Home Government forced upon us by the Imperial Defence Committee. That is with reference to the Indian Army. Now, remember, the cognate Committee presided over by Lord Jellicoe made exactly similar recommendations, namely, that the Imperial Navy shall be only a unit of the British Navy to which India will contribute its cost. But it will be commanded and be under the control of the British Government or the British Admiralty. Now I should have expected that when Lord Esher's report was placed before the first Assembly for consideration, a similar report drawn up for the reorganization of the British Navy would also be placed before this House, but it was never done. Lord Winterton in

[Sir Hari Singh Gour.]

the House of Commons admitted the facts which I have stated, that these two Committees were appointed, but he omitted to inform the House of Commons that this House had unanimously and with the concurrence of the then Government of India vetoed the recommendations of Lord Esher. My friend Colonel Gidney probably remembers all about it, because he was also a member of that Committee. But when the question about the Navy came up, what they did was to take a decision behind the back of this House. Now, I ask in all fairness that when you had placed Lord Esher's report before this House for its consideration, was it not up to the Government to place the report of Lord Jellicoe also for consideration of this House? And why have you not done so? That is the first question I ask the Honourable the Army Secretary.

Now, Sir, I ask the second question, and it is this, since 1921 we have been forcing the hands of the Government of India to give effect to the recommendations of the Esher Committee and the late lamented Lord Rawlinson several times said that he was in communication with the Secretary of State, and in 1923 or 1924 there was a full dress debate on this question, consequent upon a statement made in the House of Commons to the effect that the Home Government had overruled the Legislative Assembly's recommendations and the Government of India. On that we said that the matter should be referred back to the Home Government, and the Government of India promised to refer back to the Secretary of State the recommendations of this House that we still adhere to the Resolutions passed in 1921. Nothing has been heard, absolutely nothing has been heard of it since. I questioned the Government benches several times since then. I have been informed from valued correspondents in England that the Government of India have been overruled by the Home Government, pressed by the recommendations of the Imperial Defence Committee. Therefore, so far as the reorganisation of the Indian Army is concerned, the Government of India and ourselves have been at one since 1921 that the forces of India shall be controlled by the Government of India and shall not be used overseas except in cases of extreme emergency, and then at the cost of the British Exchequer. Now, Sir, that is the history of the Army in India and Earl Winterton in the House of Commons Debate very clearly pointed out that the two questions are cognate and alike, the question of the Army and the question of the Navy. He says:

"In addition this new Indian Navy will be in exactly the same position in relation to the Assembly as the Indian Army is at present."

Now, Sir, what is the position of the Indian Army? The position of the Indian Army is this, that it is entirely outside the jurisdiction and control of the Legislative Assembly. My friend the Honourable Diwan Chaman Lall was wrong in saying that this Assembly has only the power to discuss the military affairs at the time of the Budget. The fact is that, while the old Imperial Legislative Council had that power it has been taken away from the reformed Legislative Assembly. And therefore, it is that annually you read a special sanction of the Governor General authorising the Legislative Assembly to discuss the military questions.

Now, Sir, that is in consequence of bad drafting or it may be advisedly bad drafting of the Government of India Act. The position, however, is this, that, so far as the Army in India is concerned, you have no right even to discuss the question except with the previous sanction of the Governor General. Now, are you going to tolerate a similar position with reference to the Navy? The general principle of the Army was before this House and the Government of India and this House have given their decision and I have no doubt that the Government of India will be still at your back if you insist upon the enforcement of that decision which was arrived at with their concurrence in 1921, and reaffirmed a few years later.

Mr. M. A. Jinnah: How do you know that?

Sir Hari Singh Gour: Well, they have been supporting us since 1921.

Mr. M. A. Jinnah: You say you know it.

Sir Hari Singh Gour: Well, Lord Rawlinson said so.

Mr. M. A. Jinnah: He is no more.

Sir Hari Singh Gour: Now, as regards the Navy. I beg to suggest⁴ therefore that this debate be adjourned for this reason that the Army Secretary should reconsider the whole position. You cannot discuss the question of the Navy without discussing the question of the Army and the Air Force. These are all three arms of the Indian defence and it is absolutely necessary that you should define the position and the status of this House in regard to the Army and the Navy and the Air Force. It is perfectly true that a small, comparatively a very small amount will be immediately spent upon the Navy, but, as the Honourable Munshi Iswar Saran has pointed out, it is the thin end of the wedge and this House should not concur in a motion which would commit it financially to a position of extreme subordination because, so far as the Navy is concerned, Earl Winterton has pointed out in the House of Commons our position will be exactly the same as in the case of the Army which means that while we shall be the paymasters we have not even the right to allude to the subject—much less vote upon it. This, as every body should know, is our position in respect of the Army. I have stated it as clearly as I can to the House, and I submit the position in regard to the Navy would be one of equal humiliation, and on these grounds, Sir, I ask the Honourable the Army Secretary to consent to a motion for adjournment. He knows that the two questions are an integral part of the same question of defence of the Indian Empire.

Maulvi Muhammad Yakub: Is it the opinion of your Party also that the debate should be adjourned.

Sir Hari Singh Gour: No. That is my opinion—it is not necessarily the opinion of my Party. I am asking him to reconsider the whole situation. I, therefore, ask the Army Secretary not to stand in the way of the motion for adjournment, which you, I hope, Sir, will permit to be moved.

(Cries of "No, no, we don't want it.")

Mr. President: If the Honourable Member wanted to move an adjournment of the debate he should have got up at an early stage of the debate. Now, when the whole day has been taken up in discussing this motion, it

[Mr. President.]

is not right for the Honourable Member to come forward with a motion to adjourn the debate. It is really a dilatory motion. The Honourable Member wrote to me that he wanted to place a new point of view before the House and therefore I allowed him to speak.

Sir Hari Singh Gour: Very well, Sir. I do not move it then.

Mr. G. M. Young: Sir, my Honourable friend, Mr. Jinnah, gave an exact and clear description of the position when he said that we were not here really discussing this Navy Discipline Bill; we were discussing the Bill, which has become an Act, passed by Parliament last year. That was a Bill that enabled India to have the beginnings of a Navy. The fact that this was a matter on which the Indian Legislature was entitled to decide was both recognised by Lord Winterton when he said that the consequential legislation in India would give the Legislative Assembly full opportunity for discussion; and is also implicit in the Act itself. Section 3 of the Act—if I may, Sir, read it—is as follows:

“Any law of the Indian Legislature made under the provisions of sub-sections (3) and (4) of section 1 of this Act may provide . . .”

and so on. That shows, Sir, that His Majesty's Government, in passing this Act, recognised the possibility that the policy might be unacceptable to the Indian Legislature, and made this definite provision for carrying on under the old constitution of the Royal Indian Marine. Well, Sir, many reasons have been advanced in the House to-day for not accepting this proposal and I will, as briefly as I can, deal with these in turn.

The first is a minor one which was put forward by my friend Mr. Shanmukham Chetty. He admitted that we had the opportunity of discussing this legislation now, but he said that we had had no opportunity for discussing it hitherto. Well, Sir, the report of the Departmental Committee on the Royal Indian Marine was published, as my Honourable friend knows, two years ago. It excited a good deal of comment in the Press. Then, also, last year we had a great deal of comment in the Press on the Home Act which was going through Parliament. At various times I had questions put to me, and my predecessor had questions put to him, as to how the re-organisation of the Royal Indian Marine was going on, what was going to be done about Indianisation, about this and about that. Answers were given to these questions and the House has been kept fully informed the whole time about what was going on. Before the report of the Departmental Committee the Assembly, or members of the House had on several occasions expressed themselves in favour of an Indian Navy or rather of a Royal Navy into which Indians should be admissible. There was no reason, therefore, for Government to suppose, during the whole of these last two years, that the House objected to the re-organisation as then announced, unless some motion to that effect were brought. That never occurred. The questions we had were what I may call questions, for instance, urging the admission of people of other races than the race from which we already recruit to the Royal Indian Marine. I submit, Sir, that this re-organisation having been before the House for two whole years,

there has been sufficient opportunity for an astute Parliamentarian like my friend Mr. Chetty to make his voice heard on the subject. Government have not stifled discussion.

Mr. R. K. Shanmukham Chetty: On a point of personal explanation, Sir. What I meant to convey was that after the publication of report of the Departmental Committee, it was the duty of Government to place the whole matter before this House before the Indian Navy Bill was introduced in the House of Commons.

Mr. G. M. Young: The re-organisation of the Royal Indian Marine is a matter of defence, and it is not ordinarily the part of Government to bring questions of defence spontaneously before this House, but it is always open to any section of the House to bring a motion, and to ask Government if they like to allow opportunities for its discussion. I am perfectly certain that if that had been done any time during the last two years the request would have been granted.

The second line of objection has been the question of Indianisation, and a great deal has been made, as I knew it would be made, of the fact that the initial vacancies offered to Indians are exceedingly few. Sir, it is a very small and a highly technical service, a service whose duties have not been undertaken by any Indian so far. The science of naval warfare belongs pre-eminently to the British, and is a subject in which my countrymen may be said to be experts. We are beginning with a very small proportion of Indians, but that is only a beginning. Honourable Members opposite say: "One vacancy a year (it is about two, as a matter of fact) is absurd. We can produce any number of suitable candidates". Well, Sir, if that is the case, it will become apparent in a very short time. As I said in my opening speech, if suitable Indians are forthcoming and show that they are willing to devote themselves to, and persevere in a naval career, an increase in the number of vacancies must necessarily follow. We want that just as much as the Honourable Members opposite, but we are going to wait and see how things develop. I do not think that my Honourable friend Mr. Chetty could have listened to my speech. In regard to the method of recruitment, he quoted the recommendation of the Departmental Committee that the Prince of Wales' College at Dehra Dun or public schools should provide the candidates for entry into the Royal Indian Navy. If he had been listening to my speech he would have remembered that I said that the method of recruitment would be by open competition, at an examination to be held in India by the Public Service Commissioners. He also repeatedly emphasised the phrase—and I think I detected a trace of scorn in his voice as he did so—"If suitable candidates are forthcoming". There is no question of suitability being subject to the whim or caprice of anybody. The examination will be an open competitive examination, exactly the same one as that for the special entry into the Navy, and for Sandhurst, Cranwell, and Woolwich. Only we are going to modify it to suit Indian candidates. Certain of the papers will be, so to speak, Indianised. But the competition will be perfectly free and open. There is no question, as I think my Honourable friend hinted, that we would see to it that suitable candidates were not forthcoming. We are only too anxious to get them, and it is not right to say that it is a mockery because we are starting with a few. When we get the few they will become more.

[Mr. G. M. Young.]

Another line of opposition was that taken by my friend Mr. Haji. His line was that the Government are not doing anything—I do not think he could really have meant that—perhaps he meant they are not doing enough—to help the Indian Mercantile Marine. In support of his argument he, if I may say so, did a very unfair thing. He quoted a speech by Sir Charles Innes in this Assembly, describing the position in regard to the taking of Indian apprentices by British mercantile firms in 1922.

Mr. Sarabhai Nemchand Haji: On a point of personal explanation, Sir, I did not quote Sir Charles Innes. I quoted Mr. Neogy.

Mr. G. M. Young: I don't care who it was. The point is that the quotation which he made stated the position as it was in 1922, when certain firms including the Peninsular and Oriental Steam Navigation Company and others had said that they were not prepared to take Indians as apprentices. Sir, I presume my Honourable friend is interested in the training ship "Dufferin". I presume he was sufficiently interested in it to read the notice which was issued by Government at the time the training ship was started. Perhaps he was sufficiently interested to read as far as paragraph 3, which says:

"The following shipping companies have agreed to accept as apprentices youths who have completed the course on the Training Ship, and the Government of India consider that apprentices who give satisfaction should be able to obtain employment on the ships belonging to these and other companies."

Then follow the names of 11 shipping companies, headed by the P. and O. and the British India Steam Navigation Company.

Mr. Sarabhai Nemchand Haji: I have said so myself. I said that these British companies, after the demand of the Mercantile Marine Committee, agreed to terms which they did not agree to till 1922.

Mr. G. M. Young: I can only say that my Honourable friend gave much greater prominence to the earlier part of his speech in which he explained that the shipping companies were doing nothing, than to the latter part in which he said they were doing something. I did not even hear the latter part myself.

Then, Sir, the fourth subject of opposition is the power of the Governor General in Council to place the ships and forces of the Indian Navy at the disposal of His Majesty's Government in times of emergency. I will only repeat what I said when I was compelled to interrupt my friend Diwan Chaman Lall, that the provision in the Act that has been passed, the Government of India (Indian Navy) Amendment Act, follows as closely as is possible, the Resolution in the Assembly of 1921 referring to the Army.

Another point which escaped notice—I did, however, mention it in my opening speech—is the existing state of the law on the subject. The present state of affairs is contained in the Indian Marine Service Act of 1884 of which only one section now survives. That section is as follows:

"In case a state of war exists between Her Majesty and any foreign power it shall be lawful for Her Majesty by Proclamation or Order in Council to direct that any

vessel belonging to Her Majesty's Indian Marine Service and the men and officers from time to time serving thereon shall be under the command of the senior naval officer of the station where for the time being such ship may be. And while any such vessel is under such command such vessel shall be deemed to all intents a vessel of war of the Royal Navy, and the men and officers from time serving in such vessel shall be under such Naval Discipline Act or Acts as may be in force for the time being, etc."

That means, Sir, putting it briefly, that under the present law, if there is a state of war, His Majesty's Government can commandeer any Ship of the Royal Indian Marine, and there is no provision in that case that the Home Government should pay for its upkeep. I do not say for one moment that this is a section of which His Majesty's Government at present would be likely to take advantage. But it is the present state of the law. It is now to be amended to a form in which if the Governor General declares that an emergency exists, the Governor General in Council lend ships and forces of the new Navy to His Majesty's Government, but in that case, no payment in respect of the loan will be incurred by the Indian revenues without the consent of both the Houses of Parliament. So that this amendment, instead of imposing on India a new—and somebody I think said an atrocious—burden, actually improves the position and brings it into line with the existing state of the law relating to the Army.

Diwan Chaman Lal: May I ask the Honourable Member to read the actual wording of the amendment?

Mr. G. M. Young: There is another matter which seems to me to have been entirely overlooked. What are the occasions on which this terrible thing is likely to happen? Honourable Members spoke as if the Indian Navy was going in the near future to consist of, or as if it already consisted of, large ocean-going ships of war, and as if they could be spirited away at any moment from the local defence of India. What is this Navy? It is a force intended for the defence of Indian harbours and for the conveying of Indian ships. At the beginning it will be a very small force indeed and have three sloops so far, small boats, and we are getting one more, and there are other minor vessels of the same kind. Does any Honourable Member suppose that His Majesty's Government would want to appropriate that force in time of war and use it in, shall we say, the Atlantic? (*An Honourable Member:* "Why not?")

Lala Lajpat Rai: Then why do you want to take power?

Mr. G. M. Young: The power is there because it is possible that a British squadron operating in Indian waters might perhaps want one or two Indian boats to be attached to it. The section legalises that possibility and gives a certain amount of elasticity. In a war round about the coasts of India, in certain emergencies boats from the Royal Indian Navy might be co-operating with forces of the Royal Navy. It is merely a facilitating provision. The idea that India is being asked to embark upon a large and expanding navy, and that the object of the British Government is to take it over whenever it wishes to strengthen its own forces is, I think, palpably absurd.

Then comes the last point, the question who is going to pay for this Navy. My Honourable friend, Sir Purshotamdas, objected very strongly to any additional item being placed on the list of non-votable items. I

[Mr. G. M. Young.]

may re-assure my Honourable friend that the Royal Indian Marine is already non-votable and therefore there is no addition to the list of non-votable items. Honourable Members are perfectly entitled to hold that the expenditure on the Navy is a thing which this House should be allowed to vote, as a matter of principle: but there is no actual addition here to the list of non-votable items. Well, Sir, when we come to the question of paying, who is it that is paying now for the naval defence of India? Has any Honourable Member seriously considered that question? It is the British tax-payer. I know there is a small contribution of £100,000 a year in respect of certain services performed by His Majesty's ships in the Persian Gulf and Indian waters, which used to be performed by the Indian Navy when there was previously an Indian Navy. It was settled, I think, sometime in the sixties, that Indian revenues should be charged with this amount of £100,000 a year in respect of these services, which are now performed by the Navy. But that is all. The naval defence of India costs a very great deal more than £100,000 a year, and it is paid for by the British tax-payer.

Mr. M. A. Jinnah: It brings a lot too.

Lala Lajpat Rai: They will not take that into account.

Mr. C. S. Banga Iyer: Why not treat us throughout as the Colonies?

Mr. G. M. Young: Oh, I don't deny that the British tax-payer gets good value for his money.

Mr. Sarabhai Nemchand Haji: How many British fighting ships are kept in Indian waters, Sir?

Mr. G. M. Young: I must ask for notice of that question. I may remind my Honourable friend that Indian waters extend from the Cape of Good Hope to the Straits of Magellan.

All these points that I have discussed are points arising in the transitional stage, while we are building up this Navy, which we are all anxious to see built up, if Indians have aptitude for it, if Indians want to serve in it, and if the Indian Legislature supports it. But they are, as I have called them, transitional points. The ultimate goal to which we, on this side of the House, as much as anyone, are looking forward, is an Indian navy, entirely officered by Indians and subject to the control of the Indian Legislature. But that is some way ahead. Because we put some of our reforms before others, because there are certain aspects of the legal position which do not commend themselves to those of my Honourable friends who are lawyers, because they do not think certain methods which we are adopting, altogether satisfactory, is it worth while to say, "No, we won't have a Navy at all. We dislike the idea of a Navy, and we won't help. We would rather have our coasts defended for ever by the British Navy at the expense of the British tax-payer." Do Honourable Members opposite realise what are the implications of that attitude in a country aspiring, as this country is aspiring, to self-government?

Mr. President: The question is:

"That the Bill to provide for the application of the Naval Discipline Act to the Indian Navy be referred to a Select Committee."

The Assembly divided.

AYES—54.

Abdul Aziz, Khan Bahadur Mian.
 Abdur Qayyum, Nawab Sir Sahabzada.
 Ahmad, Khan Bahadur Nasir-ud-din.
 Alexander, Mr. William.
 Allison, Mr. F. W.
 Anwar-ul-Azim, Mr.
 Ashrafuddin Ahmad, Khan Bahadur
 Nawabzada Sayid.
 Ayangar, Mr. V. K. Aravamudha.
 Bajpai, Mr. G. S.
 Blakett, The Honourable Sir Basil.
 Bray, Sir Denys.
 Chalmers, Mr. T. A.
 Chatterjee, Revd. J. C.
 Chatterji, Rai Bahadur B. M.
 Coakman, Mr. J.
 Cocke, Mr. H. G.
 Cosgrave, Mr. W. A.
 Cooper, Mr. T.
 Courtenay, Mr. R. H.
 Crawford, Colonel J. D.
 Creer, The Honourable Mr. J.
 Dalal, Sardar Sir Bomanji.
 Ghazanavi, Mr. A. H.
 Gidney, Lieut. Colonel H. A. J.
 Graham, Mr. L.
 Irwin, Mr. C. J.
 Jowahir Singh, Sardar Bahadur
 Sardar.

Kabul Singh Bahadur, Captain.
 Keane, Mr. M.
 Kikabhai Premchand, Mr.
 Lamb, Mr. W. S.
 Lindsay, Sir Darey.
 Mitra, The Honourable Sir Bhupendra
 Nath.
 Moore, Mr. Arthur.
 Mukherjee, Mr. S. C.
 Parsons, Mr. A. A. L.
 Rainy, The Honourable Sir George.
 Rajah, Rao Bahadur M. C.
 Rao, Mr. V. Pandurang.
 Roy, Mr. K. C.
 Roy, Mr. S. N.
 Sams, Mr. H. A.
 Sassoon, Sir Victor.
 Shah Nawaz, Mian Mohammad.
 Shamaldhari Lall, Mr.
 Shillidy, Mr. J. A.
 Singh, Raja Raghunandan Prasad.
 Subrawardy, Dr. A.
 Sykes, Mr. E. F.
 Taylor, Mr. E. Gawan.
 Willson, Sir Walter.
 Yamin Khan, Mr. Muhammad.
 Young, Mr. G. M.
 Zulfikar Ali Khan, Nawab Sir.

NOES—55.

Abdoola Haroon, Haji.
 Abdul Matia Chaudhury, Maulvi.
 Abdullah Haji Kasim, Khan Bahadur
 Haji.
 Acharya, Mr. M. K.
 Aney, Mr. M. S.
 Ayyangar, Mr. K. V. Rangaswami.
 Ayyangar, Mr. M. S. Seeha.
 Badi-uz-Zaman, Maulvi.
 Belvi, Mr. D. V.
 Bhargava, Pandit Thakur Das.
 Birla, Mr. Ghanshyam Das.
 Chaman Lal, Diwan.
 Chetty, Mr. R. K. Shanmukham.
 Chunder, Mr. Nirmal Chunder.
 Das, Mr. B.
 Das, Pandit N. I. Kantha.
 Dutt, Mr. Amar Nath.
 Dutta, Mr. Srish Chandra.
 Ghazanifar Ali Khan, Raja.
 Gour, Sir Hari Singh.
 Gulab Singh, Sardar.
 Haji, Mr. Sarabhai Nemchand.
 Ismail Khan, Mr.
 Iswar Saran, Munshi.
 Iyengar, Mr. S. Srinivasa.
 Jayakar, Mr. M. R.
 Jinnah, Mr. M. A.
 Jotiah, Mr. Varahagiri Venkata.
 Kotkar, Mr. N. C.

Kidwai, Mr. Rafi Ahmad.
 Kunzra, Pandit Hirday Nath.
 Lahiri Chaudhury, Mr. Dharendra
 Kanta.
 Lajpat Rai, Lala.
 Malaviya, Pandit Madan Mohan.
 Mehta, Mr. Jamnadas M.
 Mitra, Mr. Satyendra Chandra.
 Moonje, Dr. B. S.
 Muhammad Nawaz Khan, Lieut.
 Sardar.
 Murtuza Saheb Bahadur, Maulvi,
 Sayyid.
 Nehru, Pandit Motilal.
 Neogy, Mr. K. C.
 Pandya, Mr. Vidya Sagar.
 Prakasam, Mr. T.
 Purshotamdas Thakurdas, Sir.
 Rahimtulla, Mr. Fazal Ibrahim.
 Ranga Iyer, Mr. C. S.
 Rao, Mr. G. Sarvotham.
 Sarda, Rai Sahib Harbilas.
 Sarfaraz Hussain Khan, Khan
 Bahadur.
 Singh, Mr. Gaya Prasad.
 Singh, Mr. Narayan Prasad.
 Sinha, Kumar Gaanganand.
 Sinha, Mr. R. P.
 Tok Kyi, U.
 Yakub, Maulvi Muhammad.

The motion was negatived.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

(EXECUTION OF DECREES AND ORDERS.)

The Honourable Mr. J. Crerar (Home Member): I move that the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes, be referred to a Select Committee consisting of Munshi Iswar Saran, Sir Hari Singh Gour, Maulvi Muhammad Yakub, Mr. S. C. Mukherjee, Mr. Anwar-ul-Azim, Mr. F. W. Allison, Mr. L. Graham, Mr. Abdul Haye and Mr. J. A. Shillidy, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.

I think, Sir, that I shall be correctly interpreting the wish of the House if I do not detain them at very great length in speaking on this motion. I venture to surmise that the only point on which the House at this stage is principally interested is to what extent it will be committed, in the event of its accepting this motion. I shall speak therefore very briefly and only in the most general terms. This measure is, undoubtedly, an important measure; one of the somewhat numerous measures that have been brought before this House in pursuance of the recommendations of the Civil Justice Committee. The genesis of the Civil Justice Committee is, I think, well known to the House. The defects in our civil law generally have been attracting more and more public notice in recent years. They attracted the very special attention of the late Viceroy, Lord Reading, a former Lord Chief Justice of England. Attention had been directed to this aspect of our judicial administration, many years before the time of Lord Reading, but it was particularly at the instance of Lord Reading that this Committee, an influential and expert committee of practical lawyers and judges, was appointed to consider the matter. Of the various departments of civil law which more particularly came under their review and to a very considerable extent attracted their censure was the law relating to proceedings in execution. I shall not dwell on this any further because the consequences of the present state of the law on this point are perfectly familiar to every Member in this House who is a lawyer and even to many Members of this House who are laymen. I will merely quote a few sentences from a valuable and interesting note drawn up for the assistance of the Committee by that very distinguished lawyer, Sir Tej Bahadur Sapru. He said:

"I shall now deal with certain other features of our legal system which to my mind are to a great extent responsible for unnecessary and ruinous litigation involving considerable expenditure of public time. First of all, our whole system of execution of decrees has the inevitable effect of prolonging litigation."

He added:

"I strongly feel that the time has come when some drastic steps should be taken to revise our whole system of execution of decrees and to place it on a more satisfactory footing."

He added further:

"Another outstanding feature of the law of execution in India is the leisurely manner in which a decree may be executed. I have always felt that these provisions are a standing temptation to dishonest decree holders and dishonest judgment debtors to trouble and cheat each other and prolong execution at their will and pleasure by taking shelter behind a thousand and one pleas which legal technicalities can raise."

Well, Sir, it is unnecessary for me, a layman, to labour or attempt to elaborate a point which has been so concisely stated by so distinguished a lawyer as Sir Tej Bahadur Sapru. What I wish to put before the House is this. The Bill now before them has been drawn up after very careful consideration of the recommendations of the Civil Justice Committee. The Bill has been circulated and we have a large mass of opinions before us. But the point which I wish to make is this; that, as I conceive it, if the House accepts this motion it will be committed to no more than this, that is to say, the view taken by Sir Tej Bahadur Sapru that there are serious defects in our existing law relating to these matters and that some attempt should be made by legislation to remedy them. That, Sir, in my conception is the whole principle which at this stage the House would be committed to. The Bill, as I say, is an important measure. It is a long measure and it contains certain proposals for legislation which I frankly admit are of a controversial character. It was indeed impossible that in a measure of this kind a complete degree of unanimity should be reached, if it is ever possible to reach a complete degree of unanimity on any legislative measure. But I submit this precisely the kind of Bill, if the House will assent to the very broad principle I have put before it of which the House can usefully undertake further consideration after they have the advantage and assistance of the report of a Select Committee. The House therefore will be in no way committed to all or any single one of the various suggestions contained in the Bill. I do not propose to speak further on that point, more particularly as my predecessor in making a motion with regard to this Bill took the House carefully through the principal provisions, and I do not desire to make a wearisome recapitulation or repetition. I repeat, therefore, that in putting this motion before the House I ask them to consent and agree to no more than the very broad proposition I have stated, and I hope that on that strict understanding the House will approve of this motion.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhamadan): Sir, I wish to take a very few minutes to explain one or two points which I hope the Honourable the Home Member will bear in mind. One is that there are two Civil Procedure Code (Amendment) Bills before this House. They were both introduced by Sir Alexander Muddiman. One deals with the amendment of section 96 of the Code of Civil Procedure and the present Bill deals with the amendment of various sections before and after section 96. Both these Bills deal with a cognate matter, namely, the curtailment of the right of appeal and the acceleration of litigation. Now, I ask the Honourable the Home Member whether he will not be well advised in committing both these Bills, so that they may be considered together and reported on together. You cannot deal with some sections of the Civil Procedure Code now and then some time after one section, section 96. Opinions have also been collected on section 96—I have them with me—and consequently both these Bills are ready for either going to Select Committee or for their final disposal, and I ask the Honourable the Home Member to take an early opportunity of making a motion committing that Bill also to Select Committee, so that the Select Committee may be able to go through these two Bills, both dealing with the rectification of procedure for the greater expedition of cases in execution.

Mr. President: The question is:

"That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes, be referred to a Select Committee consisting of Munshi Iswar Saran, Sir Hari Singh Gour, Maulvi Muhammad Yakub, Mr. S. C. Mukherjee, Mr. Anwar-ul-Azim, Mr. F. W. Allison, Mr. L. Graham, Mr. Abdul Haye, Mr. J. A. Shildy, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

THE INDIAN TARIFF (AMENDMENT) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways); Sir, with your permission I should like to add one name to the list of members proposed for appointment to Select Committee. The name I should like to add is that of Maulvi Muhammad Yakub. That being so, I rise to move that the Bill further to amend the Indian Tariff Act, 1894, for certain purposes, be referred to a Select Committee consisting of Mr. Mukhtar Singh, Rai Sahib Harbilas Sarda, Mr. B. Das, Sir Walter Willson, Mr. W. S. Lamb, Mr. Abdul Qadir Siddiqi, Mr. Fazal Ibrahim Rahimtulla, Mr. G. Sarvotham Rao, Mr. Anwar-ul-Azim, Khan Bahadur Nawabzada Sayid Ashraf-uddin Ahmad, and Maulvi Muhammad Yakub, with instructions to report on or before the 10th March, 1928, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be seven.

It will not be necessary, Sir, I think, that I should say more than a very few words in support of the motion which I have moved. From time to time during the course of the year—almost every month in fact—proposals come before the Commerce Department for small changes in the Tariff Schedule, either to remove anomalies or possibly to stop a leak through which we are losing revenue. If they are not large enough to justify a separate measure, when we have come to a decision we hold them in suspense until a sufficient number have accumulated to justify our bringing a Tariff Bill before this House. The great majority of the proposals or proposed amendments of the law included in this Bill are of that character, and I do not think there is any one of them to which at this stage it is necessary or desirable that I should specially call the attention of the House. The only exception I think is the proposal for the alteration of the duties on machinery belting. At present, as a result of the legislation passed at Simla last September, machinery belting is free of duty. It is now proposed that certain kinds of belting should be made subject to a duty of 5 per cent. *ad valorem*. This is the recommendation of the Indian Tariff Board, to whom the question of machinery belting was specially referred, and the only point I wish to make clear at this stage is that there is nothing inconsistent in the proposal now put forward with the decision of the Legislature last September that machinery in general should be free from duty. When at that time I moved that the Tariff (Amendment) Bill, which subsequently became the Tariff (Amendment) Act, should be referred to a Select Committee, I expressly guarded the point. What I said was this: As regards machinery we start from the general principle that, in the interests of industry, machinery should be free from duty, but I should like to make it quite plain that that does not in any way rule out particular proposals either for encouraging the

manufacture of particular kinds of machinery by means of an import duty if that is the best way of doing it, nor does it rule out proposals which may be necessary from time to time to remedy a positive handicap on the manufacture of machinery. The proposal as regards machinery belting that I am putting forward on this occasion is of the latter kind. We do not propose the five per cent. duty as a protective duty, but merely as what I may call an equalizing duty, that is a duty the imposition of which will result in removing the handicap which at present exists on the manufacture of that kind of belting in India. The proposals in this Bill, Mr. President, are miscellaneous in character, and it cannot be said that there is any one unifying principle. It would be unreasonable, therefore, if I were to ask the House to consider that in accepting my motion they were committing themselves to each and every one of the proposals. That obviously would be unreasonable. The only general principle, therefore, that I would ask the House to accept, if it agrees to the motion I have put forward, is that there are a number of amendments which can with advantage be made in the Tariff Schedule and that each of the actual proposals put forward will be considered on its merits by the Select Committee if appointed.

Sir, I move.

The motion was adopted.

THE INLAND BONDED WAREHOUSES (AMENDMENT) BILL.

Mr. V. K. Aravamudha Ayangar (Finance Department: Nominated Official): Sir, I beg to move that the Bill further to amend the Inland Bonded Warehouses Act, 1896, for certain purposes, be taken into consideration.

The Bill, Sir, is a very short Bill, and there are only two clauses which contain amendments of a purely formal character. Clause 2 (1) (a) and (b) and clause 3 carry out amendments consequent on the creation of the Central Board of Revenue. These amendments should have been made at the time the Central Board of Revenue Act was passed, but it was due to a pure omission that they were not made. They define the powers of Local Governments in regard to inland bonded warehouses. As regards clause 2 (2), it is for regularizing the existing practice under which goods are removed direct from the ship's side to inland bonded warehouses. The practice is very convenient, and to insist upon the formality which the existing law requires would be rather expensive and inconvenient.

Sir, I move.

The motion was adopted.

Mr. V. K. Aravamudha Ayangar: Sir, I beg to move:

"That in clause 2 (1) (a) of the Bill, before the word 'shall' the words 'and the words 'with the ilke sanction' " be inserted."

This is simply a drafting improvement, and I think it requires no explanation.

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. V. K. Aravamudha Ayangar: Sir, I move that the Bill, as amended, be passed.

The motion was adopted.

THE INDIAN TERRITORIAL FORCE (AMENDMENT) BILL.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I beg to move:

“That the Select Committee to which the Bill further to amend the Indian Territorial Force Act, 1920, for certain purposes, was referred do consist of the following persons, namely:

Maulvi Muhammad Yakub, Mr. G. Sarvotham Rao, Dr. B. S. Moonje, Pandit Hirday Nath Kunzru, Colonel J. D. Crawford, Lieut.-Colonel H. A. J. Gidney, the Rev. J. C. Chatterjee, Mr. C. J. Irwin, Mr. G. M. Young, Raja Ghazanfar Ali Khan, and the Mover, with instructions to report on or before the 15th March, 1928; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

This is merely a formal motion which is necessary to complete the action which the House took the other day in agreeing to refer the Bill to a Select Committee..

Mr. K. C. Roy (Bengal: Nominated Non-Official): I wish, Sir, to add the names of Mr. Jinnah and Captain Kabul Singh.

Mr. M. S. Aney (Berar Representative): I wish to add the name of Mr. Ismail Khan.

Mr. President: The question is:

“That the names of Mr. M. A. Jinnah, Captain Kabul Singh and Mr. Ismail Khan be added to the list of the Select Committee.”

The motion was adopted.

Mr. President: The question is:

“That the Select Committee to which the Bill further to amend the Indian Territorial Force Act, 1920, for certain purposes was referred do consist of the following persons, namely:

Maulvi Muhammad Yakub, Mr. G. Sarvotham Rao, Dr. B. S. Moonje, Pandit Hirday Nath Kunzru, Colonel J. D. Crawford, Lieut.-Colonel H. A. J. Gidney, the Rev. J. C. Chatterjee, Mr. C. J. Irwin, Mr. G. M. Young, Raja Ghazanfar Ali Khan, Mr. M. A. Jinnah, Captain Kabul Singh, Mr. Ismail Khan and the Mover, with instructions to report on or before the 15th March, 1928; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The motion was adopted.

THE AUXILIARY FORCE (AMENDMENT) BILL.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I beg to move:

"That the Select Committee to which the Bill further to amend the Auxiliary Force Act, 1920, for certain purposes, was referred do consist of the following persons, namely:

Maulvi Muhammad Yakub, Mr. G. Sarvotham Rao, Dr. B. S. Moonje, Pandit Hirday Nath Kunzru, Colonel J. D. Crawford, Lieut.-Colonel H. A. J. Gidney, the Rev. J. C. Chatterjee, Mr. C. J. Irwin, Mr. G. M. Young, Raja Ghazanfar Ali Khan, and the Mover, with instructions to report on or before the 15th March, 1923; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. K. C. Roy (Bengal: Nominated Non-Official): Sir, I wish to add the names of Mr. M. A. Jinnah and Captain Kabul Singh.

Mr. M. S. Aney (Berar Representative): Sir, I wish to add the name of Mr. Ismail Khan.

Mr. President: The question is:

"That the names of Mr. M. A. Jinnah, Captain Kabul Singh and Mr. Ismail Khan be added to the list of the Select Committee."

The motion was adopted.

Mr. President: The question is:

"That the Select Committee to which the Bill further to amend the Auxiliary Force Act, 1920, for certain purposes, was referred do consist of the following persons, namely:

Maulvi Muhammad Yakub, Mr. G. Sarvotham Rao, Dr. B. S. Moonje, Pandit Hirday Nath Kunzru, Colonel J. D. Crawford, Lieut.-Colonel H. A. J. Gidney, the Rev. J. C. Chatterjee, Mr. C. J. Irwin, Mr. G. M. Young, Raja Ghazanfar Ali Khan, Mr. M. A. Jinnah, Captain Kabul Singh, and Mr. Ismail Khan and the Mover, with instructions to report on or before the 15th March, 1923; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

ELECTION OF THE PANEL FOR THE STANDING COMMITTEE ON EMIGRATION.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): Sir, I beg to move that this Assembly do proceed to elect in the manner described in the Department of Education, Health and Lands Notification No. 114, dated the 7th February, 1924, a panel of 16 members from which the members of the Standing Committee to advise on questions relating to Emigration in the Department of Education, Health and Lands, will be nominated.

The motion, Sir, is of a purely formal character. A Standing Committee on Emigration of the two Houses of Legislature is constituted each year by the election of panels by both Houses. The term of office of the members elected by this House ceased on the 18th of February and we are anxious that the House should proceed to elect another panel in order

[Mr. G. S. Bajpai.]

to enable us to avail ourselves of the advice of the Standing Emigration Committee during the year which has now started.

Sir, I move.

Mr. President: The question is:

“That this Assembly do proceed to elect in the manner prescribed in the Department of Education, Health and Lands Notification No. 114, dated the 7th February, 1924, a panel of 16 members from which the members of the Standing Committee to advise on questions relating to Emigration in the Department of Education, Health and Lands, will be nominated.”

(Mr. B. Das rose in his place, but was not called on by Mr. President.)

The motion was adopted.

Mr. President: I may inform the Assembly that, for the purpose of the election of members to the Standing Committee to advise on questions relating to Emigration, the Assembly office will be open to receive nominations up to 12 Noon on Saturday, the 25th February, and the election, if necessary, will take place in this Chamber in accordance with the principle of proportional representation by means of the single transferable vote on Thursday, the 1st March.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 22nd February, 1928.