

Monday, 26th September, 1932

THE
COUNCIL OF STATE DEBATES

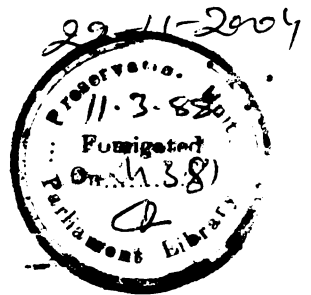
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COUNCIL OF STATE.

Monday, 26th September, 1932.

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

MEMBERS SWORN :

The Honourable Sir Frank Noyce, Kt., C.S.I., C.B.E. (Industries and Labour Member).

The Honourable Mr. Arthur Beatson Reid, C.I.E. (Government of India : Nominated Official).

STATEMENT *RE* REPRESENTATION OF THE DEPRESSED CLASSES IN THE NEW LEGISLATURE.

THE HONOURABLE SIR FRANK NOYCE (Leader of the House): Sir, with your permission, I desire to make the following statement :

His Majesty's Government have learnt with great satisfaction that an agreement has been reached between the leaders of the depressed classes and of the rest of the Hindu community regarding representation of the depressed classes in the new Legislature and certain other matters affecting their welfare. In place of the system of general constituencies combined with special depressed class constituencies contained in the Government Communal Award of 4th August last, the agreement provides for general constituencies within which seats are reserved for depressed classes subject to important conditions as to the manner in which the reserved seats are filled. The Government in their Award which was given in the absence of agreement between the communities were solely concerned in relation to the depressed classes to provide adequate securities that the interests of these classes should be observed by the new Legislatures. As representatives of the depressed classes and other Hindus acting together believe that the scheme now forwarded by them to His Majesty's Government is adequate for that purpose, the Government, in accordance with the procedure which they laid down in paragraph 4 of their Award, will recommend to Parliament in due course the adoption of the clauses of the agreement dealing with representations in the provincial Legislatures in place of the provisions in paragraph 9 of the Award.

It will be understood that the total number of general seats including those reserved for the depressed classes under the agreement will in each province remain the same as the number of general seats *plus* the number of special depressed class seats provided for in His Majesty's Government's decision.

His Majesty's Government note that the agreement deals also with certain questions outside the scope of their Award of August 4th. Clauses 8 and 9

deal with general points, the realisation of which will be likely to depend in the main on the actual working of the constitution. But His Majesty's Government take note of these clauses as a definite pledge of the intention of the caste Hindus towards the Depressed classes.

There are two other points outside the scope of their Award. (1) The agreement contemplates that the franchise for the depressed classes should be that recommended by the Franchise (Lord Lothian's) Committee. It is obvious that the level of the franchise for the depressed classes (and indeed for Hindus generally) must be determined at the same time as that for other communities is being settled and the whole subject is under consideration by His Majesty's Government. (2) The agreement also provides for a particular method of electing depressed class representatives for the Legislature at the centre. This again is a subject outside the terms of this Award which is under investigation as part of the whole scheme for election for the Legislature at the centre, and no piecemeal conclusion can be reached. What has been said on these two points should not be regarded as implying that His Majesty's Government are against what is proposed in the agreement, but that these questions are still under consideration. To prevent misunderstanding it may be explained that the Government regard the figure 18 per cent. for percentage of British India general seats at the centre to be reserved for the depressed classes as a matter for settlement between them and other Hindus. (Applause.)

QUESTIONS AND ANSWERS.

NUMBER OF EUROPEAN AND ANGLO-INDIAN CADETS TAKEN FOR TRAINING ON THE INDIAN MERCANTILE MARINE TRAINING SHIP "DUFFERIN".

109. **THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :** Will Government be pleased to state if Europeans and Anglo-Indians are taken in for training in the Indian Mercantile Marine Service on board the S.S. "Dufferin" in Bombay port? If so, how many European and Anglo-Indian boys have been taken in up to now since the very beginning of the training?

THE HONOURABLE MR. J. C. B. DRAKE : Domiciled Europeans and Anglo-Indians are eligible for admission to the "Dufferin." Forty boys belonging to these communities have been admitted to the Training Ship since its establishment in December, 1927.

REFUSAL OF ADMISSION FOR TRAINING ON THE INDIAN MERCANTILE MARINE TRAINING SHIP "DUFFERIN" OF AJIT KUMAR GHOSE AFTER HE PASSED THE QUALIFYING EXAMINATION.

110. **THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :** (a) Is it a fact that one Ajit Kumar Ghose from Bengal who passed the qualifying competitive examination for training in the Indian Mercantile Marine Service was called for interview last year in Bombay and then refused admission for training on board the S. S. "Dufferin"?

(b) Will Government be pleased to state why he was not taken in?

(c) Is it a fact that the father of the said Ajit Kumar Ghose, a retired Deputy Magistrate and Collector, wrote to the Captain Superintendent of the Training Ship "Dufferin" to let him know the reason why his son was not taken in and that no reply has yet been given to him?

(d) Will Government be pleased to state why no answer was given?

THE HONOURABLE MR. J. C. B. DRAKE : (a) Yes.

(b) It was notified that about 66 candidates would be interviewed for 33 cadetships. Mr. Ajit Kumar Ghose was not selected because he was considered by the Governing Body to be less suitable for training for a career at sea than those candidates who were admitted.

(c) Yes.

(d) A reply was not sent through an oversight.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

May I ask when I may expect to get a reply?

THE HONOURABLE MR. J. C. B. DRAKE : I shall see that the reply is sent if it has not already been sent.

HELP GIVEN BY BABU KEDAR NATH TO MR. S. K. GHOSE, PERSONAL ASSISTANT TO THE COMMISSIONER OF INCOME-TAX, BENGAL, IN THE DETECTION OF CASES.

111. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

1. Will Government be pleased to state if Mr. S. K. Ghose, Personal Assistant to the Commissioner of Income-tax in Bengal was either in District II or District IV, Calcutta, in 1922, as an Income-tax Officer?

2. Is it a fact that he was all along being helped by one Babu Kedar Nath in the detection of cases while he was in one of those districts in Calcutta and specially when he was doing Special Income-tax Officer's cases?

3. Are agents' services required in the detection of income-tax cases in Calcutta? If not, will Government be pleased to state why Babu Kedar Nath's services were availed of by Mr. S. K. Ghose in the detection of cases?

THE HONOURABLE MR. J. B. TAYLOR : 1. Mr. S. K. Ghose was not in District II, Calcutta, in 1922, at all. In that year he was in District IV, Calcutta, for three or four months as a probationary Income-tax Officer under training, but during that period he exercised no functions under the Act.

2. and 3. As the Honourable Member was informed by the Honourable Mr. Brayne on the 27th February, 1932, Government do not and never have employed paid informers in Calcutta. These questions, therefore, do not arise.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

There is a photograph of the letter which I should like to place on the table regarding Mr. S. K. Ghose.

THE HONOURABLE THE PRESIDENT : This is an opportunity for the Honourable Member to ask questions, to ask for information; it is not an opportunity for him to place papers on the table.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

May I ask whether Government will allow this photograph of the letter which I have got with me to be put before this House and may I read it ?

THE HONOURABLE THE PRESIDENT : I am afraid this is not a question for the Government to decide. It is a matter for the Chair and I think probably the Council will not be interested in the photograph to which the Honourable Member is referring.

PROVISION OF SPECIAL AND SCHEDULED TRAINS ON THE EASTERN BENGAL RAILWAY WITH ADVANCE BOOKING DURING THE DURGA PUJA HOLIDAYS BETWEEN SEALDAH AND GOALUNDO.

112. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

1. Will Government be pleased to state if the Eastern Bengal Railway adopts any method of regulation of high-density passenger traffic during the Durga Puja holidays and on important Indian festival days ?

2. Will Government be pleased to state if the Eastern Bengal Railway provides special trains and scheduled trains with advance booking during the Durga Puja holidays between Sealdah (Calcutta) and Goalundo ? If so, will Government be pleased to state how many of such trains are provided ? If not, why not ?

THE HONOURABLE MR. J. C. B. DRAKE : 1. Yes : the number of carriages running on the ordinary daily trains is increased and special trains are also arranged.

2. The Agent, Eastern Bengal Railway, states that an adequate number of special trains is run and that booking seven days in advance is permitted in the case of upper class passengers. During the last Durga Puja holidays, two special trains ran from Calcutta to Goalundo and three from Goalundo to Calcutta.

PROGRESS MADE WITH THE SCHEME OF THE DACCA-ARICHA RAILWAY.

113. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

1. Will Government be pleased to state how far they have advanced with the scheme of constructing a railway line between Dacca and Aricha ?

2. Is it a fact that the necessary surveys and estimates were completed but that the scheme has been held up chiefly on financial grounds ?

3. Is it a fact that the scheme is being obstructed by the steamer companies ?

THE HONOURABLE MR. J. C. B. DRAKE : 1. and 2. The final location survey has been completed ; the detailed estimates have not yet been received by the Railway Board. It is understood that the Eastern Bengal Railway is awaiting the decision of the Bengal Government on the Waterways and Headways Committee's Report before preparing the detailed estimates.

3. Steamer companies, as is generally known, have certain objections to the scheme.

FORCED OR COMPULSORY RETIREMENT OF RAILWAY OFFICERS WHO HAVE COMPLETED 25 YEARS' SERVICE.

114. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

(a) Will Government be pleased to state if there is any scheme of the Rail-

way Board for forced or compulsory retirement of officers in Indian Railways who have completed 25 years' service ?

(b) If the answer is in the affirmative will Government be pleased to state how many officers have retired up till August, 1932 under that scheme in the Eastern Bengal Railway, Assam Bengal Railway and East Indian Railway ?

(c) If not, will Government be pleased to state if it is in the contemplation of the Railway Board to introduce such a scheme ?

THE HONOURABLE MR. J. C. B. DRAKE : (a) and (c). No.

(b) Does not arise.

DATE OF THE ESTABLISHMENT, ETC., OF THE RAILWAY TRAINING COLLEGE AT CHANDAUSI.

115. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :
1. Will Government be pleased to state when the Railway Staff Training College at Chandausi was established ?

(a) What is its annual expenditure ?

(b) How many teachers are there for both practical and theoretical training in that College ?

(c) Who are eligible for teachership of that College ?

(d) Are there any Indian teachers in that College with British qualifications ?

(e) What is the period of training at Chandausi ?

(f) Who are generally given training there ?

(g) Are the new recruits for the superior services who are taken in after competitive examinations given training there ?

(h) In what particular branches of railway administration are they given training ?

2. Will Government be pleased to state what special advantage or advantages Chandausi enjoys for the establishment of a Railway Training College there ?

THE HONOURABLE MR. J. C. B. DRAKE : 1. The Railway School of Transportation was established at Chandausi on the 1st of March, 1925.

(a) The expenditure used to be a lakh of rupees per annum on the average but has recently been brought down and the estimate for 1932-33 is Rs. 68,000.

(b) The staff consists of a superintendent and three instructors.

(c) Two competent persons with adequate experience in railway working.

(d) No.

(e) Three months for probationary officers and other staff recruited on probation, and one month for refresher courses for transportation staff.

(f) Probationary officers, probationary staff and transportation employees of the East Indian Railway.

- (g) After the closing down of the Dehra Dun Staff College, officers who are attached to the East Indian Railway are trained in this School.
- (h) Training is given in transportation, commercial and telegraph work.

2. Chandausi was at one time a district headquarters station of the old Oudh and Rohilkhand Railway system. The buildings and grounds were available there and with little additional expenditure were converted into a school. Chandausi also possesses certain other advantages which influenced its selection for the location of the school. It is a small town comparatively less expensive than some of the bigger towns and is situated in a healthy locality.

NUMBER OF RAILWAY TRAINING COLLEGES IN INDIA OF THE SAME TYPE AS CHANDAUSI.

116. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

1. Will Government be pleased to state how many Railway Training Colleges of the type of Chandausi there are in India ?

2. Is there any Railway Training College at Dehra Dun and is it of the same status as Chandausi ?

- (a) What sort of railway training does this Dehra Dun Training College give to new recruits ?
- (b) Are the subordinate hands such as station masters, guards, carriage examiners, parcel and booking clerks, travelling ticket inspectors, loco. department men, etc., given any training in any of the Railway Training Colleges, both in theory and practice ?
- (c) Who are generally and specially given training in the Dehra Dun Railway Training College ?
- (d) What is the annual expenditure of the Dehra Dun Training College ?

THE HONOURABLE MR. J. C. B. DRAKE : 1. There are two Railway Training Schools of the type of Chandausi :

- (i) The Railway School of Transportation at Chandausi, and
- (ii) The Walton Training School at Lahore.

2. The Railway Staff College at Dehra Dun was closed towards the end of March, 1932.

(a) The particulars of training given to new recruits at the Dehra Dun College before it was closed down are given below :

Transportation and Commercial Probationers.	Probationary Civil Engineers.
<p>General Rules. Practical demonstration in Model Room. Station master's duties, Operating and Commercial. Station Accounts. Principles of Locomotive and Vacuum Brake. Telegraph Office Organization.</p>	<p>General Rules. Practical Demonstration in Model Room. Operating and Commercial Works at a station. Engineering and Stores Accounts. Principles of Locomotive and Vacuum Brake.</p>

(b) The subordinates mentioned are trained at Chandausi for the East Indian Railway and at Lahore for the North Western Railway. The East Indian Railway has also a school at Asansol for the training of loco. department men and carriage examiners.

(c) The training was given to probationary officers, and junior and senior scale officers, as well as selected senior subordinates.

(d) The expenditure excluding interest and depreciation on buildings for the year 1930-31 was approximately Rs. 2,34,000 and for 1931-32 Rs. 3,83,000.

TOTAL MILEAGE OF STATE AND COMPANY-MANAGED RAILWAYS IN INDIA IN AUGUST, 1932.

117. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Will Government be pleased to state what the total mileage of the Railways in India is, both State and Company-managed, up till August, 1932 ?

THE HONOURABLE MR. J. C. B. DRAKE: The total route mileage of Railways in India (including lines owned by Companies and Indian States) was on 31st July, 1932, approximately 42,956 miles.

PLANS FOR THE CONSTRUCTION OF NEW RAILWAY LINES IN SOUTHERN INDIA DURING 1932.

118. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: 1. Will Government be pleased to state if there is any plan for the construction of new railway lines in Southern India this year? If so, how many new lines will be constructed and by whom?

2. Is it a fact that Erode railway station in Madras is being remodelled? If so, at what cost?

THE HONOURABLE MR. J. C. B. DRAKE: 1. There are no lines to be constructed from funds supplied by Government but I believe the Mysore Railways are contemplating an extension.

2. Yes. The estimated cost is about Rs. 60 lakhs.

TOTAL ESTIMATED COST OF THE PROPOSED DACCA-ARICHA RAILWAY.

119. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: 1. Will Government be pleased to state what is the total cost estimated by Government for the proposed railway line from Dacca to Aricha in Bengal?

2. Will Government be pleased to state when they are going to start the construction of the Dacca-Aricha Railway line in Bengal?

THE HONOURABLE MR. J. C. B. DRAKE: 1. The capital cost of construction was estimated in 1930 at 189 lakhs; but, as I have indicated in reply to another question by the Honourable Member, the detailed estimates are not yet ready, and it is possible that the recommendations of the Waterways and Headways Committee if accepted by the Government of Bengal may lead to increased expenditure.

2. Government are unable to say.

MOTION *RE* TERRORIST OUTRAGE PERPETRATED ON THE RAILWAY INSTITUTE, PAHARTALI.

THE HONOURABLE SIR FRANK NOYCE (Leader of the House): Sir, with your permission, I desire to make the following motion :

“ This House expresses its sense of horror at, and desires to place on record its strong condemnation of, the terrorist outrage perpetrated on the night of the 24th September at Pahartali and requests the President to convey its deep sympathy to the families of the victims and the wounded persons.”

Sir, in view of the possibility that some Honourable Members are not in possession of the information of which this motion is the outcome, I should perhaps explain that the following telegram has been received from the Government of Bengal :

“ Following telegram received from District Magistrate, Chittagong: *Begins.* Pahartali Railway Institution attacked by terrorists about 23 hours 24th instant. Bombs and guns used by attackers reported about ten in number. One woman killed, four women wounded, seven men wounded, including Inspector MacDonald and Sergeant Willis of Police. One woman terrorist killed. Troops and police are out searching for raiders.”

Few words are necessary from me in support of this motion. A brutal and insensate outrage of this nature cannot, I am sure, but receive the sternest reprobation from all quarters of this House. Sir, I move.

THE HONOURABLE THE PRESIDENT : Motion moved :

“ That this House expresses its sense of horror at, and desires to place on record its strong condemnation of, the terrorist outrage perpetrated on the night of the 24th September at Pahartali and requests the President to convey its deep sympathy to the families of the victims and the wounded persons.”

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : Nominated Non-Official) : Sir, I rise to support this motion with great sorrow and extreme regret. We are all horrified to hear this ghastly news of a most dastardly crime which took place at an institution where innocent people were entertaining themselves. This unfortunate event excels in my opinion all past records in the history of crimes in this country. It was a most revolting crime. We are all very grieved to see that so many people have been injured and one innocent lady killed. It is a very sad affair and I think the Honourable Member was perfectly justified in asking this Council to express its condemnation of the affair. I hope this condemnation will not be confined to this Council alone but in all important cities in India people will gather and express their strong condemnation of this unfortunate affair. I also trust the guilty persons will be brought to justice as speedily as possible. I assure the Government of India that in any measures which the Government of India desires to adopt for the suppression and eradication of this nefarious evil which has become rather too common in this country the Government of India will have the full support and co-operation of this Council.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay Non-Muhamadan) : Mr. President, the Council has heard with great horror and utter dismay of the terrorist outrage which was perpetrated night before last according to the account placed before the House by the Honourable Sir Frank Noyce. Sir, one cannot understand why these outrages are confined more or less to the Chittagong district. We have heard that perhaps economic conditions there

are bad but surely economic conditions in Chittagong are no worse than in other districts of Bengal or for the matter of that in other provinces of India. Therefore, the only inference to be drawn is that these anarchical outrages are due to political reasons and no other. These mad attempts do not further the cause of India at all. If the anarchists think so they are making a very serious mistake. On the contrary they set back the hands of the clock. If they think that by pursuing such methods they will drive out the British they are greatly mistaken for the British, to judge them by their past and present history, are not made of such stuff as to be cowed down by such murders. They will certainly continue to govern and at the same time do the best they can to extend reforms whereby India can get self-government as early as possible. But, Sir, these attempts, as I say, give a distinct set-back. On the other hand, I would appeal to Government not to stiffen themselves in order to devise ways and means to adopt relentless repressive methods. I would appeal to them to pursue the policy which they have laid down and I do believe that if the Reforms are expedited and also if the Reforms are given in a liberal measure that the present discontent will be greatly allayed and indirectly anarchy will be suppressed. This last attempt could not have been made at a more opportune moment from the point of view of Government. If this crime had to happen it has been committed at a time when perhaps it will help the hands of Government very considerably for we know that in the other House today the Ordinance Bill is to be introduced. Doubtless there would have been many Members there who would have opposed the measure tooth and nail but I will not be surprised if many of them will be converted by the news of this atrocity and are prepared to render help to Government in passing that Bill. Sir, I support the motion.

THE HONOURABLE MR. G. A. NATESAN (Madras : Nominated Non-Official) : Sir, I am indeed shocked to hear about this dastardly outrage and particularly of this murderous attempt on helpless women. I wish to give expression to the feeling of horror which we all feel about this. I would like to add that I trust we shall soon see the last of these terrorist outrages and we hope something will be done to root out the cause of these wretched attempts. Sir, I do not wish to say anything more. I support the motion.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, I rise to support the motion moved by Sir Frank Noyce. There is no doubt that these terrorists are misguided people, but the real culprits, and I think those who are really responsible for this sort of outrage in India are not only terrorists themselves, but the masses who have become callous to these atrocities. It is mostly due to, I do not say their active support but their passive and lethargic attitude, and that they do not feel themselves bound to help the Government to wipe out this evil blot from the face of India, that this thing is prospering. This is the reason why this sort of thing flourishes. Terrorist outrages are mostly confined to certain places where they find that the ground is fit for their ideas to prosper. Unless the people generally are prepared to support the Government, to stamp out this evil, no amount of repression or strong measures by the Government can erase it. We are all united in maintaining, Sir, that these movements are not inimical to the British Government alone, but to all forms of established government and those whose desire it is to see the future India having self-

[Mr. Abu Abdullah Syed Hussain Imam.]

government, can on any account support this sort of movement. We can have nothing but condemnation for any form of movement which wants to subvert or remove a settled form of government. We are all united with the Government in every possible effort that it wants to make to erase this evil, and I hope, Sir, that when the government bring forward their measure they will find that these are not empty words but that we are prepared to support everything that the Government themselves are prepared to do to stamp out this evil. Sir, I support the motion.

THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT (Assam : Non-Muhammadan) : Sir, I rise to support this motion on behalf of the people of Assam. As Honourable Members may know, our province is entirely free from terrorist crime and from insensate outrages of the kind to which this motion refers. Everybody in India is convinced that methods like this will not further the cause of self-government and that these atrocities will give trouble not only to the British Government but to the Indian Government that is going to take its place. I therefore support this motion.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, it is with a sense of deep horror that we have all heard about the new addition to the already long list of dastardly crimes perpetrated in Bengal by misguided youths. It is most unfortunate that at a time when the hearts of all that is good and true in this country are set on creating a peaceful atmosphere to bring to a successful conclusion the constitutional issue, we should be reminded that there exists a party, however small, that believes not in peaceful evolution but seeks to further their cause by methods of terrorism. We all join with the Benches opposite in registering our sense of deep abhorrence and strong condemnation of such like deeds. Sir, with these remarks I support this motion.

THE HONOURABLE MR. E. C. BENTHALL (Bengal Chamber of Commerce) : Sir, I am speaking for my leader, Mr. Miller, and also for Mr. Glass as I come from the province which is the scene of this insensate and cowardly campaign of murder. It is, I confess, with difficulty that I speak with restraint. But I am glad, very glad,—and it does one good—to hear my Honourable colleagues condemning the murder of these innocent men and women by women and boys in no uncertain fashion. For myself, whose family has been connected with Bengal for more than a hundred years, I grieve that her fair name should have been once again smirched before the whole world.

In support of what fell from the Honourable Mr. Hussain Imam, I would say that public opinion is necessary for the stamping out of this evil and that any man who in the face of these crimes speaks or writes in the press or elsewhere in sympathy with the perpetrators of these crimes is himself as much responsible for the crimes as those who by public sympathy are encouraged to do them.

This is not the first occasion of attacks on non-officials but it is the first fruits of this pamphlet* which I believe has been sent to every official Member of the local Government and which advocates the wholesale murder of non-official Europeans. Sir, as the Honourable Sir Phiroze Sethna said, if the

* The Honourable Member here produced a pamphlet which was however not handed in.

organisers of this movement think that by such acts intended to terrorise they will frighten the British into conceding something which they do not believe to be merited or just or workable, they are making a great mistake. Already the world has seen the example of men who have left the service for many years and were living in comfort coming back dauntlessly to work among the people among whom they have spent, and for whom they are prepared to sacrifice, their lives. And there are many more prepared to take their place.

When this House is asked to sanction the still more drastic measures which will be necessary to deal with this trouble before it is finished, I am confident from what I have heard that Honourable Members will remember that these men, their servants, deserve all the support which can be given.

Most of all, in connection with this most recent incident, of course I deplore the loss of life ; next to that, I deplore the fact that this campaign renders more than ever difficult any attempt to carry out the liberal reforms for which so many Honourable Members including myself have worked. If responsibility is handed over to the people before this movement is crushed, there will be no democracy, no self-government, but government only by terrorism. Ministers and legislators will live under the shadow of the revolver and the bomb and their acts will be dictated accordingly and,—and this is a point that I would specially stress—it will not be confined to one province. It is therefore for every one for the sake of India to show in unmistakable fashion that nowhere is there any sympathy for this movement. Sir, I support the motion.

THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ (East Bengal : Muhammadan) : Sir, I rise to support the motion moved by the Honourable Sir Frank Noyce, on behalf of my constituency. I strongly condemn the dastardly outrage done by the terrorists at Chittagong. Allow me to assure you that we will give our whole-hearted support to any measure that will be adopted to stamp out these terrorist activities. Sir, I support the motion.

THE HONOURABLE MR. H. M. MEHTA (Bombay : Non-Muhammadan) : Sir, this House has heard with great horror and shame from the mouth of the Honourable Sir Frank Noyce of the outrage perpetrated only the other day when people were assembled together to pass a pleasant evening. These crimes are now getting too frequent and it is certain that there is a body of men who are behind the scenes and who are actually guiding these foolish students of tender age to perpetrate such crimes. I hope the Government of India will take all measures to find out that group of people who are behind the scenes and take action which would strike terror in the hearts of even terrorists. If these terrorists believe that they will bring Swaraj a day sooner than when it will arrive normally they are greatly mistaken, because instead of doing any good, they are doing things which will not merely set back the hands of the clock of Swaraj, but will do more harm to the country in many ways. If all the provinces put forward such youths who perform such acts the whole Indian nation would be put to shame.

Sir, I hope this House will agree to send a message to the relatives of the poor deceased woman and that we will all stand up and pass this motion and thus pay our last homage to the dead.

THE HONOURABLE THE PRESIDENT: It is usual, when a motion of this kind is before the House, that it is spoken to by the Leaders of Parties only, but I have given the House considerable latitude. I am aware that there are other Honourable Members who wish to support the motion, but I hope they will not take it amiss if I fail to give them an opportunity. I desire to associate the Chair with the motion and if it is carried, I shall certainly give effect to the last clause of it.

The question is :

“This House expresses its sense of horror at, and desires to place on record its strong condemnation of, the terrorist outrage perpetrated on the night of the 24th September at Pahartali and requests the President to convey its deep sympathy to the families of the victims and the wounded persons.”

The motion was adopted.

BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, in pursuance of rule 25 of the Indian Legislative Rules I lay on the table copies of the Bill to amend the law relating to emigrant labourers in the tea districts of Assam which was passed by the Legislative Assembly at its meeting held on the 23rd September, 1932.

NOMINATIONS FOR ELECTIONS TO THE STANDING COMMITTEE IN THE DEPARTMENT OF INDUSTRIES AND LABOUR AND TO THE STANDING COMMITTEE FOR ROADS.

THE HONOURABLE THE PRESIDENT: The following Honourable Members have been nominated for election to the Standing Committee to advise on subjects, other than “Roads” and “Broadcasting” dealt with in the Department of Industries and Labour :

The Honourable Khan Bahadur Syed Abdul Hafeez.

The Honourable Mr. Mahmood Suhrawardy.

The Honourable Sardar Buta Singh.

The following Honourable Members have been nominated for election to the Standing Committee for Roads :

The Honourable Mr. Jagadish Chandra Banerjee.

The Honourable Khan Bahadur Syed Abdul Hafeez.

The Honourable Mr. Vinayak Vithal Kalikar.

The Honourable Diwan Bahadur G. Narayanaswami Chetti.

In the first case only two Members are required and in the second case only one Member is required to be elected. Therefore, in the case of each of these Committees, an election is necessary. I can only say now that the election will take place on the last day fixed for the disposal of business in the Council in the current session, unless of course there are sufficient withdrawals in the meantime to obviate the necessity of elections.

RESOLUTION RE ABSTENTION OF VOTING BY OFFICIAL MEMBERS OF THE COUNCIL OF STATE IN ELECTIONS TO COMMITTEES, ETC., ON WHICH THE COUNCIL IS REPRESENTED.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (United Provinces Northern : Non-Muhammadan) : Sir, I beg to move the following Resolution :

“This Council recommends to the Governor General in Council to make it a convention that in elections by this House of Members to the different committees, boards or bodies on which this House is represented the official Members of the House may not take part in voting.”

Sir, it is an admitted fact that the object of the Legislatures is to frame laws in the light of refined public opinion and the avowed policy of the Government is to associate the representatives of the people more and more with the administration of the country. It is also a well known fact that the composition of the Council of State, or the Upper House as it is called, is very peculiar and quite different from that of either the Lower House or the provincial Legislatures in the country, in that in almost no other Legislature is the margin between the strength of the elected and nominated Members so narrow as in the case of this Honourable House. And the result is what we notice here every day, viz., that the non-official Members can seldom carry any motion in the teeth of Government opposition and whatever motions the Government want to carry, they have an easy time of it. This state of things, Sir, is not confined to ordinary resolutions or motions, but even in elections by this House of Members to serve on the different committees, boards or bodies, no Honourable Member of the House can hope to succeed unless he has the backing of the Government. Of course, there might be exceptions once in a way, but very rarely indeed, which only go to prove the general rule.

Now, to all intents and purposes the object of the Government in appointing these committees and boards is to associate some representatives of the public with the Government Members on them in order that the latter should have the advantage of knowing the public point of view. And if this be the real object, as I understand it to be, then, I wonder if it is not the duty of the Government to try to have such independent non-official Members on these Committees as could be expected to reflect public opinion in the true sense of the term and to advise Government Members accordingly on the subjects placed before them for their opinion. For, the Government Members are there already on these committees and boards and if the Government want these bodies to consist entirely of their nominees, then it is just as well for the Government not to ask the Legislatures at all to elect any Members to serve on them. But if you want independent non-official opinion to be associated with you to offer you advice, then is it not fair that you should let only the non-official Members of the Legislature elect such Members on these committees as they like, uninfluenced by you ? Sir, it may perhaps be argued by some of my friends that the same practice must be prevailing in other Legislatures also, namely, that all the Members of a House, whether official or non-official, must be voting at elections on such occasions and that there is therefore no reason why this House should adopt a different procedure. With reference to this I have two observations to make. In the first place, as I pointed out earlier in my speech, in almost every other Legislature in the country there is a

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vast majority of elected non-official Members, and therefore the Members elected by these Houses on any committee can to a very large extent be called representatives of the public and can be counted upon to voice public opinion even if the official Members of those Legislatures take part in voting at such elections. Take, for instance, the case of the Lower House. The Legislative Assembly consists of 145 Members of whom as many as 104 are elected Members, 26 nominated officials and 15 nominated non-officials. In such a House even if the official Members take part in voting in elections, their votes do not go far to influence the elections as they are in a great minority as compared to the elected non-officials. Just take the case of a provincial Legislature also, namely, the Legislative Council of my province, the United Provinces, on which I had the honour to serve as an elected member for seven years. There, in a House of about 122 Members as many as 100 are elected Members and only about 22 nominated by Government, including officials and non-officials. Thus, there is a vast majority of the elected element in that House also. I do not exactly know the composition of the other provincial Legislative Councils, but I hope that in almost all of them there is a preponderance of the non-official element. That being so, in such Houses of the Legislatures where the non-official element preponderates, even if the official Members take part in voting in elections by these Houses, the result is not influenced inasmuch as the candidates seeking election there have not to canvass for official votes for their success as they can be easily successful with the weight of purely non-official votes, and the Members elected can therefore be expected to work independently on the committees on which they are required to serve. But, Sir, the same is not the case with our House as its composition is quite different. This House consists of 60 Members of whom only 33 are elected and as many as 27 nominated by the Governor General (officials and non-officials included). Thus, in this House there is a bare majority of elected Members. And, knowing as we do, that the elected Members are seldom present in their full strength it almost always happens that the Government relying on their solid strength are not only able to carry whatever motions they like and to defeat whichever non-official motions are distasteful to them but in elections by the House of Members on the different committees or boards they place their seal of approval on whichever Members they want to be elected and the result of elections is almost always favourable to them. Thus, in this House, a Member can seldom hope to be returned to a committee without securing official votes in his favour and on election cannot, therefore, as a rule, be expected to voice independent public opinion but is bound to remain under the influence of Government. In the second place, Sir, leaving aside for a moment the question of official and non-official strength in the Legislative Assembly and most of the provincial Councils, let me point out that the procedure of official Members abstaining from voting in elections by the Houses of the Legislature is not entirely novel or without precedence. I understand that in elections by the Legislative Assembly of Members on at least some of the committees only the non-official Members of the House take part in voting, and the official Members abstain from doing so; whereas the practice prevalent in the United Provinces Legislative Council is that only the non-official Mem-

bers vote in elections to all the committees and the official Members do not at all participate in voting.

So, Sir, I justify my proposition on two grounds. Firstly, that the procedure of official Members abstaining from voting in elections by Legislatures is not entirely novel and without precedence, but prevails in other Legislatures also to a large extent. And, secondly, that whereas in other Houses of the Legislature there is a vast majority of non-officials and the representatives elected by these Houses can therefore well be called representatives of public opinion even if the official Members there may take part in voting, in our House the margin between the elected and nominated element being very narrow, Members to represent this House on any committees, if they are to voice public opinion to any extent uninfluenced by Government, must be returned with the help of purely non-official votes and not with the help of official votes as heretofore.

Sir, it may perhaps be contended on behalf of the official Members of the House that so long as the official and the nominated element is there, all the Members of the House have equal rights in the matter of voting. To that my reply is that I do not question that proposition. I admit that every Member of the House has a right of vote so long as he is a Member, be he an official or a non-official, nominated or elected; and had it not been for this fact the public in India would not have demanded all these years the elimination of the official bloc in the future Legislatures of the country that will come into being under the new constitution. While, therefore, admitting this right, my Resolution is based on the analogy of the practice prevailing in some other Legislatures and in the interest of the avowed policy of the Government of associating independent non-official opinion in an increasing measure with the administration of the country. I may make it clear that I do not seek to deprive the nominated non-official Members of the House of their right of voting in such elections. It is only to the official Members that my request is directed. And the request is not being made to them in the sense that they should not enjoy their votes as a matter of right but that they should voluntarily waive their right of vote on the occasion of elections as a matter of practice on the analogy of other Legislatures and in the interests of the Government's avowed policy.

It is on these grounds, therefore, that I am asking the House to recommend to the Governor General in Council to adopt a convention that in elections by this House of Members to the different committees, boards or bodies on which this House is represented the official Members of the House may not take part in voting. Sir, I move.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : Nominated Non-Official) : Sir, I rise to oppose this motion at this early stage as some of my observations may perhaps enable my Honourable friend who has moved this Resolution to withdraw it. This Resolution seeks to establish a convention that in elections by the House of Members to the different committees, boards or bodies in which this House is represented official Members in this House may not take part in voting. My Honourable friend in support of this Resolution has made certain observations and comparisons and gone on the analogy of other Legislatures. He has also, in the

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course of his speech, admitted that as a matter of right a non-official cannot be prevented from voting. But his object is to establish a convention. My submission is this, that where there is a clear statute, where there is a clear law, you cannot have a convention to override that statute. A convention may arise in matters of unwritten law or procedure, but it does not arise where the statute gives certain rights and privileges and where the position of Members of the Legislatures has been defined under particular statutes. Now, in the present case, the position is perfectly clear under the Government of India Act, to which my Honourable friend has thought it convenient not to refer. Under section 63A of the Government of India Act the Council of State shall consist of not more than 60 Members nominated or elected in accordance with the rules made under this Act, of whom not more than 20 shall be official Members. So the strength of the official Members has been definitely defined by the Government of India Act, and in a later clause, clause 63D (4), the privileges of Members has been definitely defined. I will read that clause, it is a short one :

“ All questions in either Chamber shall be determined by a majority of votes of Members present other than the presiding Member who shall, however, have and exercise a casting vote in the case of equality of votes. ”

So you see it has been definitely conceded under the Government of India Act, under which the Council of State has been constituted, that all questions shall be determined by a majority of votes, whether these votes are of official Members or of non-official Members or nominated Members it does not matter. And what does my Honourable friend wish to do now ? He wants this Council to vote for the establishment of a convention which will override this specific provision of law. I submit, with great respect to my Honourable friend, that it is an absolutely futile position to take up in asking for the establishment of a convention in a matter like this. No statutory provision can be overridden or be set aside by a mere convention. Honourable Members have rights and privileges defined under the statute and they are entitled to exercise them when they like. My Honourable friend has based his proposal, he says, on two considerations, one of them was because some of the Members in the past have abstained from voting. If they abstain from voting they are exercising their privilege. Every Member is not obliged to vote. But if he likes to vote there is nothing to prevent him, and therefore I say this Resolution is not a legal one, it is an improper Resolution and it seeks to set aside the definite provisions of the Government of India Act.

My second point is, has my Honourable friend made out any case on its intrinsic merit that the officials appointed by the Government of India are not in a position to exercise their judgment properly just like the non-official Members or the elected Members ? I think they are far more able, from their experience and long service, to judge of many questions than non-official Members and also I say that in selecting Members for different committees they know exactly, just as we know the respective qualifications and abilities of particular Members of this Council to serve on particular committees. And, further, the Resolution seeks to make an invidious distinction which no sane man would tolerate for a moment. No responsible body would concede the

claim made out in this Resolution. I submit further that Resolutions of this nature are undesirable. They only serve to create bad blood between officials and non-officials and I think it is the responsibility of every sane Member of this Council not to countenance a Resolution of this nature.

THE HONOURABLE MR. E. MILLER (Bombay Chamber of Commerce) : I rise to oppose the Resolution and would also like to associate myself with my Honourable friend Sir Maneckji Dadabhoy's remarks. So long as this House is constituted as it is, it is quite impossible to show discrimination between one Member and another and in spite of what the Honourable the mover has said I can think of no instance during the time I have had the honour of sitting in this House, that justifies such a Resolution.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN (North-West Frontier Province : Nominated Non-Official) : Sir,
12 Noon. I fail to understand what special considerations have prompted my friend to bring in a Resolution of this nature. If it is with the intention of creating bad blood, as my Honourable friend Sir Maneckji Dadabhoy has said, well, he is not welcome to create division and bad blood amongst the various Members of this Honourable House. When he says that the official Member should not vote and the non-official Members should be entitled to vote, does he not see, as has already been pointed out by Sir Maneckji Dadabhoy, that he is trying to override the Government of India Act, because the Act gives every Member the privilege of voting. I do not know, Sir, why the Honourable gentleman has been allowed to bring it up, but still he ought to have seen that he should bring in resolutions within and not override the Act.

Then, Sir, the idea contained in the Resolution seems to me to be a little bit peculiar. Sir, I do contend that never within our experience in any institution are Members who are once elected deprived of their vote. Even in a club when a Member has once joined I do not see how he can be debarred from voting. On the contrary, as Sir Maneckji Dadabhoy has pointed out, there are officials in this Council with the highest experience who can realise their responsibilities in a much better way than the non-official elected Members can do because they have very vast experience and they have been put into the Secretariat because they have better brains than most of the elected Members. That has been my experience. There might be some exceptions but generally I may say a man is not put into the Secretariat and gets Rs. 4,000 a month because he has no brains —

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : Then why have a Legislature at all ?

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN : Well, I should say just to ascertain the views of the people they are necessary but the decision rests with the executive and not with you. After all, when they are in such responsible positions it will be absolutely futile and uncalled for to move a Resolution to debar them from voting. With these remarks, Sir, I strongly oppose this Resolution of my Honourable friend.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (Madras : Non-Muhammadan) : Sir, I rise to oppose this motion. I do not think my friend the Honourable mover has made any case for a convention. The Honourable Sir Maneckji Dadabhoy has made a very strong case against the motion. No convention of this nature can override the provisions of the Government of India Act. Leaving alone the legal aspect as to the powers of Members for voting, I want to know why they should not vote for election to committees? As my Honourable friend, Sir Akbar Khan, said, with the experience which senior Members of the service possess they will be able to exercise better judgment. Why do you want to deprive them of their right to vote? Sir, it seems to me most pitiable that a Resolution of this sort should be tabled in this House. I am sure non-official Members will throw it out so that attempts of this sort may not be repeated. After all, we are on the eve of a new constitution. Why should we interfere with the powers of the Members of this House. I strongly oppose the Resolution and I hope that the mover will not press it.

THE HONOURABLE SIR FRANK NOYCE (Leader of the House) : Sir, I must confess that, on returning to this House, after an absence of about a year, I find it somewhat of an ordeal to have to deal with no less than three of the Resolutions that are on today's agenda. I am, however, very grateful indeed to the mover of the first Resolution that he has given me such an easy task. After what previous speakers have said, there is very little for me to add and I have merely to state, on behalf of Government, that I have to oppose this Resolution on three grounds. The first is the ground of procedure, the second is the ground of principle, and the third is the ground of past practice. As regards procedure, I would point out to the Honourable mover that the proper course is not to establish a convention that any Member of this House should not vote but to amend the rules governing elections so as to provide for election not by the Council as a whole but by the non-official Members on the lines which have been adopted in the other House in one instance, and I think I am right in saying one instance only, namely, the case of election to the Public Accounts Committee. Then I come to the ground of principle. I would remind the House that in 1927 the Honourable Mr. Desika Chari brought forward a motion covering a much wider field than is covered by the Resolution we have now under consideration in which he recommended that the Governor General or, if necessary, His Majesty's Government should issue instructions to official Members of the Council to refrain from voting on non-official Bills and Resolutions brought forward in this House. My Honourable colleague, Mr. Haig, in opposing that Resolution which was negatived without a division, pointed out that we have to take the constitution as we find it and that, so long as officials are Members of the central Legislature, they must have the full rights of Members, a point which has been emphasised by all those who have opposed this motion. He added that this was the answer which had been given to a somewhat similar proposal by the Reforms Inquiry Committee, that this appeared a sound and unassailable position and that it would be possible to leave the matter there. That, Sir, is where I myself propose to leave it so far as the question of principle is concerned.

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I next come to the question of past practice. I would remind this House that, ever since this House has been in existence, the official Members have had exactly the same rights as the elected Members in every respect and I would ask the House what possible justification there can be for changing that practice now when we are on the eve of constitutional changes which will vitally affect the composition of this House? In these circumstances, Sir, I can see no possible justification for this Resolution which I am glad to find has received no support from any quarter of this House and I trust that, in the circumstances and especially in view of the last argument that I have advanced, the Honourable mover will see his way to withdraw it.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I want to deal with certain remarks which the Honourable Sir Maneckji Dadabhoy and others have put forward before this House. My friend the Honourable Sir Maneckji Dadabhoy has said that every official Member has a free choice in voting. As far as I understand, Sir, the convention is —

THE HONOURABLE SIR MANECKJI DADABHOY : Sir, I never used those words, that every Honourable Member of the official bloc has a free choice to give his vote. I never expressed it in that way. The Honourable Member has entirely misunderstood my argument.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Well, at least that is what I understood the Honourable Member to say. But, Sir, generally the impression is that there is a convention that all the official Members when voting on any matter in this House have to follow the Government view. And I find, Sir, that what my Honourable friend Rai Bahadur Jagdish Prasad has said is that generally it comes to this that only those Members are returned whom the Government supports. Now, Sir, as there are two parties in this House, the Government ought to take some of their Members on these committees relative to their strength. All standing committees and all committees must be fully representative of all the parties which exist in this House and I hope, Sir, that the Leader of the House will find that this request is reasonable and so ought to be incorporated in the rules. When the rules were made out there were no parties in this House and now as two parties have been formed in this House present rules should be amended—

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN : What are those two Parties? We do not know of them.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : I might inform my Honourable friend, Nawab Sir Mahomed Akbar Khan—

THE HONOURABLE THE PRESIDENT : I think the Honourable Member might inform his Honourable friend after the meeting.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : I will do so, Sir. With these words, Sir, I support the Resolution.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, I rise to support the motion of my Honourable friend Rai Bahadur Lala Jagdish Prasad and in doing so, first of all, I wish to clear the minds of the Treasury Benches that we did not wish to

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bring forward any Resolution which would controvert the provisions of the statute. If the Resolution had been of such a nature, I am sure that you, Mr. President, would have exercised your privilege and disallowed this Resolution, and it could not have been tabled in this House. The fact that a statute lays down certain rules does not mean that it takes away the exercise of individual or collective opinion. The statute gives us the right to vote, but if a person or a group of persons do not want to vote, no statute can compel them to come forward and vote —

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: Certainly.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: This Resolution does not recommend that this House should decide the question. It asks the Governor General in Council to establish a convention. There is a distinct distinction between the two. We do not give a mandate that this procedure should be adopted. We request the Governor General to do this if he, in his wisdom, sees fit to do so. In a few years' time a complete change is coming. We are asking for this convention to be established by which the officials will not take part in the voting. We do not object to the nominated Members. We are perfectly willing to have these nominated non-officials participating. (*An Honourable Member*: "Thank you!") I think there is a great deal of misapprehension and opposition to this. People think that we wish to deprive all the nominated Members of their right of voting. (*An Honourable Member*: "No, no. Nobody has said that.") We, the elected Members, have got a majority in this House. We are 33 and the nominated Members are 27. But we find that the nominated group is always practically well represented while some of the elected group are rather not so very keen on attendance —

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: Whose fault is it?

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: It is the fault of those who have given such a bare margin. If we had the margin that we have got in the Assembly, you would not taunt us as you are doing now. Sir, the only idea underlying this Resolution is that we should act up to the principle "live and let live." We do not wish to attack official gentlemen, but if we belong to the same House, they ought not to work their power and exercise their votes to the exclusion and extinction of the non-official group. If the Government are not prepared to have co-operation and want to boss the show and are prepared to allow only those to come on committees who are subservient to them, then we have got no option but to bow to the decision of the Government and wait for the future federation to come and give us what little we can get. Sir, I support the Resolution.

THE HONOURABLE SARDAR BUTA SINGH (Punjab: Sikh): Sir, I rise to support the Resolution as it is in accordance with the convention in the Punjab Council that only elected Members and non-official nominated Members —

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal: Muhammadan): On a point of order, Sir. What similarity have we got between the Punjab Legislative Council and the composition of the Council of State?

THE HONOURABLE SARDAR BUTA SINGH: I am going to convince Honourable Members that this has done no harm in the Punjab and therefore it can do no harm here.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY: What relevance is there between the Upper Chamber and the local Council?

THE HONOURABLE SARDAR BUTA SINGH: All the Councils have to deal with a matter like that. Only the elected Members and non-official nominated Members should vote for the election of committees of the House. This has proved a very good convention in the Punjab and I see no reason why it should not be followed by this House. Sir, I support the Resolution.

THE HONOURABLE MR. G. A. NATESAN (Madras: Nominated Non-Official): Sir, I feel I owe it to myself not to give a silent vote. I have been connected with this Council for three terms with a short break, as I said the other day. If the general impression is that the officials, in selecting Members for a committee, try to avoid independent non-officials, I should like to say from my experience of one committee with which I have been very intimately connected, that this has not been so. I should like, particularly with reference to the observations of my Honourable friend Syed Hussain Imam, to remind him that with regard to the Standing Committee on Emigration, I know that from time to time official whips were issued, and out of four members that this Council was asked to elect—I speak of the time from the beginning of this Council—almost every time I found the name of the Right Honourable Sastri, the gentleman who has done immense service to the cause of Indians overseas. I found also every time the name of my Honourable friend Sir Phiroze Sethna, and even very recently, though my Honourable friend Rai Bahadur Lala Ram Saran Das is now the leader of a party, he will allow me to say that his name used always to be on the ticket or note issued by the whip of the Government for election? Perhaps I should say that I too was in it. I will give you another instance. I remember the well-known occasion three or four years ago when this Council had to elect a representative for the Research Institute of Science. Though my friend Dr. U. Rama Rao was a confirmed Swarajist, Government issued a whip to support his candidature in preference to a Mussalman gentleman who was well-known to have proclivities on the Government side. Then again, I must ask “Is it desirable that the officials should be deprived by convention of the power of voting?” Even with the best of intentions, cliques and groups might begin to tyrannise over any election and officials may help to prevent it—

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Can you stop that in the future federation?

THE HONOURABLE MR. G. A. NATESAN: In the future federation it is contemplated that there will be no official bloc at all. I am surprised that such an egregious mistake should be made by such a sprightly friend as the Honourable Hussain Imam!

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM :
Who will be the stabilizing element ?

THE HONOURABLE MR. G. A. NATESAN : In so far as this House has been constituted as it is and as we are working the present constitution, I really think that much good purpose will not be served by adopting a convention like this. As my Honourable friend Rai Bahadur Lala Ram Saran Das has pointed out, now that a party has been formed, I will point out that if there is a feeling that Government in issuing whips for committees are not recognising Members of the party in question, I think the matter could easily be settled by a reference to the Leader of the House. I think the Leader of the Party might give one or two names to the Leader of the House and say, "We should like one of these two men to be elected." I think that would be more effective. If this is all the object of the Resolution I do hope that my Honourable friend Lala Ram Saran Das would advise my Honourable friend Rai Bahadur Lala Jagdish Prasad, not to press his Resolution or prolong the debate as it may end in unnecessary unpleasantness.

Some Honourable Members : The question may now be put.

THE HONOURABLE THE PRESIDENT : The question is :

"That the question be now put."

(The Honourable Rai Bahadur Lala Jagdish Prasad rose in his place.)

THE HONOURABLE THE PRESIDENT : The Honourable Member should have been alive to his own interests in this matter. After the closure had been moved, I rose and stood in my place with my eye on the Honourable Member for a considerable period.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : I am sorry, Sir. I am grateful to those of my Honourable colleagues who have supported my Resolution but am rather surprised at the attitude of those Honourable Members who have thought fit to oppose it. In view of the fact that India is shortly going to have a new constitution under which it is expected that the official bloc in the Legislatures will be eliminated I thought that the Government would have no difficulty in accepting a proposition which virtually amounted to the elimination of the official bloc in this House on some specified occasions and only to a very small extent. But, Sir, I am sorry to find that the Government have thought it worth while to oppose it. Some of my Honourable friends have said that a convention cannot override a specific provision of law. Sir, I am sorry that they have understood me to mean that I sought by my Resolution to override a provision of law. In my first speech I had made it clear that I admitted that the official Members had as much right to vote as any other Member of the House. It was only as a matter of procedure or as a matter of practice that I requested that official Members should waive their right of vote in elections by this House, and I made that request on the analogy of the practice prevailing in other Legislatures. I am grateful to my friend the Honourable Sardar Buta Singh for furnishing the example of the Punjab Legislative Council also in this behalf. I think, Sir, that when the provincial Governments can function all right with their official Members not participating in elections by the provincial Legislative Councils, I fail to understand what difficulty the Government of India can have in following the same practice in this House. Some of my Honourable friends have argued

that it would create bad blood between officials and non-officials. I may tell them from my experience of the United Provinces Legislative Council that there on account of this very practice the relations between the officials and non-officials were all the more cordial. The Honourable Sir Frank Noyce has asked me to withdraw the Resolution on the eve of constitutional changes. Sir, I shall have no hesitation in following his advice if he accepts the advice offered by the Honourable the Leader of my Party, namely, that now that we have got two parties in this House, the Government while appointing Members to the different committees had better consult the parties and try to accommodate them. If this assurance is given, Sir, I shall be only too glad to withdraw my Resolution.

THE HONOURABLE SIR FRANK NOYCE : Sir, I waited for some time before intervening in this debate in the hope of hearing arguments in favour of the Resolution, but those speakers who supported it came in with a rush at the end. I do not, however, think that anything new has been said, nor that I need add anything to what I myself said in opposition to the Resolution, except in regard to a remark which fell from my Honourable friend Lala Ram Saran Das. Sir, I am new to this House and I am not certain what the practice here is, although I know the procedure which prevails in the other House; nor have I been here long enough to find out exactly what is the strength of the parties, to which reference has been made. But I do feel certain that here, as in the other House, it is the desire of Government that all committees should be as representative as possible. I have no doubt whatever on that point, and I am sure that the real Leader of the House when he returns to it will agree with my point of view. I can assure the mover of the Resolution that it is our desire that all committees should be as representative as possible of all shades of opinion in this House, and with that assurance I trust he will be content.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : Sir, in view of the assurance given by the Honourable Sir Frank Noyce, I beg leave of the House to withdraw my Resolution.

The Resolution* was, by leave of the Council, withdrawn.

RESOLUTION *RE* COMMUNAL DECISION.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I rise to move the Resolution which stands in my name and which reads thus :

“ This Council recommends to the Governor General in Council to communicate to His Majesty's Government the opinion of this House that the Communal Decision announced by His Majesty's Government is not acceptable to any section of the Indian communities in India and that it should be withdrawn.”

*“ This Council recommends to the Governor General in Council to make it a convention that in elections by this House of Members to the different committees, boards or bodies on which this House is represented the official Members of the House may not take part in voting.”

[Rai Bahadur Lala Ram Saran Das.]

Sir, I little realised when I tabled this Resolution, that Mahatma Gandhi will be able to work what I regard as a miracle and to bring the depressed classes and Hindus together by mutual agreement to accept joint electorates and thus secure the growth of national well-being and a progressive government. I can say, without violating any canons of modesty that the attitude adopted by my community in these negotiations may create an atmosphere which in spite of the Award may draw all communities together to seek settlement by mutual agreement.

Although I have stated in the Resolution that the Communal Decision is not acceptable to any Indian community in India, yet to-day I will only confine myself to the presentation of the nationalist point of view. The views of all communities have been ventilated in the press, Muslim organisations have expressed their dissatisfaction ; Indian Christians have condemned separate electorates, and the Sikhs have opposed them. In no province has the decision given satisfaction to all the Hindus, Muhammadans and Sikhs. It has been said that the door for negotiations is still open to all communities. It does not appear from any part of the decision, what is exactly meant by mutual agreement. Agreement between whom ? Who are supposed to be the authorised representatives ? The first and the foremost ground of attack on the part of the nationalist section of all the communities is that the provision as to the mutual agreement is vague and indefinite. Agreement between the nationalistic section of each community is possible at an hour's notice. Will the Home Government accept it ? The decision puts a premium on the separatists section and it would not be wrong to say that the Premier has proved himself to be a stronger advocate of separate electorates than the communities themselves. In provinces where the communities have given clear indication of their opposition to the decision, there seems no alternative for His Majesty's Government, but to take a plebiscite and ascertain the views of the people and base its decision on a clear majority of at least 70 per cent. of the voters of a province.

Up to this time it is not known how the miniature Round Table Conference is going to be formed. But it is well known that the Congress is not going to take part in it. It is universally admitted that the Congress is the strongest and the best organised political body in India, and that it is the most representative. If, in settling the constitutional issues which are pending, the Home Government does not aim at giving universal satisfaction, why should it insist upon a different standard of acceptance in the case of the communal issue ? If, in framing the constitution, the Government does what it thinks to be the best in the interest of India, and in arriving at those conclusions, Government proposes to consult only a few men, selected by itself, why should a different course be followed in respect of the communal issue ? Why should separate electorates be maintained, whilst every politician of any position in England or India condemns it whole-heartedly ? It is easy enough for people to condemn Indians for not having come to an agreement, and to have forced the Premier to give a decision which he was unwilling to do. But we had the bitter experience of the Pact of 1916 and of what followed. The Congress League Pact enabled the authors for the Montagu-Chelmsford

Report to accept separate electorates and to condemn them in the same breath. That safe position is no longer possible for the Prime Minister now. The responsibility of maintaining separate electorates in autonomous provinces lies upon his shoulders. He will be responsible to future generations for the consequences that might follow. Dominion Status has been held for India as the goal and the future historian will see how England helped India to achieve Dominion Status with separate electorates as the basis of its constitution. In the absence of our mutual agreement it will be for Mr. MacDonald and Sir Samuel Hoare to show to the future generations how provincial autonomy is compatible with the creation of different centres of control based on caste and creed. In fact, in the absence of any clear and definite indication as to what are the conditions of mutual agreement, there is every reason to infer that it is intended to treat separate electorates as sacrosanct and as an essential part of the Indian constitution.

The objection of the Hindu community to the so-called Award can be placed before you in various ways. There is the point of view of the Hindu minorities in the Punjab and Bengal, which I must lay before the House. I would divide my remarks in this connection under the following heads :

Separate electorates were a minority right and should not have been forced on an unwilling minority. The Hindus of the Punjab and Bengal strenuously opposed separate electorates. The Sikhs never demanded them. That the separate electorates were considered to be a minority right is easily demonstrable from the reply given by Lord Minto to the deputation led by His Highness the Aga Khan in 1906. An extract to that reply is given on page 184 of the first Volume of the Statutory Commission's Report. Lord Minto observed that as electoral bodies now constituted would not be expected to return a Muhammadan candidate, and that if they did so, it could only be at the sacrifice of such a candidate's view to those of the majority opposed to his community separate electorates would be conceded.

Now, reservation of seats will meet the first point and the second point would arise only where the Muslims are in a minority. Lord Minto himself did not concede separate electorates to the Muslims in the Punjab, where they were in the majority. It was, therefore, clear that separate electorates were not intended as a privilege which the Muslims could claim everywhere. Were it not for the Pact of 1916, separate electorates would not have been introduced in the Punjab. But if the Prime Minister considered that the Pact has a binding force up to now, why has it been broken in the case of Bengal? Bengal Muslims were given representation by the Pact less than their numerical proportion in the population, for the simple reason, that Muslims in provinces in which they were in a minority had been given considerable weightage. Whilst the weightage given to Muslims has been maintained, the Pact has been broken in respect to Bengal, so far as the Hindus are concerned.

But there is another aspect of separate electorates apart from the sanctity claimed for them on the basis of the Lucknow Pact. In an autonomous province in which there is no official bloc in the Council, separate electorates are harmful to minorities. The point was fully argued by the Punjab Hindus before the Simon Commission, and it is stated in clear terms on page 30 of the Nehru Report. I need not quote the exact words. The principle

[Rai Bahadur Lala Ram Saran Das.]

seems clear: Where a minority is not wise enough to realise the mischief there may be some reasons for maintaining separate electorates, but where the minority claims to exercise the right of voting, there is no reason to withhold that right.

Another grievance of the Hindu community is, that whilst to the Muslims and Anglo-Indian minorities very large weightage has been allowed, the Hindu minorities, both in the Punjab and Bengal, have been assigned seats even less than their proportion to the population.

Nothing is known about the communal composition of most of the special constituencies. It is obvious that when separate electorates exist for a substantial majority of the seats in the Council, voting in special constituencies will also proceed on communal lines. For instance, in the Punjab there are separate electorates for 165 seats out of 175. The atmosphere which will thereby be created amongst the people will influence the remaining ten seats also reserved for special constituencies. The right and proper course would be to credit the special constituency to the community which has a majority of its voters in it. It is no use saying with regard to the Punjab that only 86 out of 175 seats reserved for Muhammadans will be filled up by members coming through separate electorates. Through the land holders special constituency three seats are bound to go to them, indeed an unheard of concession, to add to the representation provided for Muslims, has been made by forming a separate constituency in the Punjab of seven tumandars and by assigning them a special seat. There is no reason why tumandars should not seek election from all landlord constituencies. The communal composition of the labour seats are unknown. The intention to give absolute majority to the Muslims in the Punjab, while separate electorates are maintained for them is not concealed by the device of the special constituencies.

It has not been decided whether the electorate in the Punjab for the University seat will be the Senate or the registered graduates. Industry, commerce, mining and planting have all been jumbled into one. The Punjab Government, in their despatch on the Report of the Statutory Commission, proposed the abolition of the seat of industry and retained commerce, which has a majority of European voters. If these electorates are formed in such a way, that the majority of voters in the electorates are non-Hindus, the Hindu proportion of the Members in the Council will be reduced nearly to 25 per cent., while their population including the depressed classes is 29 per cent. The share of the depressed classes has been given over to Muslims, whilst the depressed classes have always been regarded as part and parcel of the Hindu community. The weightage allowed to the Sikhs is far less than what they claimed, less than what the Muslims enjoy in the United Provinces, where their population is nearly the same as that of the Sikhs in the Punjab. Their stake and status in the province has been ignored. No heed has been paid to their services to the Empire.

Another objectionable feature of the Award is that communal electorates have been designed for women also, though strong representations were made by them, that they did not want communal electorates. In fact a section of

them at least opposed even reservation, fearing that if they asked for reservation, communal electorates might be forced on them. Separate electorates have to remain intact for ten years, if not altered by mutual agreement of the communities concerned before the passing of the Act of Parliament. Opinion in support of joint electorates is gaining strength even amongst Muhammadans, with whom the desire for separate electorates originated about 26 years ago, when the introduction of the Parliamentary system of government was not even dreamt of. If within these ten years the Muslims in minority provinces realise the harm which the separate electorates would do to them, are they expected to submit to them? The Communal Award is opposed to the dicta which has been given from time to time by British politicians against separate electorates. The framers of the Montford Report condemned them and introduced them reluctantly on the basis of the Lucknow Pact. The Statutory Commission opposed the idea of an absolute majority for Muslims in the Punjab and Bengal based on separate electorates. The Commission also discountenanced the idea of separate electorates for depressed classes. Looked at from every point of view the Award affords no evidence of the statesmanship which has characterised British politicians in their dealings with India and therefore the decision should be withdrawn.

Finally, I have no hesitation in affirming that the Award is based on no clear and well established principles :

- (i) It is discordant with the principle of democracy. It separates communities into separate sections, thus preventing effectively the formation of parties on non-communal lines.
- (ii) It will destroy the impartiality of administration, as Ministers dependent on communal parties will have to pander to their supporters.
- (iii) It aims at giving protection to minorities, but extends the principle of separate electorates to the Muslim majority in the Punjab and Bengal.
- (iv) It fails to make any provision for joint responsibility in the Cabinet.

In short the decision introduces a vicious principle and all right-minded men, whatever their class and creed, have no option but to oppose it.

May I now appeal to the Government of India to pause and consider all the dangers to which the provincial Governments would be immediately exposed after the new constitution is introduced as a main result of the Communal Decision, and interferes with the main object of bringing about an agreed settlement which I understand His Excellency the Governor of the Punjab some time back did when there was a difference between the two Muslim parties in the Punjab Legislative Council ; just as Mahatma Gandhi has done at the present moment to bring about the settlement between the depressed classes and the caste Hindus. The distance between the Muslim point of view and the non-Muslim point of view is not unbridgeable, but it is a difference based on a well established principle that democracy can only succeed on the basis of nationality without distinction of caste, creed or community.

With these words, Sir, I commend this Resolution for the favourable consideration of this House.

THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ (East Bengal: Muhammadan): Sir, I rise to oppose the Resolution which has been so tactlessly moved by my friend Lala Ram Saran Das. I am certain neither the House nor any section of public opinion will support such a measure at this belated stage and I do not wish to deal in detail with it—it would be waste of time. The only people who have tried to put up a kind of opposition against this Award of the Prime Minister is the extreme left wing of the Congress who are outwardly nationalist but are rank communalists at heart. If anybody has suffered by this Award it is the Muslims and the Muslims alone—

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: So you do not like the Award yourself?

THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ: I did not say so. Even they have not said that the Award could not be worked and have so far never asked for its withdrawal. Sir, I do not wish to make a lengthy speech as I am sure the Honourable Members of this House would like this Resolution to be thrown out as quickly as possible. Generally speaking, the Prime Minister has tried his best to put the right interpretation on the present situation in India which is ridden with so many castes, creeds and races. He has tried to protect the rights of the minorities in a way that was suggested to him by the delegates to the Second Round Table Conference. If there is any complaint it should come from the Muslims of Bengal and the Punjab whose majority has been reduced to a minority though the Prime Minister assured the delegates in England that under no circumstances would a majority community be reduced to that of a minority. So, Sir, you can see who are the real sufferers by this Award. Sir, I wish to advise my Honourable friend to urge on the authorities to restore the majority position of the Punjab and Bengal Muslims and not to pursue this Resolution. Sir, with these few words I oppose the Resolution.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON (Punjab: Nominated Non-Official): Sir, I had hoped that my Honourable friend Rai Bahadur Lala Ram Saran Das would have, by this time, realised that no good purpose would be served by bringing such a Resolution forward. However, the Resolution has been moved. The arguments advanced are hardly convincing. It is true that the Award has been criticised by the different communities. But why? Because all the communities could not get all that they demanded. It was impossible for His Majesty's Government or I would say for any human agency to grant to all the communities all that each respectively demanded. It simply could not be done. If one community claimed 56 per cent. of the seats on the Legislature, a second 30 per cent. and a third 28 per cent. how could the Government allot 114 seats out of 100 seats available?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What about the Muslim demand in the Round Table Conference?

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON: It does not matter. I will come to the details later. The various communities having expressed their dissatisfaction with the Award it does not necessarily follow that they are not going to co-operate for the working of the Award. Here I may with advantage quote one incident relating to the discussion of the

adjournment motion in the Legislative Assembly on the 5th instant. Mr. Morgan, a Member of the Legislative Assembly, put the following question to the House :

“Is there any leader of any party in this House who would get up and say that he does not want an advance of self-government on the lines of the Communal Award?”

Not a single leader of any party replied in the affirmative. One Honourable Member did say yes, but he was not the leader of any party. This will show that the people are prepared to co-operate for the constitutional advance of the country on the lines of the Award. We have to remember that the representatives of the different communities of this great country could not come to any mutual agreement as to their respective representation on the future Legislatures and so this intricate problem was entrusted or rather forced on His Majesty's Government for decision. Now, when the Government have, after deep consideration and to the dictates of their sense of justice given the Award, it is not fair to condemn the Award and particularly so when there is no better solution coming forth—

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: That is not the final Award.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON: I did not say “final.” I mean to condemn this Award when no better solution of the problem is coming forward, that is, a solution which will meet with the approval of all the communities concerned. It is easier to resort to destructive criticism than to bring forth any constructive scheme. Our Sikh brethren, amongst whom I have the privilege of having many friends, have expressed their unwillingness to work the Award, but we must look at the facts. They have been given 18 per cent. representation against their 13 per cent. population—

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN (Education, Health and Lands Member): 18·8 per cent. under the Award, 12·7 per cent. according to population.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON: That is 50 per cent. more than what they are entitled to on the basis of population—

THE HONOURABLE SARDAR BUTA SINGH (Punjab: Sikh): What about the Muhammadans in the United Provinces?

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON: I am talking of my own province. The Sikhs are not in the United Provinces. They claimed 30 per cent. on the ground that the Punjab is the home of their religion, that they pay a large portion of the land revenue, etc. But these grounds, I submit, are opposed to the very spirit of democracy. Their religion, for which I have great respect, had no doubt its birth in the Punjab, but are the other communities, who occupied the Punjab even before the Sikh religion came into existence, to be deprived of their rights on this ground? They say that no single community should have a majority in the Legislature. But would it be possible or practicable to carry out this principle in all the provincial and central Legislatures throughout India? If not, why make the Punjab an exception? I believe that the saner section of this great

[Nawab Malik Mohammad Hayat Khan Noon.]

community is coming round and will make the best efforts not to let the extremist wing retard the progress of the country—

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: You help then.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON: If the Award is withdrawn, what will it lead to? I think it will throw us back to the position of the deadlock which occurred at the failure of the inter-communal negotiations last year. I hope and trust that my Honourable friend the mover of the Resolution does not desire such a consequence? I venture to say that if the leaders of the different communities would make patriotic efforts to secure good-will and mutual agreement between the different sections of the population, they will be doing more useful work for their country than by devoting their energies to the condemnation of the Award in question. If they succeed in their efforts for mutual agreement, they will deserve the deep gratitude of future generations. Sir, I oppose the Resolution.

THE HONOURABLE MR. E. MILLER (Bombay Chamber of Commerce): Sir, it seems to me that a Resolution such as that proposed by my Honourable friend from the Punjab will serve no good purpose, no matter what the general policy of this House may be, in view of the terms of the Award which has been approved by His Majesty's Government. The Award distinctly provides means for any amendment that is agreed to unanimously by those concerned, and the discussions which have recently been brought to a conclusion at Poona is an instance of where a successful attempt has been made to arrive at such an agreement whereby an amendment may be submitted for the consideration of His Majesty's Government. It is up to my Honourable friend the mover to take action with other communities if he is not prepared to accept the Award. A general expression of opinion such as that proposed can carry no weight. In fact, I think it may do harm because it is in no way constructive and may give rise to doubt as to whether responsible opinion, such as this Honourable House should carry, is really seriously anxious to get on with the Reforms. It was found impossible either at the Round Table Conference or subsequently out here to arrive at any decision in connection with the communal question. The Prime Minister, therefore, in accordance with an undertaking given by him at the conclusion of the last Round Table Conference, set himself the unenviable task of making an award and, although it is hardly to be expected that any award of this nature could give complete satisfaction to any community and certainly does not fulfil the demands of the Europeans. I should like here to correct one statement made by the Honourable Mover. He said that in the commercial constituencies in the Punjab, the Europeans form a majority. To the best of my information, the Punjab Chamber of Commerce is constituted half each of Indian and European firms and I understand that the Punjab Chamber is far from satisfied—

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What about the composition of the Northern India Chamber of Commerce which has its headquarters at Lahore? The Punjab Chamber is the Delhi Chamber.

THE HONOURABLE MR. E. MILLER: I believe it is connected with the Chamber at Lahore, is it not? I think however, that it may be said that in

the circumstances the conclusions arrived at by the Prime Minister are fair on the whole and if accepted will be found to form quite a workable arrangement for the period of years indicated.

The Resolution put forward gives this House an opportunity of discussing this important matter and for that reason may be welcomed, but the various views having been ventilated, I suggest that perhaps my Honourable friend may like to withdraw his proposal. Sir, I oppose the Resolution.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay: Non-Muham-
 1 P.M. madan): Sir, I am sorry I too have to oppose the motion of my Honourable friend. I do so because he is simply asking for the impossible. As a delegate to the Round Table Conference I may be permitted to acquaint the House with certain facts and to say that nothing better could have been done under the circumstances. As soon as Lord Irwin announced the intention of His Majesty's Government that a Round Table Conference was to be held in London, the leaders here recognised that the great question on which Indians were divided was the question of communal representation and that should be settled before we sailed. They therefore convened a meeting of all Parties in Delhi in the hope of arriving at a satisfactory solution. They failed in their efforts. They hoped, however, that before the actual work of the Round Table Conference did commence, the delegates would be able to come to an understanding. The delegates went in several batches. The first batch consisted I believe of nearly 30 members who travelled by the same boat and they used to hold meetings day after day in the hope of arriving at some solution. They failed. Fortunately there was a fortnight to three weeks left between the time of their arrival in London and the first day of the session and efforts were renewed by the leaders of different parties. At one time it looked as if their efforts would be crowned with success. It is not for me to state which community or communities or what individuals of them were most obstructive, but the fact remains that they could not come to any agreement. And here I may say that the atmosphere of the first conference in London was so favourable that if the different communities had agreed amongst themselves, and if also some of the prominent leaders had not insisted on returning to India as early as they did, perhaps by now the Reforms would have been an accomplished fact. Unfortunately that opportunity was lost. At that time Labour were in power and it is generally believed in India that Labour are more responsive to Indian aspirations than either the Liberals or the Conservatives.

A year later we went to attend the second session. We had with us Mr. Gandhi this time representing the Congress, and because Mr. Gandhi was there it was hoped that whatever he would do would of course prove absolutely acceptable to the Congress in India and because even outside the Congress, Mahatma Gandhi commands the respect of all Indians that he would be able to bring about a settlement between the different communities. Realising this the Prime Minister postponed the deliberations of the Conference for a few days in the hope that Mr. Gandhi would succeed in his efforts. Meeting after meeting was held over which Mr. Gandhi presided, but Mr. Gandhi himself was so opposed to conceding anything to the depressed classes and also because the differences between the other communities could not be reconciled nothing came of those efforts. When the Conference met again on

[Sir Phiroze Sethna.]

the appointed day Mr. Gandhi had to tell the Prime Minister that it was with the greatest humiliation that he admitted failure. That being so, there was no other course left to the delegates, but to ask the Prime Minister to give us his Award. Two days ago the 14th session of the Mahasabha was held at Delhi of which we find reports in the papers yesterday and today in which the President has taken to task those delegates who appealed to the Prime Minister to arbitrate. He says :

“ Individual members of the Round Table Conference or its Consultative Committee, who were weak or incautious enough to accept Government, even in the last resort, as chosen judges or arbitrators, may naturally feel debarred from contesting the Award.”

Sir, we were neither weak nor incautious. Every possible avenue was tried but without success. So bitter was the feeling that, leaving alone the Prime Minister, even if the Archangel Gabriel came down to earth and he was Asked to arbitrate I do not think even his Award would have proved acceptable to the different communities. That being the position and because we must recognise that if we could not agree amongst ourselves the right of final decision necessarily rested no less morally than legally with the British Parliament. We did ask the Prime Minister to give his Award and he has now done so. Although he has done so, he has left the door open even now to make any changes we like and we are glad to hear from the Honourable Sir Frank Noyce today that the Prime Minister has accepted the arrangement that has been arrived at between the different classes of Hindus, high castes and depressed. Sir, when the Prime Minister promised, when we parted in the first week of December last, that he would give the Award, even then he observed that if before the giving of the Award the different communities let him know that they had arrived at an understanding he would far sooner accept those understandings because he full well realised that he was undertaking a thankless task. We parted in the first week of December. The Communal Award was given 8½ months later, namely, on the 17th of last month. Attempts were made here but again without success. How can we, therefore, blame the Government for the Award His Majesty's Government have now issued. I belong to a minority community myself, but my community never asked for reservation of seats in joint electorates, and much less for separate electorates. I too do not approve of the Communal Award as a whole. We can pick holes here and there, but that is no reason why we should condemn it wholesale as my Honourable friend Lala Ram Saran Das proposes or as the amendment is likely to do, namely, to get it altered. We have got to take it or leave it. Why not take it as it is and try to improve on it as time goes on by mutual arrangements ? If we leave it by asking that it should be withdrawn or amended it will simply mean that the Third Round Table Conference will not be able to progress, and, what is more, the Reforms will be postponed to an indefinite period. For all these reasons, I think the Resolution does not deserve to be accepted by the Council.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM
(Bihar and Orissa : Muhammadan) : Sir, I rise to move my amendment to the Resolution :

“ That for the word ‘ withdrawn ’ the words ‘ further amended ’ be substituted.”

In bringing forward this amendment, I was actuated by practically the same feelings as my Honourable friend Sir Phiroze Sethna that it is not possible at the present moment to plunge India again into the chaos in which it was before the settlement of the communal issue. We all remember how the work of the First Round Table Conference came to a stop and foundered on this communal rock, and how the Second Round Table Conference was a failure because of this very same difficult job. To ask that it should be withdrawn now and that India should be put in the same morass is rather a tall order. My amendment is opposed to the original Resolution of my leader and some people may think that I am exceeding the limits, but I would remind the House of the recent Prayer Book controversy in the House of Commons when worse things than this had happened. My leader has attacked the separate electorate. I am not going to advocate separate electorates or why the Premier has upheld it. I am simply going to state facts. Facts cannot be denied. There is a belief among the Mussalmans that they must have separate electorates. This is an acquired right of the Muslim minorities in India, and according to the Convention established by the League of Nations, the minorities are usually given more rights than they have at the time when they are being created. When these minorities in Europe were created they had practically no rights and whatever little was given, was given as an extra inducement. In India the Muslim minorities have certain rights and the nationalists, the so-called nationalists, want to deprive them of even this under the garb of nationalism and under the ægis of the League of Nations.

My Honourable leader practically attacked the tumandars' constituency of the Punjab. I am sorry that Members from the Punjab did not reply. The tumandars' constituency is not a new constituency created by the Communal Award. It has been in existence for a long time and according to the conservative principles everything that is antiquated must be maintained. The depressed class seats in the Punjab it is said go to the Muhammadans. I do not find any substantiation for that statement. Muslims who form 56 per cent. of the population have been given 49 per cent. seats. If depressed class seats or any other seats have been given to any community, it has been given to the community of my Honourable friend Sardar Buta Singh, namely, the Sikhs, and perhaps to the Indian Christians who are a very small minority there and who deserve some representation.

The point has been raised that joint responsibility cannot be possible with separate electorates. In view of this I have to remind the House that in the days when the Swarajists were in the Councils there was perfect co-ordination and co-operation between the Hindu coming from separate electorates and the Muslims. There was no divergence on account of separate electorates when they had the same political axe to grind, and even now we have got in this, as at the other place, a joint party even with the separate electorates, and I cannot conceive how the separate electorate will cause in future such a divergence that we cannot co-operate. There is one thing more, that the Communal Award has some defects there is no doubt. The Honourable Member for Eastern Bengal has said that the representation in the Bengal Council is below the population basis and against established democratic custom, that the majority community should not be reduced to a minority; and yet he does not think it wise to ask for its withdrawal. I, Sir, do not ask

[Mr. Abu Abdullah Syed Hussain Imam.]

that it should be withdrawn. I ask only that if suitable amendments can be made, just as a suitable amendment is going to be made now on account of the depressed class Hindus coming to a settlement, in the same way, slight modifications are possible, by which means the position which is not quite correct in the Award may be made better. I urge that the Prime Minister should consider the advisability of so amending his Award. I do not want that it should be either withdrawn or repealed because that would stop progress of Indian constitutional reforms—

An Honourable Member : What amendment would you recommend ?

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : I am not an adviser either of the Premier or of the Government of India. But if you want to know there is no reason why six seats at least should not be given to Bengal Muslims. And if they are to be found, they should be found from the pockets of my Honourable friend Mr. Benthall. I did not want to say that, but if you want it, you can have it.

One thing more. This Award has made non-co-operation practically impossible. I have to remind the House that the Mahasabha is sitting in Delhi and the President has strongly advocated that the Hindus should not non-co-operate with the Government's new constitution. He has advised them for better or for worse to work the constitution. I think that the Award has not made the position so impossible as has been painted. It has made it a little bad, I admit, and a little improvement is possible, but it is only a matter of opinion whether that amendment would improve it for certain people and might make it worse for other people.

One point about the Award which makes it greatly appreciated from the general point of view is that nobody wants it withdrawn. That shows that some sort of impartiality and ingenuity has been spent in coming to a decision so that while displeasing all no one wants that it should be withdrawn permanently. Sir, with these words I move the amendment that the words " further amendment " should be substituted for the word " withdrawn. "

THE HONOURABLE THE PRESIDENT : Amendment moved :

" That for the word ' withdrawn ' the words ' further amendment ' be substituted. "

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

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

THE HONOURABLE SARDAR BUTA SINGH (Punjab : Sikh) : Sir, I rise to support the Resolution moved by the Honourable Rai Bahadur Lala Ram Saran Das. In supporting the Resolution I can definitely say that I have the support of 45 per cent. of the population of the Punjab paying two-thirds of the revenue. We oppose the Communal Award because we think it is not consonant with the spirit of democracy. It introduces a system which separates

one community from the other and prevents all chance of mutual agreement, promotion of good-will and the creation of an impartial Government. Hindenburg, the other day refused to hand over the Government to a party which he considered was not likely to form an impartial Government. Can the British Government do less ?

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON : The British Government is different from the German Government.

THE HONOURABLE SARDAR BUTA SINGH : If I may venture to make a suggestion I feel the easiest course for the Government would be that in provinces where more than 40 per cent. of the population is opposed to the Communal Award to maintain the existing constitution, that is, to continue the present system of representation in the Councils including the official bloc with this exception only that all subjects may be transferred and the Council may be empowered to change its own constitution, to lower the franchise or to make any other change which it may consider desirable by a majority of two-thirds of the elected Members. I would like to leave no doubt in this matter that the whole of the non-Muhammadan Hindu and Sikh population is opposed to the Communal Award for the Punjab. I do not wish to say anything regarding other provinces—

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON : Because it does not suit you.

THE HONOURABLE SARDAR BUTA SINGH : It is really a provincial matter and where people have come to an agreement they can go ahead but in provinces where no agreement exists it would be a fatal mistake to force advance on an unwilling population.

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN (Education, Health and Lands Member) : Sir, I am sure my Honourable friend Rai Bahadur Lala Ram Saran Das will forgive me if I am constrained to submit that he has chosen a very inopportune moment to move his Resolution and that in moving that Resolution he has done no service either to the country or to the particular interests with which he is identified.

Sir, I am grateful to the Honourable Sir Phiroze Sethna for having described the history of the circumstances under which it became necessary for, almost obligatory upon, His Majesty's Government to give an Award upon the matters with some of which the Communal Award deals. I am grateful to him because I can now, with a far less expenditure of time than it would have otherwise been necessary, go on to deal with the points, at least some of the points, raised by my Honourable friend Lala Ram Saran Das. I am sorry I shall not be able to deal with all the points raised by him as, apart from considerations of time, I was not able to follow the whole of his speech as it was addressed entirely to his desk and not to the House. If he had read it out to the House instead of reading it out to his desk, I might have been able to deal with all the points raised by him.

Sir, apart from the circumstances under which the necessity of giving an Award arose, what was the particular exigency which brought about that necessity ? Was it not that the demands of the various communities and interests were so irreconcilable that Indian statesmanship failed altogether

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to reconcile them? If that is so, was it to be expected that His Majesty's Government would be able to work a miracle and reconcile what the whole of India had failed to reconcile? (Hear, hear.) His Majesty's Government well knew when they undertook this responsibility that, whatever Award they might give, it would fail completely to satisfy all communities and all interests. Had that not been so, Indians amongst themselves would not have found it impossible to come to an agreement. And the attitude which His Majesty's Government have adopted in giving this Award is this. They have practically said to India: "Gentlemen, you have not been able to solve these differences among yourselves. In spite of repeated appeals and extended opportunities given to you you have not been able to put forward a scheme which would be acceptable to all or almost all the interests concerned.

You have asked us to pronounce a decision upon the matter so that the main obstacle in the way of constitutional advance may be removed. We are giving this decision knowing that it will not satisfy all of you, but this is the best that under the circumstances we have been able to do. If, at any time, you are able to produce a better scheme, a scheme which is acceptable to all the communities, we shall be only too happy to substitute it in place of the scheme that we are putting forward." And what does my Honourable friend Lala Ram Saran Das want? He wants that this scheme should be withdrawn. With what result? That the communities should be restored to the position which they occupied before this decision was given, that position being that no constitutional advance was possible, that even the consideration of constitutional problems had become impossible unless some sort of decision was arrived at. And what does he propose in the place of this Award? Has he come forward with an alternative Award saying, "Here is something which I put forward and I guarantee that this will be acceptable to all the communities, or at any rate it will be more acceptable to the communities than His Majesty's Government's Award is"? Nothing of the kind. He has not chosen to take the House into his confidence with regard to what he wants done after the Award has been withdrawn. Is it his position that the Award should be withdrawn, that the communities should be left in the position in which they were before it was given, and that all further consideration of the constitutional question should come to an end? Or is it his position that this Award should be withdrawn, that another one should be given by His Majesty's Government, knowing full well that that will not satisfy all the communities and interests, and that that Award should be submitted to the pleasure of my Honourable friend so that he is given an opportunity of rejecting it, harping perhaps on the bankruptcy of English statesmanship? What exactly does he desire? I have not been able to follow that aspect of his speech. He has merely expressed his dissatisfaction with several aspects of the Award. There is no doubt that the Award has been criticised by the representatives of a good many interests, not by any means of all, but by the representatives of a good many interests, from various points of view, but that was to be expected. As I have said, Sir, the necessity for the Award arose because the claims that were put forward were mutually irreconcilable. They continue to be irreconcilable. But, Sir, the matter is not happily so hopeless this morning as it might have been hitherto, and may I, with all respect to my

Honourable friend, say that it is no longer the fact that the Award is unacceptable to any section of the Indian communities in India. That was not the position to begin with, but to a much larger extent that is not the position this morning. What is the Award at the present moment? At the present moment the Award is the printed statement which was issued on the morning of the 17th of August, subject to the modification announced this morning that a certain number of seats are to be filled by following a certain procedure in favour of the depressed classes in the various provinces. That is the Award. Is it not today acceptable to all the members of the depressed classes in this country? Is it not today acceptable to the caste Hindus in this country? They are perhaps not completely satisfied with it, but they have clearly stated in the agreement to which their leaders have put their signatures that this modification is based upon the present terms and figures of the Award. Has anybody ever held that once you have accepted an amendment to a scheme which is based upon the scheme as it stands, you can turn round and say that the original scheme is not acceptable to you at all? I therefore venture to submit that the caste Hindus, including my Honourable friend Rai Bahadur Lala Ram Saran Das, have accepted this Award, inasmuch they have requested His Majesty's Government to give effect to an amendment based upon the original Award —

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Has His Majesty's Government accepted that?

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN: When once you request His Majesty's Government to accept an amendment which you yourself have put forward, you cannot turn round and say that the Award is not acceptable to you. Therefore, I submit that the main ground on which my Honourable friend has requested this House to approach His Majesty's Government with the request that the Award may be withdrawn does not this morning stand. There have been various constitutional objections put forward by my Honourable friend in his criticism of the Award. He says that the Award is not acceptable to him because it contravenes and infringes this principle or that principle either of constitutional law or of what he describes as democracy. And, Sir, what is this fetish of democracy which the supporters as well as the opponents not only of this particular Award but of every constitutional doctrine and theory put forward on every occasion? What is the essence of democracy? Is it not, Sir, that the government of a country shall be run in responsibility to the representatives of the people of the country? Is not that the essence of democracy? That being so, does it not follow that where experience has taught that Legislatures based upon a certain model fail to bring in representatives of all classes and interests in the country, certain modifications and correctives shall be applied to that system whereby the true object of democracy might be achieved? Where that is so, I am sure constitutional theories must be sacrificed to existing facts.

My Honourable friend said he objects to the system of separate electorates, and he has blamed the Premier for perpetuating this system. But who was responsible for the introduction of this system in the Legislatures of this country? Why was it considered necessary that a system of separate electorates should be introduced at all? When the elective system was first

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introduced into this country and had been in operation for several years, on a limited scale no doubt, it was found that the unadulterated elective system without modifications operated to bring in the representatives of mainly one community only and that the system was being worked in this country in such a fashion that the representatives of other communities and interests were being kept out or at any rate were being kept out to such an extent that it was considered that as a result of that system, the Legislatures that were set up could not be described as truly representative of the people of the country. It was in order to carry into effect this doctrine of democracy that it was found necessary that checks must be devised and modifications introduced which would enable other interests and other communities also to be represented in the Legislatures. It is this necessity which compelled the Government at various stages to introduce certain departures from the system which obtained in their own country. It was the people of this country who were responsible, the conditions in this country which were responsible ; and not either the British Premier or Lord Minto and Mr. Morley or any other who were responsible for the introduction of this system. Nor is it the British Premier who can do away with separate electorates, but the people of this country. The moment those communities who are dominant in particular areas and provinces begin to treat the other interests and communities in a liberal and a generous manner so as to win their trust and confidence the demand for these modifications and these anomalies will disappear, and the sooner we begin to act in a manner which would create trust and confidence among ourselves the sooner separate electorates will cease to be a part of the constitutional system in this country.

Again, Sir, minute criticisms were levelled against the Award on the ground that it gave one particular community an advantage here and subjected another community to a disadvantage there, and in this connection reference was made to the doctrine of weightage. I do not want to pursue these matters in detail, but I might be permitted to say one word with regard to this doctrine of weightages. I have no doubt that this doctrine is peculiar to Indian conditions and this doctrine also has been begotten out of the lack of confidence to which I have already alluded. This doctrine of weightage, so far as I am able to understand it, means this. It means that in the conditions of distrust, and lack of confidence which most unfortunately prevail in this country, it is necessary that when political power is being transferred to the people of this country, certain provisions should be made in the constitution which should place minority interests and communities or weaker interests and communities in a position whereby they might be able to influence the decisions of the majority to a larger extent than would be possible if no such artificial aid was given to them. That I understand is the essence of the doctrine of weightage, that is to say, that if in any province or area a minority, or, if there is more than one minority, the minorities combined would under the ordinary system be left in a very weak position, then they may be given extra representation first as an earnest of the good-will and generosity of the majority community ; and, secondly, in order to engender in them a sense of confidence that they will to a large extent be able to influence the decisions of the majority ; but this doctrine of weightage cannot be pushed

to this extreme that the minorities combined or a single minority should by the application of this doctrine of weightage be placed in a position of majority and the majority community should be reduced to a position of minority. That would indeed be the inversion of the doctrine of democracy. It has been observed that in Assam, for instance, where the minorities combined are supposed to be in such a position that they do not require any artificial aid in order to exercise proper influence over the decisions of the majority there has been no weightage given at any rate to the Muslims —

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What about Muslim representation in Bengal?

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN: If the Honourable Member wants me to go into that I am prepared to do it. Before I finish with this question of weightage I may observe that it has been found possible, for instance, in the North-West Frontier Province to give a very much larger weightage to the non-Muslim communities than it has been possible in other provinces, inasmuch as even that enormous weightage leaves sufficient room for the play of the doctrine that a majority should not be reduced to a minority.

With regard to the question of Muslim representation in Bengal, I conceive my learned friend's objection is that there a majority has been reduced to a minority—(*The Honourable Rai Bahadur Lala Ram Saran Das* "Yes.")— and that the application even of that doctrine has been subjected to certain modifications in view of the conditions prevalent there. If that is his objection, that merely reinforces what I have said in the beginning, that you cannot devise a scheme which in a country like India should completely satisfy a purely theoretical hypothesis although theoretically it is still possible for Muslims in Bengal to win a majority of seats. You must take into consideration the anomalies that exist and try to modify and adjust your scheme to those anomalies —

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: That is what I want done in the Punjab.

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN: India is not a country where any theory could be applied in the political field without any exception or modification whatsoever from Peshawar to Dhanushkodi. Let me give an instance of a different kind altogether. India is a country where even the future truly national Chambers to be set up, are bound to continue their discussions in a foreign language, because in spite of all national aspirations the conditions are such that it is only a foreign language which can be understood by all the members and in which all the members can speak. Upon that Honourable Members may reflect. Where this kind of thing is possible, lesser anomalies should be accepted with less hesitation.

I do not consider, Sir, that it is necessary for me to go into the details of the questions which my Honourable friend Rai Bahadur Lala Ram Saran Das and my Honourable friend Sardar Buta Singh have raised. It is not my intention to try to justify each detailed provision of the Award. There are grievances

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on all sides. I do not say that the Award from every point of view is the most ideal that could have been given. It is possible that before this Award was given my two Honourable friends might have been able to devise a scheme which might have been more acceptable to the communities than this one. It is much to be regretted that they did not do so. But now that this Award has been given—as I say, although it is possible that an improved Award could have been given—now that this Award has been given it is impossible to improve upon it by the method which my Honourable friend Rai Bahadur Lala Ram Saran Das's Resolution has suggested, and for this reason. His Majesty's Government have plainly stated that no modification in this Award is possible except by agreement of the communities. But even if they had not so stated it stands to reason that none could have been possible except by agreement of the communities, for the reason that the claim of the various communities still continue to be mutually irreconcilable and if His Majesty's Government are to accept one modification or one amendment at the instance of one community, then there is no reason why they should not accept all sorts of modifications and amendments and the position will be reduced to what it was before the Award was given. Consequently, the only method, the only constitutional method, now left open to those who find the provisions of this Award unacceptable is either to say, "Although we are not completely satisfied with the terms of this Award, yet in view of much larger questions that still await decision and settlement, we shall agree to accept it" or, to make efforts for either the whole or any part of the provisions to be substituted by agreement of the communities by other provisions. My Honourable friend said, "Yes, that is very well. His Majesty's Government have said we shall modify it only as the result of an agreement, but they have not said how this mutual agreement is to be arrived at. What is the definition of mutual agreement?"

Sir, this morning we have seen an instance of a mutual agreement which on the one side illustrates what a mutual agreement might mean and on the other hand sets a seal upon the *bona fides* of His Majesty's Government. It shows that they are not wedded to this Award and that they are willing to make modifications in it provided those modifications carry with them the agreement of the communities concerned.

Sir, instead of trying to tell His Majesty's Government through this House that what they have done is entirely unacceptable to us, it would be more profitable if we made efforts either that all communities should combine to accept the Award as it is, although in their opinion it is not an ideal Award, and to work towards a settlement of the remaining constitutional problems, or to arrive at a mutual agreement in modification of the Award and report that to His Majesty's Government. May I, Sir, make this appeal to those of my Honourable friends who may be likely to view the matter in the light in which it has been viewed by the Honourable Lala Ram Saran Das and the Honourable Sardar Buta Singh? It is not a seat here or a seat there that will bring about the millennium in this country, it is not a modification of this Award that will reconcile the communities to each other. What will reconcile the communities to each other is that those into whose hands the exercise of political power is likely to be entrusted in the future should so exercise that power as to gain the trust and confidence of those who under a system of

party Government may be opposed to them. In each province if the majority groups made up their minds to treat the minorities and the weaker interests with fairness, justice and generosity in each province if all groups tried not to secure benefits for themselves but to work for the common good of all, then before the ten years which are the limit set out in this Award are over it may be possible to arrive at an agreement which would do away with the necessity of all those anomalies to which attention has been drawn in connection with the Award. If my Honourable friends will work in that spirit and towards that end I am sure, Sir, India might attain to a possible millennium much earlier than it is otherwise likely to do. (Applause.)

THE HONOURABLE THE PRESIDENT: I notice the Honourable mover of the Resolution rising in his place. I can only call on him now if either he intends to confine himself to the amendment moved or his intention is to close the debate. In the latter case, he cuts out any other speaker.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: I rose to give my expression that I accept the amendment.

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN
 (East Punjab: Muhammadan): Sir, my Honourable friend Rai
 3 P.M. Bahadur Lala Ram Saran Das does not like the Communal Award and urges its withdrawal. He has also accepted the amendment. It is well-known that the task was forced upon the Government because the communities of India clearly confessed their inability to settle the communal question. No progress towards constitutional reform was possible without solving the problem and with a view to speeding up the reform, Government, in the interests of India and according to India's own demands, had to make the supreme effort to settle the question. They have done their best and have declared the Award. They have also announced that if the communities can come together even now and settle the question between themselves it is open to them to suggest another solution which can be accepted as an alternative. The statement about the depressed classes agreement this morning by Sir Frank Noyce affirms the announcement and proves the *bona fides* of the Government. Now, I ask my friend the mover whether he is in a position to put forward a better scheme which would satisfy all the communities? I know his reply, if he ever gives one, will be in the negative. In condemning the Award, we condemn ourselves. The fault is our own, and when we confess that we cannot remedy the fault the only course left is that the communities should accept it with good grace and instead of quarrelling and wrangling between themselves should combine to avail themselves of the momentous opportunity of helping in the progress towards constitutional reform —

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Do you mean you have no grievance so far as Bengal is concerned?

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN: We have our grievance but the Award as it is should be accepted with good grace. Some of our best statesmen in India, Sir Tej Bahadur Sapru, Sir Patro, Mr. Mudaliar and Sir Ali Imam have already told us that there is no other alternative but to accept the Award. Fortunately for India we have a Viceroy of Lord Willingdon's calibre at this juncture. His unexampled Indian experience

[Khan Bahadur Chaudri Muhammad Din.]

and his deep sympathy with Indian aspirations are well known. If we lose this opportunity and spend our time in quarrelling and creating race hatred India's future is doomed—" *Kabak wa qumri men hai jhagra ke chaman kis ka hai, Kal bata degi khizan ke watan kis ka hai." Let us forget the bitterness and bickerings of the past and work together harmoniously in the cause of India and the Empire. This is the only way to achieve the constitutional reform on which depends the peace, prosperity and progress of our Motherland.

" †Nanak, dunya char dehare, Sukh wande dukh hoi,—Gallanwala bahut gallahre, chhut na sake koi. "

This world was meant to give peace and happiness but has turned into a source of pain owing to strife and bitterness. There is too much wild and inflammatory talk to condemn worldly things but none is prepared to renounce it. I ask my friend the mover to calmly consider for a while what would be the position when the reforms are put into practice. His community will be in an overwhelming majority in the central Legislature and also in six provinces. The result of the Award in Bengal and in the Punjab is that no one community will have the statutory majority and all the communities will have to co-operate together if they are to carry on the government at all. It is evident that under the Award a communal government is not possible in Bengal and the Punjab. Diversity of economic interests is bound to create diversity in political parties as has already been the case in the Punjab. If the Honourable mover takes the trouble of calculating the actual gain and loss as a result of the Award, he will find that his own community is the best gainer on the whole.

As far as weightage goes, the Sikhs have got the lion's share. Most of the Punjab Sikhs belong to my clan and we are proud of this brave and important section of our community. It appears, however, that they (the Jat and Rajput Sikhs) are being exploited to create trouble in the Punjab. I hope the prudent Sikh Jats and Rajputs will see their way to give their whole-hearted support to the new constitution which protects their interests adequately and will not be carried away by emotional appeals. The great obstacle in the way of constitutional progress has been removed by the Award, the gigantic problem of the future constitution of a great continent like India has been solved in a manner which defies better solution. I therefore hope that the Honourable mover will withdraw the Resolution.

THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH (Bihar and Orissa : Non-Muhammadan) : Sir, what concerns us landholders most directly in the Communal Award is the decision about our representation on the future enlarged provincial Councils.

* The partridge and dove are fighting among themselves as to whom the garden belongs. Autumn will tell them tomorrow that it does not belong to either.

†Nanak, this world is transitory and the easy-going people suffer pain. People talk a lot, but cannot escape the consequences.

Although the Muhammadans, general Hindus, Indian Christians, Anglo-Indians, Europeans and Labour have their seats more or less proportionately increased, the landholders' representation is reduced from almost 15 per cent. to a niggardly figure of 3 per cent. only. One could understand the position if all special electorates were abolished but when they have been retained there ought certainly to have been a proportionate increase in the number of our seats. We pay the largest quota of the revenues of the provinces, hold the largest stake in the country and are politically as conscious as any other class claims to be and have always stood for the cause of law and order. I support the amendment in the hope that if the Communal Award be amended, the landholders' claims will not be overlooked.

THE HONOURABLE SIR FRANK NOYCE (Leader of the House) : Sir, I had not intended to intervene in this discussion as I was content to leave the statement of the Government point of view in the very capable hands of my colleague, the Honourable Chaudhri Zafrulla Khan. The acceptance, however, by the Honourable Lala Ram Saran Das of the amendment which has been moved by the Honourable Abu Abdullah Syed Hussain Imam has left me in considerable doubt as to where we now stand. As I understand it, we are now discussing the question of further amending the Communal Award. My Honourable colleague has shown that the statement that the Award is not acceptable to any section of the Indian community does not hold good. As regards this further amendment, I should like to know what the Honourable mover of the amendment wants exactly. It has been repeated on the floor of this House several times and the statement is indisputable that His Majesty's Government are perfectly willing to amend the Award provided they are satisfied that all the communities concerned want it. They have shown in the most definite and striking fashion by the announcement that I read to this House this morning their *bona fides* in this matter. They have agreed to the amendment of the Award in perhaps the most important respect in which it could be amended. In these circumstances, Sir, Government have no option but to oppose the amendment as strenuously as they did the original Resolution. In the other House, His Excellency the Viceroy and the Leader of the House made an appeal in very eloquent language, as my Honourable colleague has done here, to all sections of the community to get on with the business. As His Excellency pointed out, it is not purely communal considerations that will divide communities under the new regime. It will be economic, social and other problems that will divide them and I hope also unite. Let us therefore accept the Award as it stands and, having, as I have said, altered it in one and that the most important respect, let us pass on to the bigger, more crucial and more vital issues. At the best, constitutional advance is going to be sufficiently difficult. There is no possibility of our reaching the desired goal unless bickerings and dissensions are put aside and forgotten, and all of us—in all quarters of this House and in all parts of the country—unite to work together in a spirit of good-will. That, Sir, has been said very often. It is a very easy thing to say but it is a most difficult thing to put into practice. I can only repeat the appeal which has been made by His Excellency the Viceroy in his address to the other House and by my Honourable friend Chaudhri Zafrulla Khan, in this to go ahead in that spirit for in that spirit alone shall we achieve success.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, the object of my moving this Resolution today was to bring home to the Honourable Members of this House and to the Government how deep and grave are the feelings of the Indians over the announcement of this Award which is bound to bring to us disunion, disruption, misunderstanding and discord in place of a happy family union. My friends here have superficially and nominally opposed the idea underlying my Resolution but in reality they have all advocated that this Award has not given satisfaction. The Honourable Syed Abdul Hafeez, the Honourable the Nawab Sahib, my esteemed friend, Sir Phiroze Sethna, and my friend Chaudri Muhammad Din have given sermons advocating democracy but as far as the translation of democracy into practice is concerned they have made a very poor show. My friend the Honourable the Education Member has observed that I have not moved this Resolution at a proper time and that this was not an opportune time. Sir, when the Premier has himself left the Award open subject to certain conditions and subject to certain compromises and agreement between the parties why this is the proper time to put our grievances before the Premier, the Indian and British Governments. The Honourable the Education Member has further said that the position that I have stated about the Award does not obtain today. I have not been convinced by the blank arguments he has put forward and I cannot understand why it does not stand today. What about his own opinion when he was a Member of the Punjab Legislative Council Reforms Committee? The various Muslim bodies, such as the Council of the Bengal Muslim League, Calcutta, Bengal Nationalists Muslim Party, Calcutta, Jamait-ul-Ulema-i-Hind, Delhi, Jamait Shubban-ul-Musalmin, Delhi, Nationalist Muslim League, Lahore, National Muslim Party, Nagpur, United Provinces Nationalist Party, Allahabad, the Muslim Independent Party in the North-West Frontier Province Council, Peshawar, and the Executive Board of the Muslim Conference held at New Delhi, have all condemned this Award in most unequivocal terms.

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN : Sir, I understand that I am supposed to have condemned this as a Member of the Punjab Legislative Council? As a matter of fact, I had the honour of being a Member of His Excellency's Executive Council here at the time.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, what I said was that when our Honourable friend the Chaudhri Sahib was a Member of the Punjab Legislative Council, he, along with Sir Fazl-i-Husain and our present Governor and other responsible Muslim Members of the Council said that they proposed one seat above the total numerical allotment. Now Muslims in the Punjab have secured six more seats in the Punjab Legislative Council than what they wanted. I say that the Honourable Chaudhri Sahib himself was satisfied with 51 per cent. representation—

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN : On a point of explanation, Sir, that is absolutely incorrect. If my Honourable friend is referring to the Majority Report of the Punjab Reforms Committee of which I had the honour to be a member, the position was this. The only two Muslim Members, the present Governor of the Punjab and myself, one Hindu Member and one European Member, who formed a majority out of seven, recommended that the Muslims should get a majority of one odd seat, but the

two Muslim Members did say that there was full justification for the Muslim claim for a proportion in the seats which would be in correspondence with their proportion in the population. This odd majority did not include any labour seat which would bring it up to what has been conceded under the Award, even though the Muslim population has since shown an increase of 2 per cent.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : I do not want to raise that controversy here because I think I will be exceeding my time-limit in case I enter into these details. But after all, a fact is a fact.

Then, Sir, the Honourable Chaudhri Sahib has said that a seat here or there will not bring about the millennium. In case that spirit is followed in practice, then non-Muslim grievances can be removed.

He says that I have made no practical suggestion in my speech in moving the Resolution. I have made one suggestion and that suggestion is quite clear. The statement made by many Honourable Members here is that I must put forward a definite proposal which will be agreeable to all parties. Perhaps the House—

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON : It is not too late even now to suggest it.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Perhaps the House is aware that a number of compromises were put forward by non-Muslims but they were not acceptable to Muslims. I have also cited in my opening speech on the Resolution that in the Punjab some time back there was a serious split among the two Muslim sections of the Punjab Legislative Council and things were getting to a crisis, and His Excellency the Governor Sir Geoffrey deMontmorency intervened and brought about an amicable settlement. That is what I appeal to the Government to do here now. In case any two parties or communities do not come to an understanding, I think it is the sacred duty of the Government to press upon them officially or demi-officially or in any other manner so as to effect an amicable compromise. When Mahatma Gandhi, a unique personality, has been able to effect a compromise on a question which we ourselves considered as nothing short of a miracle, I cannot understand why the Government of India with their resources cannot do this—

THE HONOURABLE SIR MANECKJI DADABHOY : Why don't you follow Mr. Gandhi's example ?

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON : Start a fast.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : My Honourable friend the Nawab made a speech in which he made a certain proposal. I want to ask him whether that proposal comes from his community, and whether he is authorised to come to a settlement if a definite proposal is made ?

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON : I appeal to the leaders. You are a leader !

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal : Muhammadan) : The question of Mr. Gandhi and the depressed classes is different, because he has now so clearly identified himself with the depressed classes—

THE HONOURABLE THE PRESIDENT : Order, order.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, my Honourable friend Chaudri Muhammad Din has cited a verse from Guru Granth Sahib which means that one should be prepared for a sacrifice. In Punjab, sacrifice is needed from our Muslim brethren who have secured six more seats in the local Legislature than what they wanted.

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN : It is there ; they are doing it.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : It is not there—I am sorry to say it. He has accused the Hindus of exploiting the Sikhs. This statement of his is absolutely wrong and I am sorry that my friend has—

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN : I have not said that ; that is wrong.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : I understood him to say so, as far as I remember.

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN : No, not at all.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Very well, in case you do not mean that, so much the better. Try your best to persuade your community to come to a compromise.

There was another remark made as regards the composition and number of the depressed classes—

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN : On a point of order, Sir. Is the Honourable Member in order in speaking while he is not in his own seat ?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : —the share of the depressed classes in the Punjab given to Muslims and Sikhs. The number of depressed classes as now estimated by the Government as nearly 6 lakhs and not 13 lakhs as given in the Lothian Committee Report. My object is to ventilate the grievances of my community and the disabilities under which they suffer, and in case the Honourable the Leader of the House gives an assurance that the proceedings of this House and a copy of our speeches will be submitted to the Premier and the British Government, I will be able to withdraw my Resolution, as I have done my duty in ventilating the grievances that my community and other minorities have.

THE HONOURABLE SIR FRANK NOYCE : I need hardly say, Sir, that I am prepared to give an assurance to the Honourable Member that these proceedings will be communicated to His Majesty's Government.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : In view of that assurance, Sir, I beg leave of the House to withdraw my Resolution.

THE HONOURABLE THE PRESIDENT : The Honourable Member accepted an amendment to the Resolution. I think perhaps we had better get the amendment out of the way first.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : I withdraw it, Sir.

The amendment* was, by leave of the Council, withdrawn.

The Resolution† was then, by leave of the Council, withdrawn.

RESOLUTION *RE* INDIANISING THE SERVICES OF PORT TRUSTS

THE HONOURABLE SIR PHIROZE SETHNA (Bombay : Non-Muham-
madan) : Sir, I have the honour to move that :

“ This Council recommends to the Governor General in Council to adopt effective measures to secure a substantial improvement in the matter of Indianising the services of the Port Trusts to an appreciable extent.”

In January, 1922, I moved in this House a Resolution as follows :

“ This Council recommends to the Governor General in Council that steps be taken to increase the number of Indians in the higher grades in the service of the Port Trusts, and to lay down a definite policy in regard to the same for the future.”

In this Council today there is not a single Member on the official Benches, Indian or European, who was also a Member of this House in 1922 with the exception of yourself, Sir, but now that you occupy the Chair of this House we no longer regard you as an official. Amongst the non-officials, however, there are fortunately more than half a dozen who were also Members when I moved the original Resolution and there are also among them some Honourable Members who spoke in favour of the motion then and I hope they, with many others, will do likewise today. In fact, on the previous occasion every speaker supported me. It was only Sir Arthur Froom who sounded a half-hearted discordant note in the hope of justifying the attitude of the European Trustees of the Port of Bombay.

The Council, nay, the country, was grateful to the Government of India for accepting my Resolution. The officer who spoke on behalf of Government was Mr. H. A. F. Lindsay then Secretary to the Department of Commerce and now Trade Commissioner in London. Speaking on behalf of Government he accepted the terms of the Resolution and indicated the practical way in which Government would be able to give effect to my recommendation. It was suggested by Mr. Lindsay in his speech and also by the Honourable Sir Arthur Froom that my Resolution encroached upon the province of the Trustees themselves of the different Port Trusts with whom rested the power of making appointments. I may mention that Sir Arthur Froom, like myself, was at the date of that Resolution a Member of the Bombay Port Trust. Sir Arthur has retired from India and I am myself no longer on the Port Trust since 1927. Sir Arthur Froom could not see his way to accept my Resolution because he contended that Government should not take any steps which would usurp the powers

* “ That for the word ‘ withdrawn ’ the words ‘ futher amended ’ be substituted.”

† “ This Council recommends to the Governor General in Council to communicate to His Majesty’s Government the opinion of this House that the Communal Decision announced by His Majesty’s Government is not acceptable to any section of the Indian communities in India and that it should be withdrawn.”

[Sir Phiroze Sethna.]

of the Trustees. He, however, gave the Council to understand that the Trustees were in no way against the appointment of Indians to responsible positions, and that in fact they were encouraging them as much as they could. I suppose something similar would have been said by other European Trustees of other Port Trusts should they have been Members of the Council of State at that time and I will not be surprised if something similar is said in the course of the debate today. On the other hand, it will be my duty to prove that any such intention on the part of the European Trustees has proved no more than a pious hope and in actual practice their decisions are oftener than not distinctly otherwise.

Government accepted my point of view to judge from Mr. Lindsay's reply which was to the effect that, constituted as the different Port Trusts were, in which the Indian Trustees were in a minority, we could not possibly expect Indianisation to the extent we desired. Mr. Lindsay observed as follows :

"The Port Trusts themselves possess constitutions which have been laid down long ago, and in many cases they have not been revised since they were first laid down. Government have already taken up that question. Only last year the Bengal Government were asked to reconsider the whole question of the constitution of the Chittagong Port Trust, and also certain recommendations were made with regard to the Calcutta Port Trust. The Government of India are willing to go further and to consider the other Port Trusts also, with the same element on the governing bodies themselves. Sir, I think the Honourable Mover will agree that Government are really taking practical steps in the matter."

How is this statement to be interpreted? In plain English the Government of India recognised that because the Indian Trustees were in a minority they had a smaller say in the affairs of the Port Trusts in such matters as appointments of Indians to the higher grades and that there would be an improvement if there was an increase in the number of Indian Trustees. In making such comment Government hit the nail right on the head.

More than ten and a half years have elapsed since the date of that Resolution and it is high time that we examine and try to find out if any tangible progress has been made by any of the Port Trusts in the direction of Indianisation. I think I shall be able to show that very little has been done, so little indeed that we cannot but believe that even in the next ten years at the rate we are going on no better results will follow unless and until the Boards of the Port Trusts are so constituted that Indians will be in a majority in each one of them or that they are there in at least larger numbers than at present.

We must first examine therefore if there has been sufficient increase in the number of Indian Trustees in the different Port Trusts as promised by Government. The total number of both European and Indian Trustees in the different Port Trusts in the years 1922 and 1932 is, respectively, as follows: Bombay 17 in 1922 and 22 in 1932, Calcutta 16 and 19, Madras 15 and 15, Karachi 11 and 14, Rangoon 13 and 17, Chittagong 9 and 12 and Aden 9 and 11. This means that the total number of Trustees in 1922 was 90 and the total number today in 1932 is 110. The total increase in the number of Trustees taking together both Europeans and Indians is 20, and we have gratefully to acknowledge that in these additional 20 as many as 18 are Indian Trustees and only two Europeans. As compared to 1922 the number of European Trustees is stationary in 1932 at all the Port

Trusts, with the exception of Aden alone where their number has been increased from six to eight. So far as the Indian Trustees are concerned, the additional 18 are assigned as follows :

Five to Bombay, three to Calcutta, three to Karach', four to Rangoon (and in these four are two Burmans and one Chinese) and three to Chittagong. This makes up the total of 18 additional Indian Trustees but I may point out there has been no increase in the number of Indian Trustees at either Madras or Aden.

Thus out of a total of 110 Trustees at the seven Port Trusts there are today 74 Europeans and 36 Indians and amongst the 36 Indians I include two Burmans and one Chinese in Rangoon and one Arab in Aden. The total number of Indian Trustees in 1922 was 18 and in 1932 it is exactly double, namely, 36, which is a step in the right direction. Notwithstanding this substantial increase in the total number the House will notice there are yet 74 European Trustees as against only 36 Indians, which shows that Government have not gone far enough, and my Resolution therefore contemplates that Government will consider a still further substantial increase which is very necessary for the reasons I will put forward.

In Bombay there are nine Indians out of a total of 22 Trustees but nevertheless only three months back the Indian Merchants Chamber made a representation to the Government of Bombay pointing out that the existing constitution of the Bombay Port Trust secures a majority to Europeans in the Port Trust and is therefore unsatisfactory from the Indian point of view. They pointed out that the trade of Bombay in the sense of export and import is all Indian even if the party immediately handling it, namely, the middleman, either in export or import in many cases may be a European. The Chamber urged that because of the larger number of European Trustees there is not a sufficient number of Indians in the higher services. Many services of the superior grade are still almost completely closed to Indians and in other services only a very limited number of Indians are admitted. The office of Chairman, Deputy Chairman and Secretary have, in spite of many years' efforts, been still confined to non-Indians, and the Chamber added that it could not be suggested for a moment that competent Indians are not now available for these posts.

The Government of Bombay replied to this letter on the 4th August last. They said that the present constitution of the Bombay Port Trust does not absolutely secure a majority to Europeans, and that out of 22 seats nine are practically assured to Indians. If that is not giving a majority to Europeans, I for one cannot understand what it is. Government have tried to make out that in addition to the nine Indian Trustees out of 22, the millowners, if they liked and as they did before, might preferably send an Indian instead of a European who represents them to-day.

As regards the eight Trustees nominated by the Government of Bombay, six are Europeans and Government in their reply add that at no very distant date the Indianisation of the services will result in some of the posts in question being held by Indians, and the representatives of such services will be Indian

[Sir Phiroze Sethna.]

Trustees but the snail's pace at which we are making progress towards self-government simply postpones the Indianisation of these different services to the Greek Calends. The Government of Bombay in their reply also laid stress on what the Trustees themselves had resolved in 1922 after my first Resolution was accepted by the Government of India. How far such professions of the Trustees have been carried out in practice I will leave it to the Council to judge after what facts I am able to lay before it within the next few minutes and the Government of Bombay when writing their letter on 4th August, 1932 have clearly lost sight of the admonition they themselves had thought fit to administer to the Bombay Port Trust on the same subject in their letter of 15th May, 1924.

To my mind the reply from the Government of Bombay is certainly misleading. They have made reference to Indians having been sent to England by the Bombay Port Trust for receiving training and probationers have been taken on, which is true to an extent but it is far from correct to say as they have done that these young men are "encouraged to qualify themselves by experience to rise to the highest grades in course of time". If that were so it would be difficult to explain such incidents as have occurred as to why the Deputy Secretary, although a Cambridge graduate had to put up a strenuous fight to act as Secretary of the Bombay Port Trust in a leave vacancy, why an Indian Engineer was prevented from acting as Executive Engineer in a leave vacancy in spite of a resolution that the two Indian Senior Assistant Engineers will not be "suppressed," and also why an Indian Assistant Manager in the Railway Department was not allowed to act as Deputy Manager although he is carrying out all the duties of that office. In the existing atmosphere no Indian in any department of the Trust, either at Bombay or in any one of the other Port Trusts, hopes to rise to the highest grades although his services are being highly extolled. As a matter of fact, he will have to fight hard if he at all encroaches on any appointment held by Europeans. This state of affairs can only be cured by an Indian majority on the Board and not until then and because the percentage of Indian Trustees on the Boards of the other Port Trusts is yet smaller the number of Indians in higher positions in those Port Trusts is most disappointing.

Let me give you as briefly as I can one glaring instance of how European Trustees act in the matter of appointing Indians. It is the history of the appointment of the Chief Accountant of the Bombay Port Trust. It would fill pages of our report of today's proceedings if I were permitted to speak at length. It certainly has filled pages of the minutes of the proceedings of the Bombay Port Trust during the period of nearly a year and a half whilst the controversy lasted. Towards the end of 1923 this Port Trust advertised for a Chief Accountant on a salary of Rs. 1,800 with annual increments of Rs. 100 rising to Rs. 2,300 with house allowance of Rs. 100, if a married man. The appointment was open to Indians and Europeans. The choice ultimately lay between one Mr. Brent-Smith, a European and Mr. Tambe, a Mahratta Indian. Both were Incorporated Accountants, but Mr. Tambe had longer and wider experience and experience of the kind expected of the Accountant of a Port Trust for he was then Deputy Accountant to the Bombay Municipal

Corporation. Mr. Brent-Smith was an assistant to Messrs. Lovelock and Lewis, Chartered Accountants at Calcutta, and was described in the Incorporated Accountants Year Book of that very year 1924 as only a "clerk" in that firm. Mr. Tambe was decidedly the better man, but it is strange that with the exception of two European Trustees every European Trustee favoured the appointment of Mr. Brent-Smith. Of the two European Trustees who did not record their votes one was Mr. Clayton, the Municipal Commissioner whose excuse was that he preferred not to vote because Mr. Tambe was under him in the service of the Bombay Municipality as Deputy Accountant although he had no hesitation in saying that Mr. Tambe was quite good and would in all probability succeed the then Chief Accountant of the Municipality when the Chief Accountant retired.

The other European Trustee who did not vote was Mr. (now Sir) Robert McLean, the Agent of the Great Indian Peninsula Railway. He assured the Board that in the Great Indian Peninsula Railway they had as Chief Accountant an Indian who was both most efficient and quite satisfactory. Mr. McLean agreed that everything else being equal, preference should be given to Indian applicants for such appointments when no fault could be found with Mr. Tambe in regard to his qualifications and ability, the ground on which everyone of the other European Trustees did not favour his appointment was that he did not possess the same "personality" as did Mr. Brent-Smith and they attached no end of importance to such personality although in spite of possessing no personality, as was alleged, the same Mr. Tambe is today discharging quite satisfactorily the duties of Chief Accountant of another quasi-Government body as important and as large, if not larger, *viz.*, the Bombay Municipality. The majority of course carried the day, but we, the Indian Trustees, who formed the minority felt that the decision of the majority was so palpably wrong and such a clear departure from the promise held out by the Trustees as a body in answer to the Government of India after what representation the Government of India had made in connection with my Resolution of 1922, that we thought it incumbent on us to place all the facts before the Government of Bombay. The European Trustees, including the Chairman, did not expect this and therefore tried to find fault with us. The Government of Bombay evidently did not think so but on the contrary, in their letter of 15th May, 1924, they pointed out to the Port Trust that :

"The proposal to appoint Mr. Brent-Smith appears to conflict not only with the principles accepted by the Government of India but also with the declared policy of the Trustees."

The declared policy of the Trustees as conveyed in their letter to Government of 23rd May, 1922, reads as follows :

"The Trustees are fully agreed on the principle that the number of Indians in the higher grades of the service should be increased as opportunities occur and that all new appointments should be thrown open to Indians who should be given preference of selection as far as is consistent with efficiency."

Here is a clear admission on the part of the Trustees that (1) until then Indians were kept out from the higher appointments, (2) that this will no longer be so, and (3) that they would be given the preference when and where their qualifications would be equal to those of European candidates.

The Government of Bombay in their recent reply of 4th August, 1932, say that the Trustees are living up to what they had promised to do. I hope the

[Sir Phiroze Sethna.]

quotation I have given from the reply of the same Government of Bombay of 15th May, 1924 proves beyond the possibility of a doubt that in the opinion of the Government of Bombay the appointment of Mr. Brent-Smith was not in accordance with the principles accepted by the Government of India and also with the declared policy of the Trustees themselves.

After this opinion of the Government of Bombay so candidly expressed, the Trustees could not appoint Mr. Brent-Smith, but because of the negotiations that were entered into with him by reason of the decision of the European Trustees the Port Trust were liable to damages and paid, if I remember rightly, Rs. 10,000. The proper course should have been that the sum of damages of Rs. 10,000 should not have been borne by the Port Trust but should have come out of the pockets of those Trustees who had deliberately voted for Mr. Brent-Smith in spite of his not being the better candidate and in support of this statement let me tell you something yet more convincing which was revealed to the Board only at a later stage. One of the Trustees of the Bombay Port Trust was transferred by his firm to Calcutta. This gentleman was requested to interview Mr. Brent-Smith who was at Calcutta, and the House will be interested to know that in the report he sent to the Chairman of the Bombay Port Trust he observed as follows :

“ I think the real fact is that in the matter of drawing up budgets and dealing with the multifarious variety of accounts peculiar to bodies such as the Port Trust, Mr. Brent-Smith has had absolutely no experience and he hesitates to lay claim to powers, which after putting him in the job the Trustees might decide he did not possess and which would thus probably result in your giving him his congé at the end of three years.”

May I ask the House, if they were the Trustees, would anyone of the Honourable Members have voted for Mr. Brent-Smith with these facts before them, but strange to say this report was kept back from the Trustees at the earlier stages and only revealed when possibly it was difficult to avoid giving it publicity. Stranger still in spite of this knowledge the European Trustees, with the two exceptions I have named, all voted for him and the Indians all voted against.

This incident happened in about two years of my having moved the Resolution and within two years of the Bombay Port Trust having solemnly declared that they would be willing to put Indians in higher appointments whenever possible. Further, it was pointed out that the appointment of Chief Accountant in the different departments of the Government of India and in the Railways was held with great distinction by Indians, but the European Trustees were determined to have a European and a European who was decidedly not Mr. Tambe's equal in ability and experience.

If this was the case in the Bombay Port Trust where the Indian element is larger than in other Port Trusts, and where perhaps they can put up a stronger fight, how much worse must be the case elsewhere? And that this is so there is not a shadow of a doubt. I could multiply instances but unfortunately my speech is limited in point of time.

This is not all. The Bombay Port Trust then decided that owing to the divergence of opinion among the Trustees the question of the appointment of the Chief Accountant be postponed for six months. The House

naturally would infer that at the end of the six months either Mr. Tambe would be appointed or fresh applications be invited. Nothing of the kind. The Chairman then recommended, and again it was passed by the European majority, that the Acting Chief Accountant, who is an Anglo-Indian, be confirmed. When applications were invited in 1923, the Chairman was dead against confirming this same gentleman. It was alleged against him that he would not be able to fill the position satisfactorily. Why then this complete somersault and the proposal after this long interval of time to confirm the very same gentleman whom they had disapproved of. If this does not prove, I do not know what else will prove to the Government of India, that because the European Trustees are in a majority, they are in a position to hamper the progress of Indians and are actually doing so. The same Mr. Gay who was considered incompetent has now filled the position since 1924 and I do not think that any complaints have been raised as to the manner in which he has discharged his duties so far. I cannot help remarking that this gentleman was confirmed for the sole and exclusive purpose of thwarting the Indian Trustees and of not having an Indian as Chief Accountant. The Indian Trustees would not have opposed Mr. Gay's appointment if he were recommended in the first instance but at that time the executive ruled him out in the hope of appointing a European.

It is a strange coincidence that there was similar trouble at the Calcutta Port Trust towards the end of 1927 over the appointment of an Assistant Accountant on a salary of Rs. 1,000 rising to Rs. 1,250. That too is a long story the underlying idea on the part of the European Trustees was to get a European appointed at any price even if the Indian candidate was superior. In response to the demand of the Indian Trustees the Government of Bengal as a measure of compromise sanctioned the appointment of two Assistant Accountants, one Indian and one European, thereby adding to the cost of the department. They were to be treated on a footing of equality but the European majority again had their way and Mr. Mair the European candidate was promoted last year to the post of Deputy Accountant whereas the Indian candidate Mr. Roy on the plea of retrenchment was sent away. This to say the least was most iniquitous and the Indian Trustees minuted that :

“Such action on the part of the Commissioners is liable to be interpreted as designed to remove the only highly paid Indian officer in the upper grade from the employment of the Commissioners and to discredit Indianisation in the higher services in the name of economy”.

I may inform the House that the members of the Board of the Calcutta Port Trust are known as Commissioners and not Trustees.

The House must recognise that this is a sad state of affairs and the Government of India must adopt better remedial measures. If the opposition from European Trustees is such as I have described, and I challenge contradiction, then I leave it to the Honourable Members to judge how much worse is bound to be the position at the other five Port Trusts where the Indian element on their Boards is yet smaller. Whilst I have criticised as I have done, I would like to say on behalf of the Indian Trustees on the Bombay Port Trust that their late lamented Chairman, Mr. W. H. Neilson, was truly sympathetic and tried to help as best he could, which they much appreciated and I hope his successor Mr. Sha pe, who had worked with Mr. Neilson for long, is treading in his footsteps.

[Sir Phiroze Sethna.]

Having placed before the House what I call glaring instances of injustice to Indians, I think that in order to further convince Honourable Members I will now place before them certain figures. At the Delhi session my question No. 68 put on March 3rd last asked for the number of European, Anglo-Indian and Indian officers in the employ of the different Port Trusts who were receiving salaries of (1) Rs. 500 to Rs. 999, (2) Rs. 1,000 to Rs. 1,999 and (3) Rs. 2,000 and over. According to the Government reply there were altogether as at 31st March, 1931, under the three groups 300, 190 and 27 officers or a total of 517. Out of these there were only 64 Indians, 54 in the first group, 10 in the second and none in the third which comes to about 12½ per cent. Indians. As this list would also include officers whose starting pay might have been less than Rs. 500, I put question No. 31, on the 20th instant. The Honourable Mr. Drake replied that he was collecting the information and would place a statement on the table when ready. He has placed that statement on the table today, but with his usual courtesy he has furnished me with an advance copy. I am indebted to him for the same as it enables me to comment on the figures he has given. This time I requested Government to eliminate those officers who may be getting as their present salaries Rs. 500 or more but whose initial salaries were less than Rs. 500. The reason I did so was that hardly any European could have started in the Port Trust service on a lower salary than Rs. 500. Under the same groups as before according to my Honourable friend's figures there are altogether 288 such officers, 112 with initial salaries from Rs. 500 to Rs. 999, 153 from Rs. 1,000 to Rs. 1,999 and 23 from Rs. 2,000 and over. In these 288 there are in the first two groups respectively only 15 and 6 Indians, total 21, and no Indian with a salary of Rs. 2,000 and over. Thus there are only about 7 per cent. Indians.

I had also asked Government for a statement to show how many new appointments were made by the different Port Trusts since my first Resolution of January, 1922, up to now of persons who at the time of such appointments were not already in Port Trust employ. In reply the Honourable Mr. Drake placed on the table on the 20th instant the necessary particulars. According to this statement the seven Port Trusts in these ten and a half years had made 144 such new appointments with initial salaries of Rs. 500 to Rs. 999 and of these 144 only 14 or about 10 per cent. were Indians and the Rangoon, Aden and Chittagong Port Trusts which had made respectively 37, 8 and 3 such new appointments did not care to appoint a single Indian. In the second group there were 11 appointments with initial salaries of Rs. 1,000 to Rs. 1,999. There was only one Indian. He was Mr. Roy in the Calcutta Port Trust who as I have already told you is no longer there. In the highest grade of Rs. 2,000 there were altogether three appointments, all of Europeans. These figures tell their own tale and I leave it to the House to judge if I am or I am not justified in moving my Resolution.

It might perhaps have been argued years ago that Indians could not be put in more responsible positions in the Port Trusts for the reason that Indians with proper qualifications were not easily available. If that at all were true then, it of course will not apply now. The Government of India and the provincial Governments are endeavouring to pursue the policy already laid

down to Indianise the different services and whenever they are so inclined they experience no difficulty in finding suitable Indians. An Indian has filled the position of Acting Agent of a Railway, there are Indians in the highest positions as Engineers in some Railways, in the Bombay Presidency there is a Chief Engineer, there are Superintending Engineers and several Executive Engineers in the Public Works Department. The Deputy Chief Engineer of the Bombay Municipality is an Indian. The Bombay City Improvement Trust have been served by an Indian Chief Engineer and Indian Executive Engineers. Why is it then may we ask that Indians in the service of the Bombay Port Trust alone have not risen beyond the rank of Assistant Engineers and why is it that same conditions prevail in the other departments of the Bombay Port Trust and similarly in the other Port Trusts. It cannot be denied that whenever and wherever Indians have been given a chance, they have acquitted themselves with success and as children of the soil they certainly have a better claim to the higher services in their own country if suitable efficient Indians are available. The fact of the matter is that the executives of the different Port Trusts do not want Indians in the higher appointments. They look upon them as interlopers in a service which so far they have been able to keep as a close preserve for themselves. In fact the different Port Trusts appear to vie with one another in keeping the higher appointments exclusively for Europeans.

There is no one in this Council or amongst the general public who wants Indianisation at the expense of efficiency. We recognize that it must be our paramount consideration to have efficient Indians for efficient administration. It must be so if our commerce and industry and the country are to prosper. Whatever might have been the position in the past, there is no question that Indian lads are easily obtainable today to take up responsible positions in every department of the Port Trust. It is not suggested that they can perform the duties of the heads of departments without starting from below. In fact it could not be expected of even a British lad to do that. But I do state that there are many Indians now available who are trained well enough to take up such positions as are given to Europeans and who will perform their duties as efficiently. In support of this statement I would refer Honourable Members to the report on the work of the Education Department of the Office of the High Commissioner for India in London for the academic year ending 30th September, 1931. It is stated there that the Indian students at the various universities, colleges and educational institutions have gained to their credit an excellent record of academic and other successes. In the year under report no fewer than 215 first degrees were obtained including 16 first class honours, while over 250 students were awarded diplomas in various subjects such as education, engineering, medicine, etc. Further on, it is stated that practical training in factories and works was obtained for 149 students as follows: civil engineering 11, mechanical engineering 36, electrical engineering 41, automobile engineering 4, marine engineering 3, aviation 10, railway traffic 15, printing 4, other branches of railways 16, and various technological subjects 9. Probably about 400 students return to India each year, the majority with examination qualifications and some with very high distinctions. Surely, if the Trustees are at all earnest in the assurances they have given to the Government of India, they can very easily select Indians for almost all future vacancies

[Sir Phiroze Sethna.]

and it must be the duty of Government to adopt measures which will bring about such results. I trust I have laid enough facts and figures before the House to convince Honourable Members that in spite of the Government of India having accepted my Resolution as far back as 1922 the different Port Trusts in the last ten and a half years have done so little to carry out the recommendations that it is now the bounden duty of the Government of India to intervene again and intervene this time in a manner as will ensure without any doubt the Indianisation of the higher grades in the service of the different Port Trusts in India which demand is no more than our legitimate due but which demand as I hope I have convincingly shown is being deliberately thwarted. (Applause.)

THE HONOURABLE MR. E. MILLER (Bombay Chamber of Commerce): Sir, I have listened to the remarks of my Honourable friend Sir Phiroze Sethna with considerable interest and sympathy, and can quite understand his desire to Indianise such bodies as Port Trusts as far and as promptly as possible. It is quite a natural desire.

4 P.M.

But my Honourable friend is a shrewd business man and he knows, as well as I do, that one cannot rush these matters and such changes must be organized gradually and particularly in a body like a Port Trust, which consists of so many posts that have to be filled by specially trained men. Both Sir Phiroze and I have served for a time on the Board of Trustees of the Port of Bombay and so we both know something of its inner workings, while I have also served on the Board of the Karachi Port Trust. But it is to the Bombay Port Trust I propose to refer in reply to certain of the Honourable Sir Phiroze Sethna's remarks, as I think he has taken rather a warped view of the position existing in that body.

During the period that has elapsed since my Honourable friend last addressed the House on this subject—some time in January, 1922—there have been 45 appointments made in the Bombay Port Trust to posts to which salaries between Rs. 500 and Rs. 2,000 are attached. Of these 45 posts, 36 were filled by Europeans and eight by Indians and one by an Anglo-Indian. Now on the face of it this may not seem very rapid Indianisation, but let me give you some particulars of the posts filled. Out of the 36 posts filled by Europeans, 34 were made up as follows :

Pilots	11
Dredging Officers	4
Chief Engineers	2
Assistant Mechanical Superintendents	3
Mechanical Foremen	8
Assistant Engineers	4
Chief Draftsman	1
Deputy Conservator	1

34

Of the remaining two Europeans, one resigned and the other, a probationer in the Docks Department, was confirmed in his appointment.

One Indian, who applied for an appointment as a pilot, was accepted but he was subsequently rejected on medical grounds. A pilot, as most Honourable Members know, must have a Master's Certificate and, moreover, Bombay Harbour is a particularly difficult one to negotiate. Now, it will be seen that all the 34 posts enumerated above require special knowledge and training and no Indians were sufficiently qualified when the appointments were considered, and in fact in many instances I understand no Indians applied.

In spite of what my Honourable friend Sir Phiroze Sethna says, I maintain the policy of the Trustees is to give Indians the opportunity of qualifying for some of these specialised posts. With regard to the case of the two junior Indians in the service of the Trust—both in the Civil and Mechanical Branches who were sent to England—they were sent at the expense of the Port Trust for three years training in Port and Marine Engineering and it was done entirely with the idea of giving them appointments on their return to the Engineering Department with the opportunity of rising to the highest appointments in course of time. If this was not intended why should the Trust have gone to this expense? Then, again, valuable scholarships have been founded for Indian cadets on the "Dufferin" as an inducement to the holders to qualify for admission to the Bombay Pilot Service after gaining the requisite sea experience. The latest recruit to the Berthing Master's Service is an Indian, while four Indian probationers with selected educational qualifications have been appointed recently in the Docks Department with the prospect of ultimate promotion to the highest grades in that branch of the service. Out of 25 posts graded at over Rs. 1,000 (excluding pilots and connected services for which qualified Indians are not yet available) seven or 28 per cent. are held by Indians.

Now I think these instances show that so far as the Bombay Port Trust is concerned at any rate, there is a genuine desire to give Indians the opportunity of securing some of the higher appointments.

With regard to the composition of the Bombay Port Trust Board, I may mention that in 1922 it was composed of 12 Europeans and five Indians, a total of 17, while today it consists of 13 Europeans and nine Indians, so that out of the total increase of five, four of them are Indians. This, I think it will be admitted, shews reasonable progress and the proportion of Indians is liable to further increase as, in the course of time, there may be periods when the Collector of Customs and the Agents of Railways, who have seats on the Board and even the Chairman himself, may be Indians. I believe in Calcutta an Indian Agent of a Railway has already sat on the Board of the Port Commissioners and I think similar conditions will be found to exist and apply to other Port Trusts in India.

I hope Honourable Members will agree that I have shewn that a genuine effort is being made to Indianise in so far as circumstances will permit.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (Madras : Non-Muhammadan) : Sir, I am in general agreement with the Honourable the mover that more steps should be taken to Indianise the services of the Port Trusts. I am also in agreement with him that more Indian Trustees ought to be appointed. As at present constituted, in Madras four Indian

[Diwan Bahadur G. Narayanaswami Chetti.]

institutions are given the right of representation on the Port Trusts. Two are returned from the Southern India Chamber of Commerce, one from the Skins and Hides Association and one from the Piece-goods Merchants Association. Thus, four Indian members are on it, and the Madras Chamber of Commerce and the Trades Association send in their representatives added to one Government nominated. I do not see why, with an amendment of the Act, a few more Indians be not given a chance of being returned by the various commercial institutions. Coming to the Indianisation of the staff, as I have already mentioned—

THE HONOURABLE MR. G. A. NATESAN (Madras : Nominated Non-Official) : On a point of order, Sir. The Honourable Sir Phiroze Sethna's Resolution refers to—

THE HONOURABLE THE PRESIDENT : Order, order. I think the Honourable Member can leave that matter in the hands of the Chair.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI : If the Resolution does not state expressly about the increase in the number of Indian Trustees, still in his speech the Honourable mover made mention of it—I am speaking subject to correction—the Honourable mover pointed out that there should be an increase in the number of Trustees also. As I have pointed out, the Presidency Port Trust Acts may be amended so as to provide for a few more seats being thrown open to Indians.

Sir, coming to the question of policy, so far as the Port Trust in my province of Madras is concerned, there is no discrimination between Indians and Europeans. As a matter of fact, the late Chief Accountant was an Indian gentleman who retired and enjoyed great respect, and they have appointed another Indian gentleman in his place. I cannot vouchsafe for the facts of the Honourable mover because I have no experience of other provinces, and I cannot speak with any authority of what has been done in the Bombay Port Trust. The Honourable Mr. Miller has said something of what has been done in Bombay. I do not want to say anything about the other provinces. But speaking about Madras, I can say that there is no discrimination in the matter of appointments. Now, Sir, I am in agreement with the Honourable mover to adopt effective measures to secure a substantial improvement in the matter of Indianising the services. I am also in agreement that more seats should be thrown open to Indians on these Boards. I am sure the Government will not find any difficulty in accepting the Resolution.

THE HONOURABLE MR. J. C. B. DRAKE (Commerce Secretary) : Sir, I should like to make it clear at the beginning of my remarks that the Honourable the mover of this Resolution and Government are really pulling in the same direction. When the Resolution which my Honourable friend moved in 1922 was discussed in the House, the Member of the Government who spoke, Mr. Lindsay, made it quite clear that the Government of India were entirely in favour of progress in the direction of Indianising the staffs of the various Port Trusts. As my Honourable friend indicated in his opening speech, the method by which the Government thought it best to attain that object was the amendment of the various Port Trust Acts in such a way as to increase the representation on them of Indian interests. Action was taken very shortly

after that Resolution of my Honourable friend was accepted, and the House has heard what changes were made in the constitutions of the various Port Trusts in pursuance of that promise. Now, Sir, as I understand it, my Honourable friend Sir Phiroze Sethna entirely agrees that that was the right course to take at the time, but his experience of and information regarding the working of the new constitutions since has made him believe that, in spite of those changes, the Port Trust executives have not in fact carried out the process of Indianisation as far as they should. Well, Sir, the House has been given a large number of figures, and I do not want to add unnecessarily to those statistics, but I should like to make a few remarks of a more general character regarding the way in which I think those figures which I have given to the House and to my Honourable friend might be interpreted. I may say that I myself found a certain amount of difficulty in comparing the figures which have been given to my Honourable friend from time to time in reply to his enquiries, largely because the basis upon which those statistics have been collected has from time to time been altered at his own request. In saying this I am not casting any kind of reflection upon him, and, as a matter of fact, we ought ourselves, perhaps, to have noticed and corrected the discrepancy. My point is this, that the last figures which I gave to the House cannot be usefully compared even with those which I supplied in February last because my Honourable friend in his last question limited the scope of the figures to posts of which the minimum, or starting, pay is Rs. 500 a month.

Now that obviously makes it difficult to compare the figures. It also has another bearing. I feel sure that, with all his enthusiasm for the cause of Indianisation, my Honourable friend himself would be the last to urge that this process should be accelerated by dispensing with the services of non-Indian employees at the Port Trusts whose work is perfectly satisfactory. Now, in that case, Sir, the only method by which Indianisation can be brought about is by appointing Indians in new posts and at the bottom of the scale. Naturally, therefore, in a service in which the upper grades are recruited mainly by promotion you will expect to find that if the process of Indianisation is carried out it is in the lowest grades where that process will first make itself felt, and that in course of time by means of promotion Indians who have been appointed in the lowest grades will find their way up to the top, provided there is no hindrance. That is one point that I wish to make, that if you only consider posts on a starting pay of Rs. 500 a month and over it throws the picture a little out of perspective. It is not, I think, quite fair to assume that, if the process of Indianisation has not been very fast in the grades on pay above that figure, the executives of the Port Trusts have not been implementing their promises. The second point I want to make while I am on that subject is one which was touched upon by the Honourable Mr. Miller and relates to the matter of qualifications. I do not want to suggest for a moment that there are not Indian candidates qualified for technical posts; there are. In engineering, for instance, and accountancy—which may also be called a technical profession—there are qualified Indians; but there are certain classes of qualifications, as the Honourable Mr. Miller has pointed out, which Indian candidates do not yet possess and those are the qualifications of the type which I might call mercantile marine qualifications. We shall not have Indian candidates possessing those qualifications until the Training Ship

[Mr. J. C. B. Drake.]

“Dufferin” has had time to turn out cadets and those cadets have had time to undergo their training at sea and obtain their certificates of competency. Now, Sir, a very large proportion of these appointments are of that nature, and, if I may be permitted, I should like for a moment to make a short analysis of the figures of new appointments. When I say new appointments I am going back to the year 1926-27, because in pursuance of my Honourable friend's Resolution of 1922 a further step taken by Government in addition to the amendment of the Port Trusts Act was the obtaining from all Port Trusts from that year onwards of statements showing how all appointments classed as superior posts, that is to say, posts with a maximum pay of Rs. 500 a month and over, had been filled. These statements are submitted to the Government of India annually by each Port Trust in a detailed form. They show the number of new appointments created in the superior services, the nationality of the persons by whom they have been filled and, in addition, they are accompanied by a supplementary statement in which the reasons for not appointing an Indian in any case in which an Indian has not been appointed are stated. Based on those statements, the figures for new appointments from the year 1926-27 to the year 1931-32 may fairly be presented in the following way. If we exclude those posts which require qualifications of the kind which I have described as mercantile marine qualifications, then the number of appointments in each of the Port Trusts and the nationalities of the persons by whom they have been filled are as follows: In Madras there have been seven Europeans and four Indians, and I should like to make it quite clear when I am using the word Indian that I am, of course, using it in the sense of statutory Indians. I notice that my Honourable friend has drawn a definite distinction between Anglo-Indians and Indians, but I do not think it was ever intended by Government in accepting his Resolution of 1922 that any distinction should be made between different classes of statutory Indians—

THE HONOURABLE SIR PHIROZE SETHNA: May we know how many Anglo-Indians were there among the four Indians you have mentioned?

THE HONOURABLE MR. J. C. B. DRAKE: I have not taken out figures for them in my analysis. I have taken all statutory Indians together and the figures are as follows:

	Europeans.		Indians.	
Madras	7	4		
Karachi	5	8		
Aden	2	2		
Bombay	8	27		
Rangoon	22	15		
Chittagong	5	2		
Calcutta	19	57		

That is what I want to say on the question of figures generally, and I think it does show that the progress in Indianisation has not been quite so slow as my Honourable friend has asked us to believe.

A great part of my Honourable friend's speech was taken up with the discussion of certain individual cases. I do not want to follow him, Sir, into the discussion of those cases. I may say that as regards the case of the Chief Accountant's post in Bombay, this is the first that I have heard of the facts which he has brought to the notice of this House. I listened with great interest to what he had to say on that subject and I wondered why we had not heard anything about it. Then I remembered that, as he mentioned at the beginning of his speech very few Members now in the Council, and none on these Benches, were present when he moved his original Resolution in 1922 and, as my Honourable friend went on with his description of the case relating to the Chief Accountant in the Bombay Port Trust, I realised that my ignorance on that subject might be due to my extreme youth, because it appeared that the case was settled as long ago as 1924. He mentioned also another case in Calcutta which is now receiving the attention of Government. These questions I do not want to discuss in detail, and I am quite sure that any one so fair-minded as my Honourable friend will agree that if he brings forward special cases of that kind, I might on the other side quote the cases of many Indians who have been appointed although there were Europeans who were rival candidates for the posts.

I do not want at this late hour to detain the House for any length of time, and I only want to add this, because the point has been specially mentioned by my Honourable friend Diwan Bahadur Narayanaswami Chetti. The Resolution of my Honourable friend contains no reference to the exact nature of the measures which he considers Government ought to take in order to ensure greater progress in the matter of Indianising these services. Well, Sir, as I have already said, Government are entirely in sympathy with the object behind his Resolution and I do not think it is necessary for me to discuss, since it is not mentioned in the Resolution, the question whether action should be taken to alter further any of the Port Trust constitutions. I am not prepared to say that Government will take any action of that kind at the present time. They feel that they have gone as far as they can go in that direction. But there is really no reason to suppose that, so far as the elected element in the Governing Bodies of the Port Trusts goes, the representation is unfair. Government do not believe that it is unfair. They think it represents accurately the interests which are predominant in the ports. For the rest, the situation is this, that the predominance of the European element on the Boards of the Port Trusts is really due to the fact that the nominated officials are, almost without exception, Europeans. That, Sir, is obviously a feature which will be corrected, if I may put it in that way, in the course of time. The change will come automatically, but it would certainly not—and I feel sure the House will agree with me—be right to say that because, for instance, the Collector of Customs, Calcutta, is a European officer the representation in the elected element on the Board should be altered, and that a smaller representation should be given to the European interest in Calcutta on that account.

I do not propose, Sir, to detain the House longer. All I need say, I think, is, as I have already said, that the Government of India are entirely in sympathy with my Honourable friend's motion, with the object behind his

[Mr. J. C. B. Drake.]

Resolution, and in the form in which he has moved it, I have no objection to accepting it on behalf of Government.

THE HONOURABLE SIR PHIROZE SETHNA : Sir, I will first deal with the reply given by the Government Member, the Honourable Mr. Drake. He started his speech by saying that he and I are pulling in the same direction. May I ask him, do the Port Trusts who are expected to carry out the wishes of Government likewise pull in the same direction? I think in the course of my opening speech I have shown, I trust, convincingly to unprejudiced persons, that they are not doing so, and it is therefore that I appeal to Government to adopt such measures as they like in order to remedy the position. It is true I have not said as to what exactly I would like Government to do. I leave it to them, but in the course of my remarks I have pointed out that it is because the number of Indian Trustees, although increased, is yet insufficient, that Indian Trustees are over-ruled in matters affecting Indian interests. I have given you some instances and I could give some more but of course I am not entitled to do so in the course of my reply. I do not think that either of my Honourable friends, Mr. Drake or Mr. Miller, can lay their hands on their hearts and say that what Government intended in 1922 has been carried out by these Port Trusts. My figures tell you how matters stand. Mr. Miller has given certain figures, so has my Honourable friend Mr. Drake. I shall deal with these figures. It will be very interesting to know how many Anglo-Indians are amongst the statutory Indians, because if you exclude them the number of other Indians appointed will be found to be very appreciably reduced. The Honourable Mr. Drake has not given their numbers but because he has intimated that he is now receiving particulars year after year from the different Port Trusts of the new appointments made, I will make it my business to trouble him year after year to place upon the table full particulars, not only of Europeans, Anglo-Indians and Indians appointed but also to tell us the reasons given why Indians were not selected.

Mr. Drake, in the course of his reply, has said that in his figures he has excluded posts which require mercantile marine qualifications. I wish he had specified what these exactly are—I admit that so far as pilots are concerned we have no Indian pilots, but as he himself told us one man had offered his services. Mr. Miller took credit, or rather gave credit to the Bombay Port Trust, for instituting scholarships for cadets and that the Bombay Port Trust has an Indian Berthing Master. May I inform Mr. Miller that this did not initiate with the Port Trust. It was forced upon them by the representations of the Indian Merchants Chamber. I wish my Honourable friend had made that admission. I accept the figures which he has given of the number of Indians appointed by the Bombay Port Trust but he only confirms what I said in my first speech, namely, that because we have nine Indian Trustees and because Indian Trustees in the Bombay Port Trust—I do not wish to cast any reflection on Indian Trustees of any of the other Port Trusts—can influence their colleagues far more and can put up a stouter fight they have succeeded better, with the results which my Honourable friend Mr. Miller has given. Take the case of the other Port Trusts. It is nothing like Bombay. In Bombay I repeat, if the figures of Indians appointed are better, as Mr. Miller says they are and as Mr. Drake thinks they are, we must give credit

for the same to the late Mr. Neilson, who was most sympathetic to Indian aspirations, who always heard any complaints made by Indian Trustees and never turned a deaf ear as is being done constantly in the Calcutta Port Trust.

Sir, my Honourable friend Mr. Drake has told us that he has heard for the first time of the case of Mr. Brent-Smith I referred to. I do not blame him, for this happened eight years ago. If the case I have stated is a revelation to the Members of the Council, official or non-official, there also the European Trustees are to blame. And why? Because the European Trustees by their majority will not allow the Press to be present during the proceedings of the Port Trust meetings. If the Press were allowed, not only my friend Mr. Drake, not only the Member in charge, but the general public would come to know of the injustices that have now and again been perpetrated by the different Port Trusts. The Honourable Mr. Miller has told you he was on the Bombay Port Trust, and so was I. I was there for 11 years. I can speak, therefore, with first-hand knowledge and I challenge contradiction of the facts that I have placed before you. It is open to Mr. Drake to make inquiries regarding the case of Mr. Brent-Smith and he will find my statements absolutely correct. As regards Mr. Roy, in another place questions were asked and I am glad the Member in charge replied that the case is still under consideration. If the case is properly studied I am certain it will prove that injustice was done to him. He was pronounced inefficient for no reason whatever. I can personally vouch for his efficiency for the good reason that before he accepted this post of Rs. 1,000 rising to Rs. 1,250 in the Calcutta Port Trust, Mr. Roy was in the employ of the New India Assurance Company on a salary of Rs. 900 as Chief Accountant. I am one of the Directors of that Company and we were mighty sorry to lose him.

The Calcutta Port Trust retrenched him on the ground of inefficiency which to say the least is a scandalous procedure, as the papers will prove if Government will carefully go through the representation made to them by the Bengal National Chamber and by the Indian Merchants Chamber of Calcutta—

THE HONOURABLE MR. E. C. BENTHALL (Bengal Chamber of Commerce) : Is the Honourable Member aware that when Mr. Roy was dismissed on grounds of retrenchment, that 40 Europeans were also retrenched in the course of the last 18 months?

THE HONOURABLE SIR PHIROZE SETHNA : Yes, Sir. But I wish the Honourable Mr. Benthall had told us that he was retrenched on the score of inefficiency. That is what these two Chambers have put before Government. It was certainly absolutely wrong on the part of the Chairman and others to say that he was inefficient—

THE HONOURABLE THE PRESIDENT : The Honourable Member is repeating what he said just now with regard to inefficiency. I cannot say what he said in regard to the first speech because I was unable to hear it—he delivered it at such a rapid speed—but I would ask him to confine himself to what has been said in this debate and reply to the remarks that have fallen from Members of Government and others. The Honourable Member must not make a second speech.

THE HONOURABLE SIR PHIROZE SETHNA : I am not making a second speech. I am answering the Honourable Mr. Benthall.

THE HONOURABLE THE PRESIDENT : The Honourable Member is making a second speech.

THE HONOURABLE SIR PHIROZE SETHNA : Well, if you rule it so, I am helpless. I am simply referring to the fact that he was not inefficient. I am replying to Mr. Benthall's enquiry.

THE HONOURABLE THE PRESIDENT : Order, order.

THE HONOURABLE SIR PHIROZE SETHNA : I am sorry I have lost the thread of my argument. In conclusion, I thank Government for having accepted my Resolution. They could not possibly do anything else having accepted it ten years earlier and what I request them to do now is to make sure that their orders and their instructions are carried out by the Port Trusts which I repeat most emphatically have been flouted by them in the past as I have shown.

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

"This Council recommends to the Governor General in Council to adopt effective measures to secure a substantial improvement in the matter of Indianising the services of the Port Trusts to an appreciable extent."

The motion was adopted.

RESOLUTION *RE* LAYING OF PAPERS OF THE SECOND ROUND TABLE CONFERENCE ON THE TABLE.

THE HONOURABLE THE PRESIDENT : The hour is too late for the Council to take up another Resolution with the idea of disposing of it today but I call upon the Honourable Mr. Hussain Imam to move his Resolution formally in order to preserve his priority on the next non-official day.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, I rise to move that :

"This Council recommends to the Governor General in Council that the papers about the Second Round Table Conference and the Committees formed by the Premier thereunder be laid on the table."

STATEMENT OF BUSINESS.

THE HONOURABLE SIR FRANK NOYCE (Leader of the House) : The list of business for tomorrow, Sir, is in Honourable Members' hands. Besides the business entered in that list the only remaining official business of which the Council will be asked to dispose during the current session is the Tea Districts Emigrant Labour Bill which was laid on the table this morning. In the ordinary course that Bill would be placed on the paper for Thursday next. I understand that Honourable Members generally do not desire the Bill to be taken with short notice before that date.

THE HONOURABLE THE PRESIDENT : If that is so, I have to direct that a meeting for the disposal of official business be held on Thursday. That meeting will obviously be the last of the present session.

The Council then adjourned till Eleven of the Clock on Tuesday, the 27th September, 1932.