

Tuesday, 28th March, 1933

THE
COUNCIL OF STATE DEBATES

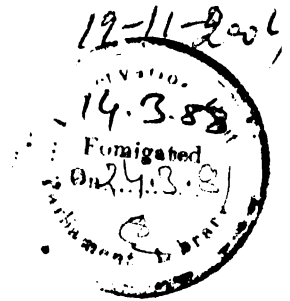
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(16th February to 15th April, 1933)

FIFTH SESSION

OF THE

THIRD COUNCIL OF STATE, 1933



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COUNCIL OF STATE.

Tuesday, 28th 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.

LEVY OF FEES FOR THE ISSUE OF PILGRIM PASSES AT KARACHI.

184. THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ : Has the attention of Government been drawn to a statement in the press that a fee of Rs. 3 was being demanded from pilgrims at Karachi for a pilgrim pass, although no such fee was levied before ? Was this complaint brought to the notice of Government by any one ? If so, by whom ? Did Government make any enquiries ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Yes. The complaint was first brought to the notice of Government by one Mr. Ismail Ghaznavi from Amritsar, but on enquiry from the Government of Bombay the allegation was found to be incorrect.

PROMOTION OF OFFICERS OF THE UNIVERSITY TRAINING CORPS HOLDING DUAL COMMISSIONS.

185. THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK : 1. Will Government be pleased to state under what conditions the promotions of the University Training Corps officers holding dual commissions are regulated ?

2. For purposes of promotion from Honorary Second Lieutenants to Honorary Lieutenants, do the University Training Corps officers come under King's Regulations ? If so, is it a fact that several officers, after qualifying for the retention examination within two years and three months, were not promoted to Honorary Lieutenants in due time but long after ? If the answer be in the affirmative will Government kindly state the reasons for the delay ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : 1. and 2. Dual commissions are no longer granted in the University Training Corps, but those members who held honorary commissions in 1928 were allowed to retain them. The honorary character of these commissions has no effect on promotion, which is governed by the Regulations for the Indian Territorial Force and not by the King's Regulations.

Ordinarily an Honorary Second Lieutenant who has passed the retention examination is promoted to the rank of Honorary Lieutenant after two years and three months' service. If the Honourable Member will refer me to any specific cases in which he believes that the promotion of an officer of the University Training Corps has been improperly deferred, I will have enquiries made.

PROMOTION OF SENIOR GRADE OFFICERS OF THE UNIVERSITY TRAINING CORPS
TO SENIOR GRADE COMMISSIONS.

186. THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK : Will Government be pleased to state whether the University Training Corps officers were entitled to be senior grade officers from September, 1928 ? If so, how is it that the officers whose promotions were deferred, did not get senior grade commissions but still continue to be junior officers ?

PROMOTION OF OFFICERS OF THE 2ND (CALCUTTA) BATTALION, UNIVERSITY
TRAINING CORPS, TO SENIOR GRADE COMMISSIONS.

187. THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK : 1. Will Government be pleased to state if it is a fact that the 2nd (Calcutta) Battalion University Training Corps officers were asked to fill in the forms for senior grade commissions in 1930 ?

2. Is it a fact also that the officers were medically examined in 1930 ?

3. If so, will Government kindly explain why the cases of the said officers were not sent up for consideration ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : With your permission, Sir, I will answer questions Nos. 186 and 187 together.

The attention of the Honourable Member is invited to the answer which I gave on the 6th March to his question No. 134. I have called for a report and will send him a reply in due course.

APPOINTMENT OF OFFICERS OF THE TERRITORIAL FORCE TO THE CANTONMENT
DEPARTMENT.

188. THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK : Will Government be pleased to state if any Territorial Force officers have up till now been appointed to hold the job of cantonment executive officer ? If so, the number thereof ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Two such officers have been appointed to the Cantonments Department, but one of them is no longer in the service. A third officer is now under training for the department.

VIZAGAPATAM HARBOUR.

189. THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK : Will Government be pleased to state what was the estimate for building Vizagapatam harbour ? Up till now how much money has been spent on that scheme ? Is it a fact that the channel is presenting great difficulty in making the scheme a success ?

THE HONOURABLE SIR GUTHRIE RUSSELL : The total amount originally sanctioned for the Harbour Scheme was Rs. 218 lakhs. The expenditure up to the end of December, 1932, was Rs. 217 lakhs. The total cost of the scheme as now estimated is about Rs. 317 lakhs, which includes Rs. 85 lakhs for works likely to be required within five years after the opening of the port, to adequately handle the expected growth of traffic. All these figures exclude interest charges during construction. Unforeseen difficulties in dredging and maintaining the outer channel have been experienced, chiefly

due to a continual drifting of sand on the seabed along the coast, and it has consequently been found necessary to construct a breakwater which has resulted in an appreciable increase in the cost of the scheme.

ORDERS OF EXPULSION SERVED ON FOUR MEMBERS OF THE CHETTI COMMUNITY IN SAIGON, INDO-CHINA.

190. THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI : (a) Is it a fact that on the 18th, 19th and 20th March, 1933, the Indo-China Government served orders of expulsion on four Nattukottai Chettians who are carrying on business in Saigon, Cochin China, directing them to leave Cochin China by the 24th March? If so, what were the grounds for the order of expulsion?

(b) Have Government received representations on the subject from the Nattukottai Nagarathar Association, Madras? If so, what action have Government taken to safeguard the interests of the community in Indo-China.

THE HONOURABLE SIR CHARLES WATSON : (a) Yes. The Government of Indo-China recently issued orders that execution of money decrees, especially decrees for debt secured on agricultural land, must be reduced to a minimum in order to safeguard the peasants, against whom a number of decrees are held by the Chetti community. The four persons against whom orders of expulsion have been served have insisted on proceeding with the execution of their decrees and have therefore been ordered to leave the country.

(b) The answer to the first part of the question is in the affirmative. Immediately on receipt of these reports the Government of India supported by telegram to His Majesty's Government the request already made to the local Government by His Majesty's Consular Representative at Saigon for postponement of execution of the order. Government have also requested that the matter may be represented to the French Government through the usual diplomatic channel. The latest information is that the Consul General's request for postponement has been refused and the persons concerned have either already left Saigon or are leaving within the next two days.

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

THE HONOURABLE THE PRESIDENT : The debate will now resume on the White Paper.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal : Non-Muhammadan) : Sir, I must at the very outset thank Government and the Honourable the Leader of the House for giving us an opportunity of discussing the White Paper. Without any quibbling, or a long exordium, I must at once express my frank opinion on it and then try to make a concise survey of the entire scheme as far as possible.

Sir, the White Paper has belied our hopes. It has blackened our outlook for swaraj. It has disappointed us. Having cried for bread we have got stones. Of course we did not cry for the moon, Sir, nor were we in a fool's paradise; but we expected that a real beginning would be made in the matter of our attainment of dominion status but far from being given the substance of self-government on colonial lines we have not had even the shadow of it.

[Mr. Jagadish Chandra Banerjee.]

I do not think, I should remind the House of what Mr. Wedgwood Benn, the former Secretary of State for India, once said in the House of Commons referring to the coming Indian reforms. We all know, Sir, that he said,—and so far as I remember his words were “that dominion status was in action in India. But the words “dominion status” are conspicuous by their absence in the White Paper. The proposals as contained in the White Paper, which is indeed a pro-White Paper in all its bearings, are unsatisfactory, inadequate and fall far short of our just and legitimate demands. The powers of the Governor General and the provincial satraps in respect of promulgating ordinances that take away the elementary rights and privileges of the people can be favourably compared with the Tsarist ukases. There may be people in the country who may work the reforms for all they are worth but the majority of Indians will not touch them even with a pair of tongs. To the progressive school of thought to which I belong, it has not come as an unagreeable surprise.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK :
Just as you belong to the Progressive Party.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Yes, I do. Sir, the euphonic expressions such as provincial autonomy, transfer of law and order to popular ministers and management of finances by them, do not appeal to me when I find that the provincial governors can ride roughshod over the decision of the provincial legislatures as well as that of his ministers. Not only that—they have other extraordinary powers which, I think, will surely be resented by the people in no uncertain terms.

The scheme of reforms as we find in the White Paper is qualified and hedged in by so many limitations, safeguards and responsibilities that the people for whom it is meant will in vain search in it for their own safeguards and responsibilities. These limitations and safeguards are opposed to the interests of India and require substantial modifications. Sir, I am not blind to the fact that the constitution as embodied in the White Paper is but a skeleton of the future government that is within sight and not the final which will be shaped by the Joint Select Committee of Parliament wherefrom the constitution may either emerge in an improved form or in a worse form : I say, worse form, Sir, because I am rather afraid of the disgruntled Tory elements in England that have raised a regular hue and cry against the introduction of further reforms in India. Of course a few of them on the Joint Parliamentary Committee will not be able to do much mischief.

Now, Sir, coming to the details of the proposals in the White Paper which I should like to touch on as briefly as I can as I do not like to take much of your time, Sir,—and making no further generalizations in my criticisms I should like to say that it is really regrettable to note that the idea of a federated India is yet in the air and not a settled fact, as may be found from the attitude of some of Their Highnesses as reported in the press. It was, we thought, really a happy sign of the times when we learnt that Their Highnesses had condescended to put their shoulders to the wheel along with us and would work with us,—the plebeians, for achieving the common goal of the country, but the White Paper does not definitely and clearly say how far we are from attaining that object. However, it is hoped that all obstacles will disappear and there will be the establishment and smooth working of the federation which will be the consummation of our hopes much devoutly to be wished for.

Then, Sir, I come to the composition of the British India side of the Assembly of the federal legislature wherein we find that in the matter of representation and granting the claim of the landholders of Bengal the change is from Tweedledum to Tweedledee. In this respect Bengal remains where she is. It is no doubt a grave injustice but I hope in the Joint Parliamentary Committee this question will be properly thrashed out and that the Bengal landholders, considering the position they hold in the country, will have more representation in the federal Assembly. Then, there are to be only ten members from the general constituency and three from the depressed classes but 17 from among the Muslims in Bengal in the federal Assembly, which is an iniquitous adjustment, the responsibility for which lies in the Premier's Award and the Poona Pact. Forsooth it is a cruel irony of fate, Sir, that in Hindustan the Hindus are to be dubbed as members of general constituencies, and as regards the depressed classes the problem is not at all acute in Bengal. It has been engineered in definite shape by some designing persons. If it is the sincere motive of Government to protect and safeguard the interests of minorities—the Hindus being in a minority in Bengal—this problem should have been tackled by Government and dealt with in a fair and square way; but Government have done nothing to assuage public feelings.

Then, Sir, there is the question of the federal Council of State and its members from British India. First of all, Sir, nomination to this House remains, which we thought would be done away with but to our utter astonishment we find that that objectionable feature, that anomaly, that antediluvian idea, remains in the picture. It is hoped the Joint Parliamentary Committee will be able to abrogate the question of nomination to this House. I think, Sir, we have passed that stage when some members would care to come to this House through nomination. I believe I voice the sentiments of a vast section of Indians and also those of several members of this Honourable House that indirect election to the federal Council of State will be adversely criticised by them. Indirect election or electoral colleges may exist in the United States of America and in Egypt but they will have no room in India today. Direct election is in itself a training to the people who are taught to exercise the right of voting, and who become aware of the value of franchise and may take a lively interest in the election to the legislatures in the country. If it is the idea of Government that, as direct election to the federal Council of State would involve a good deal of expense to the candidates, they should come in by the back door, Government are mistaken, because it would be tantamount to sacrificing the principle of franchise in the name of economy. Further, Sir, I cannot understand how by a queer process of calculation 18 seats each have been allotted to Bengal, Bombay, Madras, the United Provinces, the Punjab and Bihar, in the federal Council of State. The legislatures of these provinces according to the new constitution would not contain the same number of members and in some of the provinces where there would be upper chambers, both the houses will participate in electing the members to the federal Council of State. In view of this fact, if not for any other province, at least for my own province, I should like to enter my emphatic protest against this unjust and unfair allocation of seats in the federal Council of State. It is to be hoped that this treatment towards Bengal will be brought to the prominent notice of the Joint Parliamentary Committee and the wrong done to Bengal righted by the members.

Then, Sir, in the upper chamber in Bengal which is to be known as the provincial Legislative Council, out of the total 65 seats, 12 are for Hindus and 17 for Muslims. Of the 27 members to be elected by the members of the Bengal

[Mr. Jagalish Chandra Banerjee.]

Legislative Assembly, the majority may be Muslims because Muslims are in a majority in the provincial Assembly. Then, Sir, there will be nomination of ten members to the federal Council of State by the governor. I have already said what I think of nomination of members to a legislature. In a word, Sir, nomination makes the principle of franchise nugatory. The second chamber may be useful to Bengal but I am sorry to observe that it is not free from communal representation.

The landholders in Bengal to which class I have the honour to belong, Sir, have been grossly neglected in the matter of representation in the provincial Assembly as only five seats have been allotted to them in that House while there will be as many as 11 European members from their own constituency and 14 more from commerce and industry and mining and planting special constituencies thus making a total of 25 European members in the provincial Assembly of Bengal. The landholders in Bengal, Sir, being the natural leaders of the province are entitled to get further representation in the provincial Legislative Assembly. It is hoped that the case of the Bengal landholders will receive the best attention of the Joint Parliamentary Committee and the members will find their way to make further provision for them as regards representation in the provincial Assembly.

Sir, one would be sadly mistaken if one thinks that there is responsibility at the centre of which there was so much talk and which is our legitimate demand ; but instead of responsibility at the centre, we find not only dyarchy but tyarchy at the centre, which, I am afraid, will be an unworkable failure, because the proposed constitution at the centre as we find in the White Paper consists of the Viceroy and Governor General with his three kinds of reserve powers, such as " special responsibilities ", " discretionary control ", and " non-transferred authority ", the ministers and the counsellors. Virtually, the Governor General, according to the White Paper, is the Dictator of India's destiny. " Responsibility " there is, Sir, but that is of the Governor General and not of the executive to the legislature, in the truest sense of the term.

As regards federal finances, the finance minister's difficulties are that he will have no control over 80 per cent. of the budget of the federal Government because that would be non-votable. Then, Sir, there is another " responsibility " of the Governor General which is that under the White Paper he would have special power to maintain India's credit in the world-market and if he thought that the proposals of the finance member were inconsistent with his " responsibility " he would veto them. In these circumstances the finance member will not be able to work unfettered and use his independent judgment.

But the financial arrangements as regards Bengal appear to me to be somewhat satisfactory and I think, in the case of my province, a certain measure of tardy justice has been done at long last. Bengal will get half the jute export duty and at least half of the ordinary income-tax. I hope these arrangements will improve Bengal's financial condition and there will be no deficit in her budget in future.

Now, Sir, as regards the services, the arrangement under the White Paper does not leave me content. Provincial autonomy will be meaningless, Sir, if the services in the civil administration are not provincialized. The Secretary of State's continued power over the services is a disappointing feature of the new constitution.

In conclusion, I should like to mention that the representation of the states in the federal legislature is far in excess of what they are entitled to get. The states are to get one-third in the lower house and more than one-third in the upper house. This is indeed a heavy price that has been agreed to by Government for the princes joining the proposed federation.

As regards the reserve bank, though it would be under the control of the legislature, I am very much in doubt whether it would have an independent position or a subordinate one, for, if the legislature want to amend the constitution of the bank, the previous sanction of the Governor General would be required which may not be had if the proposed amendment does not meet with the approbation of or suit the British investors. How far the control of currency and exchange will be under the federal Government even after the establishment of the reserve bank, is a matter about which too I have very grave misgivings in my mind.

The statutory Railway Board too is another objectionable feature of the new constitution.

With these few words, Sir, and thanking you for allowing me such a long time of the House, I resume my seat.

THE HONOURABLE MR. G. S. KHAPARDE (Berar Representative) : Sir, I am glad to get an opportunity of speaking at this stage, somewhat in the middle of the discussion as it is going on, for this reason that I am able to give what I call a hint as to how we are to proceed. My hint may be taken as a valuable one, because I claim that Hindus, however wanting in other respects and however inefficient they may be, are experts in the art of preserving themselves, withstanding all invasions and surviving. During historical times, the Greeks came here and Alexander won a great battle but after all the victory proved infructuous ; the vastness of the country and the opposition proved too much for him. Then the Romans came, but they began at the wrong end—Ceylon—then they were overcome by difficulties and quietly retired. Then came the Muhammadans from the north. We fought them as far as possible ; but when we found that we could not win on the battlefield, we took counsel with ourselves. What are the ways of winning in this world ? The first is to fight right out. Supposing you do not succeed—and you cannot succeed for various reasons,—you have to fall back upon something else. What is that something else ? That something else has been tried within recent times and therefore I can speak of it. Wiser people do not non-co-operate. People have tried non-co-operation here by sulking in their tents, but they failed, and their followers had to come back. They did not come to the first Council under the present rules ; but they came to the next Council. Having come there, they thought that they had won and they began to jump about and talk much. There was a great deal of that kind of noise, but it was no good after all. Then, what was the next thing ? Then they said, “ We cannot do it ; we shall passively resist ” and they tried passive resistance. They soon found out that they could not do that even. They then asked, “ What is to be done now ? ” They said, “ We said civilly disobey ”. That is the last thing they tried. Disobedience is disobedience, whether it is civil or polite, whether it is civil or criminal. Now, I shall bring out my idea. How have we won in this world, where have we lived and how have the Hindus preserved themselves for nearly 20,000 years in history ? We tried both methods, not that we did not resist, nor that we did not non-co-operate, nor that we did not disobey ; but eventually a proper way was found and that way has carried us through, and that way is you conquer by compliance. It is otherwise sometimes called—

THE HONOURABLE THE PRESIDENT: We are pressed for time. I therefore request the Honourable Member to confine himself to the White Paper.

THE HONOURABLE MR. G. S. KHAPARDE: Within fifteen minutes I promise to finish. Civil compliance is the other way and the last way; and we have always taken that as our method. In this hall where we stand, we know that the law of gravitation ought to bring the roof down; but it does not. Why? Because you turn difficulties into opportunities, and gravitation loses its force for a long time anyhow. Similarly, you come across a tough job as getting over a river, a big river, you cannot jump over it. You cannot build a bridge over it. Oftentimes the current is so strong that no boat could work, and yet you have got to get over; you swim along with the tide, then gradually curve round, avoid great currents and you safely go to the other side. That is the method that is to be adopted. We have tried all the other methods and they have failed as they deserve to fail and as I myself personally think. The other method which is successful is to conquer nature by obedience. When natural forces are too great and you cannot resist them you obey the forces and try to avoid them. The wisest course is not to present a frontal opposition, but to stand by and you find your way out of it. I therefore commend the middle course and the last course and perhaps the wisest course, because all the other courses have failed. Honourable Members perhaps remember the speech which I made about two years ago here when we had a distinguished galaxy of English statesmen, Indian statesmen, Indian aspirants and so on here and when I spoke about the Round Table Conference. I said then I did not understand the Round Table Conferences, because the English people were willing to give and we were willing to receive. Why was a mediator wanted? The giver gives and the receiver receives and there is an end of the matter. That portion of my speech was much criticised, and I was asked what did I mean? I shall tell you today what I meant then. It was this. It happens in the lives of everybody: it will happen in our lives too. You invite a vegetarian to come and dine with you. Then circumstances compel you to call also what we call——

THE HONOURABLE THE PRESIDENT: I am still waiting for the Honourable Member's observations on the White Paper.

THE HONOURABLE MR. G. S. KHAPARDE: I am speaking about that, Sir. I am going on with that. Eventually it will come out.

You first invite a vegetarian, then you are compelled to invite a person who is a meat-eater. Then you do not know what to do. In the *khichri* cooked for the vegetarians you put some meat, and then it boils down. Then it becomes too tough for the die-hard; it becomes too soft for the aspiring Indian. It is neither *khichri* nor *pulau*. Nobody will have anything to do with it. What can you do? This is what happened to this White Paper. You call conferences and they make some arrangement and there is a great deal of eloquence. Ultimately they hit upon something and then the princes went and they were strong meat-eaters. Then they went about doing something and this is the result. Now, it is acceptable to nobody at all, but after having taken so much trouble and after having spent so much money, it is not wise to throw it all away. So it is our duty now. It has come back to India for the purpose of being considered and boiled down and made acceptable to a certain extent to all. That is what is called the common denominator or the most acceptable medium or whatever big name may be given to it. I

recommend that under the present circumstances we had better accept it. I am perfectly aware of defects in the White Paper and Honourable Members have spoken very largely and very eloquently about them both yesterday and today. I am also aware of what can be said in its favour and that has also been spoken of here on the floor of this House. Now it is our duty to boil the whole thing together, taking the good with the bad and the tough with the soft and so on ; somehow or other decide to go on with it till we can find a way out and then get back and have it all our own way. So the way which I recommend and which I ask my friends especially to accept is to take what is given with a good grace, to oppose it when opportunity offers—do not let go an opportunity that occurs—and eventually succeed. Succeed by what may be called compliance. Conquest by compliance is the rule and that is my formula for the present occasion. This is the old school of Mr. Lokmanya Tilak and is known as responsive co-operation. Co-operate with the Government so far as you possibly can and when they cannot comply with your wishes sit down for a moment, think, and again go on. Never sit silent ; never sulk in your tents or carry out any of those fantastic ideas which never have succeeded and never shall succeed. My advice, therefore, to my friends here, if they have the kindness to think of it properly, is to accept this, bad as it is, to work again later on to improve it, later on to work again to improve it. Ultimately bring it down and never rest until it comes to what we want.

THE HONOURABLE NAWAB KHWAJA HABIBULLAH (Bengal : Nominated Non-Official) : Sir, in reading through the pages of the White Paper relating to safeguards and special powers, I for a moment believed that I was reading a chapter from the Old Testament,—the law as handed over by the Prophet Moses to his followers, the Children of Israel,—the famous Ten Commandments : Thou shall not do this, that and the other. I thought it was merely a repetition of the same formulas by our modern prophets. On further consideration, however, reading between the lines I believe I arrived at the right solution, namely, that His Majesty's Government honestly believe that the capacity of us Indians for self-government was narrow and limited. I must say we have given good reasons for that. Believe me, the way the Montagu-Chelmsford reforms failed in Bengal, Bombay and other provinces was an eye-opener. The way self-governing institutions like the Calcutta municipality has been run showed that the powers given had not been utilised in the proper way. What with mass civil disobedience by a large section of the people, the wave of anarchical crimes and political dacoities, communal disunity, depressed classes *versus* high caste Hindus, labour *versus* capital, how can one expect any measure of self-government unless we Indians show greater restraint and statesmanship and present a united front. We cannot blame the British statesmen or the Government of India. Through our not being able to settle our own affairs we have strengthened the hands of Mr. Churchill and his followers and the White Paper is the result. Sir, the White Paper falls short of the demands of all sections of the people. The White Paper itself is a negation of federation. British India cannot possibly federate with the Indian States unless both are equal partners and both have equal rights. For the privilege of joining us we are to give the Indian States through their nominees a block of 125 seats in the lower house and 100 seats in the upper house with equal rights as ourselves. How are we benefiting ? We are not to discuss or interfere in their internal affairs. The only thing we can do, as far as I can see, is to realise a corporation tax from those Indian States who are willing to be federal members. British India cannot for a moment agree to be a party to an arrangement of this character.

[Nawab Khwaja Habibullah.]

Other speakers have dealt ably with matters relating to finance, the reserve bank, statutory Railway Board, etc. I shall confine myself to Muslim representation at the centre, Bengal, and the proposed upper chambers in the three provinces.

Sir, we have repeatedly demanded one-third of the total seats in the centre. But we regret to find that the British Government has acceded to one-third of British India representation. Bengal Mussalmans under the Prime Minister's Award have been dealt with unjustly, our majority has been turned into a minority for the sake of commercial interests. In the interests of justice and fair play we trust this will be remedied. Bengal Mussalmans have emphatically protested against the establishment of an upper chamber. Their reasons are two-fold ; first, the question of economy ; secondly, experience shows that upper chambers are of no use to the progress of democracy and the Muslims by faith and practice are essentially a democratic race. Lastly, speaking as a landlord, I feel the Government have treated their best friends very shabbily in the matter of representation. I trust they will reconsider and give the landlords their just rights. I beg in conclusion that His Majesty's Government will do the right thing towards the 350 million population of this country whose destiny lies in their hands and give them as great a measure of self-government as is practicable with safety.

THE HONOURABLE MR. G. A. NATESAN (Madras : Nominated Non-Official) : Sir, the Honourable the Leader of the House in placing the White Paper for consideration before us yesterday very rightly asked us to note the fact that the occasion was serious, the document was an important one, and that the discussion should be characterised by a considerable amount of serious and calm reflection. Since the publication of the White Paper, ten days have elapsed, and I have read very carefully the accounts of the proceedings of the various provincial Councils. And I have listened to the debate in our House yesterday and also this morning. I have read very carefully indeed the pronouncements of politicians of all descriptions, of merchants who have played an important part in the commerce of our country, of the members of the various Round Table Conferences, and particularly with attention the remarks made by those who took part in the last Round Table Conference. I have read also the criticisms in the various newspapers and I find even the *Times of India* feels dissatisfied and thinks that, though some of the safeguards appear formidable, some of them could be modified without detriment either to Great Britain or India. I think the Honourable Maharajadhiraja of Darbhanga, who spoke yesterday, hit the nail on the head when he said that after all this White Paper gave no hope either for those who claimed the status of independence as sponsored by Mahatma Gandhi or of dominion status as desired by moderates. The reasons, therefore, for the hostile reception given to the White Paper, which has been described in various ways in the Council, in the press and elsewhere—in some places as unacceptable, in others as reactionary, in a few places as retrograde and unsatisfactory, in some places where two or three or four adjectives have been used together—are not far to seek. Those who have any idea of the agitation in this country for self-government ought not to forget the fact that His Highness the Aga Khan was one of those who at the last Round Table Conference reminded people that the idea of dominion status was by no means new. Indeed he said :

“ In India already in the nineties men like Gokhale and Mehta and others with my humble self were speaking and writing on this subject ”.

It would be correct to say that political agitation in India for the last so many years has been based on this ambition and with this object in view, and it is because from time to time pro-consuls and reactionary Secretaries of State for India in England have made pronouncements or have been guilty of acts which have made the people believe that Great Britain was not serious in granting self-government to India, that political agitation took various forms. I believe in its worst form it was first seen in Bengal after the agitation for the partition of Bengal. It afterwards assumed different shapes, sometimes in the shape of *satyagraha*, and latterly in the shape of non-co-operation. The situation in India became so serious that Lord Irwin thought it his duty to warn His Majesty's Government that some sort of assurance to the people should be given and that actually a declaration of the policy of the British Government should once again be enunciated, and the result was the Declaration made on October, 31st, 1929, to the following effect :

"It is implicit in the Declaration of 1917 that the natural issue of India's constitutional progress as there contemplated, is the attainment of dominion status".

I may state at once that this announcement was received with great acclamation. Men of all parties and creeds welcomed it, and the result was that the first Round Table Conference, though congressmen did not participate in it was held under happy auspices. Princes and people vied with each other in pleading for an all-India federation leading on to dominion status. Sir Tej Bahadur Sapru, who took a leading part, in the course of a debate in the Federal Structure Committee which was presided over by Lord Sankey, very properly pointed out that the new scheme should ensure that the powers of the Secretary of State are restricted to Crown subjects and that the Council of India should disappear, and he added that the Governor General in future should be the head of the executive government in the same way as the Governor General in the dominions subject to certain changes necessitated by the period of transition. Such was the applause with which his remarks were greeted, men like Lord Reading and others gave them cheer, that Sir Tej Bahadur Sapru ventured to ask the Chairman to note that the real object of the Conference had been attained and to hold that the maximum amount of agreement regarding responsibility at the centre and the status of India as a dominion had been arrived at. A few days after this Conference, the present Premier, Mr. Ramsay MacDonald, said that Parliament :

"is fully aware of what India wants, determined to give to India everything that India can use well, every power, every responsibility, which will make the Indian feel that his destiny is in his own hands".

On their return from the first Round Table Conference, eminent leaders like the Right Honourable Srinivasa Sastri and Dr. Sapru issued a statement in which they said—I would ask the House to mark the words :

"The attainment by India of dominion status is no longer in dispute".

In view of all this, is it very difficult for you to understand why the contents of the White Paper are now subjected to such hostile criticism? It is because, in my opinion, it is at variance with the express promises and declarations made from time to time; it is at variance with the spirit of the announcement of 1917 implemented by the Declaration of 1929. I find this morning in Sir Samuel Hoare's speech, which is reported by Reuter, the statement that he speaks of "a new instalment of constitutional progress". What a fall from the ideal of dominion status to a new instalment of constitutional progress in this year of Grace! It is idle to conceal the fact that the change of

[Mr. G. A. Natesan.]

Government of England from Labour to Tory has had a great deal to do with the shaping of the contents of this White Paper, for it does not contain proposals leading to dominion status as the objective. You do not find any provision which will lead India automatically to dominion status. Any tyro in constitutional politics—indeed if you set a paper to any student in the B.A. or Intermediate Class and ask him what the chief items are which will constitute the elements of a self-governing country—he will tell you at once that defence should be under the control of the people, that the services should be subject to them, and that the powers of the legislature over the executive should be supreme, that it should have financial autonomy, or what, in familiar parlance, is known as control of the purse. Even a superficial examination will show that the scheme certainly cannot stand any of these tests.

Let us take defence first. Defence naturally takes the first place under this head, not merely on account of the huge sums that it involves, but also on account of

“its vital importance to national self-respect and to dominionhood which sums up the aspirations of India”.

For years, we have been agitating for the Indianization of the army, but there seems to be no prospect of speedy Indianization. His Excellency the Commander-in-Chief, who is present today, like a soldier frankly told us the other day in answer to a question that Indianization was an experiment whose success must be proved before anything else. Answering in another place to a question whether members of all classes and creeds will be allowed to enlist, the Army Secretary, again perhaps voicing the views of his Chief, said that they could not afford to have any other than the best material. Is it surprising then that the only statement in the White Paper upon the point is to the effect that :

“the Instrument of Instructions will also formally recognise the fact that the defence of India must, to an increasing extent, be the concern of the Indian people and not of the British Government alone”.

Mark the words “formally recognise”. Of what avail then is our cry about Indianization when we know that out of 3,000 officers only 155 are Indians and capitation and other charges are still wrung from us? There seems to be no hope at all. As the Honourable the Leader of the House said that our criticism should be constructive, I venture to say that, if Great Britain is sincere even in putting us on the road to a self-governing constitution, the Joint Committee must make the position clear, fix a time limit for Indianization of the army so that the ultimate transference of the defence of the country to the people of the country may be ensured.

From the problem of defence I pass on to the services. Much has been said about this yesterday. I will not deal at length with it, but I must point out that for the first time it is explicitly stated here, in spite of the recommendations of the Services Sub-Committee that the Secretary of State is to have complete control over the services. The appointment, pay, control, discipline and conditions of service of the Indian Civil Service and the Indian Police Service are in reality taken away from the central and provincial ministry and one cannot ignore the categorical statement in paragraph 71 of the Introduction to the White Paper that it is intended to safeguard these rights and to extend them to all persons appointed by the Secretary of State even after the commencement of the Constitution Act. We are told that after

five years there will be an enquiry—with what result we can guess—but the sting is in the proviso that, pending a decision on this enquiry, the present ratio of British to Indian recruitment will remain unaltered. This means practically—and I say it in all seriousness after a careful study of the provisions contained in paragraphs referring to this subject—that until the last man in the Indian Civil Service holding an appointment on the date of the passing of the Constitution Act has retired, the Indian Government cannot have real control over the services. I am not surprised that Sir Tej Bahadur Sapru, a leading Indian, who under considerable obloquy and calumny has been working for the success of the deliberations of the Round Table Conference has thought fit to declare, referring to the provisions relating to the reserved services, that

“ these are the ugliest and most reactionary and the most indefensible feature of the whole constitution and as constituting a very grave encroachment on self-government ”.

If this is the case with regard to the services, what happens to the other bigger service, the largest public service in the hands of the Government namely, the railways ?

“ The strangle-hold of the Secretary of State and of Parliament is preserved by means of a statutory Railway Board the terms of whose appointment and the mode of working is again the reverse of democracy ”.

And this is to be created by an Act of Parliament and not by an Act of the Indian Legislature. I would ask the Honourable the Leader of the House and the members of the present Government to note that the Indian public will never be satisfied unless the statutory Railway Board, if it is to be constituted, is constituted by an Act of the Indian Legislature.

Thus then the question of the effective control of the services and the insistence of a scheme of rapid Indianization of the army, leading on to the ultimate control of the defence of India, are of vital importance to us and should therefore in my opinion be the principal planks upon which the case for India should be fought before the Joint Committee. I confess I feel that there is not much hope. Lord Irwin, who is a friend of India, has thought fit to say at Leeds, evidently with a view to consoling his constituents that :

“ They (the services) would be under the statutory protection of Parliament and for many years be linchpins of Indian administration. Moreover, the British army would not be withdrawn from India and the Governor General would continue to exercise direct executive power ”.

Again, Sir Samuel Hoare in writing to his constituents at Chelsea has made remarks in consonance with the observations of Lord Irwin, both of whom are trying to placate the extremists in England. He said :

“ In India the army will remain under the sole control of the British Parliament, while the services will continue their invaluable work under the guarantee of parliamentary protection ”.

I pass on now to financial safeguards. Anyone who has gone through the White Paper will know that 80 per cent. of our revenue is to be treated as non-votable. As regards currency and exchange it will be no exaggeration to say that this is forbidden ground for ministers working under the new government. The development of India's resources is one of the gravest problems now confronting us. The problem of unemployment, the development of our resources, creating new industries to create livelihood

[Mr. G. A. Natesan.]

for our people to make them contented and happy—this is the problem confronting us now and it will be the principal problem for the future. I ask in all seriousness, with only 20 per cent. of the revenues left for this work, with all these safeguards and restrictions, can you possibly do anything for improving the economic condition of the people and developing its economic resources? I hope some patriotic man will be found who will put this aspect of the case before the Joint Committee on our behalf.

Then again, with regard to commercial safeguards. The Irwin-Gandhi Pact stipulated that the safeguards should be demonstrably in the interests of India. Now, in the White Paper, the change is made quite evidently deliberately, that they should be in the interests of England and India. Now I wish to point out that there have been occasions in the past when the interests of India and England have been in conflict. There are occasions now, and such occasions will arise in the future, when the interests of the two countries conflict. I submit that if Britain is seriously anxious to rule India equitably under the theory of trusteeship—which by the way no one hears of nowadays even in the extremist campaign of the Churchills and others—there must be a provision that whenever the interests of India and England are in conflict the interests of India must be the supreme consideration.

As to the powers of the legislature, as has been pointed out by a discerning critic :

“ The Governor General and the governors are to enjoy the power of certification as hitherto, only the resulting laws will be distinguished on the Statute-book by being designated Governor General's Acts and Governors' Acts. The power of making ordinances for six months is continued. To obviate legal doubts that have arisen, it is to be expressly enacted that an ordinance is renewable for a second period of six months. This power could hitherto be exercised only by the Governor General. Hereafter it is exercisable by governors as well. The sum total of these safeguards and restrictions is so large that the scope of responsible government is unduly narrowed, the machinery of government becomes cumbersome and the people feel that they are not fully trusted ”.

I will not dwell, Sir, upon the various other provisions contained in the White Paper as most of them have been dealt with already.

I will say a word about the all-India federation and close my remarks. With regard to the all-India federation, the first condition is the starting of the reserve bank. The second condition is the preparation of the new and enlarged rolls and the third condition is the willingness of the princes to join the federation. Within how many years are these preliminaries to be finished? And mark you, in this connection, in the Irwin Committee's Report there was no condition that Parliament should ratify the scheme of federation through an address to His Majesty. We know sufficiently well the amount of turmoil and storm created in England at present, and we shall have a repetition of the same in the future. We should insist that the Joint Committee should assure India in consonance with the personal assurance given by Sir Samuel Hoare, the Secretary of State, in the third Round Table Conference when he said :

“ We do not intend to inaugurate any kind of provincial autonomy under conditions which might leave federation to follow on as a mere contingency in the future ”.

Lord Sankey very rightly observed :

“ Federation is founded on trust, not on fear, on compromise, not on selfishness ”.

The defects of the White Paper might be summed up in a brief paragraph of a manifesto issued by two distinguished leaders of my Party at Madras, the Right Honourable Srinivasa Sastri and Sir Sivaswamy Aiyar :

" We can only refer to the multitudinous and multifarious safeguards designed to keep the ministry and the legislatures under leading strings. The absence of any provision for giving any useful voice to the legislature in the matter of defence, the imposition of conditions for the establishment of federation, the absence of any limit to the period of waiting for the removal of the obstacles to federation, the requirement of an address from both houses of Parliament to the inauguration of the federal government, the absence of any indication of the termination of the period of transition and safeguards either automatically or conditionally and as to the time of attainment of dominion status or full responsible government, the absence of any power in the federal legislature to make any amendments even in the details of the constitution, the perpetuation of the India Council on a slightly altered basis, the refusal to transfer the control of the services to the Government of India and the prospect of permanent subventions of deficit provinces are not calculated to relieve the gloom in the political atmosphere ".

Sir, in one word, the gravest defect of the constitution outlined in the White Paper is that India is to be governed from Whitehall. It does not seem to trust even the future Indian Government ; it does not seem to trust the Indian Legislature ; it seems to have no faith in the capacity of the Indian people to govern themselves. It contains provisions to keep us long under tutelage. It is hedged in with multitudinous and multifarious safeguards. It would be no exaggeration to say that some safeguards seem to be designed to safeguard safeguards, and one is reminded in this connection of the observations of a great constitutional writer that responsible government cannot be combined with safeguards like this. Professor Keith in an article the other day has well pointed out that according to his reading of history,

" safeguards are in the end bound to prove dangerous and provocative ".

Speaking at the close of the third Round Table Conference Mr. Ramsay MacDonald said :

" I believe that we are going to hammer out a constitution under which India will not only be happy but will enjoy a sense self-respect ".

Can any one, conversant with the previous history of India or the history of its struggle and sufferings for the past so many years and the yearnings of the Indian nation to have its destiny in its own hands, say that the constitution as outlined in the White Paper is one calculated to fulfil its legitimate hopes and aspirations, or one which will improve the self-respect of India in the eyes of the world ? We are told that Sir Samuel Hoare is very sincere. I daresay he is. We are told that England means well by India, that they would give more to us but for the obstinacy of the die-hards, the Churchills, the O'Dwyers and others of the same kind. Surely the destinies of a great country like India with its great past should not be made the victim of party politics at home. The signs of the times are not at all happy. Princes and people have given expression to it. The discontent is deep. Pray, do not convert India into another Ireland. Take courage in both hands and do what is just to India. This is our appeal to the Joint Committee and we trust it has not been made in vain.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI

12 Noon. (Madras : Non-Muhammadan) : Sir, the White Paper which is widely criticised is characterised by some as reactionary and by others as very disappointing. No political reform of any kind has given universal satisfaction in any country and though the

[Diwan Bahadur G. Narayanaswami Chetti.]

White Paper is not free from its defects, let us try to improve it and not reject it altogether. The Montford reforms when introduced came in for a great deal of criticism and one school of political thought, as has been rightly pointed out by the Honourable Mr. Khaparde, practically rejected them to the extent of boycotting councils and they too eventually had to revise their opinion later on and enter the councils. As a matter of fact Madras worked satisfactorily this much criticised and abused Montford reforms under the guidance of no less a person than our present Viceroy who was then the Governor of that province. Everyone who was competent to express an opinion on the reforms proclaimed that Madras was eminently fitted to enjoy immediate provincial autonomy. No doubt the Punjab also worked these reforms well, though some other provinces have not been so successful. Sir, the British Government are determined to give India full responsible self-government in order to redeem the pledges made by British statesmen from time to time and I am sure that the Joint Parliamentary Committee will be able to improve the structure outlined in the White Paper with such modifications as are needed.

Coming to one or two details of the proposals in the White Paper, I should take very strong objection to the indirect election to the upper house, that is, the Council of State, because only people belonging to one political party of the Council may have the chance of coming to the upper house without direct representation of the various interests. Therefore I hope the Joint Parliamentary Committee would see its way not to take away direct election and give the provincial legislatures that power ; it is very difficult for men of independent views to get in unless they follow the political views of a particular majority party in the legislature. There is another thing that I should like to make mention of, and this is the representation of Indian commerce and industry both in the provincial and central legislatures. I hope a few more seats will be given both in the federal Assembly and the provincial Councils to the representation of Indian commerce and industry and I hope, Sir, this matter will receive the careful consideration of the Joint Parliamentary Committee. I am sure that the structure outlined in the White Paper would be improved and full satisfaction given by the Committee before legislation is made by Parliament.

It is unnecessary for me to go into details. I find many of my colleagues have dwelt on some other aspects. In conclusion, I would only appeal to one and all to work up the future constitution successfully irrespective of the safeguards and I am sure, God willing, we shall reach full fledged dominion status at no distant date.

THE HONOURABLE SIR EDWARD BENTHALL (Bengal Chamber of Commerce): Sir, just as any person who had not gone very deeply into the White Paper might say that it contained nothing but safeguards, so anyone coming into the galleries of this House and listening to this debate might say that this House is all against the White Paper. When interests are so conflicting and the problem is so vast and complicated, it is not surprising that members of this House wish to pick holes in the constitutional proposals ; on the contrary what struck me most about this debate was the concentration of objection against so very few subjects ; and secondly, the absence of alternative suggestions. Clearest of all and most pleasant in my mind was the fact that I detected no desire to non-co-operate and a general willingness, subject to some alterations, to work the reforms. I cannot but take this as a

general acceptance of the scheme and a tribute to the wisdom of His Majesty's Government. Mr. Khaparde I think summed up the view of the House; if not in a nutshell, at least he summed it up.

The complaints against the scheme seem to me to divide themselves into four headings, that it does not give sufficient advance, that there is insufficient control of the services, that federation is too distant and that there are too many safeguards. The Honourable Mr. Mehrotra in opening the debate yesterday said that the proposals were retrograde—a word that we have often heard elsewhere, a convenient word for the opposition—but he gave no reasons at all for using that word. The Maharajahdhiraja of Darbhanga was clearer. He said that these proposals are in fact democracy controlled by autocracy. I am sure he would admit, if he were here, that these proposals are an advance over the uncontrolled autocracy which has been India's portion since history began. The proposals are that democracy should normally predominate, but that in an emergency an autocracy should be empowered to take over, and that, Sir, is an example followed by nearly every constitution in the world.

The acid test for Indians is I think the extent to which power is transferred to this country. Of all the speakers who spoke yesterday and today, I think the Honourable Mr. Muhammad Din alone pointed out how great was the transfer of power. It is great. The Morley-Minto and the Montagu-Chelmsford reforms opened the door. The present reforms provide for complete self-government subject to efficient management. His Majesty's Government have over and over again said that safeguards are only to be operative when there is failure. I am surprised really that I for one have more faith than some of my colleagues in this House in the ability of Indians to manage this constitution. His Majesty's Government who are doing the giving can take no risks, but in the face of His Majesty's Government's assurance why do Indian speakers assume that ministers will sacrifice law and order and the financial credit of India and so necessitate the application of safeguards? There is scope in these measures for the national executive to build up in every field of the administration. The constitution is formed on a dominion model, though necessarily at this stage containing provisions which do not find place in dominion constitutions, and it is therefore a big step forward towards the attainment of Indian aspirations. It is not a retrograde movement—it cannot be described as a retrograde movement, and in spite of what Mr. Natesan says it represents an outstanding advance towards dominion status—so great an advance that many wise men are nervous, and justly nervous, of what it will bring forth.

Now, Sir, with regard to the services, in the past India has been a wonderfully efficient and loyal body. Minister after minister has testified to the loyalty with which the Indian Civil Service has served him in the transferred departments. The new constitution is inheriting a magnificent machine. Is there any reason to suppose that the services will be any different under the reforms, even though for five years they will be definitely recruited by the Secretary of State? I would remind the Opposition benches that when they themselves are sitting on the Treasury benches there will be no escape from the heavy responsibility which will rest on their shoulders. They will be taking over a terrific responsibility—for one-fifth of the human race. It is easy for an irresponsible opposition to treat this responsibility light-heartedly, but when they are on the Treasury benches, I fancy that they will require the backing of such vast administrative experience as is contained in the services, and as an instrument of their policy they will require a strong

[Sir Edward Benthall.]

and impartial executive just as much as the present Government. I would respectfully urge on them as they ride on their way to self-government not to swap horses in crossing the stream. I think in fact that the Muslim Conference, whose deliberations were reported yesterday, have put the thing well when they said that it is essential that the Government should have effective control over the services. I am sure myself that the control will be effective while giving the reassurance which the services so rightly desire and so richly deserve. The Honourable Mr. Sinha yesterday put forward many grievances, but if I heard him aright he agreed in the end that the services should be recruited by the Secretary of State for five years. I was surprised at that coming at the end of his speech when there were so many other grievances but I think I heard him aright. I think the Honourable Mr. Sinha was perfectly wise in this decision because at the end of five years we shall have the views of the responsible governments themselves, the views of the responsible ministers based on their experience of five years' working and I would venture a prophecy that at the end of five years it is quite on the cards that the responsible ministers will say that they have had extremely loyal service and that they desire no change.

Another of the complaints made is that federation is far off. My community, Sir, are often maligned for stressing the desirability of setting up the units of the federation before the federation itself. We have often been maligned for putting forward that view but I think that it is now generally accepted. The question is now not whether the provinces should be set up before federation but how long an interval or how short an interval there should be. In this respect I perhaps differ from some of my community. I believe that if we are going to have federation and responsibility, the sooner we have it the better—(Hear, hear)—provided that each step is wisely taken and each course of the building securely laid. I would remind this House that the European delegates in London supported the claim for simultaneous provision—not inauguration—provision for provincial autonomy and central responsibility. It is true that at other times we have pointed out the obstacles which prevent a simultaneous inauguration. Facts are very often inconvenient but we have never created obstacles to a simultaneous advance and we have always endeavoured to find a solution to the obstacles. I have no respect for people, whether in India or in England, who at the eleventh hour try to throw a brick into the machinery.

As I have listened to the speeches made by Members in this House I have not heard any concrete proposals of how federation is to be hastened. I have only heard in fact one clear demand, that a date should be fixed for the inauguration of federation. I maintain, Sir, that it is up to India to a large extent to compel that date by breaking down the obstacles themselves. What are the obstacles? First of all, there is the question of the entry of the princes into the federation. Is it British hands that are holding them back? Everyone knows that His Excellency the Viceroy is doing his utmost to bring them into the federation. I maintain that it is up to British India to persuade them into the federation or to produce some other device, such as nomination by the Crown to the unfilled seats. As to the complaint that they will be a nominated block, I have seen no signs, with a few notable exceptions, that they possess more statesmanship or cohesion than British India.

With regard to the Railway Board mentioned by several speakers, business interests have always pressed for the separation of railway administration from railway policy but they have never desired to take the question of policy from

the legislature. As a Member of this House I would object to that. But the provisions which we ask for concern administration only and speaking personally I would have no objection to this Legislature setting up the machinery for the administration of railway matters within the four walls of such provisions as are contained in the South African constitution with the necessary modifications.

With regard to finance, the Honourable Mr. Mehrotra pointed out that there were four provisions which had to be fulfilled before responsibility could be handed over. He said that these provisions cannot be fulfilled under the present financial policy. I would ask the House to take stock of what the Government of India have done quietly and without blowing their trumpet towards making the earlier fulfilment of these conditions possible. Take the first and the fourth of the provisions,—the provisions regarding the balancing of the budget and the export surplus. The first is, as this House is only too well aware from the recent debates, dependent upon the export of gold at the present moment. But I think this House would also agree that this country is better off than most other countries and will also agree that any improvement in world conditions will very rapidly show its effects in this country. We have at least something which other countries have not got—a balanced budget—and that is a great achievement. His Majesty's Government and the Government of India have done a great deal towards overcoming these two provisions but they cannot control world affairs. But if world affairs take a turn for the better, at any rate this House will agree that the Government of India have prepared the ground for doing away with this provision. Then as regards the funding of short-term debts, have not the Government already made enormous headway in this matter? And how, I would ask the Honourable Mr. Mehrotra, has Government policy —

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : You do not know when world conditions will be better and so the federation will be postponed till that date.

THE HONOURABLE SIR EDWARD BENTHALL : I have said that His Majesty's Government and the Government of India cannot control world conditions but that they have at least prepared the ground for an advance.

And then as regards the question of the reserve bank with adequate reserves, the Honourable the Finance Member in his budget speech pointed out that in the last year or so the Government of India had made no less than £20 million sterling available for the currency reserves of Government and this policy will continue. I ask this House to look fairly on what the Government of India have done in this matter, to admit the progress which they have made and the honesty of their intention, and also to admit how much more would be possible with the help and encouragement of the legislature instead of their barren opposition.

In mentioning financial powers, I must take up one statement the Honourable Mr. Hossain Imam made yesterday. In referring to clauses 17 and 146 of the proposals he argued that the financial adviser would have power to raise loans. If Members of the House will turn to paragraph 146 it is clearly laid down that the federal Government will have power to borrow for any purpose of the federation. The federal Government in this matter means the federal finance minister advised, if he wishes it, by the financial adviser.

THE HONOURABLE MR. HOSSAIN IMAM : But the Egyptian experience stands in the way.

THE HONOURABLE SIR EDWARD BENTHALL : It does not necessarily follow, if the finance minister fulfils his duties in other ways, that the safeguards will be brought into operation.

I would ask this House in regard to these proposals to look at this question of reform from a business point of view and I hope they will forgive me if I quote a business simile. The old partner in the firm, moving with the times, has decided to meet the legitimate urge of the younger men, has expressed his willingness to take new partners into the business. He says to them : " I have run this show successfully for very many years, the firms' credit is high, the business has been running smoothly, and now I am going to give you your chance. You shall have full control and so long as you run things properly I promise you I shan't interfere. But I have a lot of money in this concern and a responsibility for many souls whose fate has been thrown within the orbit of the firm. I cannot allow things to go wrong. I am going to lend you my credit, to prop you up, my advice and help is freely available, you shall have the very best staff and if things go wrong, I reserve the right to resume control. Go ahead now and good luck to you."

THE HONOURABLE MR. G. A. NATESAN : But who keeps the cheque book in the meanwhile ?

THE HONOURABLE SIR EDWARD BENTHALL : It is left with the younger partners provided they use it properly. That, Sir, is the position. This is a business house, and the House will understand the simile. The House will agree, I think, that that is the way they would go about their own business and I appeal to them to give as fair an opportunity to the Government of India proposals as they would to their own affairs. For, that is what His Majesty's Government say in effect : " Will you come into a generous partnership ?" I would ask the House to look at it in this light and not to reject it lightly, because of some minor defect, but to look at the broad issue and meet His Majesty's Government's confidence with confidence in return, for if you go into this grudgingly and in a spirit of non-co-operation, it can only jeopardise beyond repair the future running of the whole business.

The Honourable Rai Bahadur Lala Jagdish Prasad said that very great stress was laid on the safeguards. I maintain, Sir, that the very nature of the White Paper necessitates great stress being laid on the safeguards. The White Paper gives to India freedom subject to proper management of affairs, and there is no need to define freedom or responsibility, no need to set out those powers, because those powers embrace everything, and that is why the safeguards, which are limited, loom large for the very fact that they are limited. The intention of His Majesty's Government is that the governors and Governor General shall reign and that the ministers shall govern, but if the ministers do not govern, then the governors and the Governor General will have to govern, for in an emergency you will all admit that somebody has got to govern. Every time a safeguard is exercised, it will mean that somebody has failed, and failed badly, because you can take it that safeguards will not be lightly used. I think myself that when ordinances are issued, they will more often be ordinances issued by the governor in council rather than ordinances issued by the governor himself.

Looking round the world today, every country in the world is crying for a powerful government and stability. The case of Italy and Russia I need not refer to. Great Britain, due to its inborn genius, has been able to set up

the safeguard of a national government. France's troubles are largely due to her unstable government, but her strength is due to her logic and her patriotism. In Japan, the army is ruling the government. In America, after an interregnum, the people are looking forward to a period of hope again. The House of Representatives and the Senate are willing to pass any legislation which a powerful executive may put before it ; hope has now arisen, and the principal reason why hope has arisen is that an irremovable executive has been set up for four years. President Roosevelt, together with Mussolini and Stalin are the three most powerful autocrats in the world today. In Germany we have recently seen an empowering Bill which enables the Government to rule for four years and to promulgate laws in defiance of the constitution, and this Bill was passed by the Reichstag by the majority of 441 votes to 94. Those 94 were communists. I would point out the moral of this, that while these nations are prepared to give powers into the hands of their governments for four years at a time, the ordinance powers are limited to six months. That points out how much more moderate our proposals are. It is clear then, that if the world agrees on the necessity of these autocratic reserve powers, there must be some justification for them. I would ask what this House can recommend as a substitute. Is the House really prepared to throw away the prop of British credit which has stood us so well in these difficult times and has brought our credit down to 4 per cent. ? And what substitute is there for many years to come to hold this country together in a crisis other than the Viceroy and the Governor General and all that he stands for ? In moments of great national crisis in Italy and Germany we have seen the black shirts and brown shirts, respectively, restoring order in their country. Would this House trust to the civic sense of, shall we say, a red shirt movement to restore the constitution in time of trouble ? I think not. The Honourable Mr. Hossain Imam has pleaded for unity on the part of the people of India in pushing forward the reforms. I heartily endorse that, and I can promise him European co-operation in these reforms. (Hear, hear.) But Sir, I would point out that the recent experience of many countries have proved the wisdom of the words of one of the old Anglo-Indian poets, which I will read out to you :

" Rough is the path of war and bloody the steps to a throne,
Sharpest the conflict of all when the bonds of a nation are broken,
When house is set against house and each man fights for his own ".

At this juncture, at this critical moment in the history of India, I would ask you to face facts squarely. There is no substitute for the Governor General's safeguards and if safeguards are necessary, it is essential that they should be effective.

THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT (Bombay : Non-Muhammadan) : Sir, we are here today to give our verdict on one of the most momentous documents ever produced by His Majesty's Government concerning the future constitution of this country. As elected representatives of this nation we are expected to give our verdict after a most careful and impartial study of the merits and demerits contained in the White Paper under discussion today. I am not one of those who wish to summarily dismiss that historic document. I would like to discuss it especially because it is the outcome of the labours of the Great Parliamentarians who have had the zealous co-operation of many Indian politicians. No one here or elsewhere can say that Indian leaders who joined the Round Table Conference at the risk of their popularity were not men of intellect or national spirit. I admit, Sir, that the proposals contained in the White Paper fall short of what the Indian

[Sardar Shri Jagannath Maharaj Pandit,]

intelligentia expected after all the sacrifices it had made. We still hope that His Majesty's Government will take into consideration the various statements issued by the leading politicians and personalities of India and modify the proposals to a considerable extent when they go up before the Joint Parliamentary Committee so that it may satisfy the wishes of those who are eager to work the coming constitution.

While dealing with the proposals, let me refer to the question of federation mentioned on page 31 of the White Paper. In paragraph 4 certain conditions precedent to the establishment of the federation have been laid down. We find that the Proclamation would be issued only when a joint address of both the Houses of Parliament is presented to His Majesty. So far it is satisfactory because these conditions may be fulfilled at any time when the Prime Minister and the Cabinet, backed by the parties in power, so desire. But, Sir, we feel it absolutely essential that there should be a definite time fixed to issue the proclamation, and we also feel that such provision should be made in the coming constitution as would avoid the need of referring the matter again to Parliament as was done in the case of the colonies. Further, it is not convincing how it would be possible to bring the federation into existence at an early date when such conditions like the one referred to above and the need to have joint parliamentary address, etc., are kept as essential factors for the inauguration of the federation.

Now, Sir, I will invite the attention of the House to another point of importance relating to the proposals regarding the public services. We find that the imperial services are to be under the direct control of the Secretary of State and in Appendix VII a number of safeguards are provided for those in the imperial services. All this indicates that there is an utter lack of trust in the Indian public servants, ministers, heads of administrations and legislatures who are to be guided by those who are 6,000 miles away from the scene of action. The same is more or less true of the provincial and imperial service people. We do realise the great need to give public servants all securities and safeguards so that they may work efficiently and honestly. But those are safeguards which *we wish to give* for their labour so that they may be responsible to us and to our immediate governments. Here I do not wish to discuss about the Enquiry Committee to be formed five years after the new constitution comes into force. I would end this point by saying that half the number of the proposed committee should contain Indian ministers and that its conclusions should be binding upon the Government of His Majesty.

Then, Sir, without dealing with the undue reservations and safeguards provided to certain commercial classes, I would like to take up the question of representation of the landholders in the provincial and federal legislatures. I, being a landlord myself, am particularly and naturally much interested in their representation. When I scanned the page containing the representation of the landholders in the legislatures as recommended in the White Paper, I found two distinctive features. In all the provinces, the number of representatives of the landholders class has been maintained as under the Montford reforms of 1919, whereas the total number of seats in all the provincial councils and in the central legislature have nearly been doubled. In other words, the representation of the landholders has been greatly reduced on the basis of their not having proportionate representation in the ratio of the increased seats allotted to other constituencies. Taking for example the proposed total representation for the provincial legislature of the Bombay

presidency and the representation of the Bombay landholders given for the federal legislature the position is that, at present, the landholders of Bombay have two seats in the Legislative Council, one for the Gujerat landholders belonging to the northern division, and the other for the landholders of the central and the southern divisions together. The latter seat is contested amongst the central and the southern landholders with the result that the representative of the central division always succeeds in the election as the number of landholders in that division is greater than that in the southern division. In order to remove the grievances of the southern division landholders, we suggested to the Simon Commission that two seats be given for the central division landholders and one for the southern division. As far as I am aware our proposal was strongly backed up by the Bombay Government but to no purpose. As regards the landholders' representation from the Bombay presidency in the Assembly, at present there is only one seat, which goes by rotation between Sind and the presidency proper. We made a very modest demand for only three seats for the presidency proper, but I regret that no notice has been taken of it. I would urge here that in the Council of State at least one seat be set apart for the representation of the Bombay landholders. In this connection I may state that the landholders are the backbone of the British Government, and if they are not supported the Government would be weakening their own position and power. It may not be out of place to mention here that the landholders as a class, all over India, may legitimately claim, that the proportion of their representation in the legislatures be maintained in accordance with the increased number of seats.

Sir, it is often argued that there is no necessity of special representation to the landholders, sardars and jahagirdars in the councils, when they can very well be elected through the general constituency. I really wonder at the mentality of those who say so. The point worth considering most is that in the general election unless a landlord, inamdar, or sardar, champions the cause of and goes under the ticket of some party, such as communal, liberal, nationalist, congress, etc., then only is there a chance of his success otherwise not. Communal representation is altogether different from class representation. Adequate representation to the special interest would always serve as a restraining influence on the Council and will ultimately serve the purpose of a second chamber. The presence of this class in adequate numbers will serve as a healthy check on hasty and ill-considered legislation. These representatives having a very large stake in the country will always be persons of balanced views and their voting will be guided by reason and sense of responsibility.

In conclusion, Sir, I would say that though the proposals contained in the White Paper in some way paves the way for the progress of the country, they need to be considerably modified so that some of us who are anxious to work the new constitution may find our way smooth and have less opposition from Indian public opinion.

THE HONOURABLE MR. BIJAY KUMAR BASU (Bengal : Nominated Non-Official) : Sir, from the discussion that we had in this House yesterday and today, I find that the proposals for constitutional reform as contained in the White Paper have been almost taken as sacrosanct and criticised from that point of view. The framers of the White Paper themselves, if I may say so, did not arrogate to themselves that position for the White Paper for the following will be found in paragraph 3 of the Introduction :

"Nor must it be assumed that the present proposals are in all respects so complete and final that a Bill would contain nothing which is not covered by this White Paper".

[Mr. Bijay Kumar Basu.]

I would therefore ask my friends in this House and through them the outside public to try to improve on the White Paper, and not to destroy it not to play into the hands of the enemies of our aspirations. Put forward your constructive criticisms through public bodies, so that they may reap the Joint Select Committee in England, and through your representatives in the Joint Select Committee push forward your claims for changing what you think should be changed. The White Paper, I hold, is an admission by the British that government without consent is no longer a practicable polity in India Sir, I say to my countrymen, "Take advantage of that position and go on hammering away till you can get real dominion status or self-government for which we are all hankering." The proposals may yet be changed in the Joint Select Committee. Then why should we give up hope. Accept the White Paper as a basis for discussion and present a solid united front and our goal, I daresay, will be achieved—the best that Indo-British co-operation and enterprise may achieve.

We have today from the representative of the European community in this House, Sir Edward Benthall, the hand of friendship which he extended, the hand of co-operation which he gave to us, saying that he and his community would support the idea of unity and I am perfectly sure that if we Indians can present a united front along with our friends, the Europeans, the results that we want to achieve would be achieved at no distant future. It has been, Sir, the opinion of the die-hard Tories in England that the White Paper has not been a deed of partnership but an instrument of abdication. The extremist opinion on the other hand here in India has been that the White Paper has been hopelessly unsatisfactory, retrograde, and even worse than the present constitution. Now, are we going to accept either of these views; either of the die-hard Tories in England, or our extremist friends out here? I, for one, would not take either of them. For the smooth working of the constitution, whatever the constitution may be, in a country like India where there are diverse interests and much more diverse communities, good will is absolutely essential and I think that that good will should come from both Britishers and Indians. The opinion of the British people who are sympathetic to our aspirations about the White Paper is that the White Paper represents the utmost that a large section of the British think can safely be given, and an irreconcilable attitude on our part will be to play into the hands of those who think that the British have given too much. Mutual trust, I say, is absolutely necessary to work a constitution based on the lines suggested by the White Paper, and most of the averse criticisms, I make bold to say, is based on distrust of the British resulting in the idea that all the safeguards that are contained in this White Paper and the special powers would be daily used by the Governor General or the Governor if not for any other purpose but merely to spite our aspirations. Safeguards may have to be used in the beginning oftener than it may be expected. Afterwards, when we have healthy co-operation and mutual trust, I am sure these safeguards will automatically vanish. The list of safeguards in the White Paper is certainly a formidable list, but I am confident the formidableness of this list will vanish if there is good will, trust and confidence on both sides. If there be a genuine desire and an honest desire to work the constitution, safeguards will never be required to be put into operation. Repeated and recurrent use of safeguards in every-day working will be an assumption of failure which the British Government will certainly try to avoid both for our sake as well as for theirs. Yesterday my Honourable friend Mr. Sinha mentioned about the certification of a grant which was refused by the Bengal Legislative Council for renovation

of Government House carpets and that grant was restored by certification on the ground that the refusal of the grant was a great menace to the peace of the province. That is what the Honourable Mr. Sinha said and I ask how ridiculous will the particular governor or Governor General look if he has to certify things like that time after time when such grants are refused? They cannot go on using the safeguards every day.

THE HONOURABLE SHAIKH MUSHIR HOSAIN KIDWAI: Why?

THE HONOURABLE MR. BIJAY KUMAR BASU: Safeguards from their very nature will have to vanish if there is good will, trust and mutual confidence.

Sir, I do not wish to cover the grounds that have been already covered in this House by the other speakers. I do not want to enter into details. There is one thing which strikes me—the dual nature of the composition of the federal legislature, namely, the states and the provinces. The peculiar position in this country is that we have to federate between two classes of people who have very little in common between them. The states are considered to be sovereign entities and the provinces are British Indian provinces under the British Crown. The princes want to come into the federation on their own terms. They want more representation in both Houses of the federal legislature than they really are entitled to. As it is, in the White Paper they have been given one-third of the number of seats in the lower house and more than a third in the upper house, and considering that obstacles are being placed on the completion of the system of federation by the princes at the present moment, I would have suggested that along with provincial autonomy granted immediately under the White Paper the federation of the provinces alone without the princes may take effect simultaneously. I feel, Sir, that responsibility at the centre should not be delayed one day longer than may be absolutely necessary. Of course if the princes have to come in, and if they are prepared to come in, it will take time, but I appeal to the British Government as well as to the Government of India not to delay the introduction of central responsibility a day longer than is absolutely necessary after the inauguration of provincial autonomy.

Sir, there is one point which I would like to refer and which has been referred to by the representatives of Bengal in this House, that is, about the second chamber in Bengal. Owing to the peculiar circumstances of the province, I think the second chamber is a necessity. It has been said that it would be expensive and that a province like Bengal would not be able to afford a second chamber. I think, Sir, the necessity of a second chamber is such that even if we have to put our best efforts to find the money and to economise in all other respects, I, for one, would support the proposal for the second chamber. But, Sir, in the proposals of the White Paper I find that in that second chamber there is the incubus of communalism. I would appeal to the members of the Joint Select Committee to have that incubus removed from at least the second chamber of Bengal.

On the whole, Sir, this White Paper has been denounced in this House as well as outside and I share their views to this extent that it is an unsatisfying document, but even an indifferent thing may be so worked as to yield good results; but the manner in which the reforms have been worked in the past can hold out no big hope, except that as Sir Edward Benthall puts it, that from the remarks in this House, it is apparent that there is a sincere desire to work the reforms with amendments here and there. And if that spirit is preserved, I have no doubt that in future the reforms as envisaged by the White Paper

[Mr. Bijay Kumar Basu.]

with such further amendments as may be necessary by the Joint Select Committee would be accepted by everybody in this country and worked for the good, both of Great Britain and India.

THE HONOURABLE RAJA CHARANJIT SINGH (Punjab : Nominated Non-Official) : Sir, the White Paper for which India has been waiting for a long time is now before the country. It raises issues of the greatest importance and contemplates changes which are of a far-reaching character and of unparalleled magnitude. The Government said in the very beginning that they would accept any proposals which had the largest measure of agreement. I submit, Sir, that they have sincerely kept their word not only in the spirit but also in the letter. Although some have expressed dissatisfaction about details yet none has challenged, either in this House or outside, that it does not represent what was found to have the largest measure of agreement at the three Round Table Conferences. If it has not achieved more the responsibility lies on the shoulders of those who either for provincial limitations or communal prejudices failed to come to an agreement. Although the idea of self-government has been before the country for a long time yet no practical alternative has been produced so far. Every effort in that direction has been shattered on the rock of disunity. However, it is not too late even now because the picture is by no means complete, and before the Bill is drafted, final touches are to be given to it at the Joint Committee stage. Our efforts should therefore be concentrated on the importance of unity and of sending to the Joint Committee only those who look at the problem from an all-India point of view. Any one who reads the proceedings of the last Round Table Conference cannot fail to appreciate the remarkable sincerity and good will towards India or Sir Samuel Hoare and the great help which Lords Reading and Irwin have given. It is also fortunate that in His Excellency Lord Willingdon we have got a Viceroy whose sympathies with our aspirations are well known.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay : Nominated Non-Official) : Sir, I do not propose to discuss the attacks made upon the White Paper. The Honourable Sir Edward Benthall and the Honourable Mr. Basu having anticipated several of my arguments with regard to the safeguards provided in it, I would only add one word. And that is, that no Governor General or governor who knowing and realising his grave responsibilities to the full, would, for the sake of harassing or intimidating his council or cabinet exercise these powers—calculated to make government impossible. Emergencies may arise : he may have to take action but certainly not to hamper the even tenor of their legitimate duties. These extraordinary powers have been characterised as shackles and fetters. They are neither. They are emergency brakes or checks in order to prevent dislocation of functions and to guard against chaos. They are for the safety of good government.

So far as Indian questions are concerned, it has hitherto been the boast of all parties in the Parliament that they are free from party politics. Unfortunately, however, at the present juncture party politics have entered the field to mar the prospects of constitutional progress. The Governor General's powers are no doubt very extensive, but the circumstances are extraordinary. I would put it to the Honourable Members whether it is not the fact that to some extent India herself is responsible for the conferment of these rigorous powers. We know but too well what the conditions of the

country are. I do not desire to recapitulate them as I fully described them in my maiden speech during the last session. The conflict and diversity of interests are so great that there must be a master hand to keep everything in smooth working order lest the machinery of good government break down. I base my support to the White Paper,—it may be a qualified support, if I may say so, upon the basis of provincial autonomy. For, it is upon the day to day administration of the provinces that the happiness of the people lies. We are going to create eleven autonomous states in which the councils are elected by the people upon the basis of a liberal franchise. The ministry is derived from the council. There is no separation of transferred and reserved subjects. No nominations and no official block and the officials are not eligible for election. The government thus practically is to be vested in the hands of the council. It is thus Indians themselves will have the responsibility to make or mar these autonomous states. Extensive powers are theirs. It is possible that difficulties may arise but they would be encountered. It has been said that in the present system of dyarchy there exist subtle differences :—that heads of departments or secretaries have access to the governor and are able to over-ride the decisions of the ministers. Whether such is a fact or not I am not in a position to vouch. Certain it is that when rules and regulations come to be framed, it is to be hoped ministers would be endowed with full powers to control their departments. Central responsibility is of course likely to follow as soon as the creation of federation is settled.

With regard to the services, Sir, I put it to the Honourable Member whether, considering the fact that these services are Indian, that they work in India under the control of the Governor General in Council, whether the time has not arrived when the control of the Secretary of State for India may not be relaxed. The Governor General is endowed with vast powers. Is he not then competent to discharge the powers of recruiting his own services through the Public Services Commission or in other ways? And whether he will be less solicitous or less jealous to secure and preserve their prerogatives and privileges than the Secretary of State for India.

Sir, considerable advance has been made with regard to these services and Indianizing. There exists however most unfortunately one service that has become the shuttlecock between Great Britain and India, and that is the Indian Medical Service. Whenever any Secretary of State, like Lord Morley or Mr. Montagu, attempted any modifications and improvements, up came the British Medical Association to frighten them with grave consequences. This body has always been hostile to Indian aspirations; it has been successful in defying the War Office and the Admiralty through a boycott among the medical profession in England against these departments. It is not a disinterested body. It bears no love for India, nor to the Indian profession, nor even to the Indian officers of the Indian Medical Service. Its interests are solely confined to the European section. So long as the Secretary of State consults that body I despair of securing any benefit to the Indian profession. Look at the terms of recruitment at present. The Secretary of State nominates candidates and they are sent out on a six years' or a twelve years' contract during which they have all the privileges of permanent officers. At the expiration of their terms they are entitled, if they like to elect to serve in the permanent cadre or return to their country with free passages and gratuities of £1,000 and £,500 according to the length of the contract. India, Sir, cannot afford this luxury. I do not see why competitive examinations should not at once be reinstituted and the best men selected here. If the Lee

[Khan Bahadur Dr. Sir Nasarvanji Choksy.]

Commission's quota has still to be adhered to—two Europeans to one Indian—let it stand. There is proportionate recruitment for the Indian Civil Service and other services then what bars the Indian Medical Service as well?

Sir, with regard to the Council of the Secretary of State for India which will still exist, though not in name, it has been proposed that he should have at least three advisers and not more than six. It again becomes a top-heavy body. I would suggest only four, two of whom should be Indians with previous Cabinet experience and two Europeans with ten years' service under the Crown in India, immediately prior to their appointment.

Then, Sir, I come to discriminatory legislation and it is a very big item in the reform proposals. If the Honourable Members will refer to page 59 and paragraph 123 they will find that equal privileges are accorded to both the countries allowing their subjects to reside, to trade and to carry on commercial or professional activities. There occur, however, four lines in small type which I will read out, Sir, with your permission :

"A question which will require separate consideration arises with regard to the registration in India of medical practitioners registered in the United Kingdom. A Bill which has an important bearing on this question is at present under consideration in the India Legislature".

I am afraid, Sir, the writer of this paragraph has made a serious slip. There is no question of British medical men coming and practising in India. This right is admitted in the Bill now under consideration by the Assembly. It does not arise anywhere. But suppose for instance the General Medical Council says that a man from Liberia or Timbuctoo whom they have registered, should *ad hoc* be registered in India. This country should resent against domination without adequate information. The question therefore is not that there is to be any discrimination against Britishers. It is the other way about as there has been discrimination against Indians for the last three years.

THE HONOURABLE SIR EDWARD BENTHALL: You would not deny the right of British medical practitioners to serve in this country?

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY: Certainly not. They are welcome. Amongst the members of the Indian Medical Service I have some dear friends with whom I have closely associated for years and have worked in various researches. I am not opposed to them in any way but I must say that if there is to be reciprocity it should be equal reciprocity on both sides. What we want is a fair deal.

With regard to the Public Services Commission, Sir, there was an interesting discussion in London the other day when Sir Ross Barker, who was the Chairman of the Commission in India, and also Sir Philip Hartog, a Member, said that the Public Service Commission was a most impartial body and that no distinction was made between a Hindu, a Christian, an Anglo-Indian or a Sikh, and that those who could have listened to their deliberations from outside could not have been able to make out whom they were discussing. Sir Ross Barker said that advance in the way suggested was necessary but the great difficulty was with regard to the personnel of the Public Service Commission in the provinces. One remark he made is very apposite and deserves serious notice at our hands. He said that :

"a good Public Service Commission may become a powerful instrument for good, but the experience of other countries shows that a bad Commission may become a peculiarly noisome example of the whited sepulchre".

These are the views of a man who has worked and who knows thoroughly what he is speaking about. He has adverted to one point, namely, that certain rules were framed by the Secretary of State, but they were not put into force. Sir Ross Barker contended against the practice and drew upon his experience as a Parliamentary draftsman. He said that he had never known an Act of Parliament creating a control which it did not intend to be exercised. Here, it seems he was prevented from exercising that control with regard to the services. Sir Philip Hartog referred to another point that the Government kept its recommendations and decisions secret and that the Commission would have a far easier time if it had the power to make them public.

Sir, although I never had the privilege of sitting at the feet of Dadabhoi Naoroji, I have had many opportunities of listening to Sir Phirozeshah Mehta, both vehement critics of Government but who withal had full faith and confidence in British honesty, integrity and fair play. They never wavered in their faith that Britain would implement the promises she had made. I am of that faith, humble as I may be. It is true that the Mother of Parliaments is slow, very slow, cautious, too cautious. But, Sir, is it not better to be cautious than take a leap in the dark? The destiny of India rests in the hands of the sons of India. We want men of intellect; we want men of brains; we want men who would place the country above themselves, and who would work with a singleness of purpose with fair play, honesty, good will and justice to all. Then and then only would India be able to hold her own at no distant date. If we are true to ourselves, we shall be true to India as well.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated: Indian Christians): Sir, a careful study of the proposals leaves the impression on one's mind that the responsibility as adumbrated here is only in name. Safeguards there must be in the beginning, but the safeguards must not be iron-bound safeguards which cannot be got over. So far as India is concerned, I could confine my attention to two safeguards. First is the question of the military expenditure. We do want a strong military force for purposes of defence, for purposes of keeping the internal peace and so on, but the question is, how much can we afford? If the amount to be spent on the military charges or on defence is prescribed now, I think we shall be in a safe position, for my own impression is that India has been taxed to its utmost limit, and any further expansion of taxation is not likely to take place in the near future unless the world conditions change for the better. So far as the expenditure, therefore, is concerned, there must be some limit to it; otherwise, as the proposals show, the military expenditure would not come under the vote of the House, and the amount would be determined by the army council or by the army adviser, and whatever he considers necessary will have to be met. As regards the services, there must also be a limit to the recruitment by the Secretary of State. So far as the Indian Civil Service is concerned, I could bear testimony to the excellent work that they have done in the past and they are doing now. We do want the Indian Civil Service for many years to come and I may note here that it is a pity that the statutory one-third has been taken away from the strength of the High Court. I hope that even though the statutory one-third is taken away, many members of the service will be appointed to the High Court and that they will give the benefit of their experience to the Court. But what I do say is that every service should not be put on a par with the Indian Civil Service. The Secretary of State is given a free hand to appoint any number of persons, to recruit for any number of services, and to pay them whatever he thinks proper. Sir, that would be a very heavy burden

[Sir David Devadoss.]

upon India. As I say, let the Indian Civil Service by all means be allowed to retain its present privileges and let the future entrants also have these privileges, but no other service should have the same privileges and the same scales of pay and other advantages which the Indian Civil Service now enjoys.

There is one other subject which also requires consideration. Sir, we have sunk a lot of money in the railways. The railway administration is a very important one. The idea of appointing a board which is not to be subject to the Indian Government is certainly not in the interests either of India or of the railway administration. There ought to be a board which would be above the influence of politicians and which would not in any way be subject to the whims and fancies of people who seek to sway the feelings of the masses at the time. But the board should be one which is appointed in India—I do not mean merely Indians; Europeans and Indians as well—but it must be subject to the control of His Excellency the Viceroy and the Government of India. It should not be a board above the Government of India. If it is to be appointed by the Secretary of State, whatever might be its merits, the smooth working of the railway administration will be a very difficult one. For, in order to infuse confidence into the people, it must be one which is appointed by the Indian Government and which is subject to the control of the Indian Government. The appointing of a board in England by the Secretary of State means that he has no confidence in the people here. Sir, trust always begets trust. If you repose confidence in one, he naturally reciprocates that feeling. But if you start with a sense of distrust, then distrust itself begets distrust. Some Honourable Members have said here, “Trust the British Parliament; trust the British people”. The same thing may be said the other way about. Therefore, let us work together by trusting one another. Whatever may be the defects of the proposals before us, they are not final; they are tentative proposals to be placed before the Joint Parliamentary Committee. Let us not regard them as the final constitution, but in placing these proposals before the Committee let us both trust one another. Let the British people trust the Indian people and let the Indian people trust the British people that things will come right. Sir, I would ask one and all to support the proposals and try to amend them, not to end them. If we go about it in the right way and point out the defects, I am sure the Parliamentary Committee, which is likely to be a very fair one, will take a fair view of things and will frame a constitution in such a way as to enable us to realize the aspirations which every patriotic Indian has.

THE HONOURABLE MAJOR MAWAB SIR MAHOMED AKBAR KHAN (North-West Frontier Province : Nominated Non-Official) : Sir, the publication of the long-awaited White Paper on Indian constitutional reform has so much engaged the attention of public opinion that one does not find any other question in the country now raised in the papers except the publication of opinions of various bodies, political, religious, commercial, industrial and all institutions worth the name, individually or collectively, since it was published on the 18th March. There has also been an expression of opinion on it by several round tablers, Indians as well as Englishmen, who all through the meetings of the three Round Table Conferences have tried their best to frame a self-governing constitution for India. The proposals embodied in the White Paper have also been made the subject of debate in the various provincial councils in this country. A common factor which one notices in the pres-

reports is these expressions of opinion on the White Paper by politically-minded persons in the legislatures and outside of them is the regrettable description of the proposals as unsatisfactory to each and every class, community and political body in this country. It has been so described in the Madras Council on the 23rd instant and in the Bombay Council on the 24th. It has been recorded as a blank cheque in my local Council of the North-West Frontier Province as reported on the 24th March. It has not proved satisfactory even to Sir Tej Bahadur Sapru and Mr. Jayakar, although they advise us to approach it from a political point of view. In short, the crux of the question is that no one is pleased with it, as he does not find it according to his expectations.

THE HONOURABLE THE PRESIDENT : If the speech of the Honourable Member is a long one and is written, I am prepared to regard it as delivered in order to save time. As all these speeches will have to go to His Majesty's Government, I am prepared to take it as delivered in order to save time. But this will not be regarded as a precedent. This is a special occasion when I am anxious to give all Honourable Members every possible opportunity of expressing their views. In the case of written speeches at this stage of the debate I am of the opinion to which I have just given expression. I will take your speech as delivered and it will be reported in full.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN : Well, Sir, I have no objection to your ruling, but it is no fault of mine. Since yesterday I have got up at least 300 times and if I did not catch the eye of the Chair, it is no fault of mine.

THE HONOURABLE THE PRESIDENT : I did not say it was any fault of yours. I will regard it as delivered.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN : But I want to put forward a few suggestions from the Muslim point of view. I will not say anything more about other points which have been raised.

THE HONOURABLE THE PRESIDENT : You can make those as briefly as possible.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN : One of the things I want to suggest is direct election to the Council of State. I think my Honourable friend Mr. Muhammad Din said that by indirect elect on the people who are returned to this Council will be representatives of territories and not of the people. I would also add that in the local councils there are so many parties and people returned by them will be representatives of parties and not representatives of the people in the true sense. That was one point which I wished to make with regard to election for the Council of State. Further, I wanted to say something about the inadequate representation given to zemindars, but that will come in as you say that the speech is to be taken as read.

A third point I wished to make relates to the states. As you know, Sir, Indian States' subjects have been given the privilege of competing for the Indian Civil Service, the Indian Medical Service and for commissions in the army. I want the same privileges to be extended to British Indian subjects in the states. There should be reciprocity in the matter between the Indian States and British India. If facilities are extended to them I want the same

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facilities for British Indian subjects in the Indian States. Secondly, Sir, I want that full religious liberty and the secular laws enjoyed by the followers of different religions in British India should be enjoyed in all the Indian States by the subjects of such states, whether Muslims, Hindus, Christians, Parsis or any other sect. This is what I wanted to bring out, Sir. For the rest, as has been said, I will hand over my speech.

THE HONOURABLE THE PRESIDENT: Thank you. Your whole speech will be reported.

(The portion of the Honourable Member's speech which was not delivered is reproduced below.)

No doubt that it does not please anybody in the country, but, Sir, there has never been a time in the history of the world ever since its existence when the entire population of a single country, not to say of the whole world, has been of one opinion about a thing. It is the usual practice with every nation of the world, however civilised it may be, that there is some difference of opinion on everything good or bad. No nation in the world, whether past or present, has so far arrived at a unanimous conclusion about anything, whether political, religious, social, economical or anything else. Differences of opinion there has been and is to be in future also so long as there is brain in man. There have been dissenters to every proposal or reform in the world but it does not mean that these proposals or reforms have been wholly unacceptable. Similar is the case with the proposals of reforms as embodied in the White Paper. Although there is a great hue and cry throughout the length and breadth of the country, about its unsatisfactory character (for so it can be surmised from the press reports) it does not mean that the proposals contained therein are wholly unacceptable. Deficiencies there have been in every scheme, however wise and well thought upon, and so it must be the case with the proposals embodied in the White Paper, but as those deficiencies have always been open to modifications, the deficiencies in the White Paper can also be set right provided these are duly brought to the notice of its composers.

From the Muslim point of view, Sir, the White Paper as composed at present stands in need of the following modifications:

1. (1) Election to the upper house of the federal legislature, i.e., the Council of State, should be by direct method and on the basis of separate electorates for the Muslims.

(2) Election of members for the Council of State by means of the single transferable vote of the members of the provincial legislatures is feared will result in gross injustice to several aspirants for this Honourable House. It is just possible that a deserving person may not have the chance to be elected for this House owing to party feelings in the provincial legislatures. In that case it is the interest of the people, not the defeated candidate, that is going to suffer. Besides this there are so many heterogeneous elements in the councils that a nominee of them cannot be called the true representative of the people. Since the representation of the interests of the people is more important than the whims of the parties in the provincial legislatures, it is most essential that election for the Council of State should be by the direct method, so that the people themselves might have an opportunity to send their own representatives who will be responsible to his constituents and not a nominee of the council who will be responsible to nobody.

It is further desired that the Muslim representation should be on the basis of separate electorates, so as to ensure their due proportion of representation according to their number. In any case it should not be less than one-third of the whole House.

2. (1) So far as I understand Muslim representation in both houses of the federal legislature has been consented to by the Government of His Majesty at the proportion of one-third of its entire number on the Joint Memorandum of the Muslim Delegation to the third Round Table Conference but it is regretted that there seems to be no mention to this effect in the White Paper. It should, therefore, be so modified as to fix the Muslim quota of representation in both the houses at one-third of their entire numbers. It can be effected either by reducing the number of state representations or by increasing the Muhammadan quota by making a corresponding addition to the total strength of the house so that the Muhammadan representation should come to be one-third of the whole house.

(2) Being a zemindar myself I very much regret to find that no representation has been granted to this class in the Council of State. In the federal Assembly the landholders have only been given seven seats, one for each province—Madras, Bombay, Bengal, the United Provinces, the Punjab, Bihar and the Central Provinces. Nearly 80 per cent. of the population of India are agriculturists and they pay to the Government a considerable sum in the form of land revenue and water rate which are considered to be the chief sources of income for Government. In other words, the agriculturists are the backbone of the Government in the matter of income and as such is it not a pity that they have been granted no representation in the Council of State and only seven seats in the Assembly which is quite inadequate as compared with their number. No matter whether they come of a different stock, belong to different provinces, follow different religions and observe different customs and manners, they are one in their thoughts and sympathies as agriculturists. The feelings and sentiments of an agriculturist of the North-West Frontier Province are quite the same as those of his brethren in Bengal, Madras or Bombay. It is indeed a matter of great regret to see that 80 per cent. of the population of India has only been granted seven seats in the federal Assembly and no seat in the Council of State. Nor do we find any encouraging suggestion for the amelioration of their present deplorable condition. Their interest stands in more need of representation in the federal legislature than any other granted representation therein. It is, therefore, submitted that they should be permitted adequate representation in both the houses of the central legislature, so that being the major portion of the population of India they might have the facilities to safeguard their interests from the encroachment of other industries and labour and the legal profession who are accustomed to dominate every body especially in these days.

3. In regard to enlistment in the Indian army, the present communal proportion should be maintained by statutory provision.

4. A statutory provision should also be made to guarantee reservation for the Mussalmans of one-third of the Indian quota of services under the Government of India.

5. Fundamental rights and statutory safeguards should be provided granting full freedom to the Mussalmans in respect of their religious beliefs and practices. None of the personal laws of the Mussalmans based on the *Shariat* should be brought within the purview of the legislatures, central or provincial, unless two-thirds of the number of Muslim representation in the legislatures, central or provincial, agree to it.

[Major Nawab Sir Mahomed Akbar Khan.]

6. The Muslim quota in the special constituencies in provinces has not been fixed. It is, therefore, necessary that a due proportion in these constituencies should be definitely fixed for the Mussalmans according to the rate of proportion in these councils so as to complete the weightage granted to the minorities.

7. A statutory Railway Board is not acceptable to the Muslims but if its formation is inevitable then both the houses of the federal legislature should be duly represented on it and one-third of this representation should be given to the Mussalmans.

8. British Baluchistan should be given a reformed and responsible constitution and the States of Kalat and Las Bela should be amply provided representation in the federal legislature from amongst the other Indian States.

9. I do not think that the federal Court would be always in session to decide questions of controversy between the provinces or British India and the Indian States. In case it proves so, the federal Court in the event of its leisure should also perform the duties of a Supreme Court in respect of British India.

10. Since the Indian States are given the privilege of competing for all Indian services such as the Indian Civil Service, the Indian Medical Service, and commissions in the army, the same privileges should also be extended to the subjects of British India in Indian States by way of reciprocity.

11. Full religious liberties with secular laws as enjoyed by the followers of different religions in British India should also be conceded to in all the Indian States to their subjects, whether Muslims, Hindus, Christians or Parsis.

Before resuming my seat, Sir, I would like to say a few words as to the acceptance of the proposals as embodied in the White Paper. I do not want to make any criticism of the reforms thus offered. On the other hand I would rather ask my countrymen to make an experiment of same and utilise it as a weapon towards the attainment of a further instalment of reforms towards self-government. In my opinion the best thing to do at this moment is not to criticise the thing offered but to try to improve it as best we can. Honourable Members are well aware—and the history of the world from time immemorial bears testimony to the fact—that in the history of every nation it has taken centuries to develop a democratic form of government from the autocratic one. It has been the case with the Greeks, the first expounders of democratic ideas in the world. It has been so with the Romans who had to wait three centuries in order to obtain the plebian form of government from the hands of their patrician masters. Has not it taken more than seven centuries for the English Parliament to reach its present stage, for it was somewhere in the year 1215 that the Magna Charta was granted to Englishmen by King John. There is an English proverb "Slow and steady wins the race." Haste, on the other hand, only results in waste. We should, therefore, try to win our race towards self-government by slow and steady marches, because this is the only way which is not crossed by any slippery grounds or dangerous pitfalls. It is better to have a little with sure advantages than more with fears of loss and breakdown.

***THE HONOURABLE RAI BAHADUR RADHA KRISHNA JALAN** (Bihar and Orissa : Non-Muhammadan) : Sir, the White Paper containing the proposals for Indian constitutional reform has been read, re-read and digested by almost every section of the people of India and I have nothing to say on it. Government are aware that every section of political thought in India was very keen in India's getting a substantial measure of responsibility and dominion status was the cry of the day.

Sir, representing as I do the whole province of Bihar and Orissa in this House, I shall greatly regret that I, nor my successors, will be any more representatives of the hospitable people of Orissa, as Orissa will become a separate province soon. Sympathetic as I always have been with the Oriya aspirations for a separate province, I should like to speak a word or two on the announcement of the boundaries of the province as contained in the White Paper. Honourable Members are aware that the Legislative Council of my province has passed the other day a resolution declaring that the boundaries of the Orissa province are very disappointing. This amendment has been carried by the Bihar and Orissa Council and the Government of Bihar and Orissa are in full agreement with the same. Sir, Orissa with its temple of Lord Jagannath and other great temples have been for centuries the place of pilgrimage for millions and millions of Hindus. Towards the end of the sixteenth century this Hindu country was conquered and divided up in three or four territories by the Moghuls and Marathas. The British Government followed the same procedure and the Oriya-speaking tracts remained under four provinces. The Oriyas agitated long to be united. Committee after committee was appointed to ascertain the wishes of the people ; the Philip-Duff Committee, the Attlee Sub-Committee of the Simon Commission and the O'Donnell Committee recommended amalgamation of different Oriya-speaking tracts leading to the creation of a separate Orissa province. The O'Donnell Committee recommended an Orissa province of 33,000 square miles and 83 lakhs of people. The British Government proposals exclude 11,000 square miles of it and nearly 25 lakhs of Oriyas are condemned to remain in the Madras Presidency.

Sir, Honourable Members will realise the situation better if I read the amendment passed in the Bihar Council the other day :

" And that having considered it, this Council is of opinion that the boundary demarcated for the new Orissa province is highly disappointing inasmuch as it does not include even the areas unanimously recommended by the Orissa Boundary Committee and also excludes the Parlakimedi estate proposed by the majority of the said Committee ".

Sir, this is a clear case of injustice which requires reconsideration. I hope that this will be done when the Joint Select Committee meets and I would request the Government to apprise the British Government of the keen sense of disappointment and disapproval of the Oriyas in the boundaries of Orissa as announced in the White Paper and let our Oriya neighbours have a homogeneous province which they can develop economically and restore that great land to her ancient glory.

Sir, Bihar suffers equally with Bengal from deficit finances. Provincial autonomy will be a farce if there be no real financial autonomy for the provinces. The octopus of heavy military expenditure and top-heavy federal administration postpones the date of financial solvency to the provinces. I cannot conceive any responsible government—be it at the centre or in the provinces—unless the provinces get a due share of the taxes now monopolised

**Speech not delivered but handed in by the Honourable Member for incorporation in these debates.*

[Rai Bahadur Radha Krishna Jalan.]

by the central Government. Bihar must get a share of the income-tax on a population basis and in this I have the full support of the Government of Bihar and Orissa and also of the Bihar and Orissa Legislative Council. Without financial solvency of the provinces no constitution can work and the financial committee foreshadowed in the White Paper to settle financial relations between the centre and the provinces must be an impartial committee, otherwise the provinces will have to live by spoon-feeding from the non-voted financial adviser of the federal Government who will be the *de facto* master of federal and provincial governments and ministers. I would claim for the Bihar and Orissa Chamber of Commerce direct representation in the federal Assembly. If this will not be possible, the Bihar and Orissa chamber may be given representation by rotation with any other chambers of commerce a seat in the federal Assembly.

In conclusion, we hope our views and advice will be favourably considered by the Government.

THE HONOURABLE SHAIKH MUSHIR HOSAIN KIDWAI (United Provinces East : Muhammadan): Sir, my objections to the so-called White Paper which has innumerable black spots are on fundamental grounds, and to be brief I will take up only two. The first and foremost objection is that the White Paper is based upon a superiority complex, which is abhorrent to me. Even if the angels would come down direct from heaven I would refuse to submit to their superiority pretences. All the one hundred and one, or rather thousand and one safeguards, are based on the idea that Indians are inferior beings, that they are unfit to rule over themselves and that they lack intellect and capacity to manage their own affairs. Sir, so far as Indian intellect is concerned, I would ask the authors of the White Paper to go to any English University and they will find that Indians have beaten Englishmen on their own grounds—even in English composition. It has been mentioned in one place in the White Paper that the Supreme Court and the Federal Court cannot be established at one and the same time, because judicial talent as they call it will not be available. These sceptics do not know that while not many years ago in every province the Bar was led by Englishmen, now there is hardly any province in India where Indian barristers have not ousted the British barristers in competition. No, Sir, I do not believe in a superiority complex, and as long as there is one safeguard tinged or tainted with a superiority complex, whether it is in the Army Department or the Foreign or any other department, I will object to the constitution. It may be said that Indians lack political experience. It may be so, but if the constitution as proposed by the White Paper is established, Indians will continue to lack experience till Domesday. There is an Indian saying "*Chabootra kotwali sikhata hai*". There is an illustration of this in this very House, Sir. The roof did not come down when an Indian took the Chair in this House in place of the Englishman. Nor did the heavens fall when an Indian was appointed as the governor of a province, which is called the most communalistic province, and I prophesy that the heavens will not fall when my friend the Nawab of Chhatari will become the Governor of the United Provinces.

Sir, the other objection that I have is that the White Paper features the worst phase of autocratic government. There is nothing more damaging and demoralising to the character of a man or a nation than despotic personal rule. Government under the constitution proposed by the White Paper will degenerate into personal dictatorship of the worst type, and as I told my friend Mr. Gandhi himself that my very instinct revolts against the idea of dictatorship

of every type. The autocratic powers given to the governor will make his ministers cringing and servile. Not only this, the excessive powers of the executive (the tin-gods of the Indian Civil Service have been made more sacrosanct) and the stranglehold of the autocracy of the governors and the Governor General will choke the spirit of liberty and self-government among the people. In my opinion, Sir, the proposed Government under the White Paper will become more irresponsible, more personal, more autocratic, much more expensive and more damaging to the character of the Indian nation and the interests of India. I do not think that any Indian can honestly say that he is satisfied with the White Paper, and here to the Leader, the official Leaders (because to me if there is a Leader he would sit on the opposite bench), I throw out a challenge to stand up in this House and declare if he dare as an Indian that he is fully satisfied with the White Paper.

So, Sir, in my opinion, it will be a crime on the part of any Indian to do anything to bring about that sort of constitution which has been proposed in the White Paper, but if it is thrust upon India I would suggest that all parties and all communities of India, and all sections of the people, including the congressmen, for the self-sacrifices of whom I take my cap off, should join hands to expose the fact that the constitution is a negation of self-government and to make deadlocks the permanent feature of the legislatures.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, whatever the defects in the White Paper, it cannot be denied that during all these three years that enquiries have been conducted through the Round Table Conference and its Committees His Majesty's Government have been perfectly sincere in their endeavour to find a solution for the Indian constitutional problem. Nevertheless, Sir, the scheme as outlined in the White Paper is such that to several of its features objection is taken even by men who represent the most moderate opinion in the country. Sir, the White Paper does not give a clear and complete idea of the future constitution. It only goes to indicate a purpose and the methods which it suggests do not seem very well calculated to achieve the purpose. Sir, while on the one hand conditions are required to be satisfied before federation can be called into being, on the other hand the limitations that are proposed to be placed on the federal legislature bid fare to render practically ineffective any power that may be transferred to the centre. Likewise, the provisions regarding provincial legislatures are unsatisfactory resulting in a very emasculated form of provincial autonomy.

Sir, speaking as I do at this late hour I will not enter into details. I will simply confine myself to the very salient features of the scheme. Sir, among the things which go to make a country self-governing the power over finances and the capacity to defend itself are the two most important. We find that in both these respects the proposals made in the White Paper are far from satisfactory. Sir, the army budget which ordinarily takes away the lion's share of the money available for expenditure has been placed beyond all control by the legislature and the finance minister. Sir, the finance minister is prohibited from exercising any control over exchange and currency. Eighty per cent. of the revenue is non-voted. In these circumstances, Sir, it is impossible to see how the finance minister of the future federal Government will be able to carry on, where he will be able to find money that will be required to be spent upon nation-building departments. There does not seem to be any great chance of any measures being adopted which will go to improve the economic conditions of the people in the country. Sir, it is true that in the transition stage full financial control is impossible but, Sir, it is no less true

[Saiyed Mohamed Padshah Sahib Bahadur.]

that for real responsibility to develop the financial aspect of the constitutional problem should have been treated more generously in order to pave the way for real dominion status.

Now, Sir, as regards the army, even though it has been recognised that the defence of India should be as much a concern of Indians as of Britons, the White Paper fails to formulate any policy which may be said to be calculated to achieve this purpose. Sir, all that the White Paper proposes to do in this connection is merely to give a formal expression to this pious wish in the Instrument of Instructions to the Governor General. Sir, there does not seem to be any indication in the White Paper whatever of any period in which India might be prepared to take up her own self-defence. Sir, it is necessary that in matters like this things should be more definite and a period should be fixed, whether brief or long, whatever it might be, some period should be fixed for a real Indian army to come into being.

Now, Sir, there is one other aspect of the question which requires very careful scrutiny and in my opinion it is the most important of all and that is, Sir, the provisions regarding the federation with the Indian States. Now, Sir, here, at the outset, I would like to make it perfectly clear that I welcome the entry of the states into the federation. I realise that the solution of the present political problem lies in an all-India federation. I also hope that by the co-operation of these two parts of India there will come into being not only a greater India but a much more prosperous and a much happier India. But, Sir, I feel that when such is our object it is necessary that we should satisfy ourselves as to the terms on which this co-operation is sought. We have to make sure that this co-operation is not purchased at any great sacrifice, that it is not obtained at anything which might go to hamper progress in the country. Therefore, Sir, I am stoutly opposed to any undue concessions being held out to the princes to come into the federation. Consequently, the provisions in the White Paper in this respect are most unsatisfactory, viewed from this standpoint. Not only are the Indian States given much in excess of their due share of representation but they have also been allowed a voice in matters concerning British India. This kind of provision is fraught with great danger to the well-being of British India and its progress. Sir, I would suggest that there should be no weightage given to the princes, whether in the lower or the upper house of the provincial legislature, and a method should be found by which the Indian States would not be allowed to determine matters which concern only British India.

Now, Sir, as regards the Railway Board, I will be very brief. All that I would submit is that I am opposed to the formation of this board under an Act of Parliament. I should like this Railway Board to be set up by the Government of India. And if any board is set up at all, whether by an Act of Parliament or by the Government of India, proper steps should be taken to guarantee a proportionate share of the services to the Mussalmans in India.

Now, Sir, I would like to say just a word about the Mussalman position and in this connection I think it will be enough if I simply refer to the resolution which was passed the other day at the meeting of the executive board of the All-India Muslim Conference. I do not propose to read the comprehensive resolution* but will hand it in for incorporation in the proceedings. In this connection, Sir, I should like to say just a word about one or two of its more important features. I see from the papers, Sir, that the

* Reproduced as an appendix to these debates. See page 514.

observations of my Honourable colleague, Mr. Mahmood Suhrawardy, regarding the federal upper chamber have been misunderstood.

THE HONOURABLE THE PRESIDENT : We are not responsible for what the newspapers write.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR : I simply want to clear the misapprehension. From the report we find that the Honourable Mr. Mahmood Suhrawardy is said to have asked only for one-fourth of the quota allotted to British Indians. The fact was that he wanted not one-fourth of the quota—

THE HONOURABLE THE PRESIDENT : I do not think any explanation is necessary from the Honourable Member.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : One-fourth of the whole House.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR : It is very necessary inasmuch as it will go to clear the Muslim position. From the report that has appeared it looks as if the Muslims have asked for only one-fourth of the British quota to be given to them. It is just the reverse of what the community demands. We demand one-fourth of the strength of the whole House to be given to us from the quota allotted to British Indians.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : That is what he said.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR : It would be not only one-third of the British Indian quota but even a little more than that. Besides that for the rest, our demand is that we should be given one-twelfth of the strength of the whole House from the Indian States. The reason for this is that we want a larger share from the British Indian quota and a small share from the Indian States, since we are very apprehensive about the kind of men that would be returned to the federal legislature from the Indian States. We doubt whether they would be the type of people who would represent the Muslims effectively. It is a matter of common knowledge, Sir, that popular institutions do not exist in Indian States, and people who would come from there would not come by the open door of election but would simply come in by nomination of the rulers and as such they cannot be regarded as representing the people in their country.

As regards the services, the Muslim community feels disappointed at the failure of His Majesty's Government to make any statutory provision giving to the Mussalmans their proper share in the public services. From a perusal of the first Round Table Conference proceedings and also from the recommendations of the Services Committee, it is clear that every necessary step should be taken to guarantee that all important minority interests are effectively and adequately represented in the administration of the country.

One word more about the bifurcation that has taken place in regard to a provincial legislature which before the issue of the White Paper was only a single chamber, I mean in connection with the province of Bihar and Orissa. Sir, when there was to be a single legislature for both these provinces, the Muslims were allotted 24 per cent. of the strength of the whole House. Now, after its bifurcation, the total of the Muslim seats in both the legislatures, viz., of Bihar and Orissa comes to much less than 24 per cent. I would appeal to the Government of His Majesty to see that this deficiency is made good so that the total number of seats that go to the Mussalmans there in both the

[Saiyed Mohamed Padshah Sahib Bahadur.]

legislatures will come to 24 per cent. I feel that I am perfectly justified in making this demand inasmuch as the Premier gave an assurance when he issued his decision on the communal question that the quota that should be allotted to the communities in the various provinces was unchangeable until it were modified by the consent of the parties affected by the alteration.

I will now close my observations with this remark that the proposals of the White Paper are undoubtedly halting and unsatisfactory. They call for substantial and drastic changes. They do require to be improved effectively in order to secure to the country dominion status. But, Sir, from what has been said in the White Paper itself, it is obvious that this is not the last word on the matter, that the Joint Select Committee would have every opportunity of effecting improvement in the scheme proposed, so long as it preserves the principle involved. I would therefore call upon my friends to see that what we do is not such as to undo what all has been done for all these three years, that we should try to take the proposals as they are and effect improvements upon them and thus try to secure to ourselves that for which we have been striving all these years.

THE HONOURABLE SARDAR BUTA SINGH (Punjab : Sikh) : Sir, I feel it would be idle to criticise the details of the White Paper. Our best criticism would be if we can, even at this late stage, compose our communal differences and send our delegates to the Joint Select Committee united by common agreements. It is futile for us to criticise unless we can create conditions for the working of self-government. There can be no self-government unless the communities can trust each other, and it lies with the majority communities in all provinces to win the confidence of the minority communities and thus lay the foundations of self-government. I also feel that the idea of bringing the Indian States into the federation to receive responsible government is not without its disadvantages. British India must attain federation first before the states are drawn in, and responsible government should come to British India even if the states are not prepared to join. The idea of federation seems to me too far-fetched. If Government is really earnest about it they might fix in any case a date by which the reserve bank would be brought into being. The other day, when I moved a resolution pleading for the creation of agricultural credits, the Honourable Mr. Taylor talked vaguely of the coming of the reserve bank and our continuing as we are. He little realised that the agriculturists, on whom the prosperity of India depended, were on the border line of bankruptcy and by the time the reserve bank comes, their position may be irretrievable. Government should not fail to take immediate action for the creation of a reserve bank and also for central responsible government without the states, if possible.

Speaking on behalf of my own community I feel I must express complete dissatisfaction with the Communal Award and the constitutional structure proposed on the basis of separate electorates. Government would be well advised even at this late stage to bring the communities together to reach an agreed settlement.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House) : Sir, we started this debate yesterday and I have had the pleasure of listening to 26 of my colleagues on the White Paper. I am sorry I did not have occasion to listen to two of my non-official colleagues, because I could then have said with great satisfaction that the entire body of non-officials in the House had taken part in this great discussion. This debate,

I am very glad to be able to say, has been conducted with a great deal of earnestness coupled at the same time with calmness, and that is what we wanted. All the views expressed will be brought to the notice of the Secretary of State and there is really nothing for me to add to the discussion, except one word. I am under the impression that I heard my Honourable friend Mr. Mehrotra say that law and order in the provinces are going to be a reserved subject ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I meant that the governor will have special powers so far as law and order is concerned.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Well, I am glad to hear that he is under no misapprehension that there will be reserved subjects in the provinces. Then there is nothing more for me to add. As I have submitted already, the debate will be brought to the notice of the Secretary of State for India.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Government of India express any opinion on this debate ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : No, Sir. It would hardly be right for us to sit in judgment on the views of Honourable Members, which the Secretary of State ought to have direct.

THE HONOURABLE THE PRESIDENT : That concludes the debate on the White Paper.

STATEMENT OF BUSINESS.

THE HONOURABLE THE PRESIDENT : Has the Honourable the Leader any statement of business to make ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Honourable Members, Sir, will be aware that the Finance Bill was not passed by the Assembly yesterday. This being so I am constrained to suggest that in the event of the Bill being passed by that Chamber today the Council should meet tomorrow to enable the Bill to be laid. There being no other business for tomorrow, I suggest, Sir, that you might be pleased to direct the taking tomorrow with one day's curtailment of the normal period of notice of the motions to consider and pass the Salt Duty Extending Bill which was laid on the table yesterday. Should you agree to this course and should the Finance Bill not be passed in the Assembly today, the meeting for tomorrow might, I suggest, be postponed by circular till Thursday.

THE HONOURABLE THE PRESIDENT : In view of what the Honourable the Leader of the House has said, there is no other alternative for me but to accept his suggestion. I will adjourn the House provisionally till tomorrow, subject to the issue of a circular notice. However, I must tell the Honourable Members that in case we meet tomorrow I shall under Standing Order 27 suspend the Rules of Business and ask the Member for Government to proceed with the Salt Duty Extending Bill.

The Council then adjourned till Eleven of the Clock on Wednesday, the 29th March, 1933.

APPENDIX.

(See page 310.)

Resolution No. II.—This meeting of the Executive Board of the All-India Muslim Conference expresses its profound disappointment with the schemes of reforms outlined in the White Paper. In the opinion of the Board the said scheme fails to meet the demand of the Muslim community as embodied in the various resolutions of the All-India Muslim Conference.

In view of the extreme dissatisfaction of the Muslim community with the proposals of His Majesty's Government, the Board demands radical changes on the following lines :

(1) The provinces should be granted the largest measure of fiscal, administrative and legislative autonomy.

(2) The governors' powers are excessive and should be curtailed.

(3) The provincial ministers should be fully responsible to the legislature, and should hold office only as long as they enjoy the confidence of the House.

(4) The provincial Governments should have effective control over imperial and complete control over provincial and other services.

(5) The powers of the Governor General should be curtailed.

(6) The High Courts should be an exclusively provincial subject. The appointment of High Court judges should be made by His Majesty on the recommendation of the provincial governors and of the provinces in which the High Courts are situated. The provincial legislature (and not the federal legislature as noted in section 175 of the White Paper) should regulate the power of superintendence exercised by the High Court over the subordinate courts in the province.

(7) No weightage or other discriminatory privileges should be given to the Indian States.

(8) Fundamental safeguards for the protection of personal law, education and culture of the Muslims should be incorporated in the constitution.

(9) Provision should be made for the effective representation of the Muslims in the public services of the country and the army. Effective steps should be taken to Indianize the army within a fixed period.

(10) As the Muslims claim one-third representation of the whole House in the upper house of the federal legislature and have been definitely promised one-third of the British Indian share of the seats in the House and cannot see any effective way of securing sufficient seats among the representatives of the states to make up their proportion to one-third of the whole House, it is their considered opinion that a slightly increased proportion of their seats in the British Indian share over the one-third is essential.

The Muslims further disapprove of the principle of joint electorates in the elections to the upper house of the federal legislature and urge the adoption of separate electorates by the direct method.

(11) A substantial measure of reforms should be immediately introduced in Baluchistan.

(12) The one seat allotted to Delhi in the upper house should go to the Muslims and non-Muslims by rotation.

(13) The population of Delhi and Ajmer being equal, Ajmer should have the same measure of representation in both houses of the federal legislature as Delhi, and such representation should be regulated by the same principle as in Delhi, and when one is represented by a Muslim the other should be represented by a non-Muslim in the upper house.

(14) That inasmuch as His Majesty's Government's decision promised to give Muslims of Bihar and Orissa 42 seats out of 175 seats, i.e., 24 per cent. of the whole house by separate electorates, this meeting of the Executive Board demands that the proportion then fixed should on no account be changed and the seats should be so allotted to Muslims in the province of Bihar and Orissa in both the provincial legislatures that the total proportion of 24 per cent. should not be disturbed.

(15) That representation awarded to commerce should include the Muslim Chamber of Commerce of Bengal and Bihar as electoral units in their respective provinces.

(16) That the electoral qualifications of the landholders constituency should be reduced in Bengal and Bihar and single-seated constituencies should be changed into one multi-seated constituency in each province by the single transferable vote.

(17) The Indian States should be given no privileges of competing for all-India services such as the Indian Civil Service, Indian Medical Service, and commissions in the Indian army until the states agree to extend the same privileges to British Indian subjects in their territories.