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THE
LEGISLATIVE ASSEMBLY DEBATES

Report)

Volume I, 1935

(21st January to 18th February, 1935)

FIRST SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,
1935



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1935

Legislative Assembly.

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THE HONOURABLE SIR ABDUR RAHIM, K.C.S.I., KT.

Deputy President :

MR. AKHIL CHANDRA DATTA, M.L.A.

Panel of Chairmen :

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MR. S. SATYAMURTI, M.L.A.

LIEUT.-COLONEL SIR HENRY GIDNEY, KT., M.L.A.

SARDAR SANT SINGH, M.L.A.

Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

Assistant of the Secretary :

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CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

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MR. S. SATYAMURTI, M.L.A.

DR. ZIAUDDIN AHMAD, C.I.E., M.L.A.

RAJA SIR VASUDEVA RAJAH, KT., C.I.E., M.L.A.

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

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LEGISLATIVE ASSEMBLY.

Thursday, 7th February, 1935.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

NOMINATION OF THE PANEL OF CHAIRMEN.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the House that under rule 3(1) of the Indian Legislative Rules, I nominate Maulvi Sir Muhammad Yakub, Mr. S. Satyamurti, Lieut.-Colonel Sir Henry Gidney and Sardar Sant Singh on the Panel of Chairmen for the current Session.

ELECTION OF THE STANDING COMMITTEE FOR THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that the following Non-Official Members have been elected to the Standing Committee for the Department of Education, Health and Lands, namely:

- (1) Mr. Fakir Chand,
 - (2) Dr. T. S. S. Rajan, and
 - (3) Mr. J. A. Milligan.
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REPORT OF THE JOINT PARLIAMENTARY COMMITTEE ON INDIAN CONSTITUTIONAL REFORM—concl'd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the following motion moved by the Honourable Sir Nripendra Sircar on the 4th February, 1935:

"That the Report of the Joint Committee on Indian Constitutional Reform be taken into consideration".

Mr. M. S. Aney (Berar Representative): The Report has been under discussion for the last two days, and, ordinarily, it is rather difficult for anybody who voluntarily comes so late as that to participate in the debate to add any new point to it, but the Report itself is full of blunders, full of mis-statements and full of misconceptions, to such an extent, that I believe, even if this debate be allowed to continue for a week more, Members will not altogether be in want of finding out points of attack and to show the absurdity of the conclusions arrived at in the same. In order to understand the scheme of the various safeguards and devices with which the Report bristles, one has only carefully to understand the

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ground which has been prepared in the introductory part of this Report. Therein certain assumptions are made and premises are laid down which, if accepted, will leave no other alternative but to accept the conclusions which the authors of the Report have ultimately embodied in this Report.

Sir, I maintain that the authors of this Report have approached the Indian problem entirely from a wrong point of view, and, in my opinion, even from a prejudiced point of view. The authors of the Report, in estimating the Indian conditions, have admitted in one place that the Indians have shown a remarkable capacity for parliamentary business since 1921. They have made that admission in one part of the Report, and, within three or four sentences after that, they jump down to another astounding proposition that Indians are wanting in the very elementary conditions which are essential for a parliamentary government in this country! What are those conditions? Indians have no respect for the principle of the majority rule. The minority does not know how to submit to the vote of the majority. They have laid down three or four conditions—the principles of majority rule, the willingness of the minority to subject to the decisions of the majority, existence of great parties divided by broad issues of policy rather than by sectional considerations and the existence of a mobile body of public opinion owing no allegiance to anybody. These conditions are, according to the members of the Joint Parliamentary Committee, wanting in India, and, therefore, no parliamentary form of Government is possible in India. Having once admitted in the first part of the Report that since 1921 Indians have shown remarkable capacity for parliamentary form of Government, to say that Indians have no respect for and do not even know the principle of majority rule is, to my mind, an absurd proposition and an incorrigible contradiction. If they had no respect for the principle of majority rule, I am sure, they would not have been able to show that remarkable capacity for parliamentary Government to which the Statutory Commission have testified. Either the first proposition is false or the second proposition is false. In my opinion, the authors of this Report were trying to analyse the conditions for themselves without understanding the realities of the situation. They have taken it for granted that these conditions are entirely wanting in this country. I do not think they have any ground to say that the people of this country have shown any want of respect for the vote of the majority. If that was so, how could they have been able to run the Constitution which was given in 1921? Secondly, they have been justifying the various safeguards on the ground that these conditions, which are wanting in the Indian people, can be supplied only if the statutory safeguards are introduced. They presume for the safeguards the virtue of creating amongst the people the tendencies which are wanting among them. That is another ground they have taken. What the authors of the Report say is this:

“The successful working of parliamentary Government in the provinces must in a special degree depend on the extent to which the Parliament can translate the customs of the British constitution into statutory safeguards.”

Now, I want to know if any one of these statutory safeguards has got anything to do with those conventions of Parliament on which the working of Parliamentary Constitution depends. I have very carefully read the safeguards. I also claim to have some fair knowledge of the customs and

usages of Parliament as they have been described in the books which deal with the practice and procedure of Parliament. I have never found any safeguard, any custom there which has got anything to do like the safeguards with which this Report is full. Is there anything in the custom of the House of Commons or in the House of Lords which has got anything to do with the safeguards provided for the discrimination of trade and commerce in this country? Is there any other custom which has got the remotest resemblance with the special powers which have been given by way of safeguards to the Governor and the Governor General in this Report? I think it is pure sophistry to say that safeguards are provided with a view to creating in Indian Constitution the customs and conventions and the conditions by which parliamentary rule is run in England or the parliamentary institutions are run in other civilised countries. The safeguards, in my opinion, are really provided for the sake of consolidating the power in the hands of the existing foreign Government in order that their work of economic exploitation might be facilitated and their domination perpetuated here. (Hear, hear.) I can attach no other meaning to the safeguards. Then, Sir, the safeguards are supposed to supply the missing links of the Government in the Indian conditions. They further say that the necessity or the need for flexibility, the need for strong Government, the need for efficient administration and the need for an impartial authority which could hold the scales even could be supplied on account of these safeguards. It means, in plain language, that if there are no safeguards and the Indians are given the political power, the administration will be inefficient. It means that if Indians are given power without the safeguards, there shall be no strong executive Government. It means that if the safeguards are not provided, the Indians will not be able to administer impartially justice among the various communities. If these are assumed to be the real conditions, I submit, there is no scope for any advance, not only the so-called advance embodied in this Report, but no advance whatsoever in the direction of democracy. They deny the very conditions in which any kind of Government can at all be run by Indians at any time. It would have been better for the Select Committee to say, nay it would have been more honest on the part of the committee to say that, under those conditions, British rule, with all its high-handedness and autocratic character, shall remain for ever in this country rather than recommend any advance in the direction of democratic Government at all. If the Indians are unable to administer justice impartially without the safeguards, it means that they presume the existence of the conditions of incompetency under which the perpetual existence of the British or some other foreign rule in India is justifiable. This is the ground which is prepared for the sake of the Report.

Now, those persons who have started with these premises cannot be expected to give India anything that will come up to the political aspirations of the people, and, therefore, I have stated in my amendment which I had not moved that this Report falls short of the requirements of the country and the political aspirations of the people. The reason is this. The very manner in which they have tried to tackle this question and the way in which they have approached it is so narrow and so bigoted that they are unable to envisage the real nature of the present conditions in this country and to imagine the pitch to which the political aspirations of the people have gone up during the last 20 years. Another point that deserves to be noted is that the authors of the Report have also shown

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undue solicitude for the essential unity of India. The whole scheme of all-India Federation is based on the ground that in that way they shall try to give us and preserve what is styled as essential unity for India. Now, I want to ask whether this all-India Federation, which confers on the Indian States the right to enter into the Indian polity, along with British India representatives, is in reality intended for the sake of consolidating Indian unity or whether it is intended for some other purpose. My own idea is that the object of the Federation is not so much to consolidate the unity of India as to break up the political unity which has been achieved in British India during the last 50 years of political agitation. I am afraid that the political unity which has been achieved in British India by the efforts and the sacrifices of the Indian politicians is troubling the minds of those who are responsible for writing up this Report, and they have found out that, by introducing the element of Indian States into the Federation, they could devise an effective method by which to break up that political unity. It is, therefore, not with a view to creating or consolidating the political unity, but to break up the solidarity of the political unity that has been achieved that this all-India Federation is mainly coming into existence. This is the object with which the thing is done. The Englishmen are afraid that by the unity that we have already achieved, we will one day stand up as one man and say that we do not want to remain any longer under foreign rule. It is to avoid this danger or postpone the fatal day to as distant a date as possible that they have introduced this All-India Federation. To my mind, the introduction of Indian States in the Indian polity in the form of all-India Federation is meant more to break up the unity and the strength with which we have been claiming our birth right in spite of all the opposition and the obstacles thrown in our path and not at all to help us to consolidate our position by the addition of new allies. This All-India Federation is being dangled before our eyes for this purpose. If they are really solicitous about our achieving real and lasting unity in India, I am sure, they would not have introduced a thousand and one things in this Report which go to break up the Indian unity and vivisection the Indian polity as they propose to do under the operation of the Communal Award.

I say the very principle on which this Communal Award is based and the way in which it is thrust on us is proof positive, in my opinion, that the Government want anything in this country, but unity among all the communities. They do not like the people welding themselves into one nation. This Communal Award has been introduced with a view to seeing that the several communities in India permanently divide themselves into warring camps and fighting factions, so that each community might always be jealous of the other and thus help to perpetuate foreign rule in India. These are the principles underlying the Communal Award of His Majesty's Government. I am sorry to make these remarks. They are not meant to injure the feelings of any of my Muhammadan brethren, or the feelings of the princes or of the European or the Anglo-Indian community. I assure them that, so far as I am concerned individually, my mind is more occupied with all-India considerations than with any sectional sentiments. If I attack this Communal Award, it is for the reason that it is based on principles which go to undermine the solidarity and the very idea of unity in this country. This Award perpetuates those forces which will ever keep the Indian community into warring camps.

It will always keep alive in them the consciousness of being persons of different religion and different culture; and will always keep away from them the idea that will enable them to look at any question purely from a national point of view. This Communal Award strikes at the very root of unity and nationalism in India. It is for that reason that I attack the Communal Award and the present communal solution. I am all the more surprised that this Communal Award is given by the Prime Minister, who, at one time, in 1912, while speaking on the Irish Home Rule Bill . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got only two minutes more.

Mr. M. S. Aney: I am sorry that my time is so short and the points which I have to deal with are so many that I'll not be able to finish within two minutes. In 1912, when he was speaking on the Irish Home Rule Bill, he had to deal with this question in one form. He particularly referred to the conditions in India and said what would be the proper thing to do in a state where there are people sharply divided on account of religions and cultures and how in such a State to introduce the representative system and what will be the proper method of representation to adopt? He then suggested a method of representation of the various communities without dividing the country on the basis of communal reservations and separate electorates. But when he himself was now called upon to give a decision on a point like that, whether by the consent of the fighting parties or on account of some other circumstances, into the details of which I cannot go at present for want of time, he did not stick up to the principles he had been advocating so long. Then, he said that although he was opposed to the proportional representation, both from the point of view of principle and from the point of view of expediency, still, he admitted that he had always written in various documents that there was one class of things where the proportional representation might with propriety be introduced, namely, when you get a State where the population is not coherent and where you have marked differences. He then gave the instance of India itself and mentioned the position of the Hindus and the Muhammadans, and so on. In such a State proportional representation was the proper method to be adopted. He then did not recommend the method of communal representation and separate electorates. That was the opinion expressed in the year 1912, when he was dealing with the Irish Home Rule Bill. When he, however, came in office and as a Prime Minister had to decide the very question of India, to which he referred in his speech of 1912, he unfortunately did not adhere to the position which he had taken in 1912. He stumbled on the wrong method of separate electorates and communal reservation. What a change and what a fall! That is what I wish to say.

Seth Haji Abdoola Haroon (Sind: Muhammadan Rural): The Prime Minister has now realised his responsibility.

Mr. M. S. Aney: I think, Ramsay MacDonald, a Parliamentarian, was more honest than Ramsay MacDonald, the Prime Minister. Sir, there are several other important points which I wanted to touch, but I do not want to exceed the time allotted to me, Mr. President. I, however, do want to refer to one thing. In this Report, while dealing with many

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other questions, there is one particular point in connection with the question of Provincial Autonomy to which I want to make a reference, within a minute or two, with your permission. So far as the question of Berar is concerned, under the new Constitution, it will be a regular part of the Central Provinces, about the propriety of which I have no time to say at the present moment. But, in view of the contemplated negotiations between His Exalted Highness the Nizam and the British Government, a great difficulty has arisen which I wish to bring to the notice of the House. The Report says that such an arrangement had been arrived at and the Bill says that the arrangement is in contemplation and shall be arrived at. Now, the people of Berar are entitled to know whether there is any real arrangement arrived between His Exalted Highness the Nizam and the Government of India, as regards the position of Berar, and, if so, what is that arrangement? We have been repeatedly asking the Government of India to disclose if there was any new treaty. Sir, this arrangement is very important from the point of view of the new Constitution inasmuch as, on the basis of that arrangement, certain important rights which should properly belong to the Provincial autonomous Government of the Central Provinces would be limited seriously. Protection of the rights of Native States has been specified in section 52, clause (f), as a special responsibility of the Government of the Central Provinces to include, according to the Report of the Select Committee, the special responsibility on the Governor of the Central Provinces to give particular regard to the commercial and economic rights of the Hyderabad State in the administration of Berar. It is impossible for us to know what this clause precisely means. It would be a strain upon the Finance Minister and also on the Minister who will be in charge of Commerce and Industry in the Central Provinces under the new Constitution in discharging their responsibility which these restraints will impose on their power. These are extra restraints on the power of the Ministers of the Central Provinces which are not to be found in the case of the Ministers of any other province. From that point of view, for the people of the Central Provinces and Berar, it is very important to know the precise nature of the arrangement arrived at between His Exalted Highness the Nizam and the Government of India and the various things which the Central Provinces Governor is expected to safeguard under his powers of special responsibility. What are the rights, privileges and interests in Berar of His Exalted Highness the Nizam as sovereign, we are entitled to know?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must now conclude.

Mr. M. S. Aney: I shall soon finish my speech. I only ask the Government of India to be fair to the people of the Central Provinces and Berar and publish that arrangement immediately. Until that is done, we shall not know where we stand. Sir, in conclusion, I say that I add my voice to that of the Leader of the Opposition in asking this House to reject this Report which bristles with many other difficulties and defects of an incurable nature to which I could not make a reference for want of time.

The Honourable Sir Henry Craik (Home Member): Sir, in speaking on this motion yesterday, my Honourable colleague, Sir Joseph Bore, did me a somewhat serious injury, because he made to the House a speech, a

very eloquent speech if I may say so, which I had myself proposed to make this morning, and, consequently, I have had to spend some hours in thinking over a new line of argument. I would like, however, if I may, to take a leaf from my Honourable colleague's book. I will address this House not only as a Member of the Government of India, but also as an Englishman who has lived in India longer, I think, than any other Member in this House—certainly any other official—and who has been—I think I can claim that—more intimately connected with the working of the existing system of administration than any other Member of this House. In my connection in working the present system of administration, I have been brought into intimate and close contact with Indian politicians of all shades of opinion. I think I can claim that in the case of some of them, at any rate, I have been fortunate enough to win their friendship and confidence. If I have been so honoured, I put it down to the fact that I have always made it a rule to speak to them with perfect frankness, to reserve nothing and to make no attempt to conceal my own views. I hope I may be allowed to follow that rule in addressing the House today, and I do so in the spirit of sincerest sympathy with India's desires for political advancement. And if I have any criticism to make on what has been said in the course of this debate, I hope Honourable Members will treat it as criticism made in the friendliest possible spirit. I think the course of this debate has illustrated how difficult it is to deal with a subject of this magnitude and complexity in a speech limited, save with your indulgence, to 15 minutes and I feel that a good many speakers have quite unconsciously fallen into the error of trying to go too much into points of detail. There have been many notable speeches, notable for their eloquence and for their moderation and restraint and for their appeal. But certain other possibly less experienced speakers have, I think, rather tended to obscure the issues by dwelling too much on the many points of detail that must arise in any scheme of this complexity. That error I will endeavour to avoid and I will confine myself in my observations only to the very broadest outlines of the proposals.

Sir, one impression that has been borne in on me, as I have listened during the last two days to this debate, is the great diversity of opinion expressed. We have had, I think, no less than eighteen amendments tabled to the original Resolution and fourteen of these, I think, have actually been moved. Now, it is quite true, nobody for a moment can deny it, that most of them, in fact, I think, nearly all of them, unite in declaring that the Report is unsatisfactory and fails to meet Indian aspirations. But the degree of dissatisfaction varies from one amendment to another in a very marked degree and also in the particular points selected by various amendments for special damnation. I will deal first, Sir, with the amendment of my Honourable friend, the Leader of the Opposition. It is equivalent, of course, to a flat and complete rejection of the scheme. My Honourable friend made it perfectly clear that he did not want any legislation based on this Report and that he preferred to remain on indefinitely, I take it, under the present Constitution, which he himself and his Party describe in their public utterances as humiliating and . . .

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Intolerable.

The Honourable Sir Henry Craik: Intolerable. But the position which he prefers and his Party prefers is that embodied in the amendment. My Honourable friend, Sir Joseph Bhore, asked yesterday what would be the result of this flat rejection. There was no very clear and definite answer given to that question, but, if I might be allowed to supply one, it would be the answer that used to be given to a riddle which used to be put to me when I was a small child. The riddle was this: "Where was Moses when the light went?", and the answer was: "In the dark". (Laughter.) At one time the solution put forward by Honourable Members opposite—the alternative put forward by Honourable Members opposite to the Constitution outlined in the Report was a Constitution to be drawn up by a Constituent Assembly. I have been impressed, Sir, by the fact, that though this debate has now lasted for more than two days, I think, there was only one single speaker—and that not a member of the Congress Party—who has made even the most remote reference to the proposal for a Constituent Assembly, and, I take it, that we may conclude from the silence on this point, that the Congress Party no longer intend to pursue, what I may call, this flickering shadow of a solution by a Constituent Assembly.

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): No, no. That is only your inference.

The Honourable Sir Henry Craik: Well, if it is intended to pursue that idea, it is certainly curious that no reference has been made to it in this debate. It is true that a very indirect reference was made by my Honourable friend, the Leader of the Opposition, when he spoke of self-determination. But that is also a most vague phrase. In fact, ever since it was invented by President Wilson about the time of the termination of the Great War, people have been fighting, literally fighting over what it meant, and I have seen in a recent book, that has commanded a considerable circulation, that the phrase "self-determination" has been described as the direct cause of no less than sixteen small wars since the end of the Great War.

Now, when I am dealing with this question of flat rejection, I would like to make it perfectly clear, I do not deny for a moment, that, if I were an Indian politician, a class with whom as I have said I have very great sympathy, I admit quite freely that I would feel disappointed. I will even go a little further than that. I will admit quite freely, as a Member of the Government of India, that I feel somewhat disappointed. (Hear, hear.) As His Excellency the Governor General observed the other day, it is an open secret that the Government of India were not in favour of the system of election to the Central Legislature proposed in the Report. They favoured direct election, and, I think, that it is an equally open secret that on certain other points

Dr. N. B. Khare (Nagpur Division: Non-Muhammadan): Will you then join us in demanding its rejection?

The Honourable Sir Henry Craik: I think it is an equally open secret that there were other points on which the Government of India would have liked, had they been able, to go somewhat further than the Report has gone. And, I say this entirely as a personal opinion, but I have a sort of idea that the Secretary of State himself might have liked, had he been

given a perfectly free hand, to go somewhat further. But we have to consider the actual circumstances with which he in Parliament is confronted. We must remember that neither the people of India nor the Government of India have the last word in this matter. We must remember that the whole subject is a practical one which we must approach from the point of view of practical men dealing with an actual material problem. The difficulty of the Secretary of State is that he is faced by a solid block of opposition in Parliament, not merely what are so often referred to as Diehards, but, I think, a really solid block that represents a great mass of steady, conservative opinion in the country. He has to remember the limitations which that Opposition puts upon him and he has to remember that he can only get his Bill through Parliament, through both Houses of Parliament, if in certain respects he meets the wishes of that solid block of Opposition. Now, I have said that if I were an Indian politician, I would feel a certain disappointment about these proposals, but I do think, and I say this with the deepest conviction, that, if I were an Indian politician, the very last advice I would offer to my countrymen would be to reject this scheme flatly. I would say to them, "accept it and work it in the spirit in which it is offered to you, and you will find it will open up, within a very short time, many avenues for a further substantial advance. (Hear, hear.) It will open up to you the road to your heart's desire". If I were to give the country the opposite advice, that is, the advice proposed in my Honourable friend's amendment, it would in fact amount to this. I would be advising the country to reject the scheme and to remain, for an indefinite period, under this Constitution, which you have yourself described as "humiliating and intolerable" merely because the scheme now offered to you is not all you hoped to get. And here let me say this, that the term for which you would have to remain under this humiliating and intolerable Constitution would certainly be a very long one. It would last for many years.

I know that in the course of the debate yesterday, gentlemen sitting on those Benches repudiated the idea that they hoped for anything better from a Labour Government. I cannot help feeling that at the back of their minds they may have some idea that, within a few years, Parliament may be in a more generous mood. I may say, Sir, that I dislike assuming the role of a prophet, because, as Mr. Bonar Law said, "You cannot argue with a prophet, you can only disagree with him". But I do know something of politics in England, and I must say that I think any idea of that sort is founded on a completely false conception. Let me, if I may, remind the House of what the Secretary of State himself, in speaking in the debate on the Report, said in his speech :

"Let me put, if I may say so as a friend, the position as I see it. I do not believe that it is a choice between a Bill founded upon the broad lines of the Committee's report and a more advanced Bill at any near future date. I know perhaps better than most people the weight of exacting work, the thanklessness of the task that has gone to the framing of this scheme. I do not see within any reasonable compass of time any other Government, Conservative, Labour or Liberal, giving the time and the trouble, and incurring the unpopularity in this country, of introducing another scheme."

Sardar Sant Singh (West Punjab: Sikh): May I remind the Honourable Member of what the Secretary of State said only a month before?

The Honourable Sir Henry Craik: I must ask the Honourable Member not to throw me out of the thread of my argument.

[Sir Henry Craik.]

Of course, no one can say with certainty that the next general election will not see a Labour Government in power; but I think anybody with a recent acquaintance with conditions in England will agree that the Secretary of State is right in thinking that if this Bill is rejected, it must necessarily be many years before any Government, of whatever political complexion, will take up the question again. Certainly, so far as I know the conditions, it will not be taken up by the Labour Government. A Labour Government is far more likely to be concerned with purely domestic problems, such as unemployment, housing, old age pensions, and so on; and it will not risk its position, it will not risk defeat, on a scheme that has no popular appeal in the United Kingdom.

Sir, I am still dealing, though I fear rather discursively, with the amendment moved by my Honourable friend, the Leader of the Opposition, in his very eloquent and very moving speech. He referred to many aspects of the proposals, but, I think, I am perhaps right in saying that his main objection is to the safeguards and limitations proposed in the Bill. Now, with regard to these safeguards,—and I want to say again that I wish to avoid details and only treat the subject on very broad lines,—the principal safeguards are the prevention of any grave menace to peace and tranquillity, the safeguarding of the legitimate interests of minorities, and safeguarding the legitimate interests and rights of the public services, and the prevention of commercial discrimination. I do not deal for a moment with the lesser safeguards or the one as regards financial stability which applies only to the Centre; I am dealing for a moment only with the provincial aspect. Now, more than one previous speaker in this debate has pointed out that the Congress themselves are largely responsible for the imposition of these safeguards. Of course, I am not saying that that is true for a moment about the protection of minorities; but if this debate has shown anything, it has to my mind shown most conclusively, by the speeches of one after another of the representatives of the minorities, that the minority communities do not, to my regret, trust the majority. And that is the justification for the safeguard regarding the protection of the interests of minorities. As regards the other safeguards, dealing with the menace to public peace, commercial discrimination, and so on, I for one admit that I must share that view that the Congress Party, by its political conduct during the last few years, is largely responsible for the imposition of those safeguards. If they had not been so insistent in their advocacy of direct action, in their expressed hostility to the Services, in their proposals for the reduction of the privileges and emoluments of the Services, if they had not been so insistent in their proclaimed determination for the scrutiny of all titles, for the repudiation of financial obligations, and so forth, I feel certain that these safeguards would have been far less stringent than they actually are as printed in the Bill. Indeed, Sir, in this matter, if I may say so with all respect to men with much better brains than mine, I think they have been singularly lacking in political foresight. The conduct of the Congress during the last five or six years reminds me of what I lately read in a certain rather amusing book of an interesting, though possibly a mythical, animal, the Nigerian pelican. That pelican, Sir, like all other pelicans has two large, flat, webbed feet. When he desires to progress, he puts one of his large flat webbed feet firmly on the top of the other. He then turns round and tries to bite, under the

mistaken impression that somebody is stopping him. That is exactly what the Congress is doing. It keeps on proclaiming its eagerness for advance and it itself creates obstacles to advance, and then it turns round and tries to bite a purely imaginary person who, it thinks, has been trying to stop it.

Sir, so much for my Honourable friend's amendment. I will pass now to the three or four amendments dealing with the question of the Communal Award. Of these, I need only say this that there are three sharply divided schools of thought, one of approbation, one of condemnation, and the other what I might call silent disapproval. Now, the course of this debate has brought out most clearly, and I say quite candidly, to my very great regret, that this subject of the Communal Award is one that is uppermost in the minds of practically every section in this House, and that so far as one can judge, the hope of a solid and lasting agreement is no nearer than it has been for a long number of years. Personally I entirely approve of the sentiments uttered in his opening speech by my Honourable friend, the Leader of the Opposition, to the effect that religion is all very well in its proper place, but its proper place is not in politics. That I entirely agree with, but I am afraid there has been very little subsequent evidence that that position is accepted generally in the country. I will not say anything more about that.

The next important amendment is that which stands in the name of my Honourable friend, Mr. Jinnah, or rather the third part of it only, because the other two are practically covered by what I have already said. The third part condemns the scheme for an all-India Federation. Now, Sir, we have read in the Press,—I do not know whether the surmises of correspondents have any foundation—of much hurrying to and fro and of much searching for a *modus vivendi*, and really I am not aware whether my Honourable friend's amendment represents his own views or the views of his Party, or whether he is acting independently of the Independent Party or the Independent Party is acting independently of him. That I do not know. I do not wish to detain the House by any examination of the implications of this amendment—I think that task will be undertaken by my friend, the Leader of the House, at a later stage. I would only say this: that the proposal for an all-India Federation is an integral and cardinal part of the scheme of the Report, and it seems to me that condemnation of the proposal for an all-India Federation is, in practical effect, equivalent to condemnation of the scheme as a whole. I should also remind Honourable Members opposite that the principle at any rate of an all-India Federation was accepted—indeed I think I am right in saying it was welcomed—by Mahatma Gandhi himself when he attended the Round Table Conference.

Lastly, I turn to the amendment that stands in the name of my Honourable friend, Mr. Mody, and especially that part of it which expresses dissatisfaction at the absence of any declaration of the goal of Dominion Status. Now, Honourable Members are aware, of course, that at the very moment we are sitting and talking here, the second reading of the Bill is being debated in the House of Commons, and, last evening, the Secretary of State made a very important pronouncement on this very subject of Dominion Status: it has been very briefly reported in the later editions of this morning's papers, but I have here the Secretary of State's

[Sir Henry Craik.]

exact words. I think they are so important that I will, with your permission, conclude my speech by reading to the House the exact words, used late yesterday evening, by the Secretary of State in the House of Commons, because, I think, these words will become in time to be accepted as a very definite landmark in the history of these reforms. I should be glad to give Honourable Members printed copies of this statement as soon as I sit down. He said:

"The House will observe that the Bill like most modern Bills contains no preamble. There have, it is true, been important Acts in the past, among them the Government of India Act of 1919, to which a statement of policy and intentions was prefixed by way of a preamble. There is, however, no need for a preamble in this case as no new pronouncement of policy or intention is required. The preamble to the Act of 1919 was described by the Joint Committee in their Report as having 'set out finally and definitely the ultimate aims of British rule in India'. The Committee after full consideration further asserted that 'subsequent statements of policy have added nothing to the substance of this declaration' which they then proceeded to quote in full in their Report as (in their own words) 'settling once and for all the attitude of the British Parliament and people towards the political aspirations' of India. If the Committee were justified in these statements—and Government consider that they were fully justified—there is surely nothing to be gained by reiterating words which have 'settled once and for all' the attitude of Parliament to the Indian problem.

Moreover in government and above all in the government of the Indian Empire continuity of policy is of first importance. No Government and no Parliament can treat lightly any statement issued under the authority of their predecessors. But once the aim of a policy has been clearly determined and accepted significance attaches not to its reiteration but to concrete measures taken in pursuance of it.

The position of Government therefore is this, they stand firmly by the pledge contained in the 1919 preamble (which it is not part of their plan to repeal) and by the interpretation put by the Viceroy in 1929 on the authority of the Government of the day on that preamble that 'the natural issue of India's progress as there contemplated is attainment of Dominion Status'. The declaration of 1930—, that is, of course, Lord Irwin declaration, was made to remove doubts which had been felt as to the meaning of the preamble of 1919. There is therefore no need to enshrine in an Act words and phrases which add nothing new to the declaration of the preamble. In saying that we stand by our pledges I include of course not only pledges given to British India and to Burma as part of British India but also our engagements with Indian States.

Rightly understood, the preamble of 1919 which, I repeat, will stand unrepealed is a clear statement of purpose of the British people and this Bill is a definite step—indeed a great stride—forward towards the achievement of that purpose. It is by acts and not by words that we claim to be judged. It is clear then that we can only reach the end we have plainly set before ourselves when India has succeeded in establishing the conditions upon which self-government rests, nor will its attainment be delayed by any reluctance on our part to recognise these conditions when they actually exist. There are difficulties which she has to surmount, but they are difficulties inherent in the Indian problem and not of our creation. If I indicate by way of example two of them, it is not therefore through any desire to magnify them but because it is useless in matters of this kind to refuse to face facts or to assume if facts are avoided they will dissolve. The first and most conspicuous problem which India has to solve is her cleavages of race, caste, and religion. Again until India can safely assume in a much larger degree responsibility for her own effective defence, an Indian Government cannot be in the full sense of the word autonomous. These are examples of conditions which cannot be removed or altered by any provisions in any Act of Parliament or by any action on our part alone. Our policy, as will be seen from this Bill and Instructions as to whichever of its provisions are to be applied which will accompany it, is to do all we can by sympathetic help and co-operation to enable India to overcome these difficulties and ultimately to take her place amongst the fully self-governing members of the British Commonwealth of Nations. It was in that spirit that we took upon ourselves the formidable burden and responsibility of removing one of the chief obstacles to further advance by providing a *modus vivendi* in regard to the removal of communal differences. Our desire is to lend our help in the spirit of partnership in a great enterprise which may enlist the best services which this Country and India may have in their power to give." (Cheers.)

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, on an occasion of such grave importance, I wish to draw the attention of the House to the attacks and misrepresentations that have been made with regard to my position regarding this question, and I think the House will bear with me for a few minutes. A newspaper, of the standing and position like the *Statesman*, has, in its recent issue dated the 2nd February, stated this:

"Race hatred is the prime mover of the Congress Party which has an important following. No doubt, they will always find fortuitous allies like Mr. Jinnah."

Sir, I repel that with all the power that I can command. ("Hear, hear" from the Opposition Benches.) I bear no race hatred of any kind whatsoever to any race. (Hear, Hear.)

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Shame to that paper.

Mr. M. A. Jinnah: Then the paper proceeds further and says this:

"Mr. Jinnah, who started as a keen Round Tabler, an enthusiastic Federalist"—

—yes, I admit, Sir, I was not only a keen Round Tabler, but, if I may say so, I was the keenest Round Tabler, but I did not start as an enthusiastic Federalist. From the very commencement, rightly or wrongly, I knew that the scheme would never materialise in a manner which would satisfy the legitimate aspirations of India. Then, this paper further on says:

"Is now",—(that is I) "dissatisfied, because he was not invited to the later sittings of the Conference."

Several Honourable Members: Shame, shame!

Mr. M. A. Jinnah: I was not invited to the later sittings of the Conference, because I was the strongest opponent of the scheme, that was being constructed, from the commencement, and not that I have become an opponent because I was not invited to the Third Round Table Conference. Sir, these lies, these insinuations, these reflections are not worthy of any newspaper worth the name. . . .

The Honourable Sir Henry Craik: I hope the Honourable Member is not associating me with those remarks, because he keeps on looking at me. I had nothing to do with it. May I assure my friend that I have not even read what he has just read out? I never heard of the article before, and this is the first time I hear it from my Honourable friend.

Sir Muhammad Yakub: Now, probably the Honourable the Home Member will associate himself with what Mr. Jinnah has said against that newspaper.

Mr. M. A. Jinnah: Well, Sir, I will leave it at that. I do not for a moment include the Honourable the Home Member in the criticism I have made, or, for the matter of that, I do not include any other Englishman, except the writer of that article.

The Honourable Sir Henry Craik: I knew nothing about it.

Mr. M. A. Jinnah: I will say no more about it for the moment.

Coming, Sir, to the question before the House, first I shall deal with some of the observations that fell from my Honourable friend, the Leader of the Opposition, Mr. Desai. Sir, I do not agree with his amendment. His first amendment is a flat rejection. I admit that, I do not dispute it, and I don't think he disputes it either; it is a flat rejection, because he asks that no legislation shall be proceeded with based on the Joint Parliamentary Committee's Report. That means that if we accept it, everything goes, and I think he will also admit that nothing remains, even his neutrality in regard to the Communal Award goes. Is that the reason why he, having taken up the position that it should be thrown out lock, stock and barrel, says in the second part of his amendment that he is neutral to the Communal Award? Now, Sir, I cannot accept his view. He has no alternative either, and, therefore, it is a pure and simple negative position, and I cannot subscribe to that position. That is the reason, Sir, why I have been compelled to put forward my amendment. My amendment accepts the Communal Award,—and, remember, until when,—until a substitute is agreed upon between the communities concerned. Now, it may be that our Hindu friends are not satisfied with the Communal Award, but at the same time I can also tell the House that my Muhammadan friends are not satisfied with it either (Hear, hear), because it does not meet their full demand. And, speaking for myself, personally, I am not satisfied with the Communal Award (Hear, Hear), and, again, speaking as an individual, my self-respect will never be satisfied until we produce our own scheme. (*An Honourable Member*: "Very good of you".) (Hear, hear.) Do not relegate me only to God, but take the man into consideration also. But why do I accept it? I do not want to go into the past history, but I can tell the House that I accept it, because we have done everything that we could so far to come to a settlement, though, so far, we have not been able to come to a settlement, and, therefore, whether I like it or whether I do not like it, I accept it, because unless I accept that, no scheme of Constitution is possible. ("Hear, hear" from Official Benches.) Therefore, please stop this talk of rejection now. For the time being let it stand. I entirely reciprocate every sentiment which the Honourable the Leader of the Opposition expressed, and I agree with him, that religion should not be allowed to come into politics, that race should not be allowed to come into politics. Language does not matter so much, I agree with him, if taken singly one by one, religion is merely a matter between man and God, I agree with him there entirely; but I ask him to consider this,—is this a question of religion purely? Is this a question of language purely? No, Sir, this is a question of minorities and it is a political issue. (*Some Muslim Honourable Member*: "Civilization and culture.") Have we not got in other countries questions of minorities? Have not those problems been faced and solved,—and this problem must also be faced and solved. Now, what are the minorities? Minorities mean a combination of things. It may be that a minority has a different religion from the other citizens of a country. Their language may be different, their race may be different, their culture may be different, and the combination of all these various elements—religion, culture, race, language, art, music, and so forth makes the minority a separate entity in the State, and that separate entity as an entity wants safeguards. Surely, therefore, we must face this question as a political problem, we must solve it and not evade it.

Then, my Honourable friend laid down the proposition, acquisition first, and distribution afterwards. There is a great fallacy, if I may say

so most respectfully, in that statement. This is not a question of acquisition and distribution. It is not that we are acquiring some land, it is not that we are going to enter upon a venture and then we share or distribute the spoils. But, may I know, if that proposition is correct, why did Mahatma Gandhi fast to death and come to an agreement with the sanction and concurrence of all Leaders from India and arrive at the Poona Pact as regards the Depressed Classes? (Hear, hear.) Why were they not told, acquisition first and distribution afterwards? (Hear, hear.) Mahatma Gandhi was right. He knew, and they are drawn from your race, they are Hindus, 50 or 60 millions of Hindus. He was right, and I agree with him. I begged of him in England. First he said: "No, I will not divide the Hindus. I will never agree to this". I begged of him. Believe me, I pleaded more for the Depressed Classes before Mahatma Gandhi than I did for the Mussalmans. But he was adamant, but ultimately he did realise, and I congratulate my Hindu brethren that they have, by recognising and giving this protection and safeguard to the Depressed Classes, won them over, and today he is still working for their amelioration. Show us the same spirit, join hands with us and we are ready. (Hear, hear.) I will say no more about the Communal Award.

Now, I come to the question of my amendment. Sir, the Honourable the Leader of the House was very hard on me. He said, he understood the straightforward, honest amendment of the Leader of the Opposition, but he said that mine was a disingenuous

The Honourable Sir Nripendra Sircar (Leader of the House): Crooked and tortuous.

Mr. M. A. Jinnah: He reminded me of a petty court where a petty lawyer, when he has got a bad case, abuses the other side. So he started by abusing me. He never told me why it was crooked, why it was tortuous and why it was disingenuous.

The Honourable Sir Nripendra Sircar: I will tell you at 3-30.

Mr. M. A. Jinnah: Ah: That is the game, that is adopting tactics which are not fair in this House. It may have been all right if he was in the High Court working for a reply. I want Government to put their cards on the table and tell me on what grounds you say that my amendment is disingenuous, tortuous and crooked

The Honourable Sir Nripendra Sircar: Grounds I have stated.

Mr. M. A. Jinnah: You have not stated. What does he say? Mr. Jinnah, by his amendment—I suppose he meant No. 3, he could not have meant No. 2—he said, if the third amendment of Mr. Jinnah was carried, what would happen? He said, "What he wants us to do is this. He wants to destroy the foundation, he wants to keep the upper storey and wants us to change the glasses and the windows". Is that your answer? Have you studied your own Bill? There is not foundation that we can talk of except one, and there is no storey, and the only storey is the pretty story of the Law Member about glasses and windows. Go and deliver those stories to the children. (Laughter.) There is no such thing as a storey here, and I shall illustrate it to the House. Let us examine this thing. Now, what are we doing? We are building a constitutional scheme

[Mr. M. A. Jinnah.]

for the provinces first, then we are building a scheme for the Central Government, it is all ground floor, there is no storey. I was threatened further, if the third amendment of mine were carried, the whole Bill would drop. But what does the Bill itself do? What does the Joint Parliamentary Committee Report itself say? It says that, in the first instance, Provincial Autonomy will come into being as soon as this Bill is passed, or very soon after it. But the Federation is not coming into being. It may take two years, it may take three years, it may take five years, and they have laid down in this very report and the White Paper proposals that there may be difficulties after the Provincial Autonomy has come into being in full working order. There may be difficulties, and there are various other conditions which have got to be complied with. They have got to get the assent of the princes, they have got to get the instruments of accession, they have got other things to do. Then, at page 286 of the Joint Parliamentary Committee Report, we find this:

"It is probable that it will be found convenient, or even necessary, that the new Provincial Governments should be brought into being in advance of the changes in the Central Government and the entry of the States. But the coming into being of the autonomous Provinces will only be the first step towards the complete Federation for which the Constitution Act will provide; and His Majesty's Government have stated that if causes beyond their control should place obstacles in the way of this programme, they will take steps to review the whole position in consultation with Indian opinion.

Provision will accordingly be required in the Constitution Act for the period, however short it may be, by which Provincial Autonomy may precede the complete establishment of the Federation. The nature of the transitory arrangements contemplated for this purpose is explained in paragraph 202 of the Proposals."

And that is provided in the Bill itself. Therefore, the question of Federation coming into being still is suspended, it is subject to the vote of the two Houses of Parliament, and it is subject to various other conditions which will have to be complied with. Now, my reply to you is this. Please stop this scheme,—remember, I want to emphasise, this scheme of Federation, stop it. I do not want to wait for those conditions to arise. The conditions have already arisen in my judgment, and I say, stop this. What are the conditions that have arisen? The conditions that have arisen are these. I have seen your scheme and it is thoroughly rotten, fundamentally bad, and totally unacceptable. (An Honourable Member: "Why?") Why am I to be told that the whole Bill will be dropped? That is what I want to know. And now I will tell you why I object to this Central scheme. I object to the Central scheme first. Take your own words, Sir, not as the President, but as a public man, as a prominent leader and a Leader of the Independent Party. This is what you said: "The scheme is wholly unnatural, artificial and unknown to any Constitution". I would add to that—it is devoid of all basic and essential elements and the fundamental requirements which are necessary to form any Federation. My second ground is that it proposes the entry of the princes on terms and conditions laid down by them as *sine qua non* and as conditions precedent, and which are, on the face of them, most detrimental to the vital interests of British India. There may be an impression that I am against the princes. I am not against the princes. I am not against anybody. I am for British India. It is not that I do not wish to have anything to do with the princes. I have said it over and over again that I am not opposed to all-India Federation and the Honourable the Home Member very rightly

said that even Mahatma Gandhi was not opposed to all-India Federation. What follows from that? When I say that I am not opposed to all-India Federation, does it follow from that that you are to hold me to any scheme of all-India Federation that you lay down, however bad and however unacceptable it may be? Is that the argument? The point is not that we are opposed to all-India Federation, but what kind of all-India Federation? I say, standing on the floor of the House, that I do not preclude myself from considering any alternative scheme of all-India Federation which, I think, is in the interests of British India, and I shall be only too glad if I am satisfied that it is good to accept it. I know this also, that having regard to these impossible terms, which the princes have laid down it is impossible to construct any kind of Federation worth its name, and, therefore, I say it is no use going on like this. We have gone on for four years. On the one hand, the Princes have laid down their definite ultimatum—this and no more. On the other hand the British Government have laid down their safeguards—an iron wall. This you must accept! And I am between the two. You accept this and call it a Federation. That is not a fair way of looking at the scheme. Therefore, I am obliged to say this scheme is not acceptable. As regards the Honourable the Home Member, I accept every word of what he said about his sincerity. I appreciate his appeal. I understand the spirit in which he spoke. I am thankful to him for all that. I know that he believes what he said. What he said was this: take this and work it. He said: "When there was no light, what happened to Moses? He was in darkness". True, but is there any light here? Is this the light? I say that Moses is still in darkness.

The Honourable Sir Henry Craik: My point was that it was not we, but the Congress Party who blew out the candle.

Mr. M. A. Jinnah: When it suits the Home Member, when it suits the Government, they say that the Congress represents the whole of India. When it suits them, they say that the Congress is only rebels and a minority in this country. Where do I come in? Where do all these stand (pointing to some of the Muslim Members and the rest of the House)? This really is not a fair argument—because of the utterances of a few of my countrymen, you are going to impose this Constitution on India and, therefore, I should accept it. Might I not turn round and say: What about Mr. Churchill, Lord Lloyd, Sir Michael O'Dwyer, Sir Reginald Craddock and the rest of them?" If I am to believe their utterances and go by them, would I not be justified to say: "I will kick the British out from India at once and there is nothing to talk about?" Do I say that? But the British Government are determined to impose on me this Constitution, which, they know perfectly well, as well as I do, is much worse than the present Constitution. Why do they want to impose this upon us against our will? If I were to go by the utterances of one section or one party, and then decide to meet that, it is not a fair deal to India. It is an excuse. When I have examined this problem in no light manner, but with full responsibility, what do I find? I believe that it means nothing but absolute sacrifice of all that British India has stood for and developed during the last 50 years, in the matter of progress in the representative form of Government. No province was consulted as such. No consent of the province has been obtained, whether they are willing to federate as federating units on the terms which are laid down by the princes or by the British Government. My next objection is that it is not workable. It does not really satisfy anybody and it certainly does not satisfy the minimum demand of anybody. It is not

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workable. Believe me, it will lead us to nothing but bitterness and illwill, nothing but wrangles in the so-called Federal Legislature. I appeal to the princes to consider whether they are prepared to draw the chestnuts out of the fire. I appeal to the princes also—is this the responsibility which they laid down for the Centre and on which condition they were prepared to come into the Federation? The princes laid it down that, “yes, we are willing to come, provided there is a real, substantial responsibility at the centre”. Do they find that that is there? Here there are 98 per cent. of the safeguards and two per cent. of responsibility! Sir, I appeal to them to consider this aspect.

Now, next, what do we find about the safeguards? I am not going into the various clauses of the Statute, I will only give a short summary to the House in two sentences. Reserve Bank, Currency, Exchange—nothing doing. Railway Board—nothing doing, mortgaged to the hilt. What is left? Fiscal Autonomy Convention. (Laughter.) Next, what is left? Defence, External Affairs—reserved. Finance—it is already mortgaged to the hilt, our Budget, and the little that may be there, what do we find? Special responsibility of the Governor General! His powers as to the Budget and the estimates, his powers as to the interference in legislation, his extraordinary powers, his special responsibility, Sir, what do they leave us? What will this Legislature do? The Honourable the Home Member said: “Are we willing to go on with this present humiliating and intolerable Constitution?” I say, I do not like this Constitution, it is humiliating, it is intolerable, but I will refer you to the words of Lord Reading. It has got more powers than the one that you are giving me, and the one that you are proposing now is more humiliating and more intolerable than the present one. But I know they will say to me,—and I think somebody said that the Leader of the Opposition is really playing the same role as Mr. Winston Churchill,—and that I shall be told also probably that I am playing the same role as Mr. Winston Churchill, because he wants to wreck the scheme and we are joining hands with Mr. Churchill. You will say that to me. Yes, I know that.

The Honourable Sir Henry Craik: You are.

Mr. M. A. Jinnah: I am doing it with my eyes open.

The Honourable Sir Nripendra Sircar: You may change any moment, Churchill won't.

Mr. M. A. Jinnah: I am not concerned whether the Law Member changes or whether I change. I am now concerned with expressing my opinion. This, Sir, is a grave moment. I have to express my opinion and I must express my opinion with all the responsibility, and I must express my opinion deliberately and clearly, and that is what I am concerned with. Nor am I concerned with the threat of the Law Member that the Bill will be dropped. He knows nothing about it. (Laughter.) The whole of the Government of India know nothing about it. What is the good of their pretending? I am not going to make any appeal to them. As the Home Member very correctly said, neither the Government nor the people of this country have the last word; the last word is with Parliament. I want to express my opinion for the benefit of Parliament and I want to tell them what my opinion is, and let them take the consequences. Therefore, if the Home Member said: “You are playing into the hands of Mr. Churchill”, my answer is: “if you want to misunderstand us, do so, if

you want to misrepresent us, do so. We are not agreeing with Mr. Churchill. Mr. Churchill's point is that he does not want any advance at the Centre. *That is not my point.* My point is that I do not want *this* scheme at the Centre, and I call upon you to review the whole position in consultation with Indian opinion and to establish a responsible Government in my country." (Loud and Prolonged Applause.) That is the difference. Well, Sir, as I say, therefore, it is no use misrepresenting us. Then, Sir, it is really a breach of a solemn announcement made by the Viceroy, then Lord Irwin, now Lord Halifax, and, as Mr. Sastri said, with the change of his name, he has changed his views also. (Laughter.) But, Sir, the announcement that he made was not on his own personal behalf, but on behalf of His Majesty's Government, and what was that announcement? "That His Majesty's Government will place those proposals before Parliament which will receive the largest common measure of agreement". I ask you in all your conscience, has the scheme received the largest common measure of agreement—I mean of the Indian opinion? It may have received the largest common measure of agreement of the Conservative Party, but that was not the announcement. Therefore, there is no agreement. Then, we were told in our earlier stages that we were going to make India an equal partner. Sir, that word is dropped recently. Is this a partnership? Sir, the meaning of the word "partnership" and the meaning of co-operation with our British friends was this, "that we will call you a partner, but you must do as I tell you". Well, we will call it "co-operation and goodwill" provided you submit to me in everything that I say and everything that I do. That is goodwill! That is co-operation! Sir, I, from the very start, felt—and I am more convinced than I was at that time—that this idea of an All-India Federation was started as a device in order to withhold responsibility at the Centre in the British Indian Constitution. We were put on the wrong track. Anybody, who had any sense must have seen or at any rate, within a short time, realised that the scheme, which we were led into and had undertaken to construct, was impossible really to construct. It was an impossibility almost, from the start, and now there is this vicious circle: Provincial Autonomy, Federation, then Responsibility at the Centre. *What responsibility at the Centre? This.* If you don't accept this scheme, no responsibility at the Centre, and there is nothing more to be done, and even Provincial Autonomy must go. The whole thing is to be dropped. I, therefore, say to this House that the third part of my amendment really is clear, is definite in this, that I do not accept the scheme, and I call upon His Majesty's Government to review the whole position in consultation with Indian opinion.

My friend, Mr. Mody, said, why not say now that these are the modifications we want. The answer I can give is this. I think the House will agree with me, because it is on record that at the First Round Table Conference we made proposals and suggestions which ended in the Sankey report. We practically rejected most of the important considerations. At the next Round Table Conference, we again made proposals and suggestions. It was worse than the first one. And what is more important is that when they say that the proposals that we made would give us an advantage, they took jolly good care to see that some safeguard is invented to prevent that being exercised. The Third Round Table Conference was still worse. Then came the Joint Parliamentary Committee. I do not challenge for a single moment that some of the Indian gentlemen who associated with the Joint Parliamentary Committee were patriots. They were men for whom I have respect, however much I may disagree with

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them. They tried their very best. As Mr. Sastri said, they were not only incurable optimists like my Honourable friend, Mr. Mody, but they were chronic and incurable co-operators and they hoped against hope and they thought that they could still appeal to the fair mind of the British people and the British statesmen, and they went on in that hope. Ultimately, when all failed, they prepared a Joint Memorandum. All sections—Hindus, Muhammadans, Parsees and others—jointly said: At least give effect to these modifications. They were the moderate of moderates. What has happened to it? Where is that Joint Memorandum now? It is in the waste-paper basket. Sir, I say, our self-respect demands that, helpless as we are, we must move on. We have seen this scheme, and we are not going to accept it. I want no more dilly-dallying; I want to express my definite opinion. I am threatened: Are you going to remain in darkness for ever? Are you going to go without a Constitution of any kind for ever? Well, these threats are not going to disturb me. These threats are not going to prevent me from expressing my views. If you like, go on with this Constitution. Therefore Sir, I hope I have convinced the House that I am not taking merely what you may call a petulant attitude or that I am trying to force my views on anybody. I say, these are the events and I say that we must really express our opinion now unequivocally. Then, about the safeguards. It is said—I think the Honourable the Law Member said it—that these safeguards will not be used. Sir, I have got the speech of the Secretary of State for India with me, and I do not want to quote it. But he says that these safeguards are going to be used. Not only are they going to be used, but he says: Remember what is behind them. The whole service is behind us, and ultimately he says the whole army is behind us, and these safeguards are going to be used. So, what is the good of telling me that they are not going to be used?

The next thing I wish to say is this. Sir Joseph Bhore made an appeal—a personal appeal, and I have great respect for him. I have very great respect for his opinion. He said, make the best of it. Sir, I would have understood that, but then he quoted Abraham Lincoln, a great patriot with noble sentiments. When he quoted Abraham Lincoln, it reminded me "the devil quoting the scripture". He did not finish the scripture. Is there any analogy between what Abraham Lincoln said there and the conditions and the circumstances that were in front of him and the conditions and circumstances that are in front of us? Sir, that is what I have to say so far as the third part of my amendment is concerned.

With regard to the second part of my amendment, I think Honourable Members ought to appreciate that I am not carried away by any extraneous considerations. If I had been, I would have certainly agreed with my Honourable friend, the Leader of the Opposition. I may be wrong or I may be right, but I do believe and I have no hesitation in saying so on the floor of this House, that so far as the provincial schemes are concerned, they are undoubtedly an advance on the present, and that is why I want to make a distinction. They are an advance to this extent, and I will put it shortly. First of all, the franchise, the enlargement of the electors and voters. That is the foundation-stone of any Constitution. That is an advance in my judgment. Next, all the Members of the Provincial Legislatures will be elected: that is an advance. Your Cabinet in the provinces will be of the elected Members responsible to the Legislature and the Legislature will be responsible to the electorates. That frame-work

of the Provincial Constitution is undoubtedly an advance. But having done that, there are certain objectionable features which I have already pointed out, such as, the Second Chamber and the Governor's powers. I think the Honourable the Leader of the House was wrong when he said that I was only dealing with special responsibility. My amendment deals not only with special responsibility but it says that there are some highly objectionable features, particularly the Second Chamber and the extraordinary and special responsibility powers—I am not making any distinction—and, of course, rules with regard to the Police and the Intelligence Department. Therefore, the distinction that I make is that with regard to the provincial scheme, I cannot say that I am so fundamentally opposed to it as to reject it. Therefore, I say, please make those modifications, and if you make those modifications.

Mr. S. Satyamurti: Is there any chance?

Mr. M. A. Jinnah: I am not going now by chances. I am not gambling here.

Mr. S. Satyamurti: You are.

Mr. M. A. Jinnah: I am not. I am expressing my opinion. I am not here at a game of chance. Therefore, I am expressing my opinion and I am expressing it, as far as it lies in my judgment, honestly and fairly and consistent with the realities and the facts. Therefore, I say, make these modifications. I think the Honourable Member, the Leader of the Opposition, said that my amendment also means a rejection.

Mr. S. Satyamurti (sitting): Even the Leader of the House says so.

Mr. M. A. Jinnah: Have you got to say anything?

(Mr. Jinnah sat down, but there was no reply from Mr. Satyamurti.)

The Honourable the Leader of the Opposition said that my amendment also means rejection, I mean the third part of my amendment. He takes a legal view, and, to a certain extent, he is right, and I will tell you to what extent, he is right. You have made an offer, and so far as he is concerned, he says: "I do not look at it. It is so bad and I am so much disgusted with it that I do not want to look at it or any part of it."

Mr. Bhulabai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): I have looked at it, but found it disgusting.

Mr. M. A. Jinnah: He says: I won't look at it again; I am finished with it. I, on the other hand, say: "Yes, I have examined it; it is bad as far as provinces go, and the Central scheme is totally bad, fundamentally bad; however, I do not stop there, but I make you a counter-proposal," because, I think, it is my duty not merely to indulge in a flat negative. You will say: "What do you want then?" Well, Moses does not want to be in darkness for all time. Moses says to you. "This is my alternative and proceed with it". Modify the Provincial scheme, drop the Central scheme, and review the whole position in consultation with Indian opinion with a view to establishing complete responsible Government in British India. Sir, I have done. (Applause.)

Mr. F. E. James (Madras: European): Sir, any one who has heard my Honourable friend, Mr. Jinnah, will detect in his speech a very close echo of the speeches recently given in the House of Commons by Mr. Churchill and his friends. In spite of my Honourable friend, Mr. Jinnah's denial, his speech today will be welcomed by the Rothermere Press and his photographs will appear in all the daily newspapers which are against the Government of India Bill. In fact, he will be acclaimed as a convert to the Churchill view and his speech today will give added arguments to those who are unradically opposed to any advance as far as Indian reform is concerned. I find, Sir, that a very prominent Indian leader whose name should always be received with respect—I refer to the Right Honourable Sir Tej Bahadur Sapru—has put on record:

"While I have criticised many features of the proposed Constitution, I am not prepared to endorse the view which has been put forward in certain quarters that the proposed Constitution will make our position worse off than the existing one or that we should make common cause with Churchill to wreck the proposed Bill."

My Honourable friend, Mr. Jinnah, is making common cause with Churchill, and whatever his intention may be, I am bound to say that in his somewhat tortuous speech, it was a little difficult to discover what his intention was. Perhaps he has left the House to discover it for itself. Whatever be the intention of his somewhat tortuous speech, the interpretation of those in British Parliament will be one and one alone that he is opposed to the scheme, that he is with Lord Rothermere and Churchill and their campaign of scurrilous misrepresentation against British India and against the Indian princes (Hear, hear.) Therefore, Sir, on that ground alone, I deeply regret that the Leader of the Independent Party should have given such a handle to those whom we believe to be the enemies of India in their fight against the Government of India Bill at present. I understand, as far I was able to understand, the real meaning of Mr. Jinnah's speech, that his two main objections to this scheme which he wishes to be withdrawn, which he wishes to vote against *in toto* and which he finds entirely unacceptable, the main features of his criticism are first with regard to the Federal proposals and second in regard to safeguards. Now, Sir, it is difficult for me, in the short time at my disposal, to answer or to attempt to answer all the arguments used by my Honourable friend who is such a distinguished lawyer. But I wish to put forward two points in particular. In the first place, I wish to say quite definitely that the allegation that the Federal scheme was thought of in order to prevent further advance in the Centre is not only an untrue allegation, but is one which runs counter to the historical process which took place at successive Round Table Conferences. That is an absolute denial of the facts, it is a denial of the developments which took place in London for about three or four years. I know it has been stated in many quarters that there are difficulties in regard to Federation. There is the factor of the desperate elements which are being brought into the Government at the Centre, there is the factor of the unwillingness of the States to submit themselves to the jurisdiction of the Federation in certain matters. But I would like, in this connection, to place before the House one more quotation from Sir Tej Bahadur Sapru.

Mr. B. Das (Orissa Division: Non-Muhammadan): You are swearing by Sapru.

Mr. F. E. James: I am putting his view forward, because he is one of the greatest constitutional lawyers in this country and he deserves well of India in connection with the struggle for Constitutional Reforms. In his own memorandum to the Joint Select Committee, he said:

"I would point out that some Indian States, particularly those in the South, already possess representative institutions, though there is much room for their development. Others are showing a tendency to move towards constitutional forms of Government and nearly everywhere in the Indian States there is an awakening among their subjects who are urging their rulers to associate them with internal administration..... I am strongly of the opinion, however, that one result among others of the association of British India and Indian States in the field of common activity in the Federal Legislature will be to facilitate the passage of the Indian States from their present form of autocratic Government to a constitutional form with the rights of their subjects defined, ascertained and safeguarded."

That quotation alone is a sufficient answer to the apprehensions of Mr. Jinnah in regard to the incursions of the Indian States with their autocratic traditions to the Central Government.

I now wish to refer to the matter of safeguards on which Mr. Jinnah laid so much stress. He spoke in particular in regard to the special responsibilities of the Governors and the Governor General. I would like to remind him and to remind the House that these special responsibilities do not in any way define a sphere from which the Ministers are excluded. They merely define spheres in which it is constitutionally proper for the Governor General to act without the consent of the Ministers, and, if need be, in opposition to that advice, if in his individual judgment the circumstances of the case require such action. You will find all through the Joint Parliamentary Committee Report emphasis laid down upon the need for common consultation between the Governor General and the Ministers, and it seems unnecessary to consider that these special responsibilities, in the close actual working of the Constitution, between the Governor or the Governor General and his Ministers, should be used by any Governor General or by any Governor in any province as a means of wielding autocratic power against the wishes of his Ministers. In fact, throughout, you will find that even in regard to the reserved departments, joint deliberations between the Ministers and the Counsellors are encouraged. In every matter, even including those matters which are reserved, this common consultation is stressed.

Now, Sir, it has been suggested by my Honourable friend, Mr. Jinnah, that at the Centre there is, in fact, no power left to the new
 1. P. M. Federal Ministry. You will, of course, remember, Sir, that a certain amount of power has already been transferred from the Centre to the provinces and that that power in the provinces will be wielded by responsible Ministries. In fact, the transfer of the present reserved departments to the provinces involves a transfer throughout India of upwards of 40 crores to the responsible management of Ministers elected by the Legislature. But, as far as the Centre is concerned, if a glance is taken at the list of subjects which are Federal and which will come within the purview of the Federal Ministry, it surely cannot be said that there is no power left there. Finance, taxation, commerce and industries, railways; major ports, shipping, navigation, posts and telegraphs, communications where they need co-ordination, coinage and currency where the last word ultimately will be of the Government of the day, emigration and immigration, insurance,—a vast number of essentially

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important subjects—are still within the influence of the responsible Ministers of the Legislature in the Federation. My Honourable friend, the Leader of my Party, suggested the other day, that in regard to the Indo-British Trade Agreement, which this House rejected by a majority last week, under the new Constitution as proposed, the Commerce Member will be a responsible Minister and any such Trade Agreement will be negotiated by him and will thus be negotiated by one who is responsible to an elected Legislature. Is that not a transfer of control? I am supported in that fact by my Honourable friend, the Leader of the Opposition, who, at the end of the debate on the Trade Agreement, issued a statement to the Press in which he said:

“The vote of the House can be easily misinterpreted, but I trust that when India claim the right of deciding her policy and measures, nobody should grudge that privilege. The true meaning of the vote is that the representatives of commerce and the consumers should have a predominant place in the determination of policy even if the Government of India is a politically subordinate Government.”

Apparently, according to him, in spite of the assertion of some of his followers to the effect that it is directly aimed at British interests, according to his interpretation, it is aimed rather at the lack of power which the commercial and business interests of this country have in the determination of the policy of trade and commerce. That is to be changed in the new Constitution where the Commerce Member will, in fact, be a responsible Minister, and, presumably, through their representatives in the Legislature, the commerce and industry of this country will have a predominant voice in deciding what policy he should follow.

Sir, there is one more point in regard to the general question of safeguards on which I desire to say a few words. My Honourable friend, the Home Member, has already dealt with this matter, but I wish to emphasise the point which he made, namely, that practically every safeguard, which is incorporated in the proposed Constitution, is attributable to direct events which have happened in this country during the past ten years. Sir, I would ask my Honourable friends to try and visualise for a moment the picture which has been before the eyes of the British public and those interested in this matter in recent years. They have seen an amazing lack of unity among the different schools of Indian nationalism in this country; they have seen communal riots on a large scale; they have seen a growth of terrorism in Bengal and a development of that evil to other provinces; they have seen a civil disobedience movement aimed at the paralysing of the administration; they have heard threats of deliberate injury to British trade and commerce and of the repudiation of Indian debts; they have seen an avowed determination of the leaders of the Congress to separate from the British Empire and work for an independence which has no relation whatever to Britain. This is not a picture which I have painted; it is a picture which has been painted by a friend of India himself, Mr. Henry Polak, in an article which he wrote recently, in which he tried to explain to the people of India the position in Great Britain. And every single safeguard which you find proposed in the new Constitution is directly attributable to one or other of the events, which I have mentioned, during the past few years. Sir, it is not necessary to assume that these safeguards will do away entirely with the powers which are intended to be conferred on the new Legislatures and on the

new Government. Sir, I again quote from an article which has recently appeared from the pen of Sir Tej Bahadur Sapru in which he says:

"Without in any way changing my opinion as to the nature and extent of the safeguards in the provinces, but taking a long view of matters and bearing in mind the inevitable growth and development of public opinion, there is, I think, room in the constitution for the growth of certain conventions which may keep in check the use of those safeguards. But these conventions require a proper soil and will never grow unless our legislatures consist of men who will recognise their responsibility to the electorates, who will attach importance to office only as an instrument of doing service to the country, and who will not easily permit any wanton or unjustified infringement of their responsibility."

So eminent a statesman, with such a national outlook as Sir Tej Bahadur Sapru, has said that, in spite of the safeguards, there is real power which he hopes the people of the country will make use of. Sir, we in these Benches believe that so far from this proposal of the Joint Select Committee showing any distrust of India or showing any timidity in regard to their responsibilities,—and we are as much entitled to our views as Mr. Jinnah is to his,—these proposals do, in fact, show great courage in view of the situation in the world today. There is not only an uneasiness in the public mind in regard to certain happenings in India in recent years in Great Britain, but there is general uneasiness in regard to the real efficacy of representative institutions in a world that is changing so rapidly and in which representative institutions are being displaced by dictators in one country after another. And yet, at this very time, the representatives of Parliament have recommended to this country an enormous advance in the extension of the system of representative Government here. Surely, Sir, that is not a sign of any lack of courage, but a mark of great courage and a great belief in the institutions which have made Britain what she is today and from which the people of India have learnt the elements of their nationalism. And I suggest that to follow the advice of Mr. Jinnah, which is not separable from the advice of the Leader of the Congress Party, and to reject this offer, however unsatisfactory many of its features may be to many of my friends, will be to do a great injury to the real interests of this country.

Sir, we felt sincerely last week that the rejection of the Indo-British Trade Agreement was a great mistake; some of us indeed feel that it was a great folly which was perpetrated by this House. We believe that the rejection of these proposals, we believe that the carrying of the Congress Resolution, we believe that the carrying of Mr. Jinnah's Resolution in respect of its second and third parts, will be an equally great mistake. We believe it will be an action that will not redound to the credit of this country and will make things difficult for a generation, in regard to the settlement of the outstanding issues between my country and Mr. Jinnah's country.

Mr. M. A. Jinnah: We will take the consequences.

Mr. F. E. James: What are the consequences?

Mr. M. A. Jinnah: We will take all the consequences.

Mr. F. E. James: What has he got to take? He is not responsible for the consequences if his motion is carried: if it was within his power to reject this Constitution, what then?

Mr. M. A. Jinnah: I will tell you when the time comes,

Mr. F. E. James: My Honourable friend says: "I will tell you when the time comes". It is something he will tell us in the future: he has not told us today. He is casting aside an opportunity for high statesmanship which, I believe, will not recur again for many years to come. Therefore, we believe, if I may parody the phrase used by Mr. Baldwin the other day, that to carry either the Congress Resolution or the second and third part of Mr. Jinnah's Resolution will be to do the wrong thing at the wrong time and in the wrong way.

Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks the Honourable Member who has just sat down said that it was a great folly committed by this House in rejecting the Trade Agreement. The Chair must point out to him that the use of such language is not in order as it constitutes a reflection upon a decision of this House, and the Chair hopes he will withdraw that expression.

Mr. F. E. James: At your request, Sir, I certainly withdraw that word if I may be allowed to substitute "mistake" which is what I meant.

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

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

Mr. A. H. Churnavi (Dacca cum Mymensingh: Muhammadan Rural): Mr. President, I have listened with very great attention to the speech that was delivered this morning by my Honourable and esteemed friend, Mr. Jinnah, the Leader of the Independent Party. From the observations made by him this morning, I feel that he has joined hands with the dis-hards, the Churchill Group and the Rothermere Press. What did my Honourable friend say in concluding his speech? He said that he did not want this Federation. Mr. Churchill and Lord Rothermere both do not want this Federation. His grievance is that he feels that sufficient powers have not been given in this Federation scheme, whereas Mr. Churchill and Lord Rothermere think that more powers than necessary have been given. My Honourable friend has advised the Indian princes not to come into this trap, because, he said, they have been assured that they would get powers and responsibility in the Centre, and, on that assurance, they were going to join the Federation, whereas Mr. Churchill and Lord Rothermere say: "Beware of this Federation, you are done for if you come into this trap, the Congress will finish you", and this Group has sent telegrams after telegrams to the princes. I have just got a copy of one of those telegrams, which is published in the Press, and that telegram advises the Indian princes in exactly the same way as my friend, Mr. Jinnah, advises them.

An Honourable Member: What do you say?

Mr. A. H. Ghuznavi: You will hear me presently.

This telegram says this:

"More than seven million readers of the *Daily Mail* will today read the following pronouncement in that newspaper regarding the attitude of the Indian Princes. The statement begins: In view of the approaching publication of the Indian Constitutional Bill, extraordinary efforts are being made by executive Government in India to coax, cajole, coerce the Indian Princes into acceptance of its provisions. They are known to view White Paper's policy with alarm and they have every reason for their fear. If they are so foolish as to give consent to it they will prepare their own destruction within three years or perhaps three months of the foundation of the new India. Steps will be taken by the extremist Congress party, who will control the future Indian Government, to deprive them of their position and privileges, and these steps beyond any question will be entirely successful. The princes must act now and must save themselves and India by refusing to associate themselves with the Government policy. They will render one more signal service to British rule in India."

So says my friend, Mr. Jinnah,—they will render one more signal service to British India by not joining the Federation, so that the Government and may not proceed with this Bill. Sir, none of us say that this Federation is good. We have never said that the proposals contained in this document with regard to Federation meet with our entire approval; we have never said that it is going to give us what we all want. What are we to do? Let us take what we get, and then let us fight for more.

Mr. Lalchand Navalrai (Sind: Non-Muhammadian Rural): Whether it is bitter or sour?

Mr. A. H. Ghuznavi: Sir, my Honourable friend, Mr. Jinnah, told us this morning, that those moderates of moderates of the delegates who were in the Joint Parliamentary Committee presented what is called the British Indian Memorandum on behalf of the British Indian Delegation. What was the result? It was thrown into the waste-paper basket. Now, why did not India as a whole back us up when we presented that memorandum? Did the country give us any lead as to the conditions without which it was not going to accept the Federation? The country did not give us any assistance in preparing that memorandum. The British Government felt that Indian opinion, as a whole, was not behind the British Indian memorandum submitted by the British Indian Delegation. If the country had said that it was not going to look at the White Paper, that it would have nothing to do with the Report of the Joint Select Committee, we could have considered the whole question then. But what is the use to make now a grievance of the fact that the Memorandum of the British Indian Delegation had not been taken into consideration.

An Honourable Member: There is disillusionment now?

Mr. A. H. Ghuznavi: I am not going to give way, so let no Honourable Member interrupt me.

An Honourable Member: Why shout?

Mr. A. H. Ghaznavi: Because you are deaf of hearing.

Now, when we had presented this Memorandum in England, you, Sir, took a very great interest, and there was a good deal of discussion before persuading you also to put your signature to it, because your demands were much higher than our demands. After that, what did we expect? We expected that we would be backed by Indians when we came back to India, but we were not. Who is responsible for the Constitution which is now before the House of Parliament in the form in which it has been introduced? I say, Sir, it is we who are responsible, and not the delegates; it is we, Hindus and Mussalmans, who are responsible, because, Sir, we had not been able to come to a settlement on the minorities question amongst ourselves. Did we present a united front before the British Government? My Honourable friend, Mr. Jinnah, is not in his seat now. What did we do in the First Round Table Conference? Did we not present a united front in the beginning? What was the result? The British Government began to think and think very seriously. What followed? We could not proceed with the work of the Conference, because, to our utter shame, we could not come to a settlement among ourselves. There was no question of the third party intervening, there was no question of the British Government giving an award. They had asked us to come to an agreement among ourselves, but we could not. Sir, it is well-known who was responsible for bringing about that position.

Before I proceed to tell the House all that happened in the Round Table Conferences, I shall just place a few facts before the House about the minorities question. Sir, ever since the Muslim awakening and Muslim self-consciousness in 1906, came the Muslim assertion of their political rights and claims. Muslims had been claiming community representation. That claim was conceded by the Government in 1909, but not by the majority community. The majority community until the Lucknow Pact of 1916, did not concede this right. This right was extended by the Montford Reforms to certain other minority communities also. This is the first fact. Rightly, or wrongly, Sir, the Muslims and the other minorities have come to attach considerable value and importance to these rights. This is the second fact. Communal peace and goodwill at Lucknow was followed by Hindu Muslim unity and combined political action. This was the effect of the Lucknow Pact and lasted until about 1924. This is the third fact. That unfortunate letter in 1924 sent by the then Secretary of State, Lord Olivier, to my Honourable friend, Mr. Satyammurti, condemning the communal electorates was the first thing that made the Hindu Mahasabha to agitate. That is the origin of the propaganda of the Hindu Mahasabha against separate electorates. What do we see? From 1924 to 1930 the war between the Hindus and the Mussalmans continued. In 1928 came the Nehru Report. That was the last of any hope of coming to a settlement on the communal question. What did the Nehru Report say? It abolished separate electorates and weightage for minorities and conceded reservation of seats on a population basis for ten years so far as Bengal and the Punjab were concerned. This is the fourth fact. This admittedly had the effect of stiffening the Muslim opinion regarding Hindu friendship and led to the formulation, early in 1929, of the minimum Muslim demands which you, Sir, know, and which, later on, came to be known as Mr. Jinnah's fourteen points. This

is the fifth fact. The assertion of the Muslim demand for separate electorates ran on parallel lines with the Congress and Hindu Mahasabha demand for joint electorates during 1929 and 1930, and, notwithstanding serious efforts, it was not possible to come to any agreed settlement before the delegates left in October, 1930, to attend the First Round Table Conference with considerable suspicion in their mind as to the Hindu attitude.

I will now come to what happened at the First Round Table Conference. My Honourable friend, Mr. Jinnah, is not here present to corroborate the facts which I am going to place before the House. On the 9th December 1930, the Premier sent for a few of us to the House of Commons, and, in that meeting, he begged of us to come to a communal settlement. Mr. Jayakar and Dr. Moonje got up and proposed the Premier to arbitrate on these communal differences. Mr. Jinnah got up and said that, if he were the Prime Minister, he would not accept that position to arbitrate. He said that, during the thirty years of his professional life, he never accepted that position and he would request the Premier not to accept that position, but accept the position of a conciliator. The next day, at the Downing Street, we had another meeting, and when Mr. J. N. Basu and the late Sir Provash Chandra Mitter got up and proposed His Highness the Aga Khan to arbitrate on behalf of the Bengal Muslims and Hindus, I accepted it, and if that had been done, today, so far at least as Bengal is concerned, the whole of the communal differences would have vanished as mist vanishes when the sun shines. What did we see? The militant Hindu Mahasabha sent telegrams to India, and particularly to Calcutta, telegrams poured in denouncing Sir Provash Chandra Mitter and Mr. J. N. Basu and saying that they did not represent the Hindu interests at the Round Table Conference and that their only representative in England was Dr. Moonje of the Hindu Mahasabha. Here are the telegrams; I do not want to take your time by reading them. But they were the most insulting telegrams that were ever sent. Otherwise, so far as Bengal is concerned, the communal question would have been a thing of the past. Thereafter, we met at the Premier's residence at Chequers. It was a big conference, we had nearly agreed. The Premier for the first time laid down this principle that the majority in any province shall not be reduced to a minority or an equality. On that footing we went on discussing the communal troubles and we took up the Punjab case first. The Punjab case had nearly come to an end, Raja Narendra Nath accepted the position. I will not forget that fateful night of the 1st January, 1931, when, in spite of the appeal from the Prime Minister to the Sikh delegates to accept the position, they refused because of the two seats more that they wanted to be added to their number. Even those two seats were conceded to them from the quota of the Depressed Classes, but the Sikhs said, "No, nothing doing, we won't have them from the quota of the Depressed Classes, we want the pound of flesh. We want those two seats from the Muslim quota", thereby reducing the Muslim majority in the Punjab not to an equality, but to a minority. That, Sir, is the history as to why we could not come to a settlement about the Punjab in London. Then, the late Sir Muhammad Shafi, although I must say that the Muslims did not agree to the offer that he made to Dr. Moonje that he would accept on behalf of the Muslim community joint electorates on the population basis, Dr. Moonje refused.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has only two minutes more to finish his speech. The Chair is going to enforce the time limit strictly.

Mr. A. H. Ghuznavi: I come from Bengal, a province where the Muslim community is half of India. Surely I want your indulgence in order to put the Bengal case completely

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will not have more than two minutes.

Mr. A. H. Ghuznavi: In that case I will conclude my speech.

Some Honourable Members: Go on.

Mr. A. H. Ghuznavi: Two minutes will not be enough, there is so much to say. However, we came back to India. Then there was the Gandhi-Irwin Pact and Mahatma Gandhi went to England. We all hoped then for a settlement of the communal differences, and, I am sure, he would have succeeded, but he was let down by the militant Hindu Mahasabha. He failed, and the only alternative left to us was that we had to consult all the minorities, and that was the beginning of the Minorities Pact. My Honourable friends, Sir Henry Gidney, Sir Hubert Carr, and two or three members of the Muslim Delegation, Mr. Jinnah, the late Sir Muhammad Shafi—they all toiled day in and day out to bring about a settlement. But that failed. When we could not come to any agreement with the majority community, it was then that we tried to bring about a settlement amongst the minorities. After that, when we came back to India, there was a consultative committee, and both the Hindus and the Muslims informed His Excellency the Viceroy that until there was a decision, call it an award or call it a decision—I am not quarrelling with the word—until we knew our position, we could not proceed with the work that was before us. Telegrams were sent to England. The result was the communal decision or the Communal Award which was announced on the 17th August, 1932. So far I am confining my remarks to Bengal. No opposition was made to the Communal Award until November, 1932. Not a single voice was raised and that has been shown abundantly by Dr. Ambedkar in his cross-examination of Dr. Moonje and my Honourable friend, Bhai Parmanand, in England. Then came to the Poona Pact. Sir, you will remember that when Sir Harry Haig, the then Home Member, made a statement in Simla, on the floor of this House, about the agreement that was arrived at in Poona, this House applauded it and asked the President to convey to the Government the approval of this House of the Poona Pact. Similarly, in the Council of State, it was applauded. No caste Hindu took any objection whatever, when it was presented also in the Council of State. November, 1932, saw the beginning of this propaganda against the Communal Award—the Poona Pact. In the first place, how are we responsible for that Poona Pact? The Muslim community had nothing to do with the Poona Pact.

An Honourable Member: Who says that you had anything to do with it?

Mr. A. H. Ghuznavi: In the second place, charges are being made that the Poona Pact was done behind the caste Hindu representatives. That has been amply replied to by the Secretary of State when a telegram which he read from Dr. Rabindra Nath Tagore who begged of the Secretary of State to accept that position. Charges were made that the Government was forced to accept the Poona Pact, because Mahatma Gandhi wanted to fast to death. That charge does not hold water at all. Mahatma Gandhi wrote a letter on the 11th March threatening the British Government (here is the letter with me):

"If you make an attempt to separate the Depressed Classes from the caste Hindus, I will fast to death."

The reply is there—that we are not concerned with what you are going to do; we shall do our best after we receive the Lothian Committee's Report, and then we shall make our decision. Therefore, that charge against the British Government that they were induced to accept this position by the threat of Mahatma Gandhi to fast to death does not hold water. Thereafter, in the Joint Select Committee, there was another attempt to bring about a settlement with our Hindu brethren in Bengal. I will read to you and I will conclude after reading this. This was a settlement that was arrived at between me and Mr. B. C. Chatterjee who was representing the Hindu case. Firstly, the proportion of seats allotted on the Bengal Legislative Council to Bengal Muslims and Hindus under the Communal Award to remain subject to revision at the end of ten years. Secondly, the Cabinet to contain equal numbers of Hindu and Muhammadan Ministers. Thirdly, all the services under the Provincial Government to be recruited, from now, in equal numbers in the proportion of 50—50 from the Hindu and Moslem communities in Bengal subject to the reservation of an agreed percentage thereof for members of the European, Anglo-Indian and Christian communities of the province and subject to the candidates of all the communities satisfying a test of the minimum efficiency to be formulated by a Provincial Civil Services Commission. Then the fourth was—the above arrangement between the Hindus and Moslems of Bengal to become operative in the event of the members of the British India Delegation succeeding in having the Poona Pact modified so as to allot to the Depressed Classes in Bengal not more than 15 instead of 30 seats on the Bengal Legislative Council. 24 hours had not passed and this agreement was repudiated on behalf of the Hindus.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must now conclude.

Mr. A. H. Ghuznavi: I shall take only a minute more, and I will finish. Sir, I was very much touched by the appeal that was made the other day by my Honourable friend, the Leader of the Opposition. I hope, Sir, he will succeed where even Mahatma Gandhi failed. If the result of all this is the appeal that I have seen in the *Hindustan Times* today, then I say it is no use hoping for a settlement. This is what it says: "An Electric Bomb" Pandit Nanak Chand on Award: The Communal Award was an electric bomb thrown by the Government to disturb the peace of India. If it was not revised, there would be bloodshed and disturbance of tranquillity from one end of India to another. Concluding, he appealed to the Hindus and Sikhs to offer united front at such a juncture of the political life of India. Sir, one minute more and I have finished.

Mr. President (The Honourable Sir Abdur Rahim): There are other Honourable Members who are anxious to speak.

Mr. A. H. Ghaznavi: I will appeal to this House in the words which Mrs. Sarojini Naidu used in England. She said in her inimitable style and manner:

"I do not think that any single minority, however small, need have any apprehension. Every minority is as much a part of the nation as every majority, and I, for one, pledge myself to follow the exhortation given to me by one of the greatest statesmen in Europe, whose boast is that he built up an independent nation without an army and without money. He said to me two years ago 'Madam, keep your minorities happy; you cannot build a nation without giving a sense of security to your minorities.'"

I say, Sir, Amen, keep your minorities happy and thereby ensure an early agreed settlement.

Pandit Govind Ballabh Pant (Rohilkhand and Kumaon Divisions: Non-Muhammadian Rural): Sir, it is needless for me to say that I rise to support the amendment that was moved the other day by the Honourable the Leader of my Party in the magnificent speech that he then delivered. I am aware of the magnitude of this problem and I assure the Honourable Members of this House that I am approaching it with a due sense of responsibility. I also assure them that I do so with profound humility. I am conscious of my limitations and also of the large issues that the problem involves.

Sir, to us in particular the question is of more than academic interest. We, Sir, have concentrated upon this question for several years to the exclusion of everything else, and some at least of my friends here, and many of those outside, have sacrificed their all for the attainment of that object which is supposed to be covered by the Joint Parliamentary Committee's scheme. There are people, Sir, who are thriving under the present order, but for us the prolongation of the struggle means the prolongation of our trials,—and greater austerity in life. We would, human nature being what it is, be prompted by the self-regarding instinct to accept any proposal or scheme that could serve the purpose we have in view. Sir, it is painful to us that we have to reject this scheme. I had the privilege to read this morning what the Right Honourable the Secretary of State said in his last speech in the House of Commons and also of hearing what the Honourable the Home Member and Mr. James stated in their speeches before lunch. I also gave great attention to what the Honourable the Commerce Member told us yesterday. Sir, if we still adhere to our position, it is not because of any obstinacy. The arguments I have heard have strengthened my convictions further. We feel that nothing else is possible in the circumstances, and we have to carry on the struggle. We are conscious of our responsibility, as I just observed. Sir, we do not know how far our vote will influence the decision of Government here or of Parliament in England, but we do know that our decision will have repercussions in the remotest hamlets in this country. We are certain that it will influence the course of events and the course of history for some years. Sir, even now, how very painful it is to us that our colleagues, our respected leaders like Pandit Jawaharlal Nehru, should be confined in jail while his wife is

in the grips of tuberculosis and his old mother is suffering from paralysis! Would we not like to secure for them the healing balm of his presence? Sir, we know the continuance of this struggle involves all these sacrifices; but our self-respect, the requirements of the country and the requirements of the world situation today do not leave any other alternative to us. Sir, there are some people who have luckily a conscience and a judgment which agree with what conduces to comfort, to convenience and to profit. In the case of some lucky people, the path of duty coincides with the path of profit, the path of plenty, the path of comfort and the path of titles. But there are some other people in whose case the little voice within them does not point to that way. Sir, the other day, two friends, who sit near me, stated that this negative attitude was wrong. I do not know what they exactly meant by "negative attitude". So far as the Honourable the Baronet from Bombay is concerned, I believe he represents the Liberal Federation, and the Liberal Federation, with his very weighty support, I believe, has passed a resolution recently asking the Government in England to stay its hands and not to proceed with further legislation on the basis of the scheme adumbrated in the Joint Parliamentary Committee Report. So far as the Honourable representative of the Millowners' Association of Bombay is concerned, I believe that all the commercial bodies and organizations in the country have passed resolutions from one end to the other rejecting this scheme *in toto*. Now, if we prefer to be guided by these organisations against the opinions of these individuals, we are not to blame. If we find ourselves more in agreement with the leader of the Party to which the two gentlemen happen to belong, than with them, we are not sorry.

Sir, I had, as I said, the privilege of hearing the Honourable the Commerce Member yesterday—I would rather say Sir Joseph Bhore, for he did not pretend to speak in his official capacity. Sir, I admire his eloquence and appreciate his lucidity, but if he will permit my saying so, his speech seemed to me to be like that of a pettyfogging lawyer. It did not suit him, it did not suit the great occasion on which he was speaking. He cited something from that great man, Abraham Lincoln, but left out a part from that sentence. Sir, he put some questions to us which we would be glad to reply to. He asked us: 'what will you do if you reject this scheme?' Well, Sir, this defeatist mentality, this spirit of utter despondency, did not at all fit in with his reference to Abraham Lincoln. Sir, the very name of Abraham Lincoln gives the answer to it. "Men are made to fight manly battles, for truth, for freedom, for that which is right, for that which is sublime, for that which raises suppressed humanity above the plough of tyranny". That, Sir, is the essence of the message which Abraham Lincoln has left for all of us, and that is my answer to the question he put. But, may I put another question to the Honourable the Commerce Member? Does he not remember what the country did when the Simon Commission made its Report? Did it not throw out that Report, and was not that a negative attitude? Then, may I also put it to him as to whether, in the history of nations, resistance to that which is harmful and pernicious, is not a necessary step? Sir, I would like to put another question to him. Supposing a scheme had been foisted or contemplated by the British Parliament that was actually reactionary and harmful, what would he advise us to do? Would he advise us to accept it or would he advise us to reject it? When we

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feel that the scheme will spell disaster, it will take the country back and that it will hamper our progress onwards to the goal of Swaraj, what other alternative is left to us except to reject it *in toto*? Has gave a quotation from Abraham Lincoln, which was not complete, and I make compensation for that by citing another extract:

"You may fool some people for all time and all people for some time, but you cannot fool all people for all time."

Sir, the Honourable the Home Member again repeated today what the Honourable the Commerce Member had said yesterday. He told us that the safeguards have been devised in this manner because of the attitude of the Congress. I do not understand the position of the Government. Do they admit, then, that the Congress holds the key in the country? Do they accept that no scheme can work here without the support or co-operation of the Congress? If not, then why unnecessarily and mischievously drag in the name of the Congress? But, Sir, I make bold to say that the statement of the Honourable the Home Member is incorrect; it is belied by the course of events and is against the facts of history. The Congress first adopted its scheme of non-co-operation and civil disobedience in 1920 and 1921. Again, in 1930, the Congress launched its campaign of civil disobedience and it reached its height and hey-day in that year. It was just after that that the Round Table Conference assembled. It was exactly after that that the announcement was made by the Prime Minister, who still continues to be the Prime Minister in name, if not in reality, to the effect that the Dominion Status was already in action in this country and, in so far as there was any deficiency he was determined to make up for that, so that India might be a full and free dominion. Then, Sir, it was publicly acknowledged here by many of those gentlemen who had gone to the Round Table Conference on their return from England that whatever progress had been made there, it was due to the Civil Disobedience Movement in this country. The truth lies just the other way: to the degree the Satyagraha and the non-co-operation movement slackened, to that very extent the attitude of the Government hardened. As the Civil Disobedience Movement became weak, they went back upon their promises and made all sorts of amendments in their original scheme with a view to taking away whatever reality there was in it retaining only the hollow mask. The Honourable the Home Member told us that the Congress repudiated the obligations. Is that quite correct? Did not the Congress say that it would examine the obligations and would pay every pie of what is legitimately due? What the Congress repudiated were those claims which had no moral basis and for which no country and no nation would be held liable. But may I not ask the Honourable the Home Member if many countries have not repudiated their obligations today? If England itself has not utterly failed to pay its dues to America and if other countries have not failed in the same manner? Sir, the Honourable the Home Member said that it was because of the Congress that the safeguards have been devised. I ask him why was it that the safeguards were devised in Egypt? May I point it out to him that the words "too late" are written in blazing words in the history of England? Whenever the question of responsible Government and of advances towards self-government arises, the British people adopt an attitude of suicidal dilatoriness. That is what they did in the past. Had

they listened to the representatives of the Quakers regarding the Stamp Act and the Tea Cess Act, perhaps the history of the world would have been different and their relations with the United States of America on a different footing. The War of Independence would not have been fought. Had they listened to the advice of Gladstone and adopted the proposals of Parnell, Ireland would not have been in the sullen mood in which it is today. Had they granted Self-Government to the Union of South Africa before the Boer War, that massacre would have been avoided. Had they not allowed things to deteriorate in Canada and had they not allowed the differences and the cleavages between the British and French to grow deeper and wider, there would have been no revolt. Does not history establish that in every case the Britishers have hampered and resisted the growth of self-government to the last moment submitting to the inevitable only when forces beyond their control forced their hands.

We have been reminded of our communal differences. This bogey is placed before us in order to confound us. Is it not a historical truth again that in every country such differences are an inseparable attribute of foreign rule? I would remind the Honourable Members opposite of what Lord Durham said in his Report on the eve of the conferment of Self-Government on Canada. The French and the British could not play a football match for fear that it might lead to murders and other outrages. Sir, we know that the Dutch and the British were fighting like cats and dogs in South Africa before the Constitution of the Union of South Africa. We know that in the United States of America, before the War of Independence, the Northern and Southern Counties were always at logger-heads with each other. History shows that in every place foreign rule fomented differences. I will not go further, and, so far as our country is concerned, I will only refer to what responsible statesmen like Wedgwood Benn stated in 1930 and what the Earl of Salisbury has said in this very Report. Sir, one could quote many chapters and verses in this matter, but this is not the proper time for that. But I would make a suggestion to the Honourable the Home Member. I would ask him to withdraw his scheme and leave it to this Assembly to devise a scheme for self-government for this country which will carry with it the support of everyone of the important communities in this country and along with that the support of an absolute majority of this House. Is he prepared to leave it to the good sense and to the judgment of the majority of every single important community and to the absolute majority of this House? If he is, then I ask for nothing more. If he does not accept this, I will make another "constructive suggestion".

The Honourable Sir Henry Craik: How can I possibly withdraw the Bill?

Pandit Govind Ballabh Pant: You can recommend its withdrawal. I only want your support.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already exceeded his time.

Pandit Govind Ballabh Pant: It is difficult to do justice to the subject within the time allotted. Moreover, I am the only member of my Party who has spoken today till now.

Mr. President (The Honourable Sir Abdur Bahim): But there are a number of other speakers.

Pandit Govind Ballabh Pant: It is for you, Sir, to regulate the business. Earl Lytton has given a scheme in this Report, and I ask the Government to accept that scheme and make it the basis for the growth of representative and responsible Government in this country. It is given in pages 302—308 of Part II of the Report. He does not want to reserve any subject but to restrict the Central Federal Assembly to the representatives of the various Provincial Governments. My test is simple. Does the Joint Parliamentary Committee scheme satisfy the self-respect and the national pride of the people? We cannot forget that India in hoary days furnished the pillars on which the edifice of civilisation rests. How can we tolerate the place of pariahs in the comity of nations? Even in the British Empire, the Indians are treated as dregs wherever they go. We are looked upon with contempt, with derision and with scorn. There may be a compromise in matters mercenary and material, but there can be no compromise in matters spiritual and affecting our self-respect. I claim and I demand the right to be treated as a full citizen not only of free India, but of a free citizen of the comity of equal nations of the world. So long as the present attitude of mind continues, there can be no progress. Mr. James referred to the world situation. It is exactly what I would also like to refer to. It seems to me, Sir, that the present Secretary of State and his companions are, temperamentally and constitutionally, unfit to deal with these large problems. They look at them from the insular point of view. Their outlook is diseased and their angle is inverted and obtuse. I say, Sir, that the world requires large minds to deal with these matters. Sir Samuel Hoare is an estimable, honest Englishman, and, as such, it is his inveterate conviction that only God's own Englishmen can shepherd the heathens in other lands. It is that spirit of arrogance which stands in the way of a settlement of these large problems. The stubborn facts and realities have to be accepted even by the mighty. Imperialism had had its day. There is no place for it now. The dynamic world is moving forward at a tremendous speed and the standards of ante-diluvian age are no guide for today, and men should learn to approach large problems in a different spirit, and unless they do so, they cannot achieve any concrete results. In this Joint Parliamentary Committee scheme, there is not the least iota of advance. In fact, it goes back upon all the previous promises. We have been asked to trust to the goodness of those who will administer this Act. If we could assume that reasonable men will act reasonably in all times, then the very need for Government would cease. If men could always be reasonable, then there would be no need for any restraint, much less for organised Government. But what is the history of safeguards? I would refer only to one country.

Honourable Members must be knowing that Egypt was declared a sovereign State in 1922, and only a few safeguards were imposed,

and, according to one of them, the Constitution could be suspended at the instance of the British Adviser to King Faud of Egypt. What has been the result? Practically the Constitution has been in suspense during the last fourteen years. In 1928, it was suspended for three years, and it was suspended again. That is the history of safeguards. In this very Act, we find an absolute negation of the previous promises, a repudiation of solemn pledges. In 1917, Parliament made a declaration that progressive realisation of responsible Government in British India was the goal of British policy. That declaration was embodied in the Act of 1919. It was also included in the Instrument of Instructions, yet this Joint Parliamentary Committee Report says—I refer to pages 14 and 15, para. 85—that responsible Government for British India is an impossible proposition, not only now, but for ever. There it is. You see the honesty, the straightforwardness and the dependability of the plighted word, most solemnly given, by the Sovereign and by the Parliament! What is the advance? I leave aside the safeguards. I will not talk of many things that have been referred to.

I will refer only to one or two other points and then close my speech. Irrespective of the retrograde changes in the Constitution, irrespective of the bi-cameral nature of the Provincial Legislatures, irrespective of the added powers that will now be vested in the Second Chambers in the Centre as well as in the provinces, irrespective of the fact that the Lower House will contain one-third of the princes and the Upper House 40 per cent., and that in both of them the so-called representatives will not be responsible to anybody, irrespective of the fact that the Services will continue to be under the Secretary of State, irrespective of the fact that the Ministers will not have the authority even to give advice in matters appertaining to the posting of the members of all-India Services, irrespective of the fact that they will have no voice even in the amendment of the police rules, I ask, is the quantum of power that is to be transferred to the Legislatures hereafter likely to improve the position of Indians? Today, in the Government of India, we have three Indians. They have their voice in the administration and control of the Army and external relations, ecclesiastical affairs, etc. According to the present Constitution, the Governor General in Council including three Indians has the power to superintend and control the military and civil administrations of this country. They have also their voice in all matters pertaining to legislation, to finance and everything else. But what will be the effect of the proposed changes? Let us take first the field of administration. So far as the Army, so far as the external affairs, so far as the ecclesiastical relations and other things included in what are known as the discretionary powers of the Governor General are concerned no Indian will have any say or any voice, and it will not be the case of a national dictator, but of one, a dictator in relation to us, but subordinate and responsible to a foreign people and to a foreign Government and to a foreign Parliament whose interests clash with our own.

Next, take the case of legislation. What is the present state of affairs? This Assembly has plenary powers of legislation. It may pass any law, it may pass any Bill, it may deal with any matter that it chooses; but, hereafter, several matters will be placed altogether beyond

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and outside the purview of this Legislature. Again, Sir, at present, the Governor General's power of legislation extends only to matters affecting tranquillity and peace; and, there too, the Governor General cannot in fact make any law unless it is sanctioned by His Majesty in Council. Hereafter, the Governor General will be free to legislate, almost without any restriction, in respect of all matters pertaining to the reserved subjects, pertaining to discretionary powers, pertaining to matters coming within the wide purview of his special responsibility.

Take the financial provisions. At present, this Assembly has the power of voting or not voting demands for grants for all departments, excepting the army, external relations and ecclesiastical. But, hereafter, the Assembly will not only have no authority to deal with these matters, but many others will be excluded from its purview.

Similarly, in the provincial field, so far as the Montford scheme goes, it makes a clear distinction between the transferred and the reserved departments. In respect of the transferred departments, the Governor has neither the power of legislation nor of certification nor of control of services, but, hereafter, his power will be extended to all those departments. There is dyarchy in the provinces with this difference that while the Montford Report divided the house of administration into different compartments with thick walls in between and gave some rooms to the transferred departments under the Ministers and others to the reserved departments under the Executive Councillors with separate entrance for each. Hereafter, too, these walls will continue to stand as they are, only the plaster is to be scraped out, and every room is to be divided horizontally, the upper storey being reserved, for another storey is to be cast with other rooms above, and that is to be made over to His Excellency the Governor with a staircase leading from each to the room below. If dyarchy had a vertical aspect up to this time, it is to be vertical as well as horizontal hereafter.

So, from whatever point of view we may look at it, the scheme is a monstrosity; and, I submit, that such a disingenuous fraud has never been committed in the name of constitutional advance in any country before.

Sir, I will not say more, but will only say this. Gentlemen ask us what we will do. I say nations are by themselves made. I say the right of self-rule is to be asserted, achieved and accomplished; it cannot be the gift of one country to another. So we will devise all the sanctions that we possibly can, for the acquisition of that which, by the law of man and by the law of God, belongs to us. I hope we will succeed within a few years. Sir, we were told that Sir Samuel Hoare was only solicitous of the interests of this country. I have his speech before me, delivered at Chelsea in 1933 to his constituents, in which he said that he had been promoting his scheme with a view to safeguarding British interests, so that a Socialist Government might not give them away when it came into power. This is the key to all the

solicitude shown by the present British Government for "our" interests. Sir, the Secretary of State hardly worries or bothers about our opinion. We know full well what he thinks of us. But I say

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has taken 35 minutes already.

Pandit Govind Ballabh Pant: The apple cart that he has tacked on to his caravan will break on the way, and if it does not, the mules attached to the caravan will take the apple cart and along with it the caravan down the precipice.

Raja Bahadur Harihar Prosad Narayan Sinha (Bihar and Orissa: Landholders): Sir, the matter has already been discussed at great length, and in view of the shortness of time, I wish to deal with the recommendations contained in the Joint Parliamentary Committee Report chiefly in so far as they affect the Zamindars. In the general scheme of representations of various interests in the Provincial and Central Legislatures, the Zamindars have not received the consideration to which they are entitled. In Bihar, in the Provincial Assembly, under the New Constitution, they have been given a totally inadequate representation in spite of the large increase in the number of seats compared to what it was under the Morley-Minto Reform and the Montford Reform under which the total strength of the House was 21 and 75, respectively. With the proposed increase in the number of seats in the Provincial Assembly from 75 to 152—an increase of more than centum per centum, the landholders receive no addition to the number of seats allotted to them. They still have only four seats. They repeatedly represented that the number of seats allotted to them was inadequate. The votes of four landholders' representatives in a House in which there are 152 Members cannot conceivably have any value even as a gesture of protest.

The proposed composition of the Provincial Council in Bihar is not likely to achieve the purpose which it is intended to achieve, viz., to create an effective machinery giving advantages of revision and delay.

In Bihar, out of a total of 30 seats in the Legislative Council, no less than 12 are to be filled by election by the Legislative Assembly, which means that almost one-half of the Legislative Council is no more than a reflection of the political opinion of the Lower House and it is not at all unlikely that a situation may be created in which a caucus of the Lower House may sway the decisions in the Upper House; whereas, it is absolutely essential that the latter should not be in a position which may even remotely bring it under the political sway of the Legislative Assembly. The principle of indirect election, whatever its merit in other Legislatures might be, strikes at the root of independence of the Legislative Council, and I beg to submit that it should be abandoned in Bihar, since there is no indirect election so far as the Legislative Councils in Bombay, Madras and U. P. are concerned. Indeed, the scheme not only does not give those who have the greatest stake in the country adequate representation, but it further reduces them to a state of complete political paralysis by making the Legislative Council entirely subservient to the Legislative Assembly.

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In regard to the Central Legislature, the argument advanced in favour of increased representation for landholders in the provincial Lower House applies with greater force in the case of the Federal Assembly. There only seven seats are proposed to be allotted to Zamindars in a House of 375, viz., 250 allotted to British India and 125 to nominees of Rulers of Indian States. Inadequacy of representation could go no further. Bihar secures one of the seven seats, and even if landholders in Bihar and the other provinces make common cause in cases where their special interests are imperilled, it would be nursing a delusion to expect the landholders' combined vote to produce any appreciable result. If Indian States are to be given 125 seats, the landholders in British India, who play no mean part in the economy of the country, should certainly have a considerably larger number of seats than what the scheme allots to them.

Having regard to such an inadequate representation of the vested interests in the Legislatures in the proposed Constitution, the question of an adequate safeguard for Permanent Settlement becomes all the more important.

It could be conclusively proved that the object, which the authors of the Permanent Settlement had in view, was based on political, social, economic and financial considerations. It was realised by the Administrators of those days that neither the annual nor the periodical settlements afforded security to the land revenue or was conducive to the welfare of the cultivators. It was, therefore, introduced not on the impulse of the moment but after very careful and matured deliberations not only in India but in England also, as will be clear from the official records that were published from time to time. This settlement was in the nature of a contract on due and adequate consideration; and, if I may say so, embodied something like a treaty right between the Crown and the Zamindars, who, since then, have invested large sums of money on the reclamation of waste lands and various other works of improvement on the security of tenure assured by the sovereign authority. It was a measure calculated to develop the resources of India and ensured, in the highest degree, the welfare and contentment of all classes of His Majesty's subjects. The ancestors of many of the present landholders purchased property by way of investment with their hard-earned money on lands under the above conditions.

The Joint Parliamentary Committee Report also at page 218, para. 372, says:

"The effect of this settlement was to give a proprietary right in land to the class described as Zamindars on the understanding that they collected and paid to Government the revenue assessed on the land which was fixed at rates declared at the time to be intended to stand unaltered in perpetuity."

We feel that the only method by which the status and the assured right of the Zamindars could be maintained unimpaired is to make suitable provision in the Statute, maintaining the inviolability of the Permanent Settlement and its perpetuity. If this safeguard is not there, the Provincial Legislatures might presume to exercise powers in modification of the Permanent Settlement. I may add that having regard to the solemn pledge and the binding contract, it is no longer open to any authority, however great, to seek to alter or modify the Permanent Settlement. We further view, with grave apprehension, suggestions in

the Joint Parliamentary Committee Report of indirect taxation on land and Succession Duty, which, in other words, may be called Death Duty, which is calculated to encroach upon the Permanent Settlement and is bound to lead to disastrous consequences. Sir, in Bihar as well as in Bengal the Permanent Settlement is the foundation on which the economic fabric rests. Take this away and the entire economic system crumbles to the ground. We are surprised that in the Report of the Joint Parliamentary Committee the Zamindars are relegated to a worse position than Taluqdars, Inamdars, etc., as it is suggested that in the case of the latter the previous sanction of the Governor General in Council will be required before the introduction of any measure in the Legislature which might affect their position.

In any case, I beg to submit that the inviolability of the Permanent Settlement should be placed beyond any shadow of doubt.

I must also voice the sentiment of the people of Chhota Nagpur that they greatly deplore, as we do, the fact that even after three quarters of a century they have not been given the benefit of enlightened administration such as obtains in other parts of the province. We regret that with all the progress that it has made, it has been condemned to be kept in a state of backwardness. Although continuance of representation in the legislatures is assured to them, there is practically no improvement in their status, which should be on a line with other parts of the Province of Bihar. This matter deserves reconsideration.

Sir, I would be the last person to ignore the rising tide of new ideas, particularly in the realm of social reform, but it would be doing a disservice to the spirit of reform if I were not to point out the dangerous potentialities of attempts to reform by legislation.

It seems to be necessary, therefore, to have a definite provision in the new Constitution against the introduction in the Legislatures of any measure, which, however laudable its aim, interferes with the religious beliefs and susceptibilities of any community.

Sir, I beg to endorse the statements of those who have protested against the omission of any reference to Dominion Status as the goal of India's political effort. Time and again, responsible officers of the Crown have given India the pledge of "Dominion Status" and it is not surprising, therefore, that we, in India, regard the omission of any reference to Dominion Status as serious violation of these pledges.

I do realise, Sir, that the scheme has been prepared in an atmosphere surcharged with much mistrust, much class animosity, much communal tension. This is also one of the strong reasons for the Zamindars to demand safeguards in unequivocal terms for their protection in regard to their vested right in Permanent Settlement and strong representation in various Legislatures, which, I hope, in all fairness and justice, should be acceded to by Parliament. We also hope, Sir, that the responsibility in the Centre will soon be ushered in to meet a legitimate and insistent national demand and afford scope and opportunity for constructive work on a large scale.

Let us hope, Sir, that this unfortunate situation resulting in the unwelcome Communal Award on the one hand and the Poona Pact on the other, will soon end and that mutual distrust will soon transform into mutual co-operation and trust, affording grounds for much bigger national advance.

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In conclusion, Sir, I beg to say that the proposed reform may be taken as an advance over the existing Constitution in some respects but it has serious defects which should be remedied.

Speaking on behalf of Zamindars, Sir, I say that they in the past have tried to work the Morley-Minto and Montford Reforms inspite of deficiencies in those schemes and I hope and trust that they will not lag behind in working the new Constitution in the best interest of the country and of good Government. But to arouse any enthusiasm in them and to make them capable of contributing effectively in the working of the future Constitution, it is necessary that their legitimate grievances should be considered and that their constructive criticisms and proposals should receive attention. The whole thing depends upon where and in what position they are placed in this Constitution.

Mr. S. Satyamurti: Sir, we have had three speeches from the three occupants of the front Treasury Benches, and yet we have not heard what is the exact opinion of the Government of India on this Bill. If they really decided that this House should accept the Bill, why did they not table a motion that this House do accept the Joint Parliamentary Committee Report? If convention prevented them from doing so, why did not some of the supporters of the Government in this House table a motion that this House do accept this Report and this Bill? The reason is obvious: they dare not put it before this House: they know—none better—that if acceptance came before this House, it would be rejected by an overwhelming majority. That is why they have ventured to fish in troubled waters, and I should like to ask the Government whether they are going to vote on this motion. If they do, they will be playing a dirty trick in this House. They have said, that Parliament wants the opinion of the people of this country: and what right have these automatons, who dare not vote against the Secretary of State, to come to this House and load the dice against the opinion of the House by casting their mechanical 26 votes in the balance? It is unfair; it is not right; but I saw the Official Whip very busy since the morning, and I see, therefore, that the Government have made up their minds to load the dice. Let Parliament know this unfair game played on the floor of this House.

Taking the amendments, all of them practically amount to rejection, excepting the Bengal amendment from the Honourable Mr. Ghuznavi and the Honourable Mr. Mody's amendment from Bombay. They, at best, amount only to a counter-offer, which has already been rejected and which they know will again be rejected. Therefore, there is no atmosphere of acceptance of this monstrous Bill in this House or in the country. Major Atlee, Sir, moving the Opposition amendment to the second reading of the India Bill in the House of Commons, said:

"Mere acquiescence or passive acceptance did not make any Constitution a success. A Bill which did not secure goodwill, acceptance, and co-operation of Indians was not a Bill for the satisfactory Government of India and did not deserve the support of this House."

Sir, I cannot put it better to this House than in those words.

Then, the Honourable the Commerce Member, Sir, with that suaveness (which was worthy of a better cause, urged this House to give a lead to this country. I would respectfully remind him that the country has already

given a lead to this House. The Congress went to the polls on the definite issue of the rejection of the White Paper, and lakhs of people voted for us. The Congress Nationalists also went to the polls on the same issue, as also the members of the Muslim Unity Board. Practically all those who urged the acceptance of the White Paper have fallen in the electoral contests. They may have fallen "in honourable cause of co-operation", in Sir Samuel Hoare's words, but they have all fallen. Where are the champions of the White Paper on the floor of the House? Did they dare to go to the electorates saying they accept the White Paper? There is not one Indian who dare tell any public meeting or any electorate "accept the White Paper". They all say "there are defects here and there are defects there", and nobody say, "accept the White Paper", and, therefore, I suggest that the country has given a clear lead in this matter.

My Honourable friend, Sir Joseph Bore, talked of the past history of the Civil Disobedience Movement and said it had failed. They have eyes and do not see, and they have ears, and do not hear. What did Lord Lloyd say? He said that the movement was within an ace of success. Did not Lord Reading confess the other day that he spent sleepless nights and anxious days when Mahatma Gandhi was in the height of his power? The Gandhi-Irwin Pact is also an answer to my Honourable friend. Sir, the movement has not failed. There is no failure in a nation's fight for freedom. ("Hear, hear" from Congress Party Benches.) We have no faith in getting something better from the British Government. We have no belief a change of Government there will make things better for us; but, in the words of the Congress resolution, we prefer to struggle under the existing Constitution, humiliating and intolerable as it is, for, in the measured words of the Honourable the Leader of the Independent Party, the proposed Constitution is more humiliating and more intolerable than even the present one.

Now, to trace the safeguards to the Congress is incorrect. It is inevitable in a country's struggle for freedom. You blame the Civil Disobedience Movement, but who are the real authors of the Civil Disobedience Movement? General Dyer, Sir Michael O'Dwyer and all the tyrannies of this Government created the atmosphere for civil disobedience in this country. (Hear, hear.)

I am told that we must trust the spirit of the new Government. Sir, I judge a tree by its fruit. The other day, this Honourable House passed a decisive vote rejecting the Indo-British Pact. What does the Honourable the Commerce Member do? What is the spirit? Does he respond? Again, the other day, the House passed a vote asking for the release of Mr. Sarat Chandra Bose, and for the removal of the ban on the Khudai Khidmatgars' Association. What does the Honourable the Home Member do? Does he respond? We know this Government will not respond. They have not the imagination, the sportsmanship, the courage, and, therefore, we believe that their successors will do no better than they.

Then, the Honourable the Commerce Member ended his speech by merely saying, "you can get nothing better, therefore, accept it". I say, Sir, we can get nothing better, and, therefore, reject it for the time, in the hope that you will generate sanctions in this country to force something better. (Hear, hear). And my Honourable friend quoted Abraham Lincoln. I do suggest to him that he ought to respect the memories of great personages a little more carefully. To misuse a great name, to omit the pregnant words,—"Government of the people, by the people and for

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the people", is an outrage on our intelligence. The Honourable Sir Joseph Bhore did not use those words deliberately, I suggest, because he knew that in this Bill there is no Government by the people at all, there is no Government for the people but plenty of Government of the people, that is why he did not dare to quote those words.

Then, he asks, what is the alternative? There are many. There is the alternative of the Congress demand for a Constituent Assembly which, in answer to the Honourable the Home Member, I now re-iterate on behalf of the Indian National Congress. We believe profoundly and sincerely in a Constituent Assembly. We believe we can forge sanctions to get it from the Government. We have also a number of other alternatives, the Dominion Constitutions of other countries, the Nehru Report, the Joint Memorandum of the Indian Delegation to the Joint Parliamentary Committee, Major Atlee's Draft; all of them have been rejected.

The Honourable the Law Member said that if Federation is dropped, the Bill must be dropped. Let it be. If this Federation and if this Bill are dropped, they will die, I assure you, Mr. President, unwept, unhonoured and unsung.

About the Federation, my friend, the Leader of the Independent Party, has exposed its pretensions, its hollowness and its unworkability so thoroughly, that I entirely agree with every word of what he has said. But I only want to draw the attention of this House to a resolution passed by the Princes Chamber, in which they said:

"The Chamber also wishes to emphasise that the inauguration and success of Federation will depend entirely on the goodwill and co-operation of all the parties concerned."

We are a party to this Federation, and I, therefore, beg of them most earnestly not to come into this Federation. Our goodwill is not there. Then we are told that this Constitution is an advance that it is not retrograde. I venture to prove in a very few words to all unprejudiced Members of this House, that this Constitution is not only not progressive but is positively retrograde. Taking the provinces first, there are no Second Chambers there now, but hereafter there will be. The Governors in the provinces have no power of legislation, except in regard to Reserved subjects, but under certain very well defined contingencies. Hereafter, Governors can make (1) Ordinances during recess of Legislatures, independent of the Legislature; (2) the Governors can make Ordinances in respect to their special responsibilities which the Legislatures cannot touch; (3) the Governors can enact Acts permanently and place them on the Statute-book. Sir, I ask the Honourable the Leader of the Independent Party whether that constitutes an advance in the provincial sphere or whether it is not retrograde?

Then, Sir, even the rule-making power of the Legislature can be taken over by the Governor. In respect of Finance, the Governor can now certify only in regard to reserved subjects. Hereafter, he can put whatever sums he likes in the Budget; and no Bill which involves any expenditure from the revenues of a province can be passed by a Provincial Legislature, except on the Governor's recommendation. Even police rules are in the Governor's special powers, and the Governor will take over all the functions in certain contingencies. Practically, in eleven provinces, we shall have eleven autocrats functioning on their own responsibility, in their own discretion and in their own individual judgment.

Then, coming to the Federation, Sir, I take it that it will be conceded that the power of voting supplies is a crucial test of the powers of a Legislature. Today, the Assembly alone can deal with the Budget. Hereafter, both the Assembly and the Council of State will have equal powers, whenever the Governor General so directs, and in case of difference of opinion, the majority of both Chambers decides. In this connection, the composition and the manner of election to these Legislatures become important. We shall find that in a joint meeting of 635 Members, there will be 229 nominees of the Indian States, and taking the other 156 of the Council of State to be normally reactionary, we shall find only a maximum strength of 250 progressives in an Assembly of 635 Members. We are now having direct election. We are being deprived of it. The Government of India say they are helpless, and yet they ask us to accept the scheme. The figures are staggering, and, in the proposed manner of indirect election, Sir, in communal compartments on the principle of proportional representation, four to eight or nine men can send Members to the Legislature. We now represent lakhs of voters here. Hereafter, there will be pocket boroughs, not even pocket boroughs, but waist-coat pocket boroughs, in which you can put down eight Members or four Members who can return one each to this Council. Is this or is this not a retrograde scheme? Then, the franchise for the Council of State is bound to be much narrower. The arguments against indirect election are many and serious, but I want to mention only one argument, Mr. President, given by Lord Reading and four other members of the Joint Select Committee. The provinces will, in effect, be able to control the Central Legislature, and, therefore, the Ministry. It will aggravate the tendency to provincial separatism and endanger the unity of India. The system inevitably opens the door to corruption, and even dissolution of the Central Legislature will not bring about any change in its composition.

When we ask for adult franchise, we have this monstrous gift of pocket, gerrymandering boroughs. Indeed, the Right Honourable the Secretary of State and the Right Honourable Mr. Amery have said that they have no idea of introducing democracy or responsibility in this country. Hereafter the Governor General, who can now make only Ordinances for six months, subject to the jurisdiction of this House, can make Ordinances of two kinds and can make Governor General's Acts. The Reserve Bank of India will be the real ruler of India in finance and currency. It will be an outpost of the City of London in India. The whole of India will have no say in the matter of the ratio or in the matter of opening the mints for coinage. The Federal Railway Authority will be absolutely independent of all control by the Federal Legislature. Indeed, no Bill or amendment making a provision for regulating the rates or fares to be charged by any railway shall be introduced in either Chamber, except on the recommendation of the Governor General. Is this or is this not retrograde?

The Honourable the Leader of the European Group said that commercial safeguards are no better than what any ordinary business prudence will dictate. I put to him a dilemma. Does he concede that Indian businessmen have ordinary business prudence? Then, these safeguards are unnecessary. If he says, they have no ordinary business prudence, he insults them. Then, he says the parties should overcome communal differences. I make a sporting offer. Will the Bengal Europeans come to our rescue and surrender the ill-gotten gain of eleven per cent. of the seats, so that the Hindus and Mussalmans there may come to a settlement? He says,

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have you produced a scheme agreed to by all parties? Now, I ask a question. Will Mr. Stanley Baldwin, Mr. Winston Churchill, Mr. Lloyd George and Mr. George Lansbury produce an agreed scheme for the government of Great Britain? (Hear, hear.) Then, my Honourable friend quoted the Right Honourable Srinivasa Sastri. I will quote him:

"No, Sir. It is impossible for the Liberal Party to give an atom of co-operation. Co-operation with friends that wish well of us may be worth-while, but co-operation with those who have displayed their utmost distrust of us, who do not care for our views and demands and who enact a constitution in utter disregard of our wishes, what is co-operation, then, I ask. I would call it suicide."

On the question of Burma, I only want to say that the question of separation is for the people of Burma to decide, but if I may respectfully tell them, this Constitution that is offered to them must be rejected by them as unworthy of being accepted by an independent Burma. (Cheers.)

On the Communal Award, I do not want to say a single word which may exacerbate feeling, but I want to tell all the communal leaders here and elsewhere that if they do not settle this matter today, or as early as they possibly can, honourably and peacefully, posterity will not forgive them. They will be charged as betrayers of their country's great destiny. (Interruption by Seth Haji Abdoola Haroon.) Let the dead past bury its dead, and I will ask my Honourable friends not to talk of the old talks all the time. That way lies tragedy. Let us think of the future, and I have no doubt in my mind, if only we put our hand to the plough, honestly, patriotically we shall solve this problem. It is not beyond the wit of Indians. (Interruption by Seth Haji Abdoola Haroon.) The Congress will strain every nerve to do this. The Congress has taken a bold and uncompromising attitude in the matter; and I have no doubt that my Honourable friends will grasp the hand of fellowship extended by the Congress, and help us to settle the question once and for all.

This scheme is not wanted by any respectable body of political or public opinion in the country. This scheme, therefore, will not work. There are no seeds of growth in this Constitution. There are no constituent powers at all in this Bill. I challenge any man to say that there are any. If Ministers are weak in the provinces, there will be autocracy; if Ministers are strong, there will be dead-locks; and in the Federation there will be a perpetual wrangle between the provinces and the States and among themselves. This scheme also is a costly scheme. It will cost roughly six crores of rupees more. I ask my Honourable friend, the Finance Member, where is he going to get all this money from? Bengal wants the jute tax, Assam wants the petroleum tax, Bombay and Calcutta want a share of the income-tax, Madras and the United Provinces want the land revenue to be reduced, and all of us are taxed to our utmost limit; and, I think, in this country there will be a campaign for non-payment of taxes by all people, including the Moderates, and Liberals and communalists, if taxation is increased beyond its present level. Therefore, I suggest that the scheme is too costly.

We are finally told, Mr. President, that, after all, this scheme is in the interests of the masses. The Secretary in the Education, Health and Lands Department the other day pointed a schoolboy picture of the benefits of British rule in India; but I want to put it to you and to the Honourable Members of this House that, while we are sitting in this gilded Chamber,

we do not realise the colossal, grinding poverty of this country. The average income of the Indian is one anna per head per day, the average life of the Indian is 23 or 24 years, and our literacy is only ten per cent. We are being told that the Socialists are taking hold of the Congress and of the country. I often wonder why they have not done so already. If only people with imagination, with heart and with courage, know and realise the grinding poverty of this country, they will say with the poet:

"Ah, love, could you and I with fate conspire
To grasp this sorry scheme of things entire
Would we not shatter it to pieces.
And then remould it, nearer to our heart's desire?"

That is the poverty of this country. What is the use of the communal leaders quarrelling for the loaves and fishes of office? Neither a Mussalman nor a Hindu communalist will do anything to remove the poor man's ignorance or disease. I, therefore, say, that this scheme is neither Self-Government nor good Government. Sir Samuel Hoare, the other day, said: "The Congress seems to have exhausted the last word in the vocabulary of political criticism on the Report of the Select Committee." Because, forsooth, he says, we have repudiated the right of British Parliament to draw up the Indian Constitution, and we have demanded a Constituent Assembly! I say, it is unfair criticism. No doubt, the Congress stands for independence or Purna Swaraj, but so far the Congress asks for a Constituent Assembly, whose decision the British Parliament is called upon to implement? Were I equally abusive of the Secretary of State, I would say in the words of Mr. Winston Churchill: "The India Bill is a monstrous monument of shams built by pigmies", but I have subjected the Bill and the Report to detailed criticism, and I venture to suggest to the House that I have shown that this Bill does not satisfy the political aspirations of even the most moderate Indians, that it is too costly, that it cannot work, that there are no seeds of growth in it, and, therefore, that India should reject it. India's self-respect demands it.

Today, Mr. President, the eyes of the civilised world are on this House. They want to know whether India has developed at least self-respect enough to reject what it is unworthy of her to accept, if she has not developed sufficient strength already to compel the acceptance by the rulers of what she wants. By our vote, we shall be judged, not only by our own countrymen, but, by all self-respecting civilised men and women throughout the world.

I am asked by the Honourable the Home Member, what will you do,—will you struggle indefinitely under the existing Constitution? No, Sir. I have greater faith in God than he. I refuse to believe that Almighty God created 350 millions of his creatures to be perpetual slaves of Great Britain. (Cheers.) Great Britain came to this country the other day. She must go one day or other. The sooner she goes, the better for her and for us, because, Sir, when a great nation makes up its mind to attain its freedom, there is no power on earth which can stand in its way,—no, not even Great Britain. Today Government may not realise it. Mahatma Gandhi and the Indian National Congress are the only forces between India and revolution. It is Mahatma Gandhi and his creed of non-violence that stand for peace and truth in this country. It may be too late before the Government realise it; and I, therefore, beg

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of the Government, especially I beg of those who feel inclined to support the Government, not to support them in this mad career, which will lead us nowhere except to interminable fights. Mr. Churchill said a great thing the other day: "If our forbears had been cowed by heavy odds, the British Empire would have stopped at Brighton beach". I ask my Indian friends not to be cowed down by the majority in the House of Commons, not to be cowed down by the army here, but to feel and to know that we can get our own freedom. After all the history of humanity has shown to us that, only if we are true to ourselves, we can get our freedom. In this very House, Mr. President, I am convinced, provided we can get the communal question out of the way, that we can make the position of the Government so intolerable, that they will have to dissolve this House or to pass an Ordinance abolishing the Legislature. Provided we can set our own house in order, we are bound to get what we desire.

I only want to say one thing more. I do not question the honesty of the Honourable the Home Member. He advised India to accept this Constitution. May I ask him one question. Supposing England were conquered by Germany in 1914-18, a contingency not wholly improbable, but prevented by the timely arrival of Indian soldiers, black and brown, and, after 15 years of rule, the German Kaiser had offered Great Britain a Constitution such as is now proposed for India, will he honestly advise England to accept it? I pause for an answer.

The Honourable Sir Henry Orsk: I cannot answer that extremely hypothetical question.

Mr. S. Satyamurti: I know the arrogance of the English character. They think that their country has been ordained by God to be for ever free, that nobody can conquer them, that Indians are bound for ever to be slaves. I ask my friend to exercise some imagination. We say, as England would have said to Germany, that we cannot accept this Constitution. I know what is in his mind: "We have fought for our country, fought for her freedom". I realise it. I was in London in 1919, shortly after the Great War, and in every home to which I went—and to several homes I went as a guest—there was not one family in which at least one, it may be two, three or even four, had not lost their lives, or got their limbs maimed, in the great struggle for England's freedom. I know that we have to learn that lesson. I know that India must learn the lesson that freedom is a jealous mistress and exacts the utmost price from those who want to worship in her temple; and I want, the Congress wants, Mahatma Gandhi wants, to train this country in that hard and painful school for the struggle for freedom. Every household in this country must realise that it must give at least one man to the struggle for freedom. We know that we can train our country for that. In that faith and in that belief, I ask the House to help us in that struggle by giving this one vote of rejection against the Government proposals

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already much exceeded his time.

Mr. S. Satyamurti: . . . thereby telling the country and the world that India has not lost her sense of self-respect, and that, God willing, we shall settle our differences and that very soon, so that we may tell our friends:

"Our enemies have fallen have fallen
The seed, the little seed (*of Swara*).
They laughed at in the dark
Hath risen and cleft the soil
And grown a bulk of span-less girth
That lays on every side a thousand arms,
And rushes to the sun." (Loud Applause.)

Several Honourable Members: The question be now put.

Mr. President (The Honourable Sir Abdur Rahim): The Chair accepts the closure. The question is:

"That the question be now put."

The motion was adopted.

The Honourable Sir Nripendra Sircar: Mr. President, I propose, within
4 P.M. the time given to me, subject to such allowances as you have kindly allowed to others, to deal very shortly with many of the points which have been raised in this debate during the last two days and a half. It is not possible to deal with every matter, just as it was impossible for my friends also to speak at length. I have listened to the speech of my Honourable friend, Mr. Bhulabhai Desai, with rapt attention, and with respect. I admired his diction, and the delivery. It reminded me of the story of a famous French advocate in the seventies who had to defend an accused and had really no answer to the prosecution case. It was tried before a jury and the advocate was a very brilliant speaker. He talked about patriotism, the national honour of France and drew a lurid picture of the ravage and the destruction which would follow if the efforts of the enemy, who was then near the land, succeeded. After having made the most impassioned appeal and finding that half the emotional Frenchmen were beginning to sob, he concluded his speech by saying, "Having regard to what I have said, there is only one course open to you, namely, to acquit my client honourably", and, I am sure, that that is what would have happened, but the judge was rather hard-hearted. He saw the situation and said: "Gentlemen, it is rather late today. I will charge you and take your verdict tomorrow". When the jury came after a night's reflection, they had discovered by that time that there was nothing said about the case and they returned the proper verdict.

Now, Sir, my friend's position is similar. My Honourable friend said in the beginning of his speech:

"The Creator, the Preserver and the Destroyer is typified in human life itself. It is the embodiment of soul which consumes itself in its activity only in order to recuperate itself from time to time, and, if we destroy at all, we shall destroy only in order to build better."

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I admire the classic diction. I am not sneering, and I know about destruction. We have heard a lot about destruction. I was hoping that he will tell us something about construction, but we have not heard a single word about any alternative constructive scheme which will replace the Joint Parliamentary Committee Report.

Mr. Bhulabhai J. Desai: Will you accept it?

The Honourable Sir Nripendra Sircar: I can indicate to my Honourable friend that if I have no desire to give way, it is on account of the late hour. Otherwise I would have liked to answer his questions.

Now, Sir, there is nothing about any alternative scheme. My Honourable friend, Mr. Bhulabhai Desai, did not even touch on the question of a Constituent Assembly. Probably he had in mind the fate of the Nehru Report. The Nehru Report was not drafted by people in England. It was drafted by men whose patriotism could not be doubted for one second. They were genuine men, men of high standing and position in this country. What was the fate of that Report? As soon as it came out, we had protests, repudiations, and, if I may remind this House that Mahatma Gandhi said at the Second Round Table Conference, that it was a back number and it was no good referring to it. Now, Sir, that was the end of the Nehru Report, and as regards this talk of a chimerical Constituent Assembly, that some people will gather somewhere, they will draw up something and that that has got to be accepted—well, if that is so, why is not any scheme forthcoming? None have come forward, nothing has been suggested.

My Honourable friend, Mr. Satyamurti's answer to my Honourable colleague, Sir Joseph Bhoré's challenge, as to what you are going to do, is that God Almighty has not intended that Englishmen should remain here for ever, and that, therefore, something will happen! Well, Sir, we are here discussing from a concrete point of view the realities of the situation; the question being whether at the present moment any other scheme is forthcoming which is better than the scheme of the Joint Parliamentary Committee Report. Sir, all these talks may be the height of philosophy, may be very good reading, but they are as useful for present purposes as the Sermon on the Mount. Then my Honourable friend went on to say:

"I desire at once to repudiate the correctness of one statement which I have read out to you, that religion, race or language raises differences which have a disruptive effect on human society, as is claimed. The history of the world today and of its greatest democracies are evidence to the contrary."

Then, he referred to the United States of America and Switzerland. I would merely point out that as an illustration, the parallel is not very apt. Sir, whatever the origin of a person in the United States may be, whether his ancestral home is in England or in France or Roumania, it is idle to suggest that the conditions there are the same as they prevail in India.

I know there are at least a dozen Members here who will risk eternal perdition if they take a glass of water in my house. The citizens of the United States can inter-marry, they can inter-dine, they practically belong to one religion, and, therefore, this illustration is not apt at all, but I do not desire to stop there. I shall proceed to answer my Honourable friend's

question by saying that it must be conceded by everybody that a nation consists of communities. If there are different communities, there are likely to be, there are bound to be, communal quarrels, provincial jealousies and other disputes. Nobody has ever suggested that unless all the members of a nation are of one opinion, you cannot have any advance. But the test is this. In spite of these provincial and communal jealousies, are the communities prepared to sink their differences to a reasonable degree in the cause of the nation? The rate of progress depends on the measure of success in this direction. If they can do so, then, in spite of their fighting between themselves, in spite of there being differences, an advance can be made.

I ask Honourable Members of this House to take a concrete view of things and to answer that question. *viz.*, to what degree we have been prepared to subordinate communal, sectional, and local conflicts in national interest?

I shall come immediately to the proceedings of the Round Table Conference from this point of view. The members who were there—I am not talking of people whose sincerity can be doubted—but of members including my friend, Mr. Jinnah. What were they doing there? Were they putting the nation first, or the interests of the community first, before the Round Table Conference? What was the impression which the people listening to them from day to day were gathering about these dissensions? Now, Sir, to put it very briefly, the position was this. My Honourable friend, Mr. Fuzlul Huq, is not here. He, for example, after describing the glories of the Muslim reign, proceeded to say there that, unless Muslim rights were safeguarded—which meant, when analysed, a special electorate, a proportion in the public services, and so on—I am not going through the whole gamut of it—unless that is done, it is no good our discussing any matter.

Now, what was the attitude of my friend, Mr. Jinnah? He made it perfectly clear that the first thing which has got to be done is the protection of Muslim interests. "If you do not do that, it is no good entering into any further discussion." If, Sir, I have referred to my Honourable friend, Mr. Fuzlul Huq, or to my Honourable friend, Mr. Jinnah, I am not suggesting for one moment that it was only that particular community which was behaving in that way. I am not trying to allocate any blame as between one community and another; it is only because those two Honourable gentlemen happened to be there and made speeches here, as also there, that I am referring to them.

Sir Muhammad Yakub: Why is no reference made to Bhai Parma Nand and Mr. Lalchand Navalrai and Mr. Aney?

An Honourable Member: Because, they are not in the House.

Mr. H. A. Jinnah: What about yourself in England? There is no answer to that.

The Honourable Sir Nripendra Sircar: That appears from the proceedings. I shall now quote from Mr. Fuzlul Huq's speech on page 288 of the First Volume of the Proceedings of the Round Table Conference:

"We feel that the only course open consistently with the position of our community and our peculiar needs and the smooth working of the Constitution which we have been

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seeking to evolve during the last nine weeks is to reiterate our claim that no advance is possible, no advance is practicable, whether in the Provinces or in the Central Government, without adequate safeguards for the Muslims of India, and that no Constitution will be acceptable to the Muslims of India without such safeguards."

I am not for one moment going into the question whether he was right or wrong in saying this, but I am asking this House to consider what was the effect on the mind of the gentlemen who were listening to all this. It was before the Federal Structure Committee had started business. This was a speech at the plenary session. My Honourable friend, Mr. Jinnah, said at page 139, at a very early stage of the proceedings:

"Very rightly the Indian princes are here, and you cannot very well frame a Constitution in India, for Self-Government in the sense in which I have described it, without taking into consideration their position, and all that the princes are anxious about is that they want certain safeguards in that Constitution, as the Mussalmans demand safeguards for their community."

Str Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Can we not be saved from all these communal squabbles now? It won't help us.

The Honourable Sir Nripendra Sircar: I am not trying to increase communal squabbles, but trying to show how safeguards came in.

Sir Cowasji Jehangir: I may point out to the Honourable the Law Member that we all took part in it, and we all had squabbles. Let us drop it now. You had one, Mr. Jinnah had one, Mr. Ghuznavi had one.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not giving way.

An Honourable Member: Do not have squabbles now here.

The Honourable Sir Nripendra Sircar: My Honourable friend's idea of not having a squabble was to get up and interrupt me.

Mr. M. A. Jinnah: Why should he not be interrupted?

The Honourable Sir Nripendra Sircar: I am not suggesting that they did anything wrong, but what I am pointing out is this, that Mr. Jinnah later on made it perfectly clear that the Muslims would not proceed to the discussion of the clauses relating to the Army and to financial safeguards until the communal decision had been given, until he knew perfectly well the position of the Muslim community. Now, Sir, I am pointing that out not for the purpose of expressing my opinion on the communal decision, but for showing that national interests have always been relegated to the background. I do not want to say a single word about the communal decision. The question is, why safeguards must exist.

Sir Muhammad Yakub: You have already expressed your opinion in your Pamphlet.

The Honourable Sir Nripendra Sircar: I am pointing out for the purpose of showing that, as a matter of fact, the communities were not prepared

then, and they are not prepared now to sink their jealousies and their communal wrangles in the interests of the nation. I am trying to answer my Honourable friend, Mr. Desai's question whether differences of religion and race can in our case stand in the way of advance.

Now, Sir, if I may proceed, I think there is an interesting statement at the next page which the House may like to hear. This is from my Honourable friend, Mr. Jinnah's speech, page 140:

"Sir, let me tell you in this connection that, so far as we are concerned, the Simon Commission is dead. The Government of India despatch is already a back number, and there has arisen a new star in our midst today and that is the Indian princes."

Sir, there is hardly time to take you through all these details which are also not necessary, but my Honourable friend, Mr. Jinnah, is apparently fond of referring to stars. I remember, the other day, when we were discussing the Trade Pact, after one of his dramatic pauses, he pointed heavenwards and said: "That is not my guiding star." He had found his guiding star in the princes.

Mr. M. A. Jinnah: I did not say "guiding": I said a new star.

The Honourable Sir Nripendra Sircar: New star, I quite concede. There is no star which can guide my Honourable friend.

Mr. M. A. Jinnah: Except the Law Member. (Laughter.)

The Honourable Sir Nripendra Sircar: No star can guide my friend for more than a week. Now, Sir, I wish to quote a few words from the speech of my Honourable friend, Mr. Desai. In ending his memorable speech, he used these words:

"Sir, I wish to say one thing more, that whatever happens, let this certain voice of India go out that this Constitution is futile and does not serve the purpose of reconciling, and, I am quite sure, does not serve any purpose that Government have in their view. And if that is so, may I appeal to this House to say that even if we have no power to compel the grant of what we want, we have certainly the self-respect to repel what we do not want."

Very noble language, but let us see what is meant by "repelling what we do not want". It is obvious that the word "rejection" has not been purposely used, but there is not much difference between rejection and repelling. What is exactly the process? What is going to be done if repelling means the rejection of this Constitution, because it is not consistent with self-respect to do anything else? I would ask Members of this House just to realise this. Will it be consistent with self-respect to work this Constitution? If it is such a horrible thing, if it is beneath your self-respect to even consider the question of its acceptance, is it going to be worked with self-respect?

Mr. N. M. Joshi (Nominated Non-Official): What is your desire?

The Honourable Sir Nripendra Sircar: It is my desire that my Honourable friend, Mr. Joshi, will be a little more consistent, because, having signed the Joint Memorandum on the footing of the All-India Federation and on the footing that there will be 375 Members in the Lower and 250

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Members in the Upper House, he has now discovered that 125 is just one-third of 375. (Interruption by Mr. Joshi.) If my Honourable friend will kindly not interrupt me, probably the cause of labour will not suffer. (Laughter.) I heard that interruption. He said: "What do you want me to do?" What we want him to do is perfectly clear from the speeches which have been made from this side. We want him not to pass a futile vote of rejection, and we say: Do not pass a futile Resolution of rejection when you really do not want rejection.

If you had the courage to say that if this is passed, we are not going to work the Constitution, because it is not consistent with self-respect to come within 500 miles of a Constitution which is so derogatory to us, so insulting and so humiliating, then, surely, to be consistent, you should say we cannot work this Constitution.

It may be asked why I am assuming that this Constitution is going to be worked by the people who want now to repel it because it is inconsistent with self-respect? My reason is that throughout these speeches I have not heard even a suggestion made by anybody that they are not going to work the Constitution if the Bill passes through the Houses of Parliament. I don't hear any contradiction even now, and I ask Honourable Members to consider what is the object of passing a futile Resolution when we know that this really means nothing. These are blank shots which create noise. I daresay they raise some amount of smoke but they do not hit anybody. If it had been followed up by a Resolution stating that it is not consistent with our self-respect to work it, I would have understood that there was something concrete in it. But this is nothing.

Now, Sir, I would like to read as part of my argument an extract from an article by Mr. C. L. Sastri, the son of our well-known Mr. Chintamani, which appeared in the *Leader* of the 27th December, 1934. It runs thus:

"What do Congressmen mean by saying that they are 'rejecting' the report, or are going to 'reject' it? What will their 'rejecting' come to? Of course, it is all very heroic. As the sole custodians of courage in politics they cannot, I suppose, help using any but brave and high-sounding words. I often wonder whether they are not 'alking with their tongues in their cheeks. Habit has made them incurably flamboyant: So much so indeed, that it now almost looks as if it were easier for a leopard to change his spots or for an Ethiopian to change his colour than for your hundred per cent dyed-in-the-wool Congressmen to attempt to speak in reasonable and easily understandable language."

I again ask, what is the good of this heroic language of rejection, inconsistent with our self-respect, and so on, when we know perfectly well that this Constitution is going to be worked.

An Honourable Member: Why was this Resolution brought by the Government then?

Dr. G. V. Deshmukh: Why not withdraw the whole thing?

The Honourable Sir Nripendra Sircar: It is not my desire to give in, because the time is short. Why was this Resolution brought? I should have thought that such a question would not have been put. It was because there was a general desire on the part of the Members that this should be discussed that we agreed to give three days. We discussed with the Leaders of the Parties and we originally fixed 27th, 28th and 29th of January, but many of the Leaders said that they wanted a little more

time to consider the papers, and so on, and we agreed to give three days of which the last is today. Therefore, we have given this at the instance of the Members who expressed a general desire to have this matter discussed, and I am now told why was it brought in? I am asked: Why these proceedings are going on, as if I am responsible for these three days discussion.

Now, Sir, if I may resume, I have made the point that it was unfortunate that we gave the impression and created the picture and showed to the people of England that we are unable to sink our communal or provincial jealousies. Having asked for safeguards, having compelled them to use safeguards, now every one is asking why are there so many safeguards in this Constitution?

I may remind this House that when, at the second Round Table Conference, Mahatma Gandhi made his speech on commercial safeguards and the definition of citizenship, and so on, the purport of that was this. He said, "Who says that the Congress is going to repudiate debts? Nothing of the kind. But all we claim is this: that when we come into power, we shall examine and investigate every title irrespective of the length of time during which it has been held to find out whether it was a just title".

The illustrations which he gave and the wrangle with Sapru there are too long to be discussed in detail here. But if Honourable Members of this House would like to have an idea, it was this. Supposing I am now found in possession of five bighas of land in the district of Lucknow, the national Government will inquire as to how I got the land. If my ancestors or predecessors in title of my ancestors had got the land during the Sepoy Mutiny, then, according to that formula, the National Government will decide whether it was to the interests of this nation to help the British in putting down the Sepoy Mutiny. I lose my land, because my ancestors have done something which is now found to be not in the national interests.

Again, I will give another instance before I pass on to my next point. If I am the holder of a promissory note today, and if it is found by this new Government when it comes into power, that that is part of a loan which was issued for fighting a war and if the Government come to the conclusion that was an unjust war and that was not in the interests of India to finance the war at all, then I do not get my money. As reasonable men, I ask you to judge whether any amount of quibbling over words like repudiation, expropriation or the right to challenge your title, and so on, whether any amount of quibbling can mislead men? The impression was given—given not merely by Mahatma's speech which rather tried to soften words which have been said before by Resolutions and wild declarations—the impression had been given that no property, no title in India was safe whether it belonged to European or the Indian—Hindu or Muslim. Is there any wonder that people were anxious for safeguards? (Hear, hear.) I ask the House again—I will not go into the communal question again—to remember that there was a body which was so anxious before men in England at the Round Table Conference, I call them Sanatanists. What did they want? They said that, under this new Constitution, kindly see that there is a religious safeguard, which means that the wings of this new Parliament or new Assembly, whatever it is called, shall be clipped and they will have no power to have any legislation which, it can be contended, will affect any religious or any social questions. They insisted on a safeguard for this.

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Then, we have the landlords. The landlords say: "for heaven's sake we do not care what happens to the nation, it is a small matter, but for heaven's sake do not touch our Permanent Settlement. Let us have a safeguard against the disturbance of the Permanent Settlement".

Again, Sir, I am not trying to belittle their anxiety, they were perfectly right in putting forward the views which they did, but if that is the position, then, is not the existence of the safeguards amply explained? Is there any minority community which did not insist on safeguards? And, if that is so, then all this outcry now, why safeguards and why safeguards, I really find it difficult to understand.

Dr. G. V. Deshmukh: Why not have a safeguard against safeguards?

The Honourable Sir Nripendra Sircar: I have been asked a question. Of course in future I do not desire to take notice of interruptions. I was asked if there could be any safeguard against safeguards. I say, yes, the answer is obvious. Provided you behave reasonably, that is a safeguard against safeguard and the safeguards will not be used at all.

My Honourable friend, Mr. Jinnah, in today's speech started with the *Statesman*, and I need not trouble myself with that. After that, came his personal explanation as to why he did not go again to the Round Table Conference which also is not very material except that it will be for his community to judge whether the replacement of Mr. Jinnah by Sir Abdur Rahim and Agha Khan to take part in the Conference was such a terrible calamity for that community—that is a matter for that community alone—I do not take part in it.

Then, he said in today's speech and he was criticising my speech and he said "Storeys do not exist and there is no foundation. I am not trying to uproot the foundation, and go and tell these stories to children". Well, Sir, I do not know that my Honourable friend, Mr. Desai, is exactly a child, because he apparently had come to the conclusion that the object of Mr. Jinnah is the same as that of himself, namely, to get rid of the entire scheme.

The next argument which was advanced was this. "I am not trying to wreck the whole scheme, I only want to get rid of the part which deals with Federation." It is no good arguing in the abstract. In the Joint Parliamentary Committee Report, every one must have read that they came to the conclusion that a responsible British India Centre alone is not a possible situation. I am not going into the pros. and cons. and the reasons for their conclusion. That being the conclusion, that we cannot have a British India Federation, now for my Honourable friend, Mr. Jinnah, to suggest that at this stage we should start an enquiry if that is possible, that is the surest way of getting rid of the whole Bill. It is not a question of a threat. I only try to point out and I maintain that again that it is not possible, it is not a practicable proposition that you shall have only Provincial Autonomy and no legislation on the footing of all-India Federation. I would ask this House to consider if the third portion of Mr. Jinnah's amendment is accepted, what is the British Government going to tell the princes. They have not declined to join. It is quite open to them to join now. Are they now going to tell them, "Oh, no! We have changed our mind. You please get out, we shall have a

British India Federation alone". My Honourable friend knows perfectly well that although in form it is an attack only on half, yet in substance, in effect, there is no difference in the amendment of my Honourable friend, Mr. Jinnah, and the amendment of the Congress Leader. Then it was said, "But, why? The two are severable, because a Federation may not come for two to five years". That is the idea,—I do not purport to give the exact words. Well, Sir, I have dealt with that. They have come definitely to the conclusion that a British India Federation is not possible.

Mr. M. A. Jinnah: Why not?

The Honourable Sir Nripendra Sircar: Read the Report. We are now discussing the question of this Bill. The Bill is on the foundation of the Joint Parliamentary Committee Report.

Mr. M. A. Jinnah: That can be changed.

The Honourable Sir Nripendra Sircar: Too late after every one has agreed to it. That Report has come to that conclusion, and, therefore, it is not a practical proposition to suggest that there should be a British India Federation now. I think my Honourable friend will correct me if I am wrong. He read a passage which must be from the speech of Sir Abdur Rahim on the White Paper. Now, as he relies on Sir Abdur Rahim's speech, I should like to bring to the notice of this House that what has been called the joint memorandum

Mr. M. A. Jinnah: What I quoted from Sir Abdur Rahim was the interview which he gave after the Joint Parliamentary Committee Report was published.

The Honourable Sir Nripendra Sircar: Yes, I only tried to fix the name. Now, this joint memorandum was signed by H. H. the Aga Khan, Sir Abdur Rahim, Mr. Jayakar, Dr. Gour, Mr. Shafaat Ahmad Khan, Mr. A. H. Ghuznavi, Sir Pheroze Sethna, Sardar Bhuta Singh, Sir Henry Gidney, Dr. Ambedkar, Zafrullah Khan, and last, but not the least, Mr. N. M. Joshi who has turned a complete somersault in the interest of labour.

Now, let us see how Mr. Joshi and Sir Abdur Rahim are proceeding in this joint memorandum. I am not suggesting to this House that whatever modifications they suggested or any of them have been accepted; that is not the point I am trying to argue. But let us see what they were willing to do, because we have heard such a lot from my Honourable friend, Mr. Jinnah, that there was really no agreement between anybody that an all-India Federation would work. I read from page 204:

"It is in the light of declaration of this policy that we have examined the White Paper proposals. The modifications we suggest do not affect the basic structure of the scheme."

Although they suggested certain modifications as to defining in a particular way certain safeguards, and so on, they did not affect the basic structure. But the matter does not rest here. When we come to the

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Federal Constitution, it is said at page 216 under the heading "Federal Legislature":

"We generally accept the proposals in the White Paper both as regards the composition of the Lower Federal Chamber and as regards the method of election."

And, now, my Honourable friend, Mr. Joshi, was waxing eloquent. "Don't you know the princes are autocrats? How can we have a Federation with autocrats?" For Heaven's sake, why did you put down your name in November, 1933? Has my friend discovered after November, 1933, that some of the princes are autocrats? They generally accepted the proposals in the White Paper both as regards the composition of the Lower Federal Chamber and as regards the method of election.

Then, Sir, take another little matter. We have heard so much as to why the officers appointed by the Secretary of State should have this privilege that they could not be dismissed by the Minister or censured by the Minister; and it has been said, as a matter of fact, that they will be the masters of the Ministers. Let me read from the Joint Memorandum:

"We now proceed to deal with the existing rights of officers appointed by the Secretary of State which ought to be guaranteed by the Statute. We may say at once that we have no objection to the proposals that the pensions, salaries and the privileges and rights relating to dismissal or any other form of punishment or censure should, in the case of the existing members of the all-India Services, be fully safeguarded by the Constitution."

This is one of the abominable safeguards.

Sir Cowasji Jehangir: That is about the existing members.

The Honourable Sir Nripendra Sircar: Even without Sir Cowasji Jehangir's interruption, I remember perfectly well that this is about existing members. But may I ask them why they agreed to the safeguarding? It is only because, I suggest, they were practical men and could take a view of the realities of the situation. They would not, like my Honourable friend, Mr. Bhulabhai Desai, be continually looking heavenwards, because, if you look down below, there are ugly sights to be seen. And the names which I have given to this House are a guarantee of strong common sense, and that, a reasonable view of things having been taken, they appended their signatures to this. In passing, I may remark that probably my Honourable friend, Mr. Joshi, in the cooler temperature of England, found his reasonableness increasing.

Then, Sir, we had an argument from my Honourable friend, Mr. Bhulabhai Desai, that "no one has accepted the Report; before there can be an agreement, there must be an offer and an acceptance". Quite true. In the Court of law, there can be no agreement until all the terms of the offer have been accepted. If you do not accept all the terms unconditionally, there is no agreement. What has that got to do with this? The question is what, having regard to our difficulties, having regard to all this insistence for safeguards, having regard to what was happening in these 5, 6 or 7 years, what, at the present moment, is the amount of advance which can be safely and reasonably offered? That is the question. What has that got to do with agreement? We have to find out, first of all, up to what distance the parties are willing to go together. That

is the problem; it is not a question of entering into an agreement in all details. And, if my Honourable friend will travel into Courts of law for his similes, may I give another one? We know that if there are four men each asking for eight annas of the property knowing well that there are only 16 annas to go round, and if an arbitrator is appointed and he gives four annas each, do not we know that every one will be dissatisfied? The very dissatisfaction of all the parties sometimes indicates that the decision has been just.

Now, Sir, there was another statement as regards the desirability of having a Constitution to which the "people would be reconciled". I desire to say one word about it. I learnt a very happy phrase from my Honourable friend, Mr. Bhulabhai Desai, and I am willing to learn more. Commenting on the Honourable the Home Member's speech, he said that he "translated into generalities". I am charmed with that expression, "translated into generalities". That is exactly what is happening. Let us put a little analysis in it. He spoke of a Constitution to which the "people" would be reconciled. May I know what people means there? If people means Hindus, *plus* Muslims, *plus* Europeans, *plus* Sikhs, and so on, it means a Constitution which will reconcile all these conflicting interests and elements. What is that Constitution? We end where we started from? What is the Constitution which will appeal to all these parties? Would the Hindus be reconciled to special electorates? Would the Muslims be reconciled to joint electorates? When you talk of people, remember this: you may be a nationalist, but do not forget that a nation is made up of communities. I would like to know further whether, if there were no religious safeguards, the people would be satisfied? Some part of the people may be satisfied and some may not. If every legal incidence following from paramountcy were abolished, what would happen? Would the people be satisfied? Yes, some, but others would be thoroughly dissatisfied. I do not want to proceed further with this; but I would ask you to remember that, as these matters are translated into generalities, you will have to analyse what it means.

We often hear the phrase that this does not come up to the minimum "National Demand". I ask you again, what is meant by the "National Demand"? Does the nation consist of all these communities, all these interests? If that is so, it means the minimum demand of all the communities. What is it? That is the problem which was discussed by these Round Table Conferences and the Select Committees and so on: it is no good talking in this general language of "National Demand" and "National Interest".

The next matter on which I might just say a word is about some of the different safeguards. My Honourable friend, Mr. Fuzlul Huq, is not here—I am very sorry, but I cannot wait for him: he made very heroic declarations, he gave expression to most exalted sentiments about Hindus and Muslims being brothers and what not. He said, provided the communal position stands, he is willing to take a "plunge into the unknown". That is to say, he can take his plunge into the unknown where matters of national interest are concerned: he can take a risk as regards reservation, as regards safeguards, as regards finances; but the communal decision is the one matter about which he cannot take a plunge into the unknown. He must know it beforehand.

[Sir Nripendra Sircar.]

Then, my Honourable friend, Mr. Lalchand Navalrai, put the separation of Sind in the forefront of his amendment: he says:

"Inasmuch as the Report of the Joint Parliamentary Committee recommends the separation of Sind from the Bombay Presidency against, amongst other weighty objections, the wishes of the entire Hindu population of Sind, bases the Constitution on the arbitrary Communal Award, gives no real power to the people of this country;"

he does not want it. Would anybody be deceived by this form as to what is really intended and what is troubling my Honourable friend, Mr. Lalchand Navalrai? It is the separation of Sind, and because it is not acceptable to the entire Hindu community, he is against the scheme. No doubt, at the very end, as a face-saving device, a clause has been tacked on that the scheme does not transfer any real power. Why put that at the end? The last ground is enough for saying that he does not want the scheme:

This reminds me of the story of a gentleman who was approached for a subscription to a football club: he said he had various reasons for not paying any subscription: first, because he thought it was a waste of time to indulge in football, secondly, as a believer in non-violence, he did not believe in these violent games; thirdly, because it was not really suited to the genius of this country; and the last was that he had no money. (Laughter.)

Mr. Lalchand Navalrai: So, you have no money for Sind being separated!

The Honourable Sir Nripendra Sircar: My Honourable friend, Mr. Asaf Ali, characterised the debate as wholly futile and that we were conducting discussions in an atmosphere of unreality. He might have completed the picture by saying that it is as unreal as the rejection in the rejection Resolution. As I have explained, if the discussion is futile, if the discussion is going on for three days, it is really not a matter for which we are to blame in any way. We only responded to a request which was made to us.

As regards my friend, Mr. Sham Lal's speech—I liked that very much—I find that his speech has been described in one of the papers this morning as consisting of a series of sabre-cuts—I do not know whether he will like that, being a perfectly non-violent man in a Gandhi cap, but there it is. What he said was that he was really concerned about the masses: he did not care about the classes, the capitalists, the well-to-do civil servants, and so on. I have not for one moment doubted that he is really interested in the masses, that he is trying his best to improve the condition of the masses. Another speaker from his side said, "The Congress stands for the masses." I agree, it stands: it never moves for the masses. We know something about what Congress is doing for the masses. In my province, a fund was raised of ten lakhs of rupees, called the Village Reconstruction Fund; not a single farthing was spent on any village reconstruction. (*An Honourable Member:* "Question.") The question can be answered by saying that it is perfectly true, and when the correspondence was published in every newspaper and repeated demands were made for accounts, no accounts were forthcoming: not one pice was proved to have been spent for any village. When a crore of rupees was raised for the Tilak Swarajya Fund, what was shown in return as having been done for the masses? . . .

An Honourable Member: Mass consciousness.

The Honourable Sir Nripendra Sircar: One of my friends has given me a very good answer. He said it was for rousing mass consciousness. That is all that they want to do, and they cannot rouse mass consciousness unless they themselves are well-fed, well-clothed and provided with motor cars to make trips for rousing their consciousness

An Honourable Member: Quoting from self-experience? (Laughter and Opposition Cheers.)

The Honourable Sir Nripendra Sircar: I am afraid I could not fully hear what was said, but I am talking of my friend's experience. Sir, we have seen enough of village destruction, but of village reconstruction very little. We have been told in the picturesque language of Sardar Mangal Singh that the Ministers of the future will be kicked like footballs. The Ministers in the Montagu-Chelmsford regime had to work without much funds, what have they done? They have done nothing. Look at the Reports on Education in India. The Hartog Committee condemned many of the methods of education followed in India, but paid a glowing tribute to the work done by the Ministers and recognised the fact that they were spending money on a far more lavish scale on educational improvements, and that the number of boys and girls was going up tremendously.

An Honourable Member: What about the percentage?

The Honourable Sir Nripendra Sircar: I hope my friend will not interrupt me. I should like to get on with my speech as I have got only six minutes more, otherwise I would have given him the figures.

An Honourable Member: Stories?

Mr. President (The Honourable Sir Abdur Rahim): Let the Honourable Member continue.

Another Honourable Member: Stories please.

The Honourable Sir Nripendra Sircar: You have your neighbour, Mr. Sham Lal, who surely has a much larger stock of stories. I immensely appreciated the story he gave us yesterday. He told us who among his friends were Rama, Lakshmana and Sita, but the only information he did not give the House was, who took the part of Hanuman, the Monkey-God. (Loud Laughter.)

Then, my friend, Mr. Gadgil, gave us a very short prescription. He was echoing the words uttered on a previous occasion by Mahatma Gandhi. What did he say? He said: "If the British people retire, there will be no law and order; it does not matter, we shall begin slaughtering one another but surely a time will come when we shall get exhausted and then we shall get settled down"—a wonderful recipe. It is not lacking in brevity, but, let us see, what it means.

"When we began the process of slaughtering one another and we had got exhausted, a few thousand Englishmen coming from a long distance of five thousand miles took possession of this vast country, and they have now settled down." That is how we shall settle down.

[Sir Nripendra Sircar.]

Now, Sir, I have really very little more to say, beyond pointing out to this House one thing. Sir, throughout this debate, which has now lasted three days, what has been made abundantly clear is that, in the Congress, there is a complete negation of ideas, a complete negation of policy, complete negation of any constructive suggestion. "Let us go on, something will happen, and let us continue under the present Constitution" this was the spirit that pervaded throughout the entire debate. No one has yet explained how we are better off.

An Honourable Member: Certainly it is much better to continue under the present Constitution than to accept the new scheme.

The Honourable Sir Nripendra Sircar: "Certainly" is an assertion and not an argument.

Maulana Shaukat Ali (Cities of the United Provinces: Muhammadan Urban): May I ask, Sir,

Mr. President (The Honourable Sir Abdur Rahim): Is it a personal explanation?

Maulana Shaukat Ali: Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Is it a point of order?

Maulana Shaukat Ali: Yes, Sir. (Laughter.)

Sir, I want some information, because I am a novice. Can the Honourable Member tell me to enable us to vote properly,—because, Sir, we are not a very clever lot of people, we don't know to use subtle arguments,—can the Honourable Member tell me whether there is a chance, if we all put our heads together to bring about an honourable peace, of our voice being heard by responsible people in Parliament, and whether there is any possibility of changing the Constitution to suit our needs? I want to know that.

The Honourable Sir Nripendra Sircar: Is that a point of order, Sir? (Laughter.)

Now, Sir, I shall conclude, and, in doing so, I shall only say this. I have not got the time to rebut all the criticisms that have been made, but I must say that some of the criticisms offered are very ill-informed, I will give only one instance. My friend, Mr. Satyamurti, said that this was a retrograde Constitution, and he cited various instances. One of those instances was, he said, that under the present Constitution it was only in the reserved departments that the Governor could interfere and do whatever he liked to do, the suggestion being that the Governor has no power to interfere with the transferred subjects. May I read section 52, para. 3 of the Government of India Act?

"In relation to transferred subjects, the Governor shall be guided by the advice of his Ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice",

—which, in plain English language, means, in every case and in every matter he can

Mr. S. Satyamurti: On a point of personal explanation, Sir. I said that under the Government of India Act, the Governor can interfere, with regard to legislation only concerning reserved subjects. I did not say that the Governor had any jurisdiction over other matters.

The Honourable Sir Nripendra Sircar: If I misunderstood my friend, I stand corrected. But may I use it for another purpose? We heard a story, and it was, I think, from our friend, Mr. Sham Lal, that these safeguards were like a man carrying a pistol in his pocket and going about the streets; he can discharge it at any moment he likes, and he will be the sole judge of the time or the occasion when the use of that pistol is rendered necessary. With reference to that, may I just point out one thing. This Act has been in operation now for more than 12 or 13 years. The pistol has always been in the pocket of the Governor. On how many occasions has that pistol been discharged?

Several Honourable Members: Several times.

The Honourable Sir Nripendra Sircar: If it has been used several times, then it only bears out that during the last 14 years, in the day to day administration only, in several instances it has been used, but it remains to be seen whether those several instances were not rare occasions when the power was used. (*Several Honourable Members:* "No, no.")

(Interruptions by Several Honourable Members.)

Mr. President (The Honourable Sir Abdur Rahim): Order, order, let the Honourable Member go on.

The Honourable Sir Nripendra Sircar: I am sorry, some of my friends do not like the truth, but, Sir, before I resume my seat, I would like to remind this House that we have now aspirations for a democratic form of Government which, by the way, is always expensive. We have our aspirations in that direction. Let us look at it from this practical point of view. How has it arisen? Was it due to our imbibing western ideas, was it due to our coming in contact with the British and the British administration which has been in existence in this country for over a century? If not, I would ask, why democracy has not made even this much of advance in other parts of India like the States or in the neighbouring country of Nepal? If that is the position, and if, during the last 30 years or 40 years, from an absolutely autocratic form of Government passing through many stages, we have come to the stage of Montagu-Chelmsford reforms, it cannot be doubted that the present scheme of reforms is distinctly another advance on the older state of affairs, and, if we have to make further advance, then the only reasonable and prudent course to follow would be to accept this, so that, at the next step, we may be in a better and stronger position. We certainly cannot take the advice of some of our friends opposite and say: "God is great, God will not keep Englishmen here for more than a few thousand centuries, let us not do anything. Something will happen".

Mr. President (The Honourable Sir Abdur Rahim): There are as many as twelve amendments to the original motion which has been moved by the Leader of the House. The first one stands in the name of Mr. Bhulabhai Desai and others, and it has been moved by Mr. Desai. That consists of two parts. It will perhaps meet the wishes of the Honourable Member if, at the present stage, the question as regards the first part only is put.

Bhai Parma Nand (West Punjab: Non-Muhammadan): On a point of order, Sir. I gave notice of my amendment first and I claim that it should have precedence over all other amendments. Therefore, I request you to put mine first.

Mr. President (The Honourable Sir Abdur Rahim): The Chair is not bound by the order in which these amendments are given notice of. As Mr. Desai's Party has given notice of this amendment,—and that Party is the Official Opposition in this House—the Chair, in its discretion, thinks that it will be in the interests of ascertaining the sense of the House better if that question is put first.

The question is:

“That for the original motion, the following be substituted:

“This Assembly is of opinion that the proposed scheme of Constitution for the Government of India is conceived in a spirit of Imperialist domination and economic exploitation and transfers no real power to the people of India and that the acceptance of such a constitution will retard instead of furthering the political and economic progress of India and recommends to the Governor General in Council to advise His Majesty's Government not to proceed with any legislation based on the said scheme.”

The Assembly divided.

[When the division was going on, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was occupied by Mr. Deputy President (Mr. Akhil Chandra Datta) for a while who vacated thereafter on Mr. President (The Honourable Sir Abdur Rahim) resuming it.]

Mr. President (The Honourable Sir Abdur Rahim): One Honourable Member who is unable to go to the lobbies will have his vote recorded. The Chair, therefore, directs the Tellers of “Ayes” and “Noes” Lobbies to go to the Honourable Member and have his vote recorded. The Chair wishes the same procedure to be followed with regard to this Honourable Member if there be any further division in connection with these motions.

AYES—61.

Aaron, Mr. Samuel.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Ba Si, U
Banerjee, Dr. P. N.
Baqi, Mr. M. A.
Bardaloi, Srijut N. C.
Bhagavan Das, Dr.
Chattopadhyaya, Mr. Amarendra Nath.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Semi Venkatachalam.
Das, Mr. B.
Das, Mr. Basanta Kumar.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Fakir Chand, Mr.
Gadgil, Mr. N. V.
Giri, Mr. V. V.
Govind Das, Seth.
Gupta, Mr. Ghansham Singh.
Hosmani, Mr. S. K.
Iswar Saran, Munshi.
Jedhe, Mr. K. M.
Jogendra Singh, Sirdar.
Joshi, Mr. N. M.
Khan Sahib, Dr.
Khare, Dr. N. B.

Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Maitra, Pandit Lakshmi Kanta.
Mangal Singh, Sardar.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kasmi, Qazi.
Nageswara Rao, Mr. K.
Paliwal, Pandit Sri Krishna Dutta.
Pant, Pandit Govind Ballabh.
Parma Nand, Bhai.
Raghubir Narayan Singh, Oboudhari.
Rajan, Dr. T. S. S.
Raju, Mr. P. S. Kumaraswami.
Ranga, Prof. N. G.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Satyamurti, Mr. S.
Sham Lal, Mr.
Sheodass Daga, Seth.
Sherwani, Mr. T. A. K.
Singh, Mr. Deep Narayan.
Singh, Mr. Ram Narayan.
Sinha, Mr. Anugrah Narayan.
Sinha, Mr. Satya Narayan.
Sinha, Mr. Shri Krishna.
Som, Mr. Surya Kumar.
Sri Prakasa, Mr.
Thein Maung, Dr.
Thein Maung, U
Verma, Mr. B. B.
Vissanji, Mr. Mathuradas.

NOES—72.

Abdoola Haroon, Seth Haji.
 Abdul Matin Chaudhury, Mr.
 Abdullah, Mr. H. M.
 Ahmad Nawaz Khan, Major Nawab.
 Allah Bakhsh Khan Tiwana, Khan
 Bahadur Nawab Malik.
 Anwar-ul-Azim, Mr. Muhammad.
 Ayyar, Rao Bahadur A. A.
 Venkatarama.
 Badi-uz-Zaman, Maulvi.
 Bajoria, Babu Baijnath.
 Bajpai, Mr. G. S.
 Bhore, The Honourable Sir Joseph.
 Buss, Mr. L. C.
 Chatarji, Mr. J. M.
 Clow, Mr. A. G.
 Craik, The Honourable Sir Henry.
 Dalal, Dr. R. D.
 DeSouza, Dr. F. X.
 Dow, Mr. H.
 Drake, Mr. D. H. C.
 Ebrahim Haroon Jaffer, Mr. Ahmed.
 Essak Sait, Mr. H. A. Sathar H.
 Fazl-i-Haq Piracha, Khan Sahib
 Shaikh.
 Gajapatiraj, Maharaj Kumar Vijaya
 Ananda.
 Gauba, Mr. K. L.
 Ghiasuddin, Mr. M.
 Ghulam Bhik Nairang, Syed.
 Ghuznavi, Mr. A. H.
 Gidney, Lieut.-Colonel Sir Henry.
 Graham, Sir Lancelot.
 Grigg, The Honourable Sir James.
 Hockenhill, Mr. F. W.
 Hossack, Mr. W. B.
 Hudson, Sir Leslie.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur
 Sardar Sir.
 Jehangir, Sir Cowasji.
 Jinnah, Mr. M. A.
 Kirpalani, Mr. Hiranand Khushiram.

Lal Chand, Captain Rao Bahadur
 Chaudhri.
 Lindsay, Sir Darcy.
 Mehr Shah, Nawab Sahibzada Sir
 Sayad Muhammad.
 Metcalfe, Mr. H. A. F.
 Milligan, Mr. J. A.
 Mody, Mr. H. P.
 Monteath, Mr. J.
 Morgan, Mr. G.
 Muhammad Nauman, Mr.
 Mukharji, Mr. N. R.
 Mukherjee, Rai Bahadur Sir Satya
 Charan.
 Muzaffar Khan, Khan Bahadur-
 Nawab.
 Nayar, Mr. C. Govindan.
 Noyce, The Honourable Sir Frank.
 Owen, Mr. L.
 Raisman, Mr. A. J.
 Rajah, Raja Sir Vasudeva.
 Rajan Bakhsh Shah, Khan Bahadur
 Makhdum Syed.
 Rau, Mr. P. R.
 Sarma, Mr. R. S.
 Scott, Mr. J. Ramsay.
 Scott, Mr. W. L.
 Shaft Daudi, Maulvi Muhammad.
 Sher Muhammad Khan, Captain
 Sardar.
 Siddique Ali Khan, Khan Sahib
 Nawab.
 Singh, Mr. Pradyumna Prashad.
 Sinha, Raja Bahadur Harihar Prasad
 Narayan.
 Sircar, The Honourable Sir
 Nripendra.
 Sloan, Mr. T.
 Swithinbank, Mr. B. W.
 Tottenham, Mr. G. R. F.
 Umar Aly Shah, Mr.
 Yakub, Sir Muhammad.
 Ziauddin Ahmad, Dr.

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): There are other amendments which ask that there shall be no legislation based on the scheme of the Joint Parliamentary Committee's Report. All these amendments are barred. That is, the second amendment standing in the name of Mr. Desai and others, No. 7 standing in the name of Bhai Parmo Nand, No. 8 standing in the name of Dr. P. N. Banerjee, No. 9 standing in the name of Mr. Suryya Kumar Som, No. 10 standing in the name of Sardar Sant Singh and No. 12 standing in the name of Mr. Lalehand Navalrai.

Now, as to the amendment standing in the name of Mr. Jinnah. That is divided into three parts. One relates to the Communal Award. It wants that the Communal Award should be accepted. No. 2 relates to the scheme of Provincial Governments and No. 3 to the scheme of Central Government. The Chair proposes to take the first part, that is to say, the amendment relating to the Communal Award, separately from the other two. Nos. 2 and 3 will be taken together, as both are intended to formulate a scheme of Government.

Bhai Parma Nand: On a point of order.....

Mr. President (The Honourable Sir Abdur Rahim): Order, order. To the first part of Mr. Jinnah's amendment, the second part of the amendment of Mr. Desai, which the Chair has not yet put to the vote, may be moved as an amendment if he chooses.

Mr. Bhulabhai Desai: Yes, I formally move the second part of my amendment as an amendment to the first part of Mr. Jinnah's amendment that:

"As regards the Communal Award, this Assembly deems it most conducive to national harmony and to a solution by mutual agreement of the problems involved that it should refrain from expressing any opinion at the present juncture either accepting or rejecting the Communal Award."

Mr. President (The Honourable Sir Abdur Rahim): The amendment of which Mr. Jinnah has given notice is:

"That this Assembly accepts the Communal Award, so far as it goes, until a substitute is agreed upon by the various communities concerned."

The question the Chair has to put is:

"That for the first part of Mr. Jinnah's amendment which has just been read out, the following be substituted:

"As regards the Communal Award, this Assembly deems it most conducive to national harmony and to a solution by mutual agreement of the problems involved that it should refrain from expressing any opinion at the present juncture either accepting or rejecting the Communal Award."

The Assembly divided:

AYES—44.

Asaf Ali, Mr. M.
Ayyangar, Mr. M. Anarthasayanam.
Baqi, Mr. M. A.
Bardaloi, Srijiut N. C.
Bhagavan Das, Dr.
Chettiar, Mr. T. S. Avinashilingam.
Das, Mr. B.
Das, Mr. Basanta Kumar.
Das, Pandit Nilakantha.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Gadgil, Mr. N. V.
Giri, Mr. V. V.
Govind Das, Seth.
Gupta, Mr. Ghansham Singh.
Hosmani, Mr. S. K.
Iswar Saran, Munshi.
Jedhe, Mr. K. M.
Jogendra Singh, Birdar.
Khan Sahib, Dr.
Khare, Dr. N. B.
Mudaliar, Mr. C. N. Muthuranga.
Nageswara Rao, Mr. K.

Paliwal, Pandit Sri Krishna Dutta.
Pant, Pandit Govind Ballabh.
Raghbir Narayan Singh, Choudhri.
Rajah, Raja Sir Vasudeva.
Rajan, Dr. T. S. S.
Raju, Mr. P. S. Kumaraswami.
Ranga, Prof. N. G.
Saksena, Mr. Mohan Lal.
Satyamurti, Mr. S.
Sham Lal, Mr.
Sheodass Daga, Seth.
Sherwani, Mr. T. A. K.
Singh, Mr. Deep Narayan.
Singh, Mr. Ram Narayan.
Sinha, Mr. Anugrah Narayan.
Sinha, Mr. Satya Narayan.
Sinha, Mr. Shri Krishna.
Sinha, Raja Bahadur Harihar Prasad
Narayan.
Sri Prakasa, Mr.
Varma, Mr. B. B.
Vissanji, Mr. Mathuradas.

NOES—84.

Abdoola Haroon, Seth Haji.
 Abdul Matin Chaudhury, Mr.
 Abdullah, Mr. H. M.
 Ahmad Nawaz Khan, Major Nawab.
 Allah Bakhsh Khan Tiwana, Khan
 Bahadur Nawab Malik.
 Aney, Mr. M. S.
 Anwar-ul-Azim, Mr. Muhammad.
 Ayyar, Rao Bahadur A. A.
 Venkatarama.
 Azhar Ali, Mr. Muhammad.
 Badi-uz-Zaman, Maulvi.
 Bajoria, Babu Baijnath.
 Bajpai, Mr. G. S.
 Banerjee, Dr. P. N.
 Bhore, The Honourable Sir Joseph.
 Buss, Mr. L. C.
 Chatarji, Mr. J. M.
 Chattopadhyaya, Mr. Amarendra
 Nath.
 Clow, Mr. A. G.
 Craik, The Honourable Sir Henry.
 Dalal, Dr. R. D.
 Datta, Mr. Akhil Chandra.
 DeSouza, Dr. F. X.
 Dew, Mr. H.
 Drake, Mr. D. H. C.
 Ebrahim Haroon Jaffer, Mr. Ahmed.
 Essak Sait, Mr. H. A. Sathar H.
 Fakir Chand, Mr.
 Fazl-i-Haq Piracha, Khan Sahib
 Shaikh.
 Gauba, Mr. K. L.
 Ghasuddin, Mr. M.
 Ghulam Bhik Nairang, Syed.
 Ghuznavi, Mr. A. H.
 Gidney, Lieut.-Colonel Sir Henry.
 Graham, Sir Lancelot.
 Grigg, The Honourable Sir James.
 Hockenhull, Mr. F. W.
 Hossack, Mr. W. B.
 Hudson, Sir Leslie.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur
 Sardar Sir.
 Jinnah, Mr. M. A.
 Joshi, Mr. N. M.
 Kirpalani, Mr. Hiranand Khushiram.
 Lahiri Chaudhury, Mr. D. K.

Lal Chand, Captain Rao Bahadur
 Chaudhri.
 Lalchand Navalrai, Mr.
 Lindsay, Sir Darcy.
 Maitra, Pandit Lakshmi Kanta.
 Mangal Singh, Sardar.
 Mehr Shah, Nawab Sahibzada Sir
 Sayed Muhammad.
 Metcalfe, Mr. H. A. F.
 Milligan, Mr. J. A.
 Mody, Mr. H. P.
 Monteath, Mr. J.
 Morgan, Mr. G.
 Muhammad Ahmad Kazmi, Qazi.
 Muhammad Nauman, Mr.
 Mukharji, Mr. N. R.
 Mukherjee, Rai Bahadur Sir Satya
 Charan.
 Murtuza Sahib Bahadur, Maulvi
 Syed.
 Muzaffar Khan, Khan Bahadur
 Nawab.
 Nayar, Mr. C. Govindan.
 Noyce, The Honourable Sir Frank.
 Owen, Mr. L.
 Parma Nand, Bhai.
 Raisman, Mr. A. J.
 Rajan Bakhsh Shah, Khan Bahadur
 Makhdum Syed.
 Rau, Mr. P. R.
 Sant Singh, Sardar.
 Sarma, Mr. R. S.
 Scott, Mr. J. Ramsay.
 Scott, Mr. W. L.
 Shafi Daudi, Maulvi Muhammad.
 Shaikat Ali, Maulana.
 Sher Muhammad Khan, Captain
 Sardar.
 Siddique Ali Khan, Khan Sahib
 Nawab.
 Singh, Mr. Pradyumna Prashad.
 Sloan, Mr. T.
 Som, Mr. Surya Kumar.
 Swithinbank, Mr. B. W.
 Tottenham, Mr. G. R. F.
 Umar Aly Shah, Mr.
 Yakub, Sir Muhammad.
 Ziauddin Ahmad, Dr.

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): The House has now come to Mr. Jinnah's original amendment. The question is:

"That the first part of Mr. Jinnah's amendment, namely:
 'That this Assembly accepts the Communal Award, so far as it goes, until a
 substitute is agreed upon by the various communities concerned',
 do stand part of his amendment."

The Assembly divided:

AYES—68.

Abdoola Haroon, Seth Haji.
 Abdul Matin Chaudhury, Mr.
 Abdullah, Mr. H. M.
 Ahmad Nawaz Khan, Major Nawab.
 Allah Bakhsh Khan Tiwana, Khan
 Bahadur Nawab Malik.
 Anwar-ul-Azim, Mr. Muhammad.
 Ayyar, Rao Bahadur A. A.
 Venkatarama.
 Azhar Ali, Mr. Muhammad.
 Badi-uz-Zaman, Maulvi.
 Bajpai, Mr. G. S.
 Bhere, The Honourable Sir Joseph.
 Buss, Mr. L. C.
 Chatarji, Mr. J. M.
 Chow. Mr. A. G.
 Craik, The Honourable Sir Henry.
 Datal, Dr. R. D.
 DeSouza, Dr. F. X.
 Dow, Mr. H.
 Drake, Mr. D. H. C.
 Ebrahim Haroon Jaffer, Mr. Ahmed.
 Essak Sait, Mr. H. A. Sathar H.
 Fazl-i-Haq Piracha, Khan Sahib
 Shaikh.
 Gauba, Mr. K. L.
 Ghiasuddin, Mr. M.
 Ghulam Bhik Nairang, Syed.
 Ghuznavi, Mr. A. H.
 Gidney, Lieut.-Colonel Sir Henry.
 Graham, Sir Lancelot.
 Grigg, The Honourable Sir James.
 Hockenhull, Mr. F. W.
 Hossack, Mr. W. B.
 Hudson, Sir Leslie.
 James, Mr. F. E.
 Jinnah, Mr. M. A.
 Joshi, Mr. N. M.
 Kirpalani, Mr. Hiranand Khushiram.

Lindsay, Sir Darcy.
 Mehr Shah, Nawab Sahibzada Sir
 Sayad Muhammad.
 Metcalfe, Mr. H. A. F.
 Milligan, Mr. J. A.
 Mody, Mr. H. P.
 Monteath, Mr. J.
 Morgan, Mr. G.
 Muhammad Ahmad Kazmi, Qazi.
 Muhammad Nauman, Mr.
 Mukharji, Mr. N. R.
 Murtuza Sahib Bahadur, Maulvi
 Syed.
 Muzaffar Khan, Khan Bahadur
 Nawab.
 Nayar, Mr. C. Govindan.
 Noyce, The Honourable Sir Frank.
 Owen, Mr. L.
 Raisman, Mr. A. J.
 Rajan Bakhsh Shah, Khan Bahadur
 Makhdum Syed.
 Rau, Mr. P. R.
 Sarma, Mr. R. S.
 Scott, Mr. J. Ramsay.
 Scott, Mr. W. L.
 Shafi Daudi, Maulvi Muhammad.
 Shauket Ali, Maulana.
 Sher Muhammad Khan, Captain
 Sardar.
 Siddique Ali Khan, Khan Sahib
 Nawab.
 Singh, Mr. Pradyumna Prashad.
 Sloan, Mr. T.
 Swithinbank, Mr. B. W.
 Tottenham, Mr. G. R. F.
 Umar Aly Shah, Mr.
 Yakub, Sir Muhammad.
 Ziauddin Ahmad, Dr.

NOES—15.

Aner, Mr. M. S.
 Bajoria, Babu Baijnath.
 Banerjee, Dr. P. N.
 Chattopadhyaya, Mr. Amarendra
 Nath.
 Datta, Mr. Akhil Chandra.
 Deshmukh, Dr. G. V.
 Fakir Chand, Mr.

Lahiri Chaudhury, Mr. D. K.
 Lalchand Navalrai, Mr.
 Maitra, Pandit Lakshmi Kanta.
 Mangal Singh, Sardar.
 Parme Nand, Bhai.
 Rajah, Raja Sir Vasudeva.
 Sant Singh, Sardar.
 Som, Mr. Surya Kumar.

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): Now, we have parts 2 and 3 of Mr. Jinnah's amendment.

Mr. A. H. Ghuznavi: Sir, as regards the two other parts of the amendment of Mr. Jinnah, I suggest it would be better to put them separately. Some of us may not be able to vote with him on the third part, while we may be willing to vote for his second part. Moreover, the two parts relate to different subjects.

Mr. Bhulabhai J. Desai: I submit that in any event of the case, the two parts are incapable of division. Undoubtedly in that sense, we might as well have caused every single section of the intended Bill to be put before the House, so that this House might express its opinion on each of the sections. Apart from what has happened earlier, the alternative, suggested by Mr. Jinnah, is a part of the whole scheme of Constitutional Reforms and the question is whether that alternative scheme should prevail in the opinion of the House or not.

Sir Cowasji Jehangir: Mr. President, there are two different issues to be placed before the House by Mr. Jinnah's amendment, parts 2 and 3. Since I personally would like to vote for part 2 of Mr. Jinnah's amendment, I think it would be preferable if they are put separately. (Hear, hear.) I think a large majority of this House desire to vote on the second part.....

Some Honourable Members: No, no.

Sir Cowasji Jehangir: Mr. President, it is getting a little too much of a good thing that, as soon as one expresses an opinion different from that held by certain Honourable Members of this House, then comes forth immediately several cries of no, no. This is a question of procedure, it is not a question of opinion. I should be allowed to put my view with regard to the procedure to be followed without being interrupted.

Some Honourable Members: Oh! Oh!

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's protest is perfectly justified.

Sir Cowasji Jehangir: I think they are two different issues, and, of course, if you put those two together, some of us necessarily may have to vote against it, while we are anxious to vote for one of the parts.

Dr. N. B. Khare: Sir, I rise to a point of order. You have already ruled that both the parts should be taken together. Is the Honourable Member in order to question your ruling?

The Honourable Sir Nripendra Sircar: Sir, you were good enough to send for the Leaders this morning, and I certainly understood from Mr. Jinnah that he wanted the three to be put separately.

Mr. M. A. Jinnah: Is it open to the Honourable the Leader of the House to disclose any conversation that might have taken place not on the floor of the House, but in private?

Mr. President (The Honourable Sir Abdur Rahim): That conversation was not confidential, and, as a matter of fact, the Chair has itself stated more than once what happened in the President's Chamber when the Leaders of Parties were consulted.

The Honourable Sir Nripendra Sircar: I am not suggesting that he is estopped by it or that he cannot change his mind. What I do point out is a thing which relates to the merit of the question and it is unfair to change without notice. We look at it in this way. Supposing a person is of the opinion that legislation should not be proceeded with on the scheme of an all-India Federation and his opinion further is that, as

[Sir Nripendra Sircar.]

regards the scheme of Provincial Government, it is quite satisfactory and the Second Chambers and extraordinary and special rules, etc., are not objectionable, then the two matters are quite distinct. If a person has one opinion on one thing and another opinion on another thing, the two things are quite different. That is my submission. I may agree with my Honourable friend, Mr. Jinnah, that I will not have legislation on this all-India Federation, but I may disagree with him as regards the Provincial Governments.

Mr. M. A. Jinnah: As I am in charge of this amendment, I must make my position quite clear to this House. It is perfectly correct that my original intention was that this amendment should be put in three parts. It has been pressed upon me, and I find a very strong reason why I should yield, that parts 2 and 3 should be put together. And the strong reason is this. The amendment says, 'That for the original motion, the following be substituted'. Therefore, one part being carried, which is purely a question of the Communal Award, the second part is the constitutional part. And, therefore, if I have to move as a substitute, both must be put together. I was impressed and saw the reason of this, and, I am, therefore, perfectly willing to agree to it.

Mr. A. H. Ghurnavi: Sir, on a point of information. I should like to know what is the real difference between Mr. Jinnah's amendment, part 3, and the barred amendments?

Mr. President (The Honourable Sir Abdur Rahim): The barred amendments related to the whole scheme and were exactly like the one already voted upon.

Mr. Deep Narayan Singh (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): The barred amendments did not say anything about the Communal Award while this includes it, and that is a big difference.

The Honourable Sir Nripendra Sircar: I want to say only one word.

Mr. M. A. Jinnah: Sir, I ask for your ruling. Is the Honourable the Leader of the House entitled to speak twice on a question of procedure?

The Honourable Sir Nripendra Sircar: With the permission of the Chair, I can speak twice.

Mr. M. A. Jinnah: I want your ruling, Sir, as to whether the Honourable the Leader of the House can speak twice on a question of procedure.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think it is the practice to allow one Honourable Member to speak more than once. The Chair thought, as a matter of fact, that he was saying something by way of personal explanation.

This is really not a matter on which, so far as I know, there are any precedents for the Chair's guidance. The Chair has, therefore, to decide the point of order raised on *a priori* grounds. The Chair does think that, as the Honourable the Mover says, it is part of a scheme, and if the two parts are put separately to the vote, it may be very difficult to ascertain what the views of the House are as regards the scheme which is embodied in the Joint Parliamentary Committee Report. The Chair

will, therefore, put both these parts together as it thinks that that will enable it to ascertain the sense of the House as regards the amendments sought in the scheme of Government as expounded in the Joint Parliamentary Committee Report.

The question is:

"That the following do stand part of Mr. Jinnah's amendment :

2. As regards the scheme of Provincial Governments, this House is of opinion that it is most unsatisfactory and disappointing, inasmuch as it includes various objectionable features, particularly the establishment of Second Chambers, the Extra-ordinary and Special powers of the Governors, provisions relating to Police rules, Secret Service and Intelligence Departments, which render the real control and responsibility of the Executive and Legislature ineffective and therefore unless these objectionable features are removed, it will not satisfy any section of Indian opinion.

3. With respect to the scheme of the Central Government, called 'All-India Federation' this House is clearly of opinion that it is fundamentally bad and totally unacceptable to the people of British India and therefore recommends to the Government of India to advise His Majesty's Government not to proceed with any legislation based on this scheme and urges that immediate efforts should be made to consider how best to establish in British India alone a real and complete Responsible Government and with that view take steps to review the whole position in consultation with Indian opinion without delay."

The Assembly divided:

AYES—74.

Abdul Matin Chaudhury, Mr.
Aney, Mr. M. S.
Anwar-ul-Azim, Mr. Muhammad.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Ba Si, U
Badi-uz-Zaman, Maulvi.
Banerjee, Dr. P. N.
Baqi, Mr. M. A.
Bardaloi, Srijut N. C.
Bhagavan Das, Dr.
Chattopadhyaya, Mr. Amarendra
Nath.
Chettiar, Mr. T. S. Avinashilingam.
Das, Mr. B.
Das, Mr. Basanta Kumar.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Essak Sait, Mr. H. A. Sathar H.
Fakir Chand, Mr.
Gadgil, Mr. N. V.
Gauba, Mr. K. L.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Giri, Mr. V. V.
Govind Das, Seth.
Gupta, Mr. Ghanshiam Singh.
Hosmani, Mr. S. K.
Iwar Saran, Munshi.
Jedhe, Mr. K. M.
Jinnah, Mr. M. A.
Jogendra Singh, Sirdar.
Joshi, Mr. N. M.
Khan Sahib, Dr.
Khare, Dr. N. B.
Lahiri Chaudhury, Mr. D. K.

Lalchand Navalrai, Mr.
Maitra, Pandit Lakshmi Kanta.
Mangal Singh, Sardar.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Muhammad Nauman, Mr.
Murtuza Sahib Bahadur, Maulvi
Syed.
Nageswara Rao, Mr. K.
Paliwal, Pandit Sri Krishna Dutta.
Pant, Pandit Govind Ballabh.
Raghunath Narayan Singh, Choudhri.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Rajan, Dr. T. S. S.
Raju, Mr. P. S. Kumaraswami.
Ranga, Prof. N. G.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Satyamurti, Mr. S.
Shefi Daudi, Maulvi Muhammad.
Sham Lal, Mr.
Sheodasa Daga, Seth.
Sherwani, Mr. T. A. K.
Siddique Ali Khan, Khan Sahib
Nawab.
Singh, Mr. Deep Narayan.
Singh, Mr. Ram Narayan.
Sinha, Mr. Anugrah Narayan.
Sinha, Mr. Satya Narayan.
Sinha, Mr. Shri Krishna.
Som, Mr. Surva Kumar.
Sri Prakasa, Mr.
Thein Maung, Dr.
Thein Maung, U
Umar Aly Shah, Mr.
Varma, Mr. B. B.
Vissanii, Mr. Mathuradas.
Ziauddin Ahmad, Dr.

NOES—58.

Abdoola Haroon, Seth Haji.
Abdullah, Mr. H. M.
Ahmad Nawaz Khan, Major Nawab.
Allah Bakhsh Khan Tiwana, Khan Bahadur Nawab Malik.
Ayyar, Rao Bahadur A. A. Venkatarama.
Bajoria, Babu Baijnath.
Bajpai, Mr. G. S.
Bhore, The Honourable Sir Joseph.
Buss, Mr. L. C.
Chatarji, Mr. J. M.
Clow, Mr. A. G.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Dow, Mr. H.
Drake, Mr. D. H. C.
Ebrahim Haroon Jaffer, Mr. Ahmed.
Fazi-i-Haq Piracha, Khan, Sahib Shaikh.
Gajapatiraj, Maharaj Kumar Vijaya Ananda.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel Sir Henry.
Graham, Sir Lancelot.
Grigg, The Honourable Sir James.
Hockenhull, Mr. F. W.
Hossack, Mr. W. B.
Hudson, Sir Leslie.
James, Mr. F. E.
Jawabar Singh, Sardar Bahadur Sardar Sir.
Jehangir, Sir, Cowasji.
Kirpalani, Mr. Hiranand Khushiram.

Lal Chand, Captain Rao Bahadur Chaudhri.
Lindsay, Sir Darcy.
Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad.
Metcalfe, Mr. H. A. F.
Miligan, Mr. J. A.
Mody, Mr. H. P.
Monteath, Mr. J.
Morgan, Mr. G.
Mukharji, Mr. N. R.
Mukherjee, Rai Bahadur Sir Satya Charan.
Muzaffar Khan, Khan Bahadur Nawab.
Nayar, Mr. C. Govindan.
Noyce, The Honourable Sir Frank.
O'veu, Mr. L.
Raisman, Mr. A. J.
Rajah, Raja Sir Vasudeva.
Rau, Mr. P. R.
Sarma, Mr. R. S.
Scott, Mr. J. Ramsay.
Scott, Mr. W. L.
Sher Muhammad Khan, Captain Sardar.
Singh, Mr. Pradyumna Prashad.
Sinha, Raja Bahadur Harihar Prasad Narayan.
Sircar, The Honourable Sir Nripendra.
Sloan, Mr. T.
Swithinbank, Mr. B. W.
Tottenham, Mr. G. R. F.
Yakub, Sir Muhammad.

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has now put the entire amendment to the House:

“That for the original motion, the following the substituted.....”

Mr. Bhulabhai J. Desai: On a point of order, Sir: this is not a case of a substitution of a clause in a Bill by way of substantive motion. We have had the opinion of the House as it was competent for you to ascertain it. I would refer to section 145—or rather paragraph 145 of the Manual. It is really defeating the purpose of that rule. Rule 145 says:

“When any Resolution involving several points has been discussed, it shall be in the discretion of the President to divide the Resolution and put each or any part separately to the vote as he thinks fit.”

Therefore, that has been done, and the vote has now been recorded, and there is nothing more left.

The Honourable Sir Nripendra Sircar: Rule 145 has nothing to do with it. The Resolution which was put to the House was that such and such things stand part of the amendment. The next one was that somebody else's stand part of the amendment. The practice in this House is that

the amendment has got to be put before the House (*Several Honourable Members*: "No, no.") That has been the systematic and universal practice in this House. Rule 145 merely says:

"When any Resolution involving several points has been discussed, it shall be in the discretion of the President to divide the Resolution and put each or any part separately to the vote as he may think fit."

Now, that has been done. But what has not been done is that no amendment has yet been put to the House. What was put is that (a), (b) and (c) stand part of the amendment, then the (d), (e) and (f) stand part of the amendment. But what is the amendment that is going to be put before the House? Mr. President, I would ask you to remember what is the course that is followed in this House and to judge for yourself as to whether, because the Resolution has been divided and put to the vote separately, therefore, the amendment has not got to be put to the House. That has never been put to the House.

Mr. M. A. Jinnah: I submit, Sir, that if you are going to adopt this procedure, you will reduce the whole thing to a perfect farce. That is what the Government want. (Hear, hear), and I hope that you will not be a party to that, because the Government desire it. I want you, Sir, to decide this matter on merits. What was the motion? The motion was that the Report be taken into consideration. It does not say whether you should accept the Report or not. Now, that being the nature of the motion, you have got three propositions which deal with rather two subjects now. There were three propositions before, but there are only two now. One is the Communal Award. The House had decided in favour of the Communal Award. Then it becomes a proposition. It is not an amendment in the strict sense of the word. The House then says 2 and 3, that so far as the constitutional scheme is concerned, this is our opinion. It is not an amendment, it is a proposition, and these two propositions having been accepted by the House, I say it will be a farce to say that you should put the whole of it, having put it separately in order to ascertain the view of the House.

Mr. President (The Honourable Sir Abdur Rahim): The Chair would like to know what the Honourable Member has to say. The Chair was proposing the question that for the original motion the following be substituted. That has not been put to the House.

Mr. M. A. Jinnah: Perfectly true, but the House has decided that for the original motion the other one be substituted. It is decided. . . .

The Honourable Sir Nripendra Sircar: No, no.

Mr. M. A. Jinnah: It has been decided by the House that for the original motion, No. 1—the Communal Award—be substituted. That is the proposition which has been accepted, surely. Otherwise, there is no meaning. Why did you put them separately then? The whole object of putting it separately was to ascertain the true opinion of the House on each point. You have ascertained that opinion. That opinion stands. There is no regular motion in the strict sense of the word, and there is no regular amendment in the strict sense of the word, and, therefore, we cannot follow the procedure which has been suggested to you. It is not a motion in the strict sense of the word, nor is it an amendment; they are propositions, and you, Sir, yourself accepted the position that they should be put separately as propositions. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Chair was simply trying to meet the desire of the Honourable Members.

Mr. M. A. Jinnah: If you will kindly refer to the rule, Sir, you will see that it is entirely within your discretion. You will also find that in rule 144, it is entirely in your discretion, and you will find that clause (2) of rule 144 says this:

"It shall be in the discretion of the President to put first to the vote either the original motion or any of the amendments which may have been brought forward . . ."

The Honourable Sir Nripendra Sircar: Quite right.

Mr. M. A. Jinnah: Even then you would not put the motion last. You can put the motion first if you like and then put the amendment, or put the amendment first and the motion afterwards, but in this case there is no motion in the strict sense of the word.

Maulvi Muhammad Shafi Daudi (Tirhut Division: Muhammadan): Sir, we have got a precedent now in this matter. You have allowed part 1 of Mr. Bhulabhai Desai's motion to be voted upon, and then you put the second part of his motion also to be voted upon (*Several Honourable Members*: "No, no.") Yes, certainly, and after the two were voted upon. Sir, you did not put the two together.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, the amendment was tabled by Mr. Jinnah in three parts, and the whole of the amendment formed one complete whole. It was really for the sake of convenience of voting that you allowed the House to vote on 1, 2, and 3 separately. It is always open to the Chair to take the voting on the amendment as a whole or on each part separately. It was only for the sake of convenience that you allowed the House to vote on these separately.

Sir Lancelot Graham (Secretary, Legislative Department): Sir, I will only ask you to remember that the questions that you put to the House were that two separate propositions stand part of the amendment. As I understand the position, we have now built up the amendment in a form to be put before the House. It is still open to you, Sir, to say that this is an amendment which raises more than one issue, and to put the issues separately. The House has not come to a final decision. That is the point you have to put. We have done nothing with respect to the original motion. We have, by a process of divisions, built up an amendment. It is for you, Sir, to decide how you will put the amendment. I think that is a position which will be fair to all sides of the House.

Mr. S. Satyamurti: May I say one word? This rule gives you discretion to divide the motion and put it in parts. It will defeat the very purpose of this rule, if you accede to this proposition. I appeal to you as the custodian of the rights of this House to vindicate the right of this House to express its opinion on different parts.

Mr. T. A. K. Sherwani (Agra Division: Muhammadan Rural): There was a motion put before the House that a certain report should be considered, which really meant that the House should express its opinion on

that particular report, and the House has given its opinion. ("No, no," from the Official Benches.) The House has given its opinion on that report. Instead of in one part, it has given its opinion in two parts. What vote remains? I cannot understand. What more remains? You want the opinion of the House on the Joint Parliamentary Committee Report and the House has given its opinion on the Joint Parliamentary Committee Report. That is the only thing you wanted and I respectfully submit that there is nothing which remains and it is only mischief on the part of the Government.

Mr. President (The Honourable Sir Abdur Rahim): This point of order, so far as the Chair knows, has arisen for the first time, and the Chair has not been referred to any previous ruling on the subject. The Rules and Standing Orders do not exactly cover a case like this. There can be no doubt, however, that the Chair has the discretion to put different parts of a motion like this to the vote of the House. The Chair has now to consider what is the effect of the votes that have already been taken. The original motion was merely that the Report of the Joint Parliamentary Committee be taken into consideration. The Chair takes it that the only object of that motion was to elicit the opinion of the House on the scheme embodied in that Report as far as possible, and, by the votes which the House has given on Mr. Jinnah's amendment, it has recommended to the Government of India to convey to His Majesty's Government three propositions, one as regards the Communal Award, and the others as regards the provincial scheme of Government and the scheme for Central Government. This is very different from a 'motion for consideration' of a Bill which this House can deal with finally or any other motion containing definite substantive proposals. The opinion of the House has been expressed on the Report, and, therefore, the question that has been raised relates only to the form in which the decisions of this House should be recorded. No doubt, the amendment of Mr. Jinnah was that "For the original motion, the following be substituted". The Chair is not at all certain itself that that was the proper form, but any way, that is the form which has been used in a similar case before, and the Chair believes it has only been copied in this case. The whole position is that the decision of this House on the propositions put forward in this amendment or motion of Mr. Jinnah have to be forwarded to His Majesty's Government for information. The Chair does not think, having regard to the nature of the motion as well as of the so-called amendments that have been discussed and voted upon, that there is really any serious difficulty in the way of the decisions of the House on the motion and the amendments being properly carried out. The Chair thinks that it would be in accordance with the desire of the House as expressed in its votes that the decisions should remain on record as given and should be communicated to His Majesty's Government. (Cheers.) The Chair, therefore, rules that, in the peculiar circumstances of the case, it is not necessary to put any further question to the House. (Loud Applause.)

The Assembly then adjourned till Eleven of the Clock on Monday, the 11th February, 1935.