

Monday, 27th March, 1933

THE
COUNCIL OF STATE DEBATES

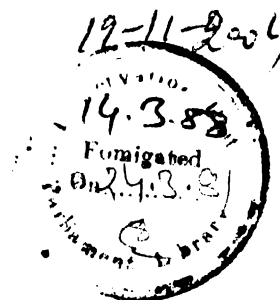
VOLUME I, 1933

(16th February to 15th April, 1933)

FIFTH SESSION

OF THE

THIRD COUNCIL OF STATE, 1933



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COUNCIL OF STATE.

Monday, 27th March, 1933.

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

QUESTIONS AND ANSWERS.

- (1) PERMISSION TO MR. GANDHI TO MAKE A STATEMENT ON THE WHITE PAPER AND (2) REFUSAL OF PERMISSION TO MR. ANEY INTERVIEWING MR. GANDHI

181. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: 1. (a) Has Government given permission to Mahatma Gandhi to make a statement on the publication of the White Paper?

(b) If the answer is in the negative, do Government propose to do so now?

2. Is it a fact that the Local Government has disallowed the interview of the Congress President with Mahatma Gandhi, and if so, on what grounds?

3. (a) Is Government prepared to give an opportunity to political leaders holding Congress and non Congress views to see Mahatma Gandhi in jail and discuss the present situation and the White Paper?

(b) If the answer to 3 (a) is in the negative, will Government be pleased to state in what other way they propose to remove the present deadlock and let the people know the views of an important section of the country?

THE HONOURABLE MR. M. G. HALLETT: 1 (a) and (b). No. To grant such permission would not be in accordance with the policy of Government as indicated in my reply to the Honourable Mr. Kalikar's question No. 141 on 29th November, 1932.

2. No application was received by the Government of Bombay from Mr. Aney asking for permission to interview Mr. Gandhi. He applied direct to the Superintendent of the Jail for interview, but did not state that it would be confined to the subject of untouchability. Permission was accordingly refused in view of the policy of Government in regard to interviews stated in my answer to the Honourable Mr. Vinayak Vithal Kalikar's question to which I have already referred.

3. (a) No.

(b) There is nothing to prevent political leaders who are not in jail publishing their views on the White Paper proposals; Mr. Gandhi and other prisoners can bring their views to the notice of Government.

CLASSIFICATION OF POLITICAL PRISONERS.

182. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : 1. Has the attention of Government been drawn to complaints that political prisoners are wrongly classified in all provinces ?

2. What are the instructions of Government on the classification of political prisoners in all provinces and will Government be pleased to lay a copy on the table ?

3. (a) Is it a fact that the prisoners who were formerly placed in "A" and "B" classes have now been mostly placed in "C" class all over India ?

(b) If so, what has led to the lowering of status of these persons during the present civil disobedience campaign ?

THE HONOURABLE MR. M. G. HALLETT : 1. Allegations have been made that the classification of prisoners is not being conducted in accordance with the instructions and policy of the Government of India. The Government of India enquired from Local Governments and were satisfied that there was no justification whatsoever for the suggestion that classification was wrongly done.

2. I lay on the table the Communique issued by the Government of India on the 19th February, 1930, which clearly states the principles of classification of prisoners. The instructions draw no distinction between prisoners convicted of offences in connection with political movements and others.

3. (a) No. In a few cases persons convicted in connection with the civil disobedience movement in 1930 were given a higher classification than that to which they were entitled under the rules.

(b) Does not arise.

Communique.

The Government of India have for some time had under consideration the amendment of the jail rules in certain respects. The matter has been referred to Local Governments who have formulated their views after extensive consultation of non-official opinion. A conference of provincial representatives was thereupon held and the Government of India have also had discussions with some prominent Members of the Legislative Assembly. The problems under examination have been found difficult and complex and have led to the expression of widely divergent opinions. The Government of India have endeavoured to give due weight to, even when they have not been able to accept in full, the representations made. The conclusions at which they have arrived on the more important points, and which are designed to secure on matters of principle substantial uniformity throughout India, are now announced for general information.

Convicted prisoners will be divided into three divisions or classes, A, B and C. Prisoners will be eligible for class "A" if :

- (1) they are non-habitual prisoners of good character ;
- (2) they by social status, education and habit of life have been accustomed to a superior mode of living ; and
- (3) they have not been convicted of :
 - (a) offences involving the elements of cruelty, moral degradation or personal greed ;
 - (b) serious or premeditated violence ;
 - (c) serious offences against property ;
 - (d) offences relating to the possession of explosives, fire-arms and other dangerous weapons with the object of committing an offence or of enabling an offence to be committed ;
 - (e) abetment or incitement of offences falling within these sub-classes.

Prisoners will be eligible for class "B" who by social status, education or habit of life, have been accustomed to a superior mode of living. Habitual prisoners will not be excluded automatically: the classifying authority will be allowed discretion to suggest their inclusion in this class having regard to their character and antecedents, subject to confirmation or revision by the Local Government.

Class "C" will consist of prisoners who are not classified in classes "A" and "B".

Classifying authority.—The High Courts, Sessions Judges, District Magistrates, Stipendiary Presidency Magistrates, Sub-divisional Magistrates and Magistrates of the first class (the two latter through the District Magistrate) in the cases tried by them originally, or in any other case, the District Magistrate, should make the initial recommendation for classification in classes "A" or "B" to the Local Government by whom these recommendations will be confirmed or reviewed.

Privileges of "A" and "B" class prisoners.—Certain forecasts of their decision which have been brought to the notice of the Government of India indicate considerable misconception in regard to this tripartite division and its effect upon existing classes of prisoners. It should be clearly understood that all prisoners within a class are eligible for the privileges of that class. No class of prisoners will be eligible for any additional privileges on the ground of race.

All privileges now given to special class prisoners will be continued to "A" class prisoners, such as separate cell accommodation, necessary articles of furniture, reasonable facilities for association and exercise, and suitable sanitary and bathing arrangements. In other matters the following decisions have been arrived at:

- (1) *Diet.*—The diet for classes "A" and "B" will be superior to the ordinary prison diet given to prisoners in class "C", and will be based on a flat rate of cost per prisoner, within the limits of which the actual food may vary. The cost of the superior diet provided in the case of classes "A" and "B" should be borne by Government. As special class prisoners are under the existing rules permitted to supplement the prison diet at their own expense, this privilege will be retained as at present as regards "A" class prisoners.
- (2) *Clothing.*—The existing rules regarding the privilege of special class prisoners to wear their own clothes will continue as regards "A" class prisoners. If they desire to have clothing at Government expense, they will be provided with that prescribed for "B" class prisoners. "B" class prisoners will wear prison clothing in certain respects and of a better type than that worn by "C" class prisoners.
- (3) *Accommodation.*—A separate jail in each province for classes "A" and "B" is desirable and its provision, though it must depend on the available financial resources of Local Governments should be regarded as the goal to be aimed at. Meanwhile, the Government of India hope that Local Governments will carefully review the resources of the jails now existing in the provinces and endeavour by such measures as are within their power to secure the end in view. In addition to separate accommodation, the Government of India, desire to emphasize the necessity of a special staff to deal with "A" and "B" class prisoners and are of opinion that this matter should receive the earliest possible attention.
- (4) *Prison tasks.*—In accordance with the principle already applied, the importance of which is reaffirmed, the tasks allotted to prisoners in "A" and "B" classes should be assigned after due consideration on medical grounds and with careful regard to the capacity, character, previous mode of life and antecedents of the prisoners.
- (5) *Facilities for reading.*—The Government of India accept the principle that reasonable facilities, subject to safeguards, should be provided by Government for the intellectual requirements of educated and literate prisoners. Local Governments will be requested to examine the condition of the jail libraries in the provinces and in cases where these are non-existent or defective to take early steps to establish or improve them. Literate prisoners may be allowed to read books and magazines from outside, subject to the approval of the Jail Superintendent.
- (6) Newspapers will be allowed to "A" class prisoners on the same conditions as under the existing rules they are allowed to special class prisoners, that is in special circumstances and with the approval of the Local Government. As regards literate prisoners generally, where Local Governments published a jail newspaper, or where they intend to publish it, this publication will be

available once a week for literate prisoners. Where Local Governments are unable to publish a weekly newspaper the Government of India have decided that a few copies of a weekly paper approved by the Local Government should be provided at Government expense for "A" and "B" class prisoners.

- (7) *Letters and interviews.*—"A" class prisoners will be allowed to write and receive one letter and have one interview a fortnight, instead of once a month as at present. "B" class prisoners to write and receive one letter and have an interview once a month, instead of at the considerably longer intervals now permitted under the various jail manuals. Publication of matters discussed at interviews or of the substance of letters received from prisoners may entail withdrawal or curtailment of the privilege.

Under-trial prisoners.—The Government of India accept the principle that some differentiation of treatment is desirable in the case of under-trial prisoners, who, by social status, education or habit of life, have been accustomed to a superior mode of living. There will therefore be two classes of under-trial prisoners based on previous standard of living only. The classifying authority will be the trying court, subject to the approval of the district magistrate. The diet provided for "A" and "B" class convicted prisoners will be given to the former and the diet of "C" class prisoners to the latter. Under-trial prisoners in either class will be allowed to supplement this diet by private purchase through the jail authorities. Under the existing rules they are allowed to wear their own clothing. The suggestion has been made that in cases where under-trial prisoners are inadequately clad or are unable to obtain clothing from outside, suitable clothing which should not be prison clothing, should be provided by the jail authorities. The Government of India commend this suggestion for adoption by Local Governments.

The Government of India are of opinion that the interpretation of the existing rules in a liberal spirit, together with the modifications now proposed and the provision of better and cellular accommodation will effect important improvements in the directions which the enquiry has indicated as desirable. They therefore hope that Local Governments will make every effort to improve the existing accommodation and will at once utilise and adapt their existing resources to the best possible advantage. In many of the opinions received by the Government of India stress has been laid on the desirability of separating under-trial prisoners who are habituals or charged with grave offences from those who have not been previously convicted. On this subject the Government of India consider that no further orders are necessary as they understand that this is the existing practice.

Local Governments are now being invited to amend their jail manuals in the light of these principles, and to frame rules where necessary under section 60 of the Prisons Act. Pending such revision they are being requested as far as possible to give immediate practical effect to these changes.

19th February, 1930.

C. W. GWYNNE.

CONDITIONS IN CHITTAGONG.

183. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Will Government be pleased to make a statement on the condition of Chittagong on the following lines:

- (a) The number of special troops stationed there and how long they will be kept there?
- (b) The amount of expenses incurred?
- (c) Have any cases occurred in which the police or the military have taken to task persons who were found to be innocent? If so, what action has been taken? If no action has been taken, were any such cases brought to the notice of Government and with what results?
- (d) How many persons have been shot? How many, if any of them, were found to have been innocent? Were their relatives given any relief or compensation? If so, what amount was spent on this account?

THE HONOURABLE MR. M. G. HALLETT : (a) One battalion. The troops will remain in the area as long as their presence is considered necessary

(b) The extra expenditure incurred up to the 18th December, 1932, was about Rs. 2·22 lakhs.

(c) I have some difficulty in appreciating what information the Honourable Member requires. Government have not any reason to believe that the police or the troops in their very difficult task of dealing with the terrorist movement in the Chittagong district have unnecessarily harassed innocent persons.

(d) The Honourable Member presumably is not referring to the number of persons shot by terrorists in the district, but wishes for information regarding the recent unfortunate incident in which two persons were shot by a military patrol. If so, I am prepared to make a statement.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Yes, Sir.

THE HONOURABLE MR. M. G. HALLETT : The facts are as follows. Information had been received that certain absconders (of whom several are still at large) were in the neighbourhood and a military patrol with a police officer was sent out on the night of the 7th instant to patrol the river bank and examine all persons moving by night in order to effect the arrest of the terrorists. Two men were seen to alight from a boat, and on being challenged immediately started to run, though a warning had been published by beat of drum in the locality telling people to halt when challenged. The patrol pursued them through a village calling on them to halt, but the men continued to run and when they reached an open field beyond the village the patrol fired seven shots at the men who were still running. Both were killed. The District Magistrate reports that the failure of the men to halt was very suspicious in view of the warning that had been issued and of the fact that on the previous night on the opposite bank of the river two youths had escaped through a military cordon and though pursued had disappeared. The patrols on this side of the river had special orders to watch for terrorists and absconders trying to cross from the other side. The Commissioner has recommended the payment of compensation and the recommendation is before the Bengal Government. The Government of India very greatly regret the occurrence.

STATEMENTS LAID ON THE TABLE.

COMMERCIAL TREATIES AND NOTES AFFECTING INDIA.

THE HONOURABLE MR. T. A. STEWART (Commerce Secretary) : Sir, I beg to lay on the table a further list of Commercial Treaties and Notes affecting India. The agreements mentioned in Part II are also laid on the table.

Part I.

The Notes mentioned in this part merely provide for the prolongation until the 16th February, 1933, under the same conditions as now obtaining, of the Provisional Commercial Agreement concluded between the Egyptian Government and the Government of the United Kingdom and Northern Ireland by the Notes, dated the 5th and 7th June 1930.

Country.	Nature of Agreement.	Description.	Date.
Egypt . . .	Notes . . .	Commerce . .	January 23—26, 1932.

Part II.

India is a party to the agreements mentioned in this part.

Country.	Nature of Agreement.	Description.	Date.
1. Poland . .	Convention and Notes	Commerce . .	May 8, 1931.
2. Brazil . .	Notes . . .	Commerce . .	July 21, 1932.
3.* General . .	International Convention and Protocol.†	Economic Statistics	December 14, 1928.

*The accession of India to this Convention under Article 17 thereof is subject to the following reservations :

'A'.—Under the terms of Article 11 the obligations of the Convention shall not extend to the territories in India of any Prince or Chief under the suzerainty of His Majesty the King Emperor.

"B".—(1) Article 2 (1) (a). The provisions for returns of "transit trade" made in Annexure 1, Part I, 1 (b) shall not apply to India nor shall returns of the "land frontier trade" of India be required.

(2) Article 2 II (a). The question whether a general census of agriculture can be held in India and if so, on what lines and at what intervals still remains to be settled. For the present India can assume no obligations under this article.

(3) Article 2 III (b) (1). For farms in the "permanently settled" tracts in India, estimates of the cultivated areas may be used in compiling the returns.

(4) Article 2 III (b) (2). The returns of quantities of crops harvested may be based on estimates of yield each year per unit area in each locality.

(5) Article 2 III (d). Complete returns cannot be guaranteed from Burma and in respect of the rest of India, the returns shall refer to Government forests only.

†Not printed in these Debates, but a copy has been placed in the Library.

Convention between India and Poland respecting the commercial relations between the two countries.

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India,

and the President of the Polish Republic,

desiring to facilitate the commercial relations between India and Poland,

have resolved to conclude a Convention for that purpose and to that end have appointed as their Plenipotentiaries :

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India,

for India :

The Right Honourable Sir William Augustus Forbes Erskine, G.C.M.G., M.V.O.,
His Majesty's Ambassador Extraordinary and Plenipotentiary to the Polish Republic,

The President of the Polish Republic :

His Excellency August Zaleski, Minister for Foreign Affairs,

His Excellency Aleksander Prystor, Minister of Commerce and Industry ;

who having communicated to each other their full powers found in good and due form have agreed as follows :—

Article 1.—The territories of the High Contracting Parties to which the present Convention applies are, on the part of His Majesty, India, and on the part of the President of the Polish Republic, the Polish Customs Territory.

Article 2.—Any article the produce or manufacture of the territories of one of the High Contracting Parties shall enjoy unconditionally upon importation into the customs territory of the other High Contracting Party treatment at least as favourable as that accorded or to be accorded in future to goods produced or manufactured in any other foreign country—and shall in particular not be subject to customs duties, additional customs charges or to any other charges higher than those to which goods of the same kind of the most favoured foreign country are, or will be, subject.

Articles produced or manufactured in the territories of either of the High Contracting Parties exported to the territories of the other shall not be subjected to customs duties or other charges higher than those paid on articles of the same kind exported to any other foreign country.

Each of the High Contracting Parties undertakes to grant to the other immediately and unconditionally every concession, privilege in customs matters and every reduction of customs duties or charges which have been or may be accorded in future in his territories temporarily or permanently to any other foreign country.

Article 3.—The stipulations of article 2 do not apply :

- (1) To privileges which have been or may be accorded in future by each of the High Contracting Parties to the frontier traffic with the neighbouring States ;
- (2) To special favours resulting from a Customs Union with a third State ;
- (3) To the provisional customs regime at present existing between the Polish and the German portions of Upper Silesia ;
- (4) To privileges and facilities of any kind which Poland has accorded or may accord in future to Latvia, Estonia, Finland or Lithuania.

Article 4.—Neither of the High Contracting Parties shall introduce or maintain in force any prohibitions or restrictions on the importation into his territories of goods the produce or manufacture of the territories of the other or on the exportation from his territories of goods consigned to the territories of the other which are not simultaneously applied to the importation of goods of the same kind of any other foreign country or to the exportation of goods of the same kind to any other foreign country.

This stipulation shall not apply to prohibitions or restrictions issued for reasons of public safety or of the protection of animals or plants against diseases or pests, on the condition, however, that such prohibitions and restrictions shall not be applied in a manner that would create an arbitrary discrimination between foreign countries in which conditions of the same kind prevail, or in a manner that would cause a concealed restriction in the international exchange of goods.

Article 5.—The present Convention shall be ratified and the instruments of ratification shall be exchanged at London as soon as possible. It shall come into effect thirty days after the exchange of the instruments of ratification and shall remain in force until the expiration of six months from the date on which a notice of denunciation is transmitted by One of the High Contracting Parties to the Other.

Done in duplicate each in English and Polish, both authentic.

In witness whereof the above-named Plenipotentiaries have signed the Present Convention and have applied thereto their seals.

Warsaw, the 8th of May 1931.

WILLIAM ERSKINE.

AUGUST ZALESKI.

A. PRYSTOR.

Sir W. Erskine to M. Zaleski.

No. 78.

Warsaw, May 8, 1931.

Your Excellency,

I have the honour to acknowledge the receipt of Your Excellency's note No. P. V.-1488/31 of to-day's date, in which your Excellency makes the following declaration :

"In connexion with the signature today of the Convention between Poland and India respecting the commercial relations between the two countries, I have the honour to declare in the name of the Polish Government that, in accordance with article 104 of the Peace Treaty of Versailles of the 28th June, 1919, the Polish Customs' Area includes the territory of the Free City of Danzig."

2. I have the honour to inform Your Excellency that I have taken cognisance of the contents of your note.

I avail, etc.,

WILLIAM ESKINE.

Exchange of Notes relating to the Indo-Brazilian Commercial Agreement.

No. 128.

British Embassy,

Rio de Janeiro.

July 21st, 1932.

Monsieur le Ministre,

The Government of India and the Brazilian Government being desirous of concluding by an exchange of identic notes an arrangement for facilitating and regulating commercial relations between the two countries, I have the honour, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, and in accordance with the wishes of the Government of India, to confirm to Your Excellency that the Government of India approve an arrangement in the following terms :—

(1) (a) Goods, the produce or manufacture of Brazil imported into India (whether for consumption, re-export or transit) will receive treatment not less favourable than that granted to goods, the produce or manufacture of any other country not being part of the territory of His Majesty's dominions or territory under His Majesty's protection or mandate.

(b) Goods, the produce or manufacture of India imported into Brazil (whether for consumption, re-export or transit) will receive treatment not less favourable than that granted to goods, the produce or manufacture of any other foreign countries.

(2) The arrangement constituted by the present exchange of notes shall come into force immediately and shall continue until six months after notice of its termination shall have been given by either party.

(3) It is agreed that the above provisions of reciprocal most-favoured-nation treatment shall not extend to advantages now accorded to adjacent countries in order to facilitate frontier traffic or to advantages granted to a third country in virtue of a customs union which has already been or may hereafter be concluded.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

(Sd.) E. KEELING,

His Majesty's Charge d'Affaires.

His Excellency

Dr. Afranio deMello Franco,
Minister for Foreign Affairs,
Rio de Janeiro.

Translation of Despatch from Minister for Foreign Affairs, Rio de Janeiro.

Ministry for Foreign Affairs,

Rio de Janeiro.

July 21st, 1932.

Monsieur le Charge d'Affaires,

I have the honour to acknowledge the receipt of the Note of the 21st of the current month in which, acting under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, you confirmed to me that, the Governments of Brazil and of India being desirous of concluding by an exchange of identic notes, an agreement destined to facilitate and regularise the commercial relations between the two countries, the Government of India is ready to approve an agreement in the following terms :—

(1) (a) Goods, the produce or manufacture of Brazil imported into India (whether for consumption, re-export or transit) will receive treatment not less favourable than that granted to goods, the produce or manufacture of any other country not being part of the territories of His Majesty's dominions or territories under His Majesty's protection or mandate.

(b) Goods, the produce or manufacture of India imported into Brazil (whether for consumption, re-export or transit) will receive treatment not less favourable than that granted to goods, the produce or manufacture of any other foreign country.

(c) The agreement thus constituted shall come into force immediately, and shall continue in force until six months from the date of its denunciation by either of the two parties.

(d) It is agreed that the above provisions of reciprocal most-favoured-nation treatment shall not extend to advantages now accorded to adjacent countries in order to facilitate frontier traffic, or to advantages granted to another country in virtue of a customs union which has already been or may hereafter be concluded.

(2) In reply I have to inform you that the Brazilian Government accepts the proposal submitted by you and assumes the responsibilities arising therefrom, contained in the Note to which I have the honour to reply.

I avail myself, etc.,

(Sd.) A. DE MELLO FRANCO.

Mr. E. S. Keeling,

His Majesty's Charge d'Affaires.

GUARDS ON THE EASTERN BENGAL RAILWAY.

THE HONOURABLE SIR GUTHRIE RUSSELL: (Chief Commissioner for Railways): Sir, I lay on the table the information promised in reply to question No. 111 by the Honourable Mr. Satyendra Chandra Ghosh Maulik on the 4th March, 1933.

1. There are at present 202 "A" class and 125 "B" class guards on the Eastern Bengal Railway.

2. Yes, except the more important trains, which are worked by "B" class guards only.

3. Pay of "A" class guards is Rs. 40 per mensem on probation, Rs. 45 per mensem on confirmation rising to Rs. 100 per mensem by annual increments of Rs. 5 and that of "B" class is Rs. 100 per mensem on probation, Rs. 110 per mensem on confirmation rising by annual increments of Rs. 10 to Rs. 210 per mensem.

The rates of mileage allowances for "A" class and "B" class guards are given below :

<i>Pay.</i>	<i>Rate per 100 miles.</i>		
	Rs.	s.	p.
Rs. 115 to Rs. 210	2	0	0
Rs. 100 to Rs. 114	1	8	0
Rs. 66 to Rs. 99	1	4	0
Rs. 50 to Rs. 65	1	0	0
Rs. 40 to Rs. 49	0	12	0

ACTION TAKEN ON RESOLUTIONS ACCEPTED IN THE COUNCIL OF STATE SINCE THE INCEPTION OF THE MONTFORD REFORMS.

THE HONOURABLE MR. J. BARTLEY Government of India : (Nominated Official): Sir, I lay on the table the information promised in reply to question No. 82 asked by the Honourable Mr. Satyendra Chandra Ghosh Maulik on the 21st September, 1932.

A

Statement completing the information contained in the statements printed on pages 223 to 227 of the Council of State Debates, dated 21st March, 1927, and pages 3127 to 3130 of the Legislative Assembly Debates, dated 22nd August, 1927, regarding the action taken by Government since then on the Resolutions adopted by the Council of State since its inception to the end of Delhi Session, 1927.

Serial No.	By whom.	Date on which moved.	Subject of Resolution.	Department concerned.	Action taken.
1	The Honourable Mr. Lalubhai Samaldas.	23rd Feb., 1921	Regarding Fiscal autonomy.	Commerce	Given effect to in full.
2	The Honourable Maung Po Bye.	28th Feb., 1921	Regarding Burma Reforms Scheme.	Home	The Committee's Report was received and the reforms have since been introduced.
3	The Right Honourable V. S. Sastri.	3rd March, 1921.	Regarding amendment of certain enactments in regard to use of fire-arms.	Do.	A Bill was introduced and passed in the Council of State in September, 1921. On further examination Government did not find it feasible to provide satisfactorily by legislation for a principle which had hitherto been regulated by executive orders and the matter was not proceeded with.
4	The Honourable Lala Sukbir Singh.	26th March, 1921.	Regarding exemption of Magistrates and members of the Indian Legislature from the operation of the Arms Act.	Do.	Local Governments were consulted in the matter. They were practically unanimous in opposing the proposal to extend exemption to magistrates and members. The matter was referred to the Arms Rules Committee of 1922 who recommended the exemption of members of Legislature during their term of office and 6 months thereafter but did not recommend exemption of members of Provincial Legislative Council or of magistrates. The recommendations of the Committee were accepted by the Government of India.

Serial No.	By whom.	Date on which moved.	Subject of Resolution.	Department concerned.	Action taken.
5	The Honourable Dr. Ganga Nath Jha.	23rd Sep. 1921.	Uniform system of weights and measures.	Commerce	Given effect to in full, vide Resolution No. 9, dated the 3rd January, 1922 published in the Supplement to the <i>Gazette of India</i> of the 7th <i>idem</i> .
6	The Honourable Mr. P. C. Bethuna.	26th Sep. 1921.	Administration of Aden by the Government of India.	Foreign and Political.	The Resolution was transmitted to the Secretary of State.
7	The Honourable Mr. H. A. F. Lindsay.	27th Sep. 1921.	Limitation of hours of work in fishing industry.	Commerce	The political and military control of Aden was eventually transferred to His Majesty's Government with effect from the 1st April, 1927.
8	Do.	Do.	Establishment of National Seamen's Code.	Do.	The Resolution was accepted by the Government of India.
9	Do.	Do.	Unemployment insurance for seamen.	Do.	Ditto.
10	Do.	Do.	Minimum age for admission of children to employment at sea.	Do.	Ditto.
					The Government of India notified the ratification of the Convention subject to the reservations mentioned in the Resolution as adopted by the Council of State but it was pointed out to them that ratification of a Convention could not be accompanied by reservations. They did not therefore find it possible to ratify the Convention, but with a view to make the provisions of the Convention effective it was decided to amend the Indian Law and to undertake the necessary legislation. As there were many other amendments arising out of the various Conventions concerning

STATEMENTS LAID ON THE TABLE.

seamen, an omnibus Bill was introduced in the Legislature in 1931 and after being duly passed, it was enacted as the Indian Merchant Shipping (Amendment) Act, 1931.

As a result of the enquiries which the Government of India undertook to make they came to the conclusion that the Indian Merchant Shipping Act should be amended on the lines recommended in the Resolution. Accordingly a Bill was prepared in January, 1931, which was duly passed by the Indian Legislature and was enacted as the Indian Merchant Shipping (Amendment) Act, 1931.

As a result of the recommendations of the Seamen's Recruitment Committee, 1922, the superior staff in the Shipping Offices at Calcutta and Bombay, which are the only ports in India where seamen are recruited in large numbers, has been strengthened and a revised system of recruitment has been introduced.

The Resolution was accepted by the Government of India and as a result, the various Port Trust Acts of the major ports, with the exception of Aden (where conditions are peculiar) and Chittagong (which was then a minor port), were amended to provide for increased representation of Indian commercial bodies on the Port Trusts or Commissions. Chittagong was declared to be a major port in April, 1928, and the constitution of the Port Commission was amended so that Indian commercial interests might have larger representation.

11	Do.	Do.	Unemployment indemnity in case of loss or foundering of a ship.	Do.
12	Do.	Do.	Facilities for finding employment for seamen.	Do.
13	The Honourable Mr. Phiroze C. Sethna.	26th Jan., 1922.	Increase in the appointment of Indians in Port Trusts.	Do.

Serial No.	By whom.	Date on which moved.	Subject of Resolution.	Department concerned.	Action taken.
14	The Honourable Mr. Lalubhai Senaldas.	15th Mar., 1922.	Carriage of Government and Railway materials by Indian Shipping Companies.	Commerce	The Resolution was accepted by the Government of India and the authorities concerned were asked, where possible, to give Indian Shipping Companies an opportunity in future for tendering for the carriage of Government stores.
15	Do.	16th Mar., 1922.	Shipbuilding Industry in India.	Do.	The Indian Mercantile Marine Committee was appointed in February, 1923, <i>inter alia</i> , to consider what measures could usefully be taken for the encouragement of shipbuilding in India.
16	The Honourable Mr. H. A. F. Lindsey.	19th Sep., 1922.	Limitation of hours of work on inland navigation.	Do.	The recommendation of the Council of State that no action should be taken in the matter was accepted by the Government of India. A copy of the Resolution was also communicated to the Secretary-General of the League of Nations.
17	Do.	Do.	Trimmers, stokers and children employed at sea.	Do.	The Conventions on the subject were ratified with the approval of the Indian Legislature and the Indian Merchant Shipping (Amendment) Act, 1931, was enacted to give effect to the provisions of the Conventions.
18	Do	Do.	Weekly rest day in commercial establishments.	Do.	The recommendation of the Council of State was accepted by the Government of India and action taken accordingly. A copy of the Resolution was also communicated to the Secretary-General of the League of Nations.

19	The Honourable Mr. Vaman Govind Kale.	25th Sep., 1922.	Collection, compilation and publication of statistics relating to the economic, social and constitutional progress in India.	Do.	The Director General of Commercial Intelligence and Statistics was asked to examine all the publications of the Department of Statistics with a view to seeing that so far as possible the statistics in their new and simpler form would meet all practical requirements.
20	The Honourable Sir Dinshaw E. Wacha.	16th and 19th Feb., 1923.	Census of production of British India.	Do.	A consolidated publication entitled Statistical Abstract for British India containing all the statistics as desired is published annually.
21	The Honourable Sir Maneckji B. Dadabhoy.	5th Feb., 1924	Award of the Nobel prize for peace to His Highness the Aga Khan.	Foreign and Political.	A certified copy of the Resolution together with a copy of the debate on the subject was forwarded on the 11th April, 1924, to the Secretary of the Nobel Committee of the Norwegian Parliament, for the information of that Committee. The Government of India have heard nothing further on the subject.
22	The Honourable Mr. J. C. Crerar.	11th Mar., 1924.	Ratification of the International Convention for the suppression of the circulation of, and traffic in, obscene publications.	Home	The Government of India intimated to the Secretary of State their agreement that the convention should be ratified on behalf of India, and the amendments made in the I. P. C. and Code of Criminal Procedure by the Obscene Publications Act, 1925.
23	The Honourable Mr. D. T. Chadwick.	4th June, 1924	Removal of import duty on sulphur.	Commerce	A notification No. 2238, dated 9th June, 1924, under the Sea Customs Act, was issued exempting sulphur from import duty.
24	The Honourable Mr. J. C. Crerar.	15th and 16th Sep., 1924.	Recommendations of Lee Commission.	Home	The outstanding action on part (3) of the resolution has since been taken.
25	The Honourable Sir Muhammed Habibullah.	17th Feb., 1925.	Appointment of a member of the Council of State to the Governing Body of the Lady Hardinge Medical College.	Education, Health and Lands.	A member of the Council of State is nominated by the Government of India to serve on the Governing Body of the Lady Hardinge Medical College, Delhi, as a representative of that House.

Serial No.	By whom.	Date on which moved.	Subject of Resolution.	Department concerned.	Action taken.
26	The Honourable Mr. Phiroze C. Sethna.	8th Sep., 1925	Indianisation of the staff and establishment of the High Commissioner for India in the United Kingdom.	Commerce	A copy of the debate on the Resolution was forwarded to the High Commissioner and he was informed that the Government of India desired that the principle involved in the Resolution should be followed and that consistently with economy and efficiency opportunities should be taken to Indianise the higher staff of the establishment. He has given effect to the wishes of the Government of India in the matter.
27	The Honourable Mr. D. T. Chadwick.	9th Sep., 1925	Bounty on steel manufactured in India.	Do.	The Tata Iron and Steel Company, Limited, was the only Company that fulfilled the conditions subject to which the payment of bounties on steel manufactured in India was recommended. This Company was paid Rs. 18½ lakhs on this account during the six months ending 31st March, 1926, and Rs. 41½ lakhs during 1926-27, that is, the maximum total of Rs. 60 lakhs recommended by the Council.
28	The Honourable Mr. J. C. Crerar.	14th and 15th Sep., 1925.	Recommendations of the Majority Report of the Reforms Enquiry Committee.	Home	Action taken on the recommendations of the Reforms Enquiry Committee is set out on pages 213-290 of the volume containing the Memoranda submitted to the Indian Statutory Commission by the Government of India, which is in the library of the Legislature. The advent of further constitutional enquiries and discussions still in progress has affected the position; the Government of India do not therefore propose to take further action on these recommendations at present.

29	The Honourable Dr. Gir Deva Prasad Sarvadhiary.	15th Sep., 1925.	Work done by the Central Government in connection with the transferred subjects.	Do.	The remarks against item 28 apply to this also.
30	The Honourable Mr. J. Czerar.	16th Sep., 1925.	Standing Committees to deal with Bills relating to Hindu Law and Muhammadan Law.	Do.	This arose out of recommendation No. 6 of the Reforms Enquiry Committee, and the remarks against item 28 above apply to this also.
31	The Honourable Mr. A. H. Ley.	10th Feb., 1926.	Ratification of the Draft Convention of the International Labour Conference concerning Workmen's compensation for occupational diseases.	Industries and Labour.	The Resolution was accepted. No action was required, as the Indian Workmen's Compensation Act, 1923, had already been amended to bring it into conformity with the Convention.
32	The Honourable Mr. D. T. Chadwick.	Do.	Continuation of the imposition of a customs duty on lac.	Commerce	A notification was issued on the 20th February, 1926, declaring that sections 2 to 6 of the Indian Lac Cess Act, 1921 (XIV of 1921), should continue in force until the 31st December, 1931.
33	The Honourable Mr. K. C. Roy.	15th Feb., 1926.	Royal Commission on Agriculture.	Education, Health and Lands.	The correspondence which passed between the Government of India and the Provincial Governments and between the Government of India and the Secretary of State was laid on the table.
34	The Honourable Mr. D. T. Chadwick.	23rd Feb., 1926.	Grant of supplementary assistance to tin-plate industry.	Commerce	(1) A notification No. 260-T. (57), dated the 27th February, 1926, under the Indian Tariff Act, was issued raising the import duty on steel, tin-plates and tinned sheets including the taggers, from Rs. 60 per ton to Rs. 85 per ton, and (2) a notification No. 5, dated 27th February, 1926, under the Sea Customs Act, was issued reducing the import duty on tin block, from 15 per cent. <i>ad valorem</i> to a specific duty of Rs. 250 per ton.

Serial No.	By whom.	Date on which moved.	Subject of Resolution.	Department concerned.	Action taken.
35	The Honourable Mr. G. S. Khaparde.	15th March, 1926.	Salaries of the two members of the Judicial Committee of the Privy Council with Indian experience.	Home . . .	The Appellate Jurisdiction Act was passed in 1929 (19 Geo. 5, Ch. 8), and disposed of the question.
36	The Honourable Sir Muhammed Habibullah.	23rd March, 1926.	Emigration of Indian unskilled labourers to British Guiana.	E d u c a t i o n , Health and Lands.	The terms of the resolution passed were communicated to the Secretary of State for India and the Government of British Guiana. The Colonial Government have since decided to postpone indefinitely the scheme for the emigration of unskilled Indian labour to the Colony. No further action on the part of the Government of India is called for in the matter.
37	The Honourable Sir Haroon Jaffer.	10th March, 1926, and 23rd Aug., 1926.	Banking legislation . . .	Finance . . .	Banking Committees were appointed in 1929 and a statement showing the action taken on their recommendations has been laid on the table of the House.
38	The Honourable Mr. V. Ramadas Pantulu.	9th Feb., 1927.	Moderation in the use of alcoholic liquors in Local Administrations under the direct control of the Government of India.	Finance (Central Board of Revenue).	Examined : no action taken.
39	The Honourable Mr. Mahmood Suhrawardy.	Do.	Appointment of a Committee to examine the desirability of developing the road system of India.	Industries and Labour.	After consultation with Local Governments, the Committee recommended in this Resolution was duly appointed in November, 1927, with Mr. Jeyakar as Chairman and it submitted its report in 1928.

40	The Honourable Mr. V. Ramadas Pantulu.	24th Feb., 1927	Reduction of agricultural indebtedness and establishment of Land Mortgage Banks.	Education, Health and Lands.	<p>A copy of the debates in the Council of State, on the subject, was forwarded to all Local Governments for information and such action as they may deem necessary. The minor administrations of North-West Frontier Province (now a Governor's province), Baluchistan, Ajmer-Merwara, Coorg and Delhi were supplied with a copy of the debates for remarks in so far as the areas under them were concerned. Three Land Mortgage Banks have been established in Ajmer-Merwara, and the feasibility of opening one in Coorg is being investigated. In Delhi and in Baluchistan the co-operative movement has not yet made sufficient progress to justify their establishment. Measures for the reduction of agricultural indebtedness are also being taken in the various provinces.</p>
41	Do.	3rd March, 1927.	Management and upkeep of fish curing yards in the Madras Presidency.	Finance (Central Board of Revenue).	<p>Examined : no action taken.</p>
42	Do.	7th March, 1927.	Provision of further facilities for military training to students in Indian universities.	Army	<p>Further facilities have been provided. Attention is invited to the Army Department Resolution published in the <i>Gazette of India</i> of the 20th August, 1927.</p>
43	The Honourable Sir Ebrahim Jeffer.	Do.	Provision of tuberculosis hospitals, sanatoria and institutions for training practitioners in the treatment of tuberculosis.	Education, Health and Lands.	<p>As Local Governments, etc., who were asked for their views on the subject were not unanimous as to the utility of the proposed conference to discuss the question, it was decided to postpone the holding of the conference <i>sine die</i>.</p>

Serial No.	By whom.	Date on which moved.	Subject of Resolution.	Department concerned.	Action taken.
44	The Honourable Sir Ebrahim Jaffer.	9th March, 1927.	Control of the craze for medicinal drugs.	Education, Health and Lands.	In pursuance of this resolution and after consulting Local Governments the Drugs Enquiry Committee was appointed in 1930. The Committee has since submitted its Report and the recommendations made therein will be considered on receipt of the views of Local Governments, who have been addressed in the matter.
45	The Honourable Mr. Anugraha Narayan Sinha.	Do.	Amendment of the Indian Forest Act, 1878.	Do.	All Local Governments and Administrations who were addressed in 1927 agreed that a revision of the Indian Forest Act was not necessary. Their replies indicated that there was no justification for the apprehension that the Act was not working satisfactorily both from the public and the administrative point of view. The question was accordingly dropped.
46	The Honourable Mr. V. Ramadas Pantulu.	21st March, 1927.	Censorship and Control over cinemas and other public resorts of amusement.	Home	Effect was given to this resolution by the appointment of the Indian Cinematograph Committee, the terms of reference to which were set out in the Home Department Resolution No. D-4169, dated the 6th October, 1927.
47	The Honourable R. B. Lala Ram Saran Das.	Do.	Assignment of a suitable place in the Warrant of Precedence to Members of the Council of State.	Do.	As the Warrant is intended to regulate the position of officials under as the question of including Members of the Council of State in the Warrant could not be pursued.

B

Statements showing the Resolutions adopted by the Council of State from the Simla Session, 1927, to the Delhi Session, 1932, and action taken by Government thereon.

Serial No.	By whom.	Date on which moved.	Subject of Resolution.	Department concerned.	Action taken by Government.
1	The Honourable Sir Muhammad Habibullah.	15th Sep., 1927.	Inspection of emigrants and protection of emigrant women and girls on board ship.	Education, Health and Lands.	As promised in Sir Muhammad Habibullah's speech in moving the Resolution, legislation to amend the Indian Emigration Act, No. VII of 1922, so as to enable the Governor General in Council to carry out the provisions of the Convention has been undertaken.
2	The Honourable Mr. H. G. Haig.	15th Sep., 1927	Consorship of cinematograph films.	Home	Effect was given to this resolution by the appointment of the Indian Cinematograph Committee, the terms of reference to which were set out in the Home Department Resolution No. D.-4169, dated the 6th October, 1927.
3	The Honourable Sir Geoffrey Corbett.	20th Sep., 1927.	Ratification of the Draft Conventions concerning (1) seamen's articles of agreement and (2) the repatriation of seamen.	Commerce.	(1) The Government of India have decided to ratify this Convention and steps have been taken to communicate their decision to the Secretary General of the League of Nations. (2) The Government of India have decided to follow the lead of His Majesty's Government in respect of this Convention and are awaiting their decision.

Serial No.	By whom.	Date on which moved.	Subject of Resolution.	Department concerned.	Action taken by Government.
4	The Honourable Sir Geoffrey Corbett.	20th Sep., 1937.	Recommendations concerning (1) the repatriation of masters and apprentices and (2) the general principles for the inspection of the conditions of work of seamen.	Commerce	<p>(1) The Government of India have decided to follow the lead of His Majesty's Government and are awaiting the action taken by them.</p> <p>(2) The Government of India have accepted the Recommendation subject to the explanation that the term "Vessel flying the national flag" referred to in Article 10 thereof is understood as meaning "Vessel registered in British India". The India Office has been asked to inform the Secretary General of the League of Nations of the action taken by the Government of India on the Recommendation.</p>
5	The Honourable Sir Phiroze Sethna.	13th Feb., 1938.	Appointment of Trade Commissioners or Commercial Attachés in the Colonies and in Europe and America.	Do.	<p>The Government of India have, with the approval of the Secretary of State for India, sanctioned the creation on a temporary basis of six posts of Indian Trade Commissioners, one each at Hamburg, Milan, New York, Alexandria, Durban and Mombasa, and Indians are to be appointed to these posts as far as possible. The appointment at Hamburg has been filled by Mr. S. N. Gupta, I.C.S., and a non-official Mr. A. R. Ahuja, has been selected for the appointment at Milan. He is, however, still under training in India. Further progress with the scheme has been held up on account of financial stringency.</p>

					Home (Reforms Office.)	
6	The Honourable Mr. P. C. D. Chari.	22nd Feb. 1928.	The Statutory Commission.		Industries and Labour.	Full effect was given.
7	The Honourable Mr. A. C. McWatters.	20th March, 1928.	Non-ratification of the Draft Conventions and non-acceptance of the Recommendation adopted by the tenth International Labour Conference on the subject of sickness insurance.			The Resolution was accepted and required no action. In accordance, however, with the undertaking given in the Council, the Government of India invited in a circular letter issued in September, 1928, the views of the Local Governments on the possibility of introducing some scheme of sickness insurance. On receipt of the Local Governments' replies further action was held up pending the Report of the Royal Commission on Labour. The question is now under examination in the light of the Recommendations made by the Commission.
8	The Honourable Sir Phiroze Sethna.	17th Sep., 1928.	The report of the Agricultural Commission.		Education, Health and Lands.	The report of the Royal Commission has been considered by the Government of India and such action as was feasible has been taken by them on its Recommendations.
9	The Honourable Mr. G. S. Khaparde.	17th Sep., 1928.	Revision of the Time Test in the Post Offices.		Industries and Labour.	Mr. G. V. Bewoor, C.I.E., I.C.S., Postmaster-General, was placed on special duty in October, 1928, and the late Babu Tarapada Mukerji, the then General Secretary of the All-India (including Burma) Postal and R. M. S. Union, was associated with him throughout his investigations. Mr. Bewoor submitted in January, 1929, a Report on the Revision of Time Tests in the Post Office with which the late Babu Tarapada Mukerji agreed throughout. After careful consideration, the Government of India issued orders in April, 1930, accepting generally the Recommendations made in Mr. Bewoor's Report. The orders of the Government of India were also circulated to the

Serial No.	By whom.	Date on which moved.	Subject of Resolution.	Department concerned.	Action taken by Government.
10	The Honourable Rai Bahadur Lala Ram Sanyal Das.	27th Feb., 1929.	Import and manufacture of solidified vegetable oil, etc.	Commerce	Officers concerned of the Posts and Telegraphs Department with G. O. No. 2-Post Office, dated the 11th July, 1930, issued by the Director General of Posts and Telegraphs. Action was deferred till the receipt of the views of the Local Governments consulted on the subject. After careful consideration of the replies received the Government of India arrived at the conclusion that no case had been established for action by them.
11	The Honourable Mr. T. Ryan.	24th and 26th Sep., 1929.	Fixation of minimum wages in certain trades.	Industries and Labour.	The Resolution was accepted. It required no action.
12	The Honourable Sir Senkaran Nair.	19th Feb., 1930.	Announcement by the Governor General on the subject of Constitutional Progress in India.	Home (Reforms Office.)	Full effect was given.
13	The Honourable Mr. J. A. Shillidy.	4th March, 1930.	Road Development	Industries and Labour.	Effect has been given to the Resolution as adopted.
14	The Honourable Mr. J. A. Shillidy.	10th March, 1930.	Recommendation of the International Labour Conference concerning the Prevention of Industrial accidents.	Do.	Please see the statement made on the subject in the Council of State on 5th October, 1931. The Government of India have since embodied certain provisions on the lines of the Recommendation in a draft Factories Bill which has been published for criticism.

Government is shaping its financial policy in accordance with the Recommendation.

Full effect was given.

On the 14th March, 1932, the Honourable Mr. J. C. B. Drake (Commerce Secretary) made a statement in the Council of State explaining the action taken by the Government of India up to that date on the Resolution. In the third paragraph of that statement it was stated that the Government of India proposed to await further developments regarding the revision of the Draft Convention and Recommendations concerning the protection against accidents of workers employed in loading or unloading ships adopted by the International Labour Conference in 1929 before taking any action regarding ratifying the Draft Convention and accepting the Recommendations. At its sixteenth session held in April, 1932, the International Labour Conference adopted a Revised Draft Convention and a Recommendation. The question of ratifying the Revised Draft Convention and accepting the Recommendation adopted by the International Labour Conference is at present under the consideration of the Government of India.

The Draft Convention concerning the marking of the weight on heavy packages transported by vessels was ratified on behalf of India.

15	The Honourable Mr. Surput Sing.	11th March, 1930.	Slump in Government securities.	Finance .	
16	The Honourable Mr. Ramaswami Mudaliar.	20th March, 1930.	Date for the convening of the Round Table Conference.	Home (Reforms Office.)	
17	The Honourable Mr. J. A. Woodhead.	15th July, 1930.	Protection against accidents of workers employed in loading and unloading ships.	Commerce	
18	The Honourable Mr. J. A. Woodhead.	15th July, 1930.	Marking of the weight on heavy packages transported by vessels.	Do.	

Serial No.	By whom.	Date on which moved.	Subject of Resolution.	Department concerned.	Action taken by Government.
19	The Honourable Mr. J. A. Woodhead.	26th Feb., 1931.	Continuance of the increased import duties on galvanised iron and steel pipes and sheets, etc.	Commerce	Notification No. 250-T. (127), dated the 21st March, 1931, was issued continuing the increased import duties on galvanised iron and steel pipes and sheets up to the 31st March, 1932.
20	The Honourable Mr. Syed Abdul Hafeez.	18th March, 1931.	Constitution of a Central Jute Committee.	Education, Health and Land.	The proposal is under consideration.
21	The Honourable Sir Joseph Bhore.	29th March, 1931.	Regulation of the hours of work in commerce and offices, hotels, restaurants, etc.	Industries and Labour.	The Resolution was accepted; it required no action.
22	The Honourable Sir C. P. Ramaswami Ayyar.	24th Sep., 1931.	Travelling and daily allowances of members of the Council of State.	Legislative	Resolution accepted and rules regulating the allowances of members amended accordingly.
23	The Honourable Mr. A. Brebner.	28th Sep., 1931.	Utilisation of the apportionment made from among Governors' Provinces and minor Administrations in the Road Development Account.	Industries and Labour.	The Governments of Bombay, the Punjab, the Central Provinces, and Assam have so far availed themselves of the facilities afforded by the Resolution, on the conditions specified therein.
24	The Honourable Mr. H. W. Emerson.	5th Oct., 1931	Recommendation of the International Labour Conference concerning Forced or Compulsory Labour.	Home	In accordance with the Resolution passed by the Indian Legislature in regard to the Convention on Forced Labour, Local Governments and Administrations have been asked to amend local Acts and issuing suitable executive instructions with a view to the abolition of all forms of Forced Labour covered by the Resolution. The

25	The Honourable Mr. J. A. Shillidy.	2nd March, 1932.	Hours of work in coal mines.	Industries and Labour.	question of amending the relevant acts of the Central Legislature is under consideration.
26	The Honourable Mr. J. A. Shillidy.	24th March, 1932.	Amendment of the Resolution on Roads adopted by the Council on the 4th March, 1930.	Do.	The Resolution was accepted. The Local Governments were addressed on the subject in September, 1932.
27	The Honourable Mr. J. C. B. Drake.	24th March, 1932.	Increased import duties imposed on galvanised iron and steel pipes and sheets.	Commerce	Necessary action in pursuance of this Resolution has been taken.
					Notification No. 280-T. (135), dated the 30th March, 1932, was issued continuing the increased import duties on galvanised iron and steel pipes and sheets up to the 31st March, 1933.

**BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE
TABLE.**

SECRETARY OF THE COUNCIL : Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the Bill further to extend the operation of the Salt (Additional Import Duty) Act, 1931, which was passed by the Legislative Assembly at its meeting held on the 25th March, 1933.

**MOTION *RE* CONSIDERATION OF THE WHITE PAPER ON INDIAN
CONSTITUTIONAL REFORMS.**

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House) : Sir, I rise to move :

“That the White Paper containing proposals for Indian Constitutional Reform be taken into consideration.”

Sir, the long-looked for White Paper was made available to Honourable Members on the 18th of this month. They have had now nine days in which to study it thoroughly. In pursuance of the wishes of the House, a day has been fixed for its discussion. That discussion is to be an extremely important event in the efforts at making the future constitution of our great country. But, Sir, perhaps the House will not mind my telling them that what is needed is not a discussion displaying a high order of oratory but cool, critical consideration of this extremely important document carried out in a calm and, if possible, concise fashion. Then only will this discussion produce the greatest possible effect on the minds of those in whose hands the future moulding of the White Paper proposals rests. Any remarks, Sir, that I may have to offer are with your permission reserved till the conclusion of the debate.

THE HONOURABLE THE PRESIDENT : Motion moved :

“That the White Paper containing proposals for Indian Constitutional Reform be taken into consideration.”

Before the debate begins, I wish to associate myself entirely with what has fallen from the Leader of the House and on this most important subject I trust the debate will be conducted with that dignity which is characteristic of this House (Hear, hear) and in a sober and moderate manner.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central : Non-Muhammadan) : Sir, as I understand that the Government is not going to take part either in the debate both in this and in the Lower House or in voting, I and my Honourable friend, Lala Jagdish Prasad, have decided not to move our amendments as no useful purpose will be served when today's debate is going to be forwarded to the Secretary of State for India. We will, Sir, therefore rest content by submitting our own observations on the White Paper as presented to us.

THE HONOURABLE THE PRESIDENT : The Honourable Member's decision is a wise one ; he can proceed with his speech now.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Sir, all eyes were up and everybody was anxiously watching for the day when the definite proposals of His Majesty's Government would

be made public. During the last six years repeated pronouncements were made both by His Excellency the Governor General and by the Secretary of State that India would get dominion status or self-government with certain safeguards for the transitory period. To meet this object a Statutory Commission, known as the Simon Commission, was appointed. This was boycotted by nationalist India as it contained no Indian on its body. This agitation led to Round Table Conferences in which Indians were invited to take part jointly with the British. One after the other three Conferences were held, but never was any attempt made to arrive at a definite conclusion. A Franchise Committee was also appointed which submitted its proposals to the Round Table Conference. This long process took a number of years and lakhs of rupees were spent but everything was indefinite to the last.

Now, Sir, His Majesty's Government has put up definite proposals in the form of a White Paper for the consideration of the Joint Parliamentary Committee. The scheme as propounded by His Majesty's Government is most retrograde and unsatisfactory. The words "dominion status" which we have been hearing for a long time is not even used anywhere in the White Paper which proposes the so-called self-government not in substance but in shadow. This in itself shows that the idea of dominion status is far from the mind of His Majesty's Government in spite of repeated pronouncements. The mountain was in labour and has brought forth the proverbial mouse. The White Paper has certainly a black outlook as it will not appease the present acute discontent, rather will it aggravate it by all means and strengthen the hands of the extremists. It has left no chance for the most moderate section of the country to go before the public and say a word in its favour. Surely His Majesty's Government, shrewd as it is, ought to have satisfied at least the demands of this section in the interests of the proper and good administration of the country.

Now, Sir, I shall take the salient points in the scheme which are most objectionable from the point of view of nationalist India and submit what changes and improvements are required to make it acceptable.

The Secretary of State for India.—It is not proposed that India will be entrusted to the Secretary of State for Dominion Affairs. The Secretary of State for India will remain as he is, not only with full powers in "Crown" and "reserved" subjects but with large powers of superintendence, direction and control over a wide range of matters of internal administration and unconnected with foreign relations or the defence of India. It has been urged since 1885 to abolish the India Council, but it will be there though called by the name of an advisory body and reduced in size.

All-India services.—The recruitment for the all-India services in England will be continued till 1940 when another Commission will be appointed to go through them in detail. The reduction or even the keeping of them in abeyance for a long time will not be in the hands of the ministers responsible to the legislatures. For instance, I moved the other day for the abolition of the posts of commissioners or at least reduction by half, when some Honourable Members said that it would be properly considered with the White Paper. Now under the proposals the position remains unchanged and it would be impossible for the legislatures to touch these and similar Indian Civil Service posts. Is it autonomy or autocracy with a vengeance? It is impossible to reconcile them with the principle of autonomy in the provinces or responsibility in the centre. The services are the backbone of the administration and power resides in the hands of those who control them. Provincial autonomy will be a mere sham when ministers will have no control over the "steel frame" who

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will carry out the orders of the controlling authority, the Secretary of State, rather than the wishes of the legislature. In short they will continue to be as much masters of the situation as they are at present and the legislatures will be powerless to curtail expenditure so far as they are concerned. This position can never be acceptable even to the most moderate section in the country.

So far as the recruitment of Indians for the higher posts is concerned, there will be a federal Public Service Commission and a provincial Public Service Commission for each province. The members of the former will be appointed by the Secretary of State and of the latter by the governor. The poor responsible minister and the provincial and central legislatures will have nothing to do in this arrangement. Thus they will not have a voice in the appointment even of Indian superior service officers.

Governor General.—Sir, Honourable Members of this House will recollect some of the speeches of His Excellency the Governor General when His Excellency expressed the desire and the hope to be the first constitutional Governor General of India, but the scheme propounded by the White Paper does not leave any room for him as such. He will have ample powers to issue ordinances, refuse sanction of legislation passed by the federal legislatures and will have control over 80 per cent. of the resources of India besides the sole charge of foreign relations and the defence of India. Further he can, if he sees fit, interfere with the budgetary and borrowing proposals of the Government. Thus, the finance member of the new constitution will be reduced to a figurehead when more than 80 per cent. of the revenues will not be touchable by him while he will have power to deal with the remaining 20 per cent. subject to irritating, galling and embarrassing restrictions. May I ask again, Sir, is it autonomy or autocracy? Unless these powers are placed in the finance member by the Joint Parliamentary Committee, the so-called central responsibility will be reduced to nothing but autocracy.

Federal legislatures.—For the inauguration of the federal Government a number of conditions have been levied which are not easy to be fulfilled in the near future. They are as follows :

- (1) Formation of a reserve bank.
- (2) Consent of 50 per cent. of the Indian States to join the federation.
- (3) Adoption of a Resolution in both the Houses of Parliament.

The formation of a reserve bank is also subject to four conditions which cannot be fulfilled with the continuance of the present policy of the Government. They are :

- (a) that the Indian budgetary position is assured ;
- (b) that the existing short-term debt, both in England and in India, is substantially reduced ;
- (c) that adequate reserves are accumulated ; and
- (d) that India's normal export surplus is restored.

May I know if they can be fulfilled as long as the present financial policy of the Government of allowing the drain of gold from India and the linking of the rupee to sterling is maintained. It is not fair that, while on the one hand, Government should make the establishment of a reserve bank a condition precedent to the inauguration of federation and on the other hand they should refuse to take action to create conditions favourable to the materialization of the whole scheme. This comes to binding a man hand and foot and then asking him to run.

Then, Sir, when the federal Assembly will be formed, what will be their powers and privileges? They cannot touch the reserved subjects nor have any control over the military part of the budget. The minister in charge of the military department will not be responsible to the legislature nor will the finance minister have control over 80 per cent. of the revenues or currency and exchange subjects but of the remaining 20 per cent. income, the Governor General being special super-guardian of peace and tranquillity over the whole country, may appropriate what share of revenue he may want in this behalf. The powers of commercial discrimination are also vested in the Governor General which will lead to constant friction between him and the minister responsible to the legislature. Railways have also been set apart by the appointment of a statutory Railway Board and the legislatures will have no voice in its formation or control. The constitution itself will not be open to amendment by any Indian legislature except in a few matters of comparative unimportance. With all these so-called safeguards most of which are against Indian interests and kill the very root of autonomy, we do not know when federation will come into existence. We are all of definite opinion that unless these shackles are removed, the words "responsibility in the centre" will be a misnomer and no dictionary will be able to connote its meaning as such unless it is purposely coined. The assumption that underlies the entire body of these proposals is that an Indian Government and legislature cannot or should not be credited with the possession of the commonsense and the capacity and the sense of responsibility required to the honest and efficient conduct of public business.

Provincial legislatures.—Now, Sir, from the central responsibility we should come to provincial autonomy which the statutory commission recommended and of which there was so much talk at all the Round Table Conferences. At the very outset we find that law and order which is the chief item under the provincial heads has been reserved for the governor. This in itself reduces autonomy into an absurdity and it is far preferable to have autocracy undisguised than an autonomy of that character. The constitutional governor will have power to issue ordinances to flout the legislatures. This power is not exercised even under the present Government and hence is a definite setback instead of advance. The legislature will have no power over the superior staff appointed direct by the Secretary of State for India and whether there is any requirement or not the men will be imported for the posts already created, with all the fat salaries, allowances and commissions which cannot be questioned. Whether the national departments are starving, the responsible minister will have to find money for them in the budget at the expense of the dire needs of the province. Thus there is absolutely no chance of reduction in expenditure and hence the reforms will not bring any relief to the taxpayers of the country. The legislatures may pass hundreds of resolutions for the abolition of the post of commissioners, superintending engineers, deputy inspector generals of police, and so forth, but they will all fall flat upon these incumbents who will be busy smoking cigarettes or out shooting instead of having any regard for the ministers or the legislature. This is the much talked of provincial autonomy which the White Paper proposals contain and are worse in many respects than those of the Simon Commission. Unless they are substantially and radically changed on the above lines, they cannot surely be acceptable to the most moderate section of the country.

Further, Sir, the White Paper proposals, as I feared at the time I moved my resolution for the proportionate representation of landlords in all the legislatures, have not given any satisfaction to the class as a whole. The

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present landlord seats will continue in the Houses whose strength will be more than doubled. This is not fair and I urge with all the emphasis at my command that the landlords should be treated in an equitable manner taking into consideration their past services and loyalty to the Government as a class, and I hope that the Joint Parliamentary Committee will accept this humble demand of theirs. The one and the only objection—that the Communal Award cannot be disturbed—is met by the fact that the seats can be proportionately included among the quota fixed for the two communities and there will be absolutely no difficulty as they are elected by the joint electorates.

To sum up, Sir, the White Paper proposals have conferred vast powers upon the Governor General and the governors under the heads reserved departments, special responsibilities, special powers, powers delegated by the Crown not inconsistent with the Act, discretionary powers, powers of interference in the transferred (now called non-reserved) departments under the elastic formula of necessity for the fulfilment of any special responsibilities and the powers of issuing ordinances dictating legislation by messages, providing for appropriations without the consent of the legislatures and against their votes, which amount virtually to autocracy not mitigated but strengthened by the unchecked control of Whitehall. Sir, the scheme may be anything but it is certain that it is not a scheme of self-government.

THE HONOURABLE THE PRESIDENT: The Honourable Lala Jagdish Prasad has a Motion also on the List of Business and I should like to know his decision on the matter.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (United Provinces Northern : Non-Muhammadan): Sir, for the reasons given by my Honourable friend, Lala Mathura Prasad Mehrotra, I too do not propose to move my amendment but will content myself with submitting my observations on the Motion as it stands.

THE HONOURABLE THE PRESIDENT: You can proceed with your speech.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: Sir, it is well-known that the scheme of Indian Constitutional Reform embodied in the White Paper has received a most hostile reception in India as it falls far short of public expectations. Even the moderate section of Indian public opinion wanted a constitution approximating to that of a self-governing dominion, but that the proposed constitution is not such requires no argument. There is one supreme test by which the proposals have to and will be judged by the country. Will they, and to what extent will they, transfer real power to the future legislatures and the governments responsible to them? I fear that I must say that the proposals as a whole compel the one conclusion that in essential matters they do not even fractionally fulfil this test in the sphere of the central Government and will do so very incompletely in other matters, while even in the provinces, whose coming autonomy has been so much boomed, the transference of power will be so subject to limitations as to remain utterly inadequate.

Coming to the central sphere, I think the most outstanding feature of the constitution which has been outlined is that far more emphasis has been laid on safeguards and reservations than on central responsibility and the possibility

of its early growth and expansion. And although the Irwin-Gandhi settlement provided for safeguards which would be "demonstrably in the interests of India", the White Paper says that they have been devised in the "common" interests of both countries—England and India. And the common belief is that these safeguards and reservations may or may not be in the interests of India, but they are undoubtedly in the interests of England. (Hear, hear.)

As to the date of the federation, His Majesty's Government propose as a condition to be satisfied before the federal constitution is brought into operation that the rulers of states representing not less than half of the aggregate population of the Indian States and entitled to not less than half of the seats to be allotted to the states in the federal upper chamber must join the federation. The second prerequisite is the establishment of a reserve bank. And the third condition is that the Royal Proclamation bringing the federation into being shall not be issued until both the Houses of Parliament have presented an address to the Crown with a prayer for its promulgation. Thus the date on which the federation of India could be expected to come into being, which is a question of great importance, is as uncertain as anything. This is very unsatisfactory. Some date should be fixed for the creation of the federation just as in the constitutions of the dominions, definite dates were fixed for the inauguration of the federation by Royal Proclamation.

Sir, as regards the princes joining the federation, there is a sharp difference of opinion in the country as regards the propriety of this procedure. There is a considerable section of British Indian public opinion who feel that the presence of the princes in the federal Assembly will act as a brake on the wheel of progress, as by reason of their conservative nature the states' representatives will, it is feared, vote as a solid bloc and may be used as a substitute for the official bloc in the future legislatures of India. It has been repeated by some of Their Highnesses at the Round Table Conference that so far as purely British Indian matters are concerned, they do not want to interfere in them, and indeed it is for that reason that they are equally anxious that British Indians should not be allowed to interfere in matters of internal autonomy which will be outside the federal list. This gave a ray of hope in circles which have been from the very start of the Round Table Conference unfavourable to the association of the Indian States and it was expected that there would be some reference to this either in the Introduction or in the Proposals of the White Paper. But it is disappointing to find no reference to this in the document. It is a matter to which British Indians attach the greatest importance and so the opinion to which some of Their Highnesses have given expression should find a place in the constitution either by a statutory provision or by convention, so that the fear that their representatives would cast their weight against freedom or liberty in non-federal matters affecting British India may be dispelled from the public mind.

Then, Sir, one most objectionable feature of the provisions is that future recruitment to the Indian Civil Service and the Indian Police Service is to be in the hands of the Secretary of State. Several recommendations embodied in the part dealing with the public services will, if given effect to, amount to a very serious subtraction from responsibility both at the centre and in the provinces and instead of being conducive to harmonious relations between the services, the ministers and the legislature, they will be a constant source of friction. The ministers' position will be one of helplessness and impotence in dealing with men who will be practically independent of the legislatures and the Government. His Majesty's Government have tried to placate Indian feeling by providing that at the expiry of five years from the commencement of the constitution, a statutory enquiry will be held into the question o

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further recruitment for these two services and the Governments in India will be associated in this enquiry. But the final decision will rest with His Majesty's Government. I think, Sir, that these provisions are most reactionary and perhaps the most indefensible feature of the whole constitution. What is most remarkable is that it is pointed out that pending the discussion in this enquiry the present ratio of British to Indian recruitment will remain unaltered. Again it will be noticed that the members of the federal Public Service Commission are to be appointed by the Secretary of State. All these decisions, in my opinion, constitute a grave encroachment on self-government. The question, to my mind, is not so much of British recruitment or of Indian recruitment as that of the recruiting authority in the future. I strongly hold therefore that if the true line of advance is to transfer the centre of authority to Delhi and not to keep it at Whitehall, then the Governor General of the future in consultation with his ministers should regulate recruitment in these services.

Then, Sir, let us see what relief is promised to the Indian nation as the result of these reforms in respect of a matter which has been a source of longer, more acute and more widespread discontent in the country than perhaps any other ever since the British occupation of India, *viz.*, military policy and military finance. I wonder whether I will be far wrong if I say: "Nothing or next to nothing." Consultations there will be with the ministry of the future and speeches will be permitted in the legislature. That is all. Well, of consultations and speeches there have been any quantity during the last two or three generations. But what has been the practical result thereof? Such a thing as statutory recognition of the right of the Indian Government and legislature at least to an effective voice in the determination of a solitary question relating to the defence of their country, which is of real importance to India, is not to be found anywhere in the entire scheme. Even whether one of the three future counsellors, one of whom will presumably be in charge of the army, will be an Indian is a matter which no one can feel confident about.

After defence the most important of subjects is finance. The Secretary of State for India ostentatiously declared that there was no meaning in responsible government which did not include responsibility for finance. Actually, what financial power is proposed to be handed over to the future Government and legislature? Exchange, currency, coinage—this will be forbidden ground. The Governor General with his "adviser" and acting as the Secretary of State's subordinate, and a reserve bank to be brought into being in anticipation of the establishment of a federal Government, will between them have the control and management of these subjects. So much so, that even after years of the successful functioning of a reserve bank the responsible government of the day will not be allowed so much as to introduce in the legislature a bill dealing with currency or coinage except with the prior sanction of the Governor General. It will be the special responsibility of the Governor General to see to the maintenance of India's stability and credit. My opinion is that it is not necessary to give the Governor General any of these responsibilities or powers when he will possess the power of veto. Again, no case seems to have been made out for the appointment of a financial adviser, but if one is to be appointed he should not in actual practice be allowed to become a rival finance minister, because the financial adviser will be responsible to the Governor General, which means that he will ultimately be controlled by the Secretary of State. A financial adviser of this character

may easily be a source of danger to the working of the constitution and may defeat the very purpose of his appointment.

Now let us see if the future Governor General will be a constitutional head of the Government outside the reserved sphere. No. He will be clothed with so many and such large powers—legislative, financial, administrative—and not always limited to the concerns of the central Government, that one cannot help doubting if the authors of these proposals really mean to transfer power to a responsible Indian Government. As regards the Secretary of State and the India Council, Sir, my Honourable friend Mr. Mehrotra has already dealt with this matter.

Coming to commercial discrimination, we find that the proposals designed to prevent commercial discrimination constitute a serious encroachment on the powers that should be possessed by any Government and legislature and will leave to our future Government and legislature insufficient freedom of action in the furtherance of Indian trade and industrial development. I think it is right, proper and imperative that the central and provincial Governments should have ample powers for the protection and development of key and infant industries by the grant of subsidies, even though at times such action on their part may look like discrimination. The evil effects of unfair competition between powerful organizations on the one side and weak organizations on the other side may at times have to be effectively prevented by the exercise of certain powers, and these powers, one is sorry to find, are not included in the relevant clauses in the proposals.

As regards the federal legislature, in one word, it must be recognized that it will not be a full-fledged sovereign legislature like that of a self-governing dominion. There are important and serious subtractions from its powers.

Then there is the proposal to create a statutory Railway Board. It appears that the composition, character and functions of this body will be prescribed by the Constitution Act itself. This, Sir, will be wholly unacceptable to Indian opinion.

There is one point about the centre which I think I should mention before I leave this sphere, and it is with regard to the composition of and method of election to the British India side of the federal Council of State. One hundred and thirty-six seats in the Council of State will in future be filled by election by means of the single transferable vote by the members of the provincial legislatures. Now, an opinion has been expressed in some quarters that the method of direct election should continue in the case of this House, otherwise candidates seeking election to this House will under the proposed scheme have to undergo the two-fold ordeal of seeking election first to the provincial legislatures and afterwards to the Council of State, because it is believed that a colleague will be more *persona grata* to the members of a provincial legislature than an outsider. Sir, this may be true to a certain extent, but every dark cloud has a silver lining and I can see a distinct advantage in the method of indirect election as proposed in the White Paper. It is that persons returned to the Council of State by the members of provincial legislatures will be more democratic in their views and outlook than persons elected by the direct method with a franchise based on high property qualifications as in the case of the present Council of State. And with the experience the country has had of the existing composition of this Council I think the proposed change will be for the better. But as a matter of compromise I may suggest that while elections to the future Council of State may well be by the indirect method as proposed,

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there may be prescribed a high property qualification or high income-tax payment as heretofore for candidates alone seeking election to the Council of State and not for the electors ; so that the members of provincial legislatures returned on a much wider franchise, and therefore representative of the public in the true sense, may select persons for membership of the Council of State from among the propertied classes or payers of high income-tax. Thus, while the fear expressed in some quarters may be minimised to some extent, the future Council of State would be considered a more democratic body than the present one.

Now, coming to the provincial sphere, Sir, the grievance of the landholders of the United Provinces is that, while the size of the provincial Legislative Council is being enlarged and the United Provinces Legislative Assembly—as it will in future be called—will consist of 228 members in place of about 100 elected members now, the number of seats reserved for the landholders remains the same, namely, six. This is beyond all sense of proportion. And as with the growth of the spirit of democracy in India the land-owning classes will be returned in decreasing numbers to the legislatures as time goes on, it is by no means an unreasonable demand of the zemindars that their special representation in the provincial lower house should be proportionately increased. There is one happy feature of the constitution, however, so far as the United Provinces, in common with the two other provinces of Bengal and Bihar, is concerned, and it is that the province is going to have a second chamber. This will no doubt be in consonance with the demand of the vested interests of the province.

There is one other important feature of the constitution which is gratifying. And it is that it is proposed that certain provisions of fundamental rights, such as rights of property and eligibility of all classes for public offices, etc., should find a place in the Constitution Act. This, Sir, is as it should be.

It is proposed to introduce so-called autonomy in the provinces. But Sir, provincial autonomy will, in my humble opinion, be very incomplete when it is hedged in with so many limitations in the shape of immense powers which the future governors of provinces will be vested with. The governor of a province will not only have not certain "special responsibilities" in the discharge of which he can disregard the advice of his ministers, but he will have conferred upon him ordinance-making power also, under the new scheme. One of the many troubles of the ministers under the present constitution is that the administrative agency with which and through which they are compelled to act is very little under their control. This grave defect of the constitution is to be maintained intact according to the proposals embodied in the White Paper. The autonomous and responsible ministries of the future may not abolish superfluous posts, may not even keep them in abeyance for more than three months ; they will have no power to revise salaries or touch allowances ; they may not censure any Indian Civil Service or Indian Police Service or any other all-India service officer and they shall not have power even to order the postings and transfers of these officers without the personal concurrence of the governor. What will be done with the Indian Medical Service is still unknown, but in view of the proposals regarding other services it will be a miracle if Indian opinion is satisfied in respect of that military *cum* civil service which is in hospitals, in medical colleges and schools, in the public health department, in jails and in lunatic asylums. It has been the chronic complaint in the United Provinces, as my Honourable friend Mr. Mehrotra has said, that there are costly and unnecessary commissioners and too many

deputy chief engineers, superintending engineers and deputy inspectors-general of police. No ministry of the future will have power to reduce a single one of these posts until perhaps 1960 or 1961 in the case of the Indian Civil Service and say, 1955 or 1956 in respect of other all-India services except by leave of the Secretary of State.

Turning to the question of finance in the provinces—

THE HONOURABLE THE PRESIDENT: Order, order. The Honourable Member has already taken 25 minutes. As I know that many Honourable Members are anxious to speak, I shall be thankful if he will bring his remarks to a close.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: In conclusion, Sir, reading the White Paper and all the reports which preceded it, one is constrained to observe that the Indian taxpayer may be certain that he need not expect in the near future any appreciable relief from the crushing burden of present taxation, while he need not be shocked if he be called upon to bear still more. And the last but not the least important observation that an independent critic of the document cannot help making is that a great part of it seems to have been drawn up more with a view to placate that section of British Conservatives who are frankly opposed to India's advance and who cannot think of this country otherwise than in terms of perpetual tutelage, than with the object of satisfying the reasonable demands of Indians. And I must frankly say that if this constitution is intended to make an appeal even to moderate-minded men in India, it will have to be materially altered in certain respects.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal : Muhammadan): Sir, the Motion for consideration of the White Paper before the House has naturally stirred our imagination as the White Paper has aroused widespread interest throughout this country. Indian politicians are arrayed on different sides, some against the reform proposals and others, more sober in outlook, in their favour; but, Sir, before we offer any criticism it behoves us as practical men to examine these proposals with great care.

Sir, the first thing that strikes me as a Muslim Member of this House is that a dangerous innovation has been made in the method of election to the new Council of State, substituting the indirect for the direct method of election. Then, there is no provision for a separate electorate for Muslims for the Council of State. I should prefer statutory provision made in the new constitution for securing one-third quota for Muslims in the upper federal chamber in such a manner that this quota may be made up of one-fourth of the seats from British India and one-twelfth from the Indian States.

Sir, in regard to the federal Assembly, the proportion of Muslims should, in my opinion, satisfy the terms of the Joint Memorandum of the Muslim Delegation to the third Round Table Conference. This should be effected either by reducing the states' representation or by increasing the Muslim quota by making a corresponding addition to the total strength of the House, so that Muslim representation may be one-third of the whole House.

In the public services under the Government of India a statutory minimum should be made to guarantee one-third of the Indian quota being reserved for Muslims.

[Mr. Mahmood Suhrawardy.]

Sir, coming as I do from Bengal I am surprised to find provision made in the White Paper for a second chamber in the province. Now, Sir, the proposal for a second chamber when adumbrated was opposed by the Bengal Council. In view of the great reserves of powers placed in the hands of the Governor, it hardly seems advisable for a poor province like Bengal to incur the expenditure of the luxury of a second chamber. In view particularly of the great economic distress prevailing in my province and with no immediate prospects visible of the agriculturist in Bengal recovering his economic balance, it seems that all of us from Bengal should open the new constitutional era without burdening ourselves with the great expense of maintaining a second chamber. There may be some provision made for the inauguration of an upper house if circumstances demand it. At present a second chamber threatens to prove a white elephant.

Sir, another feature of the White Paper which does not appeal to me as an elected representative of Bengal is that I find that my province, once the premier presidency in all India in prosperity, has been treated like Cinderella by His Majesty's Government in so far as no provisions have been outlined for restoring its economic self-respect. Only a part of the jute duty has been given to it—a duty which is earned by the poor cultivators of jute in my province. In Bengal's desperate financial position, it is imperative that the new constitution should be inaugurated there without the incubus of a permanent deficit. How this is to be done, when Bengal is not allowed to keep even what it earns by the sweat of its brow through the jute duty and some portion of the tax on trade which passes through its great ports of Calcutta and Chittagong, is not for me to suggest, but the wizards of finance employed by His Majesty's Government and the Government of India should surely be able to find a way out of the difficulty. My friend, the Honourable Mr. Taylor, opposite smiles. I, for one, Sir, am not able to shout with jubilation the advent of a new constitution in Bengal with an empty pocket.

THE HONOURABLE MR. E. MILLER (Bombay Chamber of Commerce) :
Sir, the publication of the White Paper has been eagerly awaited and now
12 NOON. that it has been published there seem to be quite a number
of people disappointed that it contains nothing new.
But why should it ?

The White Paper is merely the official view of His Majesty's Government as to the form the future constitution of India should take resulting from the three Round Table Conferences during which important decisions were arrived at by the British and Indian members. The main points have been known to us all for a long time and it would surely have been surprising if the White Paper had not been framed generally on the result of these discussions.

The main issues that were not previously known in full were the powers of the Governor General, the provincial governors and commissioners, the size of the legislatures and the distribution of seats. Now, while we may all have our little grievances and disappointments in regard to some of the decisions under these headings, I do not think this is either the time or place to discuss these. We shall all have our opportunity of making such representations as we may wish to put forward, but I think this is an occasion when we should welcome and accept the White Paper in general terms and give it our approval. I congratulate the two Honourable Members who have withdrawn their proposed amendments to the original Motion. A wise decision as the Honourable the President remarked. The White Paper has been described

by some as a Black Paper, but such criticism can carry no real weight and can only be described as a journalistic catch phrase. A much more reasonable criticism I have seen is that the White Paper is a blank cheque and while this is perhaps not entirely apt, I do think the White Paper is capable of being filled in to a large or small amount according to the spirit in which it is accepted and therefore its value may be assessed at an almost unlimited amount.

What is wanted is goodwill and mutual trust. Some Honourable Members may say that this is impossible because of the wide scope of the safeguards, but further consideration should dispel this impression. Every country today has its safeguards and those given to the Governor General and governors of provinces are mostly for use in case of emergency and they are imposed just as much for the safety of the Indian as the British. In a country like India where there are so many castes and creeds, the difficulties that might arise are surely more varied in character than in a country consisting of one nationality. These safeguards are provided in order to prevent a breakdown should such difficulties arise and therefore should be welcomed. They should be welcomed as a guarantee of good government and as being necessary for the welfare of Indians and British alike, and it is inconceivable that they will not be sparingly used, at least if they are not then it will only go to prove that India is not ready for self-government. Those who believe that the Governor General or governors will take delight in over-riding their ministers and that they will promulgate ordinances at every step in order to shew superiority, are ignorant of human nature.

I would ask those critics who shew general disapproval to the proposals to look back and to consider the progress made since the Minto-Morley reforms. For a country like India where people, if they hurry at all, hurry slowly, the pace can only be described as rapid and anything more speedy would have spelt disaster ; in fact many even now think that those of us who favour and support the present proposed advance are galloping to ruin. My advice therefore to all those who really have the future good of this wonderful continent at heart, is to take what is offered in good spirit and to settle down to working the new constitution successfully. This is the only way to reach that final goal of full self-government, and the way will be shortened to an incredible extent if such a policy is adopted and if it is, it will have a wonderful effect on the whole world whose eyes are centred on India just now and its credit and prestige will advance enormously, while the mouths of those carping critics overseas will be closed when they realise how inadequately they were able to judge the India of today.

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN (East Punjab : Muhammadan) : Sir, the publication of the White Paper brings a step nearer the prospect of the final settlement of the Indian constitutional problem. The process started with the appointment of the Simon Commission nearly six years ago. Since then the work of consultation and inquiries has been going on almost uninterruptedly ; the delay being mainly caused by the sharp differences of opinion which the solution of the problem called into being. Those differences still continue in one form or other ; indeed it appears hopeless to try to compose them ; but many of our statesmen, I feel sure, will view with relief the prospect of a final settlement, even if they do not view with favour some of the provisions of that settlement. The scheme is not perfect and is rather complicated but it places India on the road leading to self-government.

[Khan Bahadur Chaudri Mhhammad Din.]

The proposals constitute a great advance on the present conditions. From the present very limited responsibility in a portion only of the provincial administration, to a very great deal even of the central responsibility is a huge step forward, and it is, I think, necessary for us to consolidate our position and make sure of our gains before demanding power in other spheres which are at present reserved to the exclusive authority of the Governor General. The operation of some factors—especially of the entry of the Indian States—into the federation is so uncertain that it is in our own interests to wait and watch the results before proceeding forward in the same direction. “The wisest thing in the world to do is to make up your mind what you would do if you were in some other fellow’s place”.

Sir, the main reason for giving a federal constitution to India is the necessity of providing for the development on their own lines of its component parts, who are widely different in race, religion, custom and outlook. To lay down right rules of conduct in their internal affairs would amount to a negation of the objects for which a federal constitution has been proposed for India. I would therefore urge that it should be left to the provincial legislatures to make minor adjustments according to local needs within the general framework of the Act.

A provision which conflicts with the same general principle is the proposal to transfer the control not only of the High Courts but also through them of the subordinate courts to the federal Government. If the administration of local laws in the spirit of local conditions is a necessity, then there is no reason why this radical change in the direction of centralization should be made. At present only one High Court, that of Calcutta, is directly under the central Government, and instead of bringing that into line with the rest, it is now proposed to deprive other provincial administrations of the control over the judicature, which they have hitherto enjoyed, and this is a retrograde step. The arrangement will make for friction between the executive and the judiciary. Calcutta has been the seat of more such wrangles in the past than any other place, and the main reason was that both were equally subordinate to the central Government. The anomaly of the arrangement will become sharply apparent when the next steps in the direction of central responsibility are taken, for it will then be found that provincial autonomy has been nullified, and the constitution though outwardly federal had become to all intents and purposes unitary, *i.e.*, making the central Government supreme even in provincial spheres.

So far as the Council of State is concerned, the White Paper proposes radical changes in its composition. Instead of being directly elected as at present, its future members will be indirectly elected through the local legislatures. The reason for this change is probably to make this House representative of the territories and not of the people. The arrangement seems to have been copied from some other federal constitutions, and has strong reasons in support of it. But the White Paper makes a serious departure from the theory and practice of other constitutions by giving this House the same powers as the lower house will have. Further, this House will not be equally representative of all the component parts. Provinces with larger populations will have larger numbers of representatives and this will again be a departure from the theory of territorial representation. Lastly, its members will not be returned through the system of separate electorates. Having regard to the powers and the proposed constitution of this House, the withdrawal of complete separate electorates will cause serious misgivings

in the minds of those communities who regard that system as necessary for the proper representation of their interests. Let the local councils be the electorates by all means, but the representation of Muslims and other communities who so desire should be only through the votes of their members in those councils. I should like to make myself more clear on this point. Either this House should have the powers of an upper house usual in a federal constitution and be represented by an equal number of representatives from its component parts, or if it is not possible and it is necessary to retain its proposed constitution, then seats should be reserved and Muslims should be returned by the votes of those members of the local legislatures who belong to their community as has been provided in the case of Europeans, Christians and Anglo-Indians.

A small provision should, I think, be made in the membership of the Council of State for the nomination of life members. Men who have distinguished themselves in literature, art, science, or in the sphere of services to the Crown, are rewarded in England by the grant of peerages. On a smaller scale it would be well to have a like institution in India ; and the only way to do it is to create a number of life-member seats.

Sir, in conclusion I would appeal to my countrymen of all classes and creeds to rise to the occasion and do their best to make the new scheme a success.

Coming from the railway station of Delhi yesterday I saw an advertisement that a meeting called " Parliament " was to be held in Delhi yesterday evening to pass a resolution that India was not ready to shoulder the burden of responsibility and that the introduction of the new constitution should be postponed for five years. His Majesty's Government are pushing forward the new constitution in spite of such dissentient voices and we owe a deep debt of gratitude to Lord Willingdon and the present Secretary of State who are so anxious to inaugurate a responsible government in India.

THE HONOURABLE MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARBHANGA (Bihar and Orissa : Nominated Non-Official) : Mr. President, I do not think that I should express my disappointment at the White Paper. Anybody who had been watching the proceedings of the three Round Table Conferences, would see that it embodies mostly the decisions arrived at by them. It may be that those decisions fall much short of the Indian aspirations, it may be that those decisions do not satisfy any class or community in this country, but it cannot be said that there is any thing in the White Paper which people either in this country or Great Britain had not anticipated. Now we have the constitutional machinery prepared by these conferences assembled and are required to pronounce our judgment on what the collective efforts of the constitutionalists in India and the statesmen in Great Britain have been able to produce.

Sir, I do not want to traverse the whole field that the White Paper has laid bare to our gaze. I would confine my observations to merely the interest of landlords and leave other matters to be dealt with by other gentlemen who are more competent to speak on them than myself.

I have viewed with some satisfaction that the second chamber has been established in our province because I fully hope that it will exert its steadying influence and will be a check to the hurried legislation without of course impeding the progress of the country. Those critics who held the opinion that the second chamber would be a close preserve of the landlords will now see by its composition and powers that these apprehensions were ill-founded. The big landlords will not, even if they so desire, be able to thwart popular measures

[Maharajadhiraja Sir Kameshwar Singh of Darbhanga.]

to save their own interest through that chamber. In the first place, they cannot have a majority in it and, in the second place, the powers of the House will be limited. The landlords as is desirable will have to stand shoulder to shoulder with other sections of the people for the preservation of their special interests. Now it is the big landholders and not the people at large who if at all can have reasons to be apprehensive of the new state of things.

But I cannot but express my dissatisfaction at the decision of the third Round Table Conference regarding the proportion of special seats for the landlords in the lower houses of the legislatures. Sir, the House is aware that after the recommendation of the Simon Commission to abolish the special representation of the landlords in the various legislatures they were greatly alarmed about their position in the future constitution. They represented their apprehensions to the Government and the Governments of Madras, Bombay, Bengal, the United Provinces, Bihar and Orissa, the Punjab, and the Government of India in their despatches on the Simon Commission Report emphatically urged the retention of the special seats for the landlords as suggested by the Indian Central Committee. The Governments of the United Provinces and Bihar and Orissa went further and accepted the plea of the landlords *in toto* that the number of special seats reserved for the landlords in the legislatures should at least be in the same proportion to the total number of seats as it was in the Montford reforms. But the Franchise Committee's recommendation was that the number of seats reserved for the landlords in the legislatures should not exceed the existing number and the recommendation on being adopted by the third Round Table Conference has now been embodied in the White Paper.

Sir, the only reason given by the Franchise Committee for retaining the present number and not increasing it in proportion to such increase in the size of the various provincial legislatures as may ultimately be approved is that the representation should not be on such a scale as to effect the balance of parties in the legislatures.

Sir, I fail to follow the trend of this argument. If the landholders' group is to be considered as a separate entity, their position will surely suffer in the enlarged legislature if their number is kept as it is which is absolutely inadequate and the balance of parties is bound to be effected. But if we take the landholders individually, what do we find? They have fundamental differences on many matters of every-day life. How can it be said then that if the number is increased they can disturb the party equilibrium? Differences are bound to exist among individuals to whatever party they may belong. Save and except in matters which is their special concern they will, I think, be free to side with one or the other party in the legislature with which they may feel in common. I cannot subscribe to the view that a few more seats to the landholders can put them in a position to influence the vote of the House.

The lower house in the province will surely be a very important part of the constitutional machinery and the landlords are genuinely apprehensive of the fact that unless they are adequately represented in it they will not be able to safeguard their interest against attacks which are bound to increase.

Last but not the least I beg to point out that although the "rights of property" will come under the "fundamental rights" we are not given any indication as to how the clause will stand. The landlords—specially of the permanently settled estates—feel very strongly that they should be adequately protected against the confiscating legislation.

I need not detain the House by narrating the history of the permanent settlement. The Government will be doing bare justice to the landholders by protecting a system of land revenue which is more or less its own creation. Their concern for having such safeguards has become greater by reason of the fact that suggestions have been freely made of late that the only way of increasing the revenue is to abolish the permanent settlement. To these suggestions I have only to say that if the Government lends its support to such revolutionary doctrines it will hardly have a friend left in the country.

I still hope that the Joint Parliamentary Committee will go into the question and make modifications in the Parliamentary Bill to meet the first claims of the land-owning class who have played such an important part in the public life of the country and in maintaining a well-ordered government ever since the establishment of British government in India and thus remove a great injustice which has been done to the landholding community at large.

Sir, speaking generally, I am aware that what we are going to get is neither the substance of independence which Mahatma Gandhi wanted, nor the dominion status which India expected to have. If I may say so, it is going to be a democracy controlled by an autocracy—a novel constitutional experiment the result of which it is difficult to appraise. In perhaps no other country of the world were the problems so intricate and complex as in ours. We had not only to deal with the British interests in India but to confront internal problems such as the participation of the Indian States, the Hindu-Muslim disunity, the claims of important minorities like Sikhs, Anglo-Indians, the depressed classes and others. When there were so many diverse elements in the field each operating in its own way, I wonder if it could be hoped that anything satisfactory to all could be achieved. We have seen how the Nehru constitution was rejected and the All-Parties Conferences have failed. In the circumstances in which we are situated I wonder if anybody expects better findings. But the findings are surely not satisfactory and I doubt if it could stop Indian agitation or bring peace to the country. I therefore feel greatly apprehensive about it. In fact if the constitution that we are going to have is to attract the people of the country towards it, it can only be by the rare use of the special powers vested in the Governor-General and the provincial governors and gradual transference of reserved powers to the Indian people, which may culminate in the attainment of full-fledged dominion status by India.

But there is a greater task before us—the task of improving the political atmosphere of this country. We have lost our ground by our disunity, we failed to get our minimum demand because we could not come to an agreement amongst ourselves on some of the most vital issues before us. So long as we remain in that position no amount of denunciation of the White Paper or condemnation of the constitution that is going to be set up can take us far. But the moment we have attained the unity, the moment we are able to put forward an united demand, no force, I dare say, can resist us.

I must take the opportunity, Mr. President, to express my deep sense of appreciation of the courtesy which the Indian Delegation to the Round Table Conference received in England from its British colleagues. They made us feel that they mean good to India and wish to help us in our endeavours. Sustained by that hope I appeal to my countrymen to realise that it is never too late to mend. They will have another occasion to exert their influence in the near future when the Joint Parliamentary Committee is sitting. Nothing in politics is a settled fact. White Paper or no White Paper, we can have our own the moment we are united.

THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH (Bihar and Orissa : Non-Muhammadian) : Sir, I am afraid in the short time at our disposal it is not possible for us to examine every detail of the proposals of His Majesty's Government for introducing a federal system of administration in India but we cannot ignore the fact that criticism in the press in this country of the White Paper has been mostly hostile, based on the ground that the proposals do not go far enough, or that the federal plan is so hedged round with conditions that the attainment of federation becomes a distant dream. I cannot subscribe to these views, or at least, not without qualification. The proposals are the outcome of discussions between representatives of the British people and representatives of India during three successive and prolonged sessions of the Round Table Conference in London, and they more or less reflect the spirit of the decisions taken in the Round Table Conferences. They are by no means perfect in every detail, but it is a source of great comfort to us to know that the White Paper is not the unchangeable law of the Medes and the Persians, and that there is still the Joint Parliamentary Committee left to examine the proposals from all angles and to suggest modifications in the light of reasonable and practical considerations of efficiency.

So far as the interests of the landholders are concerned, I need not conceal the feeling of disappointment that, while His Majesty's Government have acceded to our request to provide a second chamber for my province of Bihar, the method of election for this upper house has not received the careful consideration it deserved.

Now, Sir, if the upper house is to function, as we all hope it should function, acting as a restraining influence on the over-vaulting legislative ambitions of the lower house, adequate steps must be taken to equip it with the machinery to make its decisions free from the directionary force of the lower house. Those who compose the upper house should not be dependent upon the votes of those very persons whose work the upper house has to pass under review in its revisionary capacity.

In the proposals of His Majesty's Government for the upper house, or Legislative Council, in Bihar, we find that five seats have been allotted to members who will be nominated by the Governor in his discretion, four will be directly elected from constituencies for which only Muslim voters will be qualified, and nine others from general constituencies other than Muslim. Provision has, however, been made for the election also of 12 members by the method of the single transferable vote by the members of the lower house, and it is this feature of the scheme that occasions me, and I feel sure others in Bihar, grave concern.

It would not be exaggerating the prospects of a breakdown of the system if one realised the possibility of these 12 members, in certain circumstances, being sent to the upper house with the avowed object of making it impossible for the upper house to exercise its revisionary powers over legislation emanating from the lower house. It is, however, not only the fear of a breakdown of the system through such tactics that inspires my distrust of the system of electing any large number of members by the single transferable vote from the lower house. I am opposed to the system on principle, vitiating as it does the efficacy of the second chamber.

It is not so many years ago that a political organisation was emerging in India with almost dictatorial powers, and another may arise in its place with more or less similar aims, bent upon making its political programme the programme of the country by every available means. In that eventuality,

it is not difficult to visualise this band of 12 members elected by the lower house becoming a nucleus of dangerous power.

I therefore feel that the method of election for the upper house in Bihar requires radical alterations, keeping in view its function as a revisionary organisation. Provision should be made for the institution of an electoral college consisting of zemindars and noblemen, holding titles up to the ranks of *rajas* and *nawabs*, of *Mahamahopadhyaya* and *Shamsul Ulema*, members of the Orders of the Star of India, of the Indian Empire and of the British Empire; Knights, *ex-Judges* of the High Court, *ex-Executive Councillors*, *ex-Ministers*, *ex-Vice-Chancellors* of the University and *ex-members* of the Council of State, officials in active service not being eligible for election and persons paying Rs. 20,000 as land revenue or Rs. 5,000 as cess or Rs. 5,000 as income-tax. Muslims may have proportionate seats reserved if they like or their franchise reduced by half.

It is in the fitness of things that those with a stake in the country, who after all will be called upon to pay the piper to a very appreciable extent, should be entitled to call the tune, so far as the upper house is concerned, at least in Bihar. I do not propose to comment upon the means suggested for the election of the second chambers in Bengal and the United Provinces, leaving it to responsible opinion in those provinces to make more authoritative pronouncements on the scheme than I am in a position to make. So far as Bihar is concerned, I repeat that the upper house will lose in efficiency, and vital interests of the province will be exposed to serious danger by the introduction of the system of indirect election through the lower house, and I desire to impress upon His Majesty's Government the advantages of drawing upon an electoral college for the upper house, such as I have described, for members. It is also advisable when direct election is proposed to have the franchise for the upper house based on high property qualification, say, double of what is now the qualification for the existing Council of State.

Another direction in which I venture to think, Sir, that there is need for more explicit safeguards, so far as landholders and others with a stake in the province are concerned in Bihar, affects their interests very intimately. It is not enough, as has been suggested in the White Paper when dealing with "Fundamental rights"; to find a place in the Constitution Act for general, if not vague, expressions of the inviolability of rights of property. It will make for stability of the State and will be conducive to increasing the sense of security of landholders if their rights as landholders were clearly defined in the Constitution Act, and the inviolable nature of the system of permanent land settlement, under which they live, more explicitly laid down.

There have been in the recent past many occasions, Sir, when, to say the least, strange doctrines have threatened to create an upheaval in the existing order, and now that India is about to enter a new and unexplored world in politics, it would make for greater security in upholding good traditions and customs before the onrush of new ideas if there were no room left for doubt that the State is committed to the maintenance of the foundations of the economic order, and that nothing will be done to disturb, or uproot, the old-established rights of landholders in their property.

One of the most efficacious methods of affording this protection to property-owners is by making the proposed upper house not subservient to the lower house, but capable of exercising a salutary check on legislation, which may be found not to be in the best interests of the country. I need not press the claims of landholders before His Majesty's Government for a more sympathetic consideration on the ground of their unswerving loyalty to the established

[Raja Raghunandan Prasad Singh.]

order, or their place in the economic sphere, but relying solely on practical considerations of efficiency, not to mention, of simple justice which dictates that those who constitute the backbone of the body politic in India should have adequate representation in the legislatures, I can confidently ask both His Majesty's Government and the Government of India to see to it that the case of landholders is not allowed to go by default. The number of seats allotted to landholders in the proposed federal Assembly, namely, seven, cannot by any stretch of the imagination be described as adequate considering the preponderating weight of the interests landholders represent in this agricultural country. No specific seats have been given to landholders in the new Council of State, and so far as Bihar is concerned, both the upper house and the Legislative Assembly will have to participate in a scramble for seats. When elaborate schemes have been drawn up for securing representation in the federal Legislature for communities whose interests cannot overweigh those of landholders, landholders cannot be accused of being too avaricious, or too nervous, when they express concern at the inadequacy of representation given, or proposed to be given to them, both in the new Assembly and the Council of State. If there is any magic in numbers, their numerical strength alone should entitle them to three times or at least double the number of seats allotted to them, according to the White Paper, in the Assembly, and a proportionately large number of seats in the Council of State.

These are some salient features of the case of landholders, particularly in Bihar, *vis-a-vis* the White Paper, which in my humble opinion deserve the serious consideration of the Joint Parliamentary Committee. They cannot be ignored without leaving a sense of grievance unredressed in the minds of Bihar landholders.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, I am going to follow the advice of the Leader of the House in confining myself materially to suggestions for alterations. I am not going to pass any remarks on the inadequate proposals that have been placed in our hands. Sir, before I say a word about the White Paper, I should like to endorse the appeal of the Honourable Maharajahdiraja of Darbhanga and say that the inadequate nature of the White Paper is due to our own disunion and I should like to add that by fighting among ourselves we are not forwarding our own cause, but we are retarding it. The Hindus have been afraid that the safeguards of the minorities will act against them and have been trying to lessen them, but they have forgotten the fact that they themselves are in a minority in the Frontier Province and Sind and any safeguard to the minorities will be to their benefit at least in those provinces. Muhammadans too have played the game too far. In trying to ask safeguards for minorities, they are trying to whittle down the powers of the majority and it will tell against their own majority in the provinces in which they happen to be in a majority. It is better that they should both realise that the terms "majority" and "minority" are comparative terms. They are not true for them for all places and times and there should be a spirit of give and take and live and let live actuating us, and then, as the Honourable Maharajahdiraja said, we will be able to enforce our demand without asking and begging for it.

Sir, as we are discussing this White Paper in the Council of State, I should like to begin with our own Council. It will be remembered by many of my colleagues that in 1931, March session, I brought forward a resolution about the substitution of the direct system of election for the indirect system as

recommended by the Simon Commission. If I revert to it again, I do not wish to force my opinion on the whole of India, but I am very glad to say that at least in my community there is a consensus of opinion in favour of direct election, as will be apparent by the fact that the All-India Muslim Conference passed a resolution yesterday advocating direct election for the Council of State. I, Sir, therefore wish to urge upon the British Government the advisability of substituting direct election, if not for all, at least for the Muslims. In this connection, I am very much grieved to see that the nominated element in the Council of State has not been lessened. At the moment there are 26 nominated members out of a House of 60 and in the future constitution, out of 260, 110 will be nominated. This gives a proportion of about 44 per cent. nominated members, which is very high for this house; and it does not in any way better our position; rather does it make it worse. In the present nominated non-officials we find men of independence, men who have got some stamina, who can dare to fight against the Government; but the future bloc that we see coming before us, will be a bloc which will to all intents and purposes be dictated to by the one personage, who will be the head of the political department; it will act and do and behave as one man; and that bloc of the Princes will stand always in our way, and, as His Highness the Jam Saheb has pointed out in his speech in the Chamber of Princes, the real necessity for bringing in the princes was to put a brake on the democratic influence in British India by the mixing up of the autocracy. While the position of the Council of State is exactly the same, the position of the Assembly has been made worse than what it is. At the moment out of a House of 145, we have got 40 nominated members and in the future Assembly out of 375 we are going to have 125. The present proportion is 27.6 and the future proportion 33.3. This is a distinct set-back and a retrograde movement which is incompatible with the promise that a democratic form of government would be set up. There is one other thing. So far as Indian electorates which now send members from territorial constituencies are concerned, their proportion in the Assembly will be reduced from 63 to 53 per cent. In this include the Hindus, Muhammadans, Sikhs and the landlords. These four constituencies now in the Legislative Assembly have 63 per cent. representation.

THE HONOURABLE SIR EDWARD BENTHALL (Bengal Chamber of Commerce): Would the Honourable Member have indirect election to the lower house if he is having direct election to the upper house?

THE HONOURABLE MR. HOSSAIN IMAM: No, I advocate direct election for the Assembly as well as for the Council of State, but if it is not possible for the Hindus, certainly for the Mussalmans I would have direct election.

Sir, there is one thing about which none of my friends have said a word,—namely, that some of the powers which the Indian legislature enjoy at the moment have been taken away by the White Paper. In the proposals relating to the subjects referred to in paragraph 49, which will remain in the hands of the Governor General as a special responsibility, items are included which at the moment happen to be votable supplies. There are five items I have been able to find which are at present partially subject to the vote of the legislature which will in future go out of it. These are the management of loans, British Baluchistan, expenses of the Governor General's staff, interest charges and pensions. These are at the moment votable but under the reformed constitution which promises us an advance they will become non-votable. This shows how far Government is really sincere in its promises and how far it is lip sympathy.

[Mr. Hossain Imam.]

Sir, I welcome the fact that the borrowing power is going to be taken away from the hands of the Secretary of State. But this power is being transferred from one autocrat to another. It is no improvement and no gain for British India. We want, Sir, that there should be a definite proposal that this power of borrowing should be transferred from the Secretary of State to the central ministry. At the moment paragraph 75 mentions it as a special responsibility of the Governor General, and does not transfer it to the federal ministry. We advocate, Sir, that this power should remain in the hands of the federal ministry and not in the hands of the financial adviser to the Governor General.

THE HONOURABLE SIR EDWARD BENTHALL : Would the Honourable Member quote the paragraph ?

THE HONOURABLE MR. HOSSAIN IMAM : Yes, I will quote it afterwards. Sir, as regards defence, we confine ourselves to defence remaining at least for the transitionary period in charge of the British Government and no responsibility being placed in the central Government for it. But, Sir, there must be some amount fixed as the maximum for the expenditure on defence. Although in this House some of my Honourable friends advocated "back to the pre-war level" as the ideal, I am not going to ask the Government to accept that, but it is necessary that a maximum should be fixed over and above which all the Army expenditure must be subject to the vote of the legislature. It will be a strange agreement that the federal ministers should be in charge of collecting the revenues and have no control over the expenditure. If they know that they will have to contribute something like Rs. 40 crores they will know where they stand too, as the defence expenditure will not be subject to the control of the legislature, and if the member in charge of defence demands every year more and more money there will be no check on him. Therefore, it is essential that a fixed sum should be laid down in the Statute as the maximum sum which the Governor General can spend on defence without the sanction of the legislature. I would urge, Sir, that in ordinary times if there is any more money required the proposal should be placed before the legislature and it should be subject to their vote but in times of war the Governor General can of his own authority initiate extra expenditure on military and other defence forces. I would further suggest that if a beginning were to be made by transferring those parts of the Indian army in which officers' ranks are Indianized to the votable side, that will be a small beginning to make, and it will show to the country that the Government is really contemplating the transfer of defence to the Indian Legislature and that they are acting up to the statement of the Secretary of State in which he said that the defence of India will be more and more the common concern of Great Britain and India.

Sir, there is one thing which I would like to state and which I had stated last year in the discussion on the second Round Table Conference too. It is that the armed forces maintained by the Indian States now do not find any place in the picture in the composite defence of India. Now, we have got all the defence arms in British India co-ordinated under one Commander-in-Chief and it is accepted in all the countries of the world that co-ordination is essential for defence, but it is strange that no efforts have been made in the past nor is any effort being made for the future to co-ordinate these forces. I should like to make a suggestion which may or may not be acceptable to the Government but I think if they were prepared to accept it it would ease much of our difficulties. Sir, I have not got any official figure but I understand that about

Rs. 7 crores are spent annually by the Indian States on these forces. If this sum were placed not with the federal Government but with the paramount power and designated as a State Defence Fund under the orders of His Excellency the Commander-in-Chief it would be a very useful subject and in place of the useless and almost obsolete armies that are maintained in Indian States we could have a very efficient defence force and especially could we develop the Air Force of British India in which it is sadly lacking. According to the scales and proportions of other countries in the air India is very far behind. With its curtailed resources it cannot hope to get any more money from the British Indian section but if this fund were created and Indian States were to contribute to the paramount power for this purpose, it would ease much of our difficulties and create a very useful service.

Sir, as far as the reserve bank is concerned, my other friends have laid stress on it. I wish to say only one word. I wish to warn the British Government that they must take it as a settled fact that on the question of the directorate there can be no compromise. The directorate, as laid down in the 1927 Bill by the Joint Committee of both Houses, still holds good. If they are prepared to have a reserve bank on these principles then I think British Indians will have no objection to its formation. But if they want to make a share-holders' bank it will be very difficult for them to do it. Sir, the inauguration of the reserve bank is dependent not only on our own willingness but on the change in the circumstances over which we have got no control. One of the first conditions laid down by the third Round Table Conference for the successful inauguration of the reserve bank was that there should be a sufficient exportable surplus. As the Government knows, it seems to be a very far-off thing. Coupled with the decrease in the world's purchasing power and the reduction in our own commodity prices and the export of gold, it seems to be a very far-off thing indeed. I am afraid the Government too are not making any determined effort to establish this millenium. I would, therefore, suggest to the Government that the inauguration of central responsibility should not be deferred till the reserve bank has been successfully floated and is in working order.

Sir, as regards the states, it has been voiced from all sides that it is difficult to have a federation of autocratic states and democratic British India, and that the two are incompatible. Even then, we would have been prepared to federate with the Indian States if the Government had really desired to do this in a sincere way. The representation of the states at least in the lower chamber should be by some form of election. Unless this is done, I think we will think twice before we are prepared to pay the price the states demand. Not only are they demanding more and more seats, but they are trying to take away even the little that the White Paper wants to transfer to the federation. The speech of the Jam Sahib in the Chamber of Princes was quite clear that even the little in the way of direct taxation—corporation tax—that was proposed by the third Round Table Conference and by the Percy Committee, is not acceptable to the Indian States. They are not willing to contribute anything as direct taxation to the federation. May we ask, what partnership it is in which one partner is going to contribute nothing to the common exchequer and yet wishes to have a controlling interest in the management of the firm? It is an unheard of thing.

There is one thing about which I wish to stress. It is about the three counsellors, who are going to be appointed by the Governor General for the discharge of his special responsibilities. At the moment, His Excellency the Commander-in-Chief is carrying on the work of the executive head of the

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army as well as a member of His Excellency's Council in army matters. There is no reason why this arrangement should be disturbed. The creation of the other counsellor to look after ecclesiastical affairs is fraught with grave dangers. At the time when the Retrenchment Committee recommended the abolition of this department it was stated that they will be transferred mostly to the Army Department and very few stations will remain under the civil administration. For the control of expenditure which totals for all India, in its former form, Rs. 27 lakhs, there is no necessity to have a special counsellor appointed to look after these affairs. We are afraid that the counsellor will in effect prove to be the guardian of the services, and it is for this purpose that he is being pushed into the Cabinet of the Governor General.

As regards the services, I will only say one word. There can be no difference of opinion among Indians that the appointment of all future entrants to all the services must be with authorities residing in India except those appointments which are made by His Majesty the King. If they are central services, the responsible minister must be in charge, and if they belong to the provinces, the provincial Public Service Commissions should have the right to appoint them, and the rights and interests of all future entrants to the services must be in the hands of the provincial or central Governments, as the case may be. We will never agree to the Secretary of State continuing in his present autocratic function of appointing and representing the interests of the services.

Sir, the White Paper, as it is, not only fails to satisfy us, but it is distinctly a retrograde step, and unless the British Government is prepared radically to change its proposals to meet the criticism of Indians, it will, instead of inaugurating reforms, throw us back to the pre-reform days.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR (Central Provinces : General) : Sir, the result of the discussions at the three sessions of the Round Table Conference, as embodied in the White Paper, may be summed up in three things, viz.,

- (1) A sham provincial autonomy which seems to be a certainty.
- (2) Central responsibility with reservation and safeguards a probability, and
- (3) Dominion status, a distant and unapproachable goal.

Dominion status as conceived under the Statute of Westminster,—that is, a status of equality with that of Canada, Australia, South Africa and New Zealand—seems to be out of consideration.

The constitutional legal status of India instead of being allowed to progress towards self-government and dominion status, on the basis of democracy which connotes the acceptance of the principle of the sovereignty of the people has been brought back to the position which prevailed 75 years ago when India was reconquered after 1857 and taken away from the East India Company and handed over to the Crown of England. The repealing of the Government of India Act *in toto* has no other meaning than what I have stated. Whatever constitutional status has been attained progressively by the several Government of India Acts passed from time to time culminating in the present Government of India Act has been demolished by one stroke of the pen by proposing a total repealment of the present Government of India Act without promising recognition of the principle of the sovereignty of the people

Federation.—The federal constitution is to be brought into operation when the rulers of the states representing not less than half the aggregate population of the Indian States and entitled to not less than half the seats to be allotted to the states in the federal upper chamber have agreed to join the federation. Another condition for the setting up of the federal constitution is the establishment of a reserve bank. Both these conditions appear to be so uncertain that there is no wonder that the inauguration of the federal constitution may be indefinitely postponed. We are ready to welcome the princes but if they do not make up their minds soon full central responsibility in the Government of India should be introduced immediately and a date should be fixed for the inauguration of a federation for the whole of India leaving the way open for the princes to join the federation. Delay is dangerous and in view of the fact that the White Paper has been condemned by all schools of political thought in India it is necessary in the interest both of India and Britain that immediate steps be taken by His Majesty's Government and Parliament to introduce full responsible government in the centre coupled with real provincial autonomy in the provinces.

Services.—The proposals regarding the future of the all-India services are justly resented by even the most moderate of Indian politicians. The recommendations of the Services Sub-Committee of the first Round Table Conference have been practically ignored and no point of major importance in this connection, for which the Indian patriots have been agitating has been conceded. Clauses 180 to 189 of the proposals which deal with the services do not make any reference to the discussion held at an early stage of the Round Table Conference. According to the proposals the recruiting and controlling authority will be the Secretary of State just as at present. Neither the federal Government nor the legislature will have the authority to question any decision that Whitehall may take as regards conditions of recruitment, service, salaries, pension and other emoluments of the "steel frame". The Services Sub-Committee appointed by the first Round Table Conference had recommended that in future the powers of recruitment to the Indian Civil Service and Indian Police Service should vest entirely in the federal Government and not in the Secretary of State. The recommendations of the Services Sub-Committee have been rejected and it seems that they have not taken the conference into confidence in settling a question of such vital importance to the harmonious working of the new federal executive. It ought to have been stated definitely in the White Paper that the recruitment to both these services shall be in the hands of the federal Government and that the centre of examination will be transferred from England to India. The net result of the proposed arrangement will be a state of continuous friction between the ministers and the services. The Secretary of State's supreme authority is also guarded in the sphere of the proposed federal Public Service Commission. He will have the power to appoint its members at his own discretion without consulting the federal Government or the legislature. The appointment of the federal Public Service Commission ought to have been left to the Governor General in consultation with his ministers.

Governors' provinces.—The provincial executive will consist of the governor and a council of ministers. The ministers will be appointed by the governor and the governor can over-ride his ministers' advice not only in matters relating to excluded areas but in all provincial matters. In dyarchy the legislature has the last word, at least in some matters, but there is no such thing in the proposed constitution. Under the proposals the salary of provincial ministers will not be subject to variation during their term of office. The matter should have been left to the discretion of the legislature. The

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governor will have special responsibility in respect of many matters and he will exercise much greater authority than he does now. Under the present dyarchy the provincial legislatures can discuss all matters relating to the reserved departments though their votes are not binding on the Government. Under the proposed constitution certain areas in each province will be completely reserved from the purview of provincial Assemblies. This is clearly a retrograde step. At present there is an Indian executive councillor to advise the governor in respect of the reserved departments but under the proposed constitution he will not be guided by the advice of an Indian minister in respect of excluded areas and other matters relating to which he will be declared to have special responsibilities. The governor will have power which he does not possess under the present constitution to promulgate ordinances to discharge his special responsibilities. The net result of the proposal in the White Paper regarding governors' provinces is that dyarchy will be abolished and the governor will be the sole authority, no power whatever being left to the ministers responsible to the provincial legislatures.

Finance.—The Gandhi-Irwin Pact provided for safeguards in financial matters which would be clearly in the interest of India. The White Paper says that the safeguards are devised in the common interest of both the countries, *viz.*, England and India. There are proposals for the appointment of a financial adviser to the Governor General. If at all there is any necessity of having a financial adviser he should not represent any political or financial interest in India or in England. Moreover he should be appointed by the Governor General on the advice of his finance minister. Eighty per cent. of the Government of India's revenues will not, under the proposals, be dealt with by the finance member but he will only control the remainder subject to embarrassing restrictions. The aspirations of the people of India are to manage the finances of the future federal Government through a minister responsible to the federal legislature. But if it is thought advisable for the transition period to have non-votable and votable items in the federal budget the financial adviser should not at all be allowed to interfere with the votable items. The power of the finance minister should be supreme so far as the transferred departments are concerned. One of the two conditions for inaugurating the federal constitution is the establishment of a reserve bank. If this condition is absolutely necessary I fail to understand the propriety of the proposal of arming the Governor General with powers regarding the introduction of currency and exchange legislation in the federal legislature. The reserve bank with the consultation of the finance minister should be left free to manage legislation regarding currency and exchange without interference from the Governor General. The proposals regarding commercial discrimination are in fact a serious encroachment on the powers that should be possessed by any responsible government and legislature and will leave to our future Government and legislature no freedom of action in the furtherance of Indian trade and industrial development. We are opposed to the principle of discriminating legislation in this matter but the infant industries of India must be protected by the provincial or the central Government at any cost. It is therefore necessary that there should be ample power in the hands of central and provincial Governments to check the evil effects of unfair competition. We do not want to interfere at all with the business concerns of foreigners so long as they carry them on according to the law of the land.

Military.—The proposals in the White Paper regarding the defence of India show no improvement over the present position. It is an admitted principle that with the development of the new political structure in India the defence of India must to an increasing extent be the concern of the Indian people and not of the British Government alone. The proposals in the White Paper have totally belied the aspirations of the Indian people in this connection. We do not find in the proposals the least indication of an attempt to transfer power to the federal legislature and the federal Government to control the military policy and military finance to a small extent even. No doubt, there will be consultation with the federal ministry of the future and speeches will be permitted in the legislature but there will be no effective check on the military policy of the Governor General even to a small extent during the period of transition. The recommendations of the Rawlinson Committee have been given the go-by in the White Paper. A provision ought to have been made for nominating an army minister from the Indian elected members of the federal legislature to advise the Governor General in the matter of the defence of India so that he may be initiated during the transitional period in the art of controlling the army department as well as get support of the legislature and prepare them for taking interest in army affairs. An Indian Defence Committee should be appointed under the new Act composed of the members of the Indian Legislature with a view to advise the Viceroy in the matter of the Indian army and defence of India, and provision should also be made for the Indianization of the army within 30 years' time. It is also necessary that the annual recruitment of commissioned officers should be made in India and not in England. For this purpose the establishment of a central military institute in India is an essential step and provision should be made in the new Act for the establishment of such an institute as also for the introduction of a course of preparatory military training in the colleges and high schools of India. It should also be provided in the new constitution that though during the period of transition the army expenditure and budget may be reserved subjects, the army estimates should be placed before the federal Assembly and they should have the full right of debate and vote subject to veto and certification during the transition period. Attempts should be made to bring the army expenditure to the pre-war scale. It is but equitable and just that the Indian army should not be sent out to serve outside Indian territories at the cost of India. In such a contingency the expenditure should be borne by Parliament and provision to this effect should be made in the new constitution. In short the Indian army should be within the prescribed period truly Indian in all its essentials.

Conclusion.—There is one supreme test by which the proposals in the White Paper should be judged and it is as to how far the real power has been transferred from Whitehall to India. Looking from this point of view, the White Paper is most disappointing to the aspirations of the Indian people.

In conclusion I cannot but impress upon His Majesty's Government and the Government of India that the White Paper as it stands is universally condemned. It has not approached the goal which was promised before the holding of the first Round Table Conference by responsible British statesmen. If the pledges so far given to law-abiding citizens and sober Indian politicians regarding the intentions of the British Government of transferring the real power to the Indian people through their legislatures are to be fulfilled the provisions of the White Paper should be radically modified. Then alone the discontent in the country will be allayed and the smooth-working of the administration will be possible. The ideas of democracy have come to stay in India and if all the labours of the three sessions of the Round Table Conference

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have to bear any fruit the new constitution should be so framed as to meet the legitimate aspirations of the people of India for dominion status. I fervently hope that British politicians who are known for their love of freedom will be fair and straight to their cherished principles in dealing with the Indian question. The whole world in general and India in particular is keenly watching the game.

THE HONOURABLE Mr. M. Y. RANGANAYAKALU NAIDU (Madras : Non-Muhammadan) : Mr. President, the proposals of reforms contained in the White Paper are so utterly unsatisfactory that they have been condemned from the Himalayas to Cape Comorin, from the Indus to the Brahmaputra. It is my duty here in this Honourable House to speak out my own mind and the minds of my constituents whom I have the honour to represent. Sir, I wish today you were on the floor of the House to offer your observations on the financial reservations. I am not a financial expert but even a layman like myself can say that he who runs may read. Hopelessly inadequate is financial responsibility. In fact there is no financial responsibility at the centre. Under the White Paper scheme the financial adviser is interposed between the Indian chancellor of the exchequer on the one hand, whose responsibility is to the legislature, and the Viceroy on the other who is clothed with extraordinary powers. The safeguarding of the financial stability and the credit of the federation is treated as a special responsibility of the Governor General. This special responsibility is to be exercised in accordance with the direction contained in the Instrument of Instructions. This special responsibility is to be imposed upon him by the Constitution Act. This special responsibility is to be exercised, if the Governor General chooses, in the teeth of ministerial advice, "in such manner as he judges requisite". Between the finance minister and the Governor General, that is to say, between the people of India and the people of Great Britain, stands the financial adviser. The Viceroy on the advice of his financial adviser can over-rule his finance minister. The Governor General's responsibility is to Great Britain and he will naturally act according to Britain's interest and not India's interest. If there is to be a clash between the British interest as represented by the Governor General and the Indian interest as represented by the finance minister under the White Paper, British interest must prevail. Financial autonomy has been reduced to a sham, a caricature, a farce, a fraud upon the public. It would be more honest and more honourable for the Government to treat finance as a reserved subject instead of pretending that it is transferred to popular control. This pretension arises from the fact that the public will not touch with a pair of tongs the new reforms unless and until they have the control of the purse. But I warn His Majesty's Government that unless and until the financial restrictions are removed and the minister made wholly and solely responsible to the legislatures, the public of India will continue to be dissatisfied.

Another aspect under which I propose to treat the new proposals is in regard to provincial autonomy. Much has been said by the Tory reactionaries in England that the reforms are too large. If only they examine the provincial features of the White Paper scheme, they will find that even provincial autonomy is not introduced in all its completeness. The governor is endowed with special powers to over-rule the minister of law and order. The police and the civil services who administer law and order are to be responsible to the Secretary of State. The governor too is to be responsible to the Secretary of State. If there is to be a difference of opinion between the governor and the minister in charge of law and order, under the White Paper the governor can

act "otherwise than on his minister's advice." May I ask how the governor can know better than the minister in charge of law and order? Does the governor keep a separate department of law and order to arrive at a truthful conclusion in regard to public safety or tranquillity or the lack of it? In the absence of a department other than the law and order department for which the minister is responsible to the legislature, how can the governor, I ask in the name of common sense and logic, act differently from the advice of the ministers? This is reducing provincial autonomy into a ridiculous thing, a mockery. Sir, it would have been more honest had the Government said that law and order will not be transferred. In that case public opinion would have spurned the reforms. Therefore with the cunning of imperial statesmanship, the control of law and order is given with one hand and taken away with the other. So long as the services, both police and civil, are controlled by the Secretary of State, so long as they can communicate directly with the governor over the head of the minister, because the governor represents the Secretary of State in the provinces, so long will the services continue to dominate. Where I ask do the services dominate the ministries?—in no self-governing country in the world. If responsibility is to be real and autonomy in the provinces not a mockery and a pretence, then the governor's statutory powers in regard to law and order must be taken away or at any rate modified to this extent that he should act in accordance with the advice of his minister. If he is not in agreement with his minister, he may order a new election or send for a new party leader to form a new government, but surely he cannot act over the head of the minister. This will only mean that the governor can play the autocrat when he chooses. Autocracy and autonomy are not synonymous terms. The White Paper scheme retains the provincial autocracy clothed in an attractive robe of autonomy.

I must also say a word on the future of the services. Recruitment must cease in England. I am willing to assure, in fact I am anxious to emphasise, that the present rights, emoluments and privileges of the existing imperial services must be scrupulously maintained, for I believe in the sanctity of contract. But at the same time I want to make it perfectly clear that India cannot afford to pay the same high salaries for the services in future. And, as in the colonies, the recruitment must exclusively be done in India and the centre of authority be transferred from Whitehall to Delhi-Simla. I do not say that we must exclude Englishmen from the services; just as they go to the colonies, so can they come to India. But they must know what the future holds for them in their own interest as in our own, knowing which they may come to this country to serve in a spirit of service, in response to a higher call, for the mastery and domination which has hitherto belonged to the superior services will no longer be theirs. Until and unless the members of the services are reduced to the position of servants and cease to be that of masters, responsibility at the centre as well as in the provinces will not become real. Without the reality of responsibility there can be neither peace nor contentment in the country. India cannot accept the shadow. What she wants is the substance.

In conclusion, Mr. President, I would remind His Majesty's Government of the words uttered by the late Lord Birkenhead, who was then the Secretary of State for India. He said, "We no longer hold the gorgeous East in fee". On reading the White Paper, I can only say that England proposes to hold India in the steel grip of imperialism. Unless the "steel frame" of the civil and police services cease to dominate the administration, I will say that the pledge given by His Excellency Lord Irwin as Viceroy in March, 1931, will not

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be fulfilled. I must also enter my emphatic protest at the introduction of central responsibility being made contingent on the entering into the federation of the Indian States, hitherto outside the Government of India. I must also deplore the lack of adequate provision in regard to the speedy development of responsibility in regard to defence. I must condemn the powers of the governors and the Governor General given in a manner to induce their exercise to nullify responsibility. Unless in these respects the proposals are materially and adequately improved, there can be no hope of establishment of peace and the removal of unrest in the land.

THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA (West Bengal : Non-Muhammadan) : Sir,

" The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to progressive realisation of responsible self-government as an integral part of the British Empire".

Those were, Sir, some of the pregnant words that the then Secretary of State for India made in the House of Commons on the 20th August, 1917, in giving effect to the Resolution of His Majesty's Government for the inauguration of a popular constitution in India, which actually came into being and considerably eased the troubled political situation of those days. Similar pledges of self-government have also come to us since from other high and authoritative quarters. But a study of the White Paper wholly belies our expectations, as it affords no indication whatsoever to implement those pledges, nor does it evidence that kind of statesmanship which is vitally needed for handling the present political situation of the country.

The supreme test by which the real purpose of our future constitution is to be judged is when this constitution is to go, whether it will expire automatically, or there will be all this fuss of royal commissions, round table conferences, blue and white papers, and joint parliamentary committees, before it comes to an end. But if we are to base our hopes on the solemn pledges that have already been given to us from time to time that the next constitution will evolve into dominion status in the British Commonwealth of Nations, and again, if we subject the scheme that is before us to the usual tests, we find nothing but a cruel mockery of our long-cherished desires, for there is no mention either of the period up till which the proposed constitution will last, as the Montagu-Chelmsford Report has forecasted or of the form of constitution that will follow upon its heels, as suggested by the Simon Commission. In my mind the constitution as outlined by the White Paper betokens an entire negation of India's political aspirations. In all matters where self-government really counts, such as defence, finance, external relations, commerce and industry, not a vestige of power has been transferred to the people. In the provinces the governor is proposed to be made a greater autocrat than what he has been already under the present constitution. Although it has been held by some people that the residuary and over-riding powers of the governor will be used in very rare instances, our experience of past years says quite otherwise. It is true once or twice the power is exercised with some delicacy or hesitation, but once that is exercised, the feeling of delicacy vanishes, and the exercise of such powers goes on unreservedly. Need I remind the House that a cut of Rs. 10,000 necessary for the renovation of Government House carpets was certified by Lord Lytton on the ground of peace, order and

tranquillity of the province. Again, in the centre, the proposed constitution keeps intact all the present reserved or discretionary powers vested in the Governor General. With ministers on one side and counsellors on the other, where any conflict will arise between the two sections, the Governor General is sure to befriend his counsellors and also be befriended by them in turn, and use his residuary powers to the utter discomfiture of his ministers. Exercise of reserved powers will henceforth go on galore and the ministerial responsibility to the legislature will be reduced to a nullity. Again by placing the minister's salary on the non-votable list the legislature will be precluded from bringing in a vote of censure on them by moving a cut on it.

Next, the conditions of recruitment and control of the imperial services and the vague and indefinable proposal about the statutory Railway Board as well as the decision to make non-votable the salaries of members of the Public Service Commission, both central and provincial, lead us to believe that our future constitution intends to whittle down even the little privileges that we enjoy in the present constitution, and does not wish to part with any power in those matters to the people of the country. As outlined provincial autonomy will be a misnomer, and a jumbled-up dyarchy will reign supreme at the centre to our great disgust and disappointment.

Then the inauguration of the federal Government has been hedged in with so many possible and impossible conditions, which render its early establishment a matter of great uncertainty. Again effective financial control by the popular ministers in the federal Assembly is bound to be quite illusory, so long as 75 to 80 per cent. of our resources are swallowed up by the reserved side of the administration.

The question of federal finance is another matter of great moment to us. The scheme made to balance the budget of the federal Government in India, without any consideration of the budgetary position of the various provinces, is another disquieting feature of the future constitution. Any measures taken to strengthen the centre at the expense of the province will lead to a risky and undesirable financial position of most of the provinces for some years to come. But it is evident that the taxable capacity of the people in the provinces has been more than strained, and it will produce a futile result if we are to strain it any more. While the princes have not got to delegate anything which is so essential for their real federation to the Government, yet they will have a potent voice in the vote of the federal legislature, where 90 per cent. of the business will appertain to British India.

Sir, if it is really intended that the present political turmoil in the country should go, it is necessary that the Joint Select Committee, which will sit to revise the White Paper, should advise absolute control of the services to the future ministers, although I concede their recruitment may yet lie in the hands of the Secretary of State for India for a certain number of years. I am also prepared to concede that in cases of discharge or dismissal of any member of the services, the ultimate decision will rest with the Secretary of State. I would also urge, Sir, that the Committee should closely shift the future relations between the counsellors and the ministers at the centre and adumbrate their conclusions in that particular matter in such a clearly defined way as will take away all causes for friction between the two. There should be no equipoise between the number of the counsellors and the ministers and the spirit of the constitution should be made such that ministerial responsibility in all ordinary cases should over-ride the decision of the counsellors. I am willing to allow the entire control of defence, finance and external relations by the future Governor General, but in return I should insist upon our ministers having the

[Kumar Nripendra Narayan Sinha.]

fullest control over our commerce and industry. If it is intended that the princes will serve as a sort of ballast and reinforcement against nationalistic proposals in the federation, I should say that that object will ever militate against the legitimate aspiration of the people. In the provinces the discretionary powers of the governors are altogether unnecessary and uncalled-for. With an autocratic governor provincial autonomy in provincial details only will hardly fit in, for matters of the most vital interests will be ever kept outside the jurisdiction and control of the provinces and their ministers. The vesting of discretionary powers in the governor signifies great distrust of the people and the popular ministers. So far as we, the landlords are concerned, I feel constrained to say, Sir, that neither the Round Table Conference nor His Majesty's Government has done anything to satisfy our requirements, although it is my information that the Government of India's despatch on the constitutional reforms and all local Governments strongly supported the just and legitimate claims for our special enlarged representation everywhere. But what I find is that in all the provincial councils, out of a total strength of 1,585, there will be only 37 of our representatives, and in the federal Assembly, out of a strength of 250 from British India, there will be only seven of our representatives. I would urge, therefore, most emphatically that this sort of representation of our class in the future legislatures has been altogether inadequate and ineffective and is calculated to sweep us off our feet in the new constitution. What we want is that our representation should enlarge in proportion to the enlarged councils. Again, the Poona Pact, on the basis of which heavy representation of the depressed classes has been allowed in my province of Bengal, has done us immense harm and injustice, as the problem of the depressed classes never troubled us in any way. The Joint Select Committee will, therefore, do a distinct service to His Majesty's Government, if they will closely and carefully examine all the proposals in their possible and impossible bearings before they submit their final recommendations before His Majesty and also set forth a detailed enumeration of all our fundamental rights, as without that any conception of the future constitution will remain incomplete and unacceptable.

THE HONOURABLE THE PRESIDENT : This will be a convenient stage to adjourn the House. The debate on the White Paper will be resumed tomorrow.

The Council then adjourned till Eleven of the Clock on Tuesday, the 28th March, 1933.