

29th March , 1933

THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)

1933

FIFTH SESSION
OF THE
FOURTH LEGISLATIVE ASSEMBLY,
1933



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Legislative Assembly.

President :

THE HONOURABLE SIR IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E. (Upto 7th March, 1933.)

THE HONOURABLE MR. R. K. SHANMUKHAM CHETTY. (From 14th March, 1933.)

Deputy President :

MR. R. K. SHANMUKHAM CHETTY, M.L.A. (Upto 13th March, 1933.)

MR. ABDUL MATIN CHAUDHURY, M.L.A. (From 22nd March, 1933.)

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SIR ABDUR RAHIM, K.C.S.I., KT., M.L.A.

SIR LESLIE HUDSON, KT., M.L.A.

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RAI BAHADUR D. DUTT.

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MR. ABDUL MATIN CHAUDHURY, M.L.A., *Chairman*. (From 22nd March, 1933.)

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MR. B. SITARAMARAJU, M.L.A.

MR. C. S. RANGA IYER, M.L.A.

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LEGISLATIVE ASSEMBLY.

Wednesday, 29th March, 1933.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Mr. R. K. Shanmukham Chetty) in the Chair.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Order, order. The Assembly Department has received intimation from the Secretary of the Legislative Department that with reference to the business of the current week in the Legislative Assembly, His Excellency the Governor General has been pleased to allot Saturday, the 1st of April, for non-official business, that is Resolutions, in place of Friday, the 31st March. The Chair, therefore, directs that the House will sit on Saturday and discuss Non-Official Resolutions. The Chair further directs that on Friday the House will sit and continue the discussion on the White Paper.

MOTION FOR ADJOURNMENT.

ORDER OF EXPULSION SERVED ON FOUR CHETTIYAR BANKERS OF SAIGON BY THE GOVERNMENT OF INDO-CHINA.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): I have received a notice from Diwan Bahadur A. Ramaswami Mudaliar that he proposes to ask for leave to make a motion for the adjournment of the House today for the purpose of discussing a definite matter of urgent public importance as follows:

"The position of the Chettyar Bankers in Indo-China, consequent on executive orders of a discriminatory nature having been issued by the French Colonial Government regarding the collection of their legal dues and, in particular, consequent on orders of expulsion issued and carried out by that Government on four Chettyar Bankers under circumstances involving great hardship and in violation of natural laws of justice".

I have to inquire whether any Honourable Member has any objection to this motion.

The Honourable Sir Brojendra Mitter (Law Member): Sir, I object to this motion. I object on two grounds. First of all, it is not urgent. The motion itself says that the order has been carried out. If the order has been carried out and the people on whom orders were passed have left the country, then there is no urgency. That is my first objection. My second objection is that it affects the relations of His Majesty's Government with the French Government. The motion refers to executive orders of the French Government, describing those orders as of a discriminatory nature and in violation of natural laws of justice. When you

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talk of an order of a foreign Government in that way, my submission is that it affects the relations of His Majesty's Government with that foreign Government. On those two grounds, I object to this motion.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muhammadan Urban): Mr. President, I do not think there is anything in the objection raised by the Honourable the Law Member on either of those points. So far as the first point is concerned, the answer is very simple. Expulsion order has been issued and carried out on four bankers, but a vast number of bankers are threatened with similar orders. The position is acute. No doubt, the expulsion order has been issued and carried out with reference to four bankers, but others are threatened with similar orders. I have got here a sheaf of telegrams to show that others are being similarly threatened, and any day similar orders may be passed on them and many of them may be expelled.

So far as the second objection is concerned, I am not suggesting that anything should be done which will create bad relations between His Majesty's Government and the French Government. After all, we must appeal to His Majesty's Government to interfere on behalf of our nationals. If this House is not the forum where I can raise the grievances of our nationals in foreign countries, I do not know where else it can be done. Nothing in my motion suggests that any action which would be calculated to bring about adverse relations between His Majesty's Government and the French Government should be taken. If I had suggested that some positive action should be taken by His Majesty's Government which would have a bearing on the pacific relations that exist now between His Majesty's Government and the French Government, I could have understood the objection. I have not done anything of the kind. I merely want to draw the attention of His Majesty's Government through this House to the hardship and the injustice caused to a certain number of our citizens who are British subjects in Indo-China and ask the intervention of His Majesty's Government through such diplomatic courses that are open to them to save them from the coming disaster. Therefore, Sir, on either of these grounds I do not think there is anything in the objection raised by the Honourable the Law Member.

Mr. F. E. James (Madras: European): Sir, in regard to the two points raised, I should like to confirm in respect of the first point that I have also received representations to the effect that although the executive order has in fact been carried out in respect of certain bankers, there are still others over whom that threat is hanging, and, therefore, it is not enough to say that, because the order has been carried out in respect of some, therefore the matter is not urgent. It may be carried out tomorrow in respect of the others.

Secondly, Sir, the purpose of this adjournment motion, as has already been explained, is to make representations to His Majesty's Government and to ask them to continue their efforts in the direction which we desire. In doing that, I claim, Sir, it is not in the least necessary to discuss, on the floor of the House, even if it were desirable, the relationship between His Majesty's Government and another power. Our whole point is to afford an opportunity for discussing in public the urgency of this Government representing as strongly as possible the full facts to His Majesty's Government so that they can take such action as in their discretion they may desire to take.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The Chair does not agree with the Honourable the Law Member's contention that the subject matter of the adjournment motion is not urgent within the rules. It may be that these four persons have already left the place in accordance with the order of the particular Government. That circumstance by itself does not make the position less urgent. It may be that as a result of the intervention of the Government of India those orders may be rescinded and these people may be enabled to go back, or that others who are threatened with such orders may be saved from any such catastrophe. Therefore, on the point of urgency the Chair does not agree with the contention of the Honourable the Law Member.

With regard to the objection taken that this motion would affect the relations of the Government of India or of His Majesty's Government with any Foreign State, the Chair feels that the subject matter sought to be raised in this motion cannot be barred by that rule. If the Indian subjects of His Majesty suffer any serious hardships in any part of the world, it is certainly open to this House, either by a Resolution or a question or an Adjournment Motion to bring such matter to the notice of the Government of India. (Applause from the Nationalist Benches.) To deprive the House of that privilege would be a very serious infringement on its legitimate rights. But the Chair would point out to Diwan Bahadur Ramaswami Mudaliar that there are certain words in the motion as he has framed which are objectionable: "on executive orders of a discriminatory nature" and, then in the end, "under circumstances involving great hardship and in violation of natural laws of justice." If this motion is allowed in the form in which the Honourable Member has tabled it, it would be tantamount to a condemnation of the action of the French Government by this House which cannot be permitted by the Chair. Therefore, if the Honourable Member is prepared to amend his motion by omitting these words, the Chair would consider whether it should allow the Honourable Member to move the motion.

Diwan Bahadur A. Ramaswami Mudaliar: I am prepared to accept your advice. I shall make my motion omitting the words "of a discriminatory nature" and also the words "and in violation of natural laws of justice". If the Chair thinks that I should omit also the words "under circumstances involving great hardship" I am prepared to do that. I shall, therefore, move:

"That the business of the House be adjourned to discuss a definite matter of urgent public importance, namely, the position of the Chettiyar Bankers in Indo-China, consequent on executive orders having been issued by the French Colonial Government regarding the collection of their legal dues and in particular consequent on orders of expulsion issued and carried out by that Government on four Chettiyar Bankers".

The Honourable Sir Brojendra Mitter: I should like to consider the amended version of the motion and I am not in a position to discuss it at the moment.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): If that is the contention of the Government, the Chair has no objection to permit the Honourable Member to make this motion tomorrow. The Chair would waive the objection on its part with regard to urgency, and it would allow the Honourable Member to make this motion in that form tomorrow and, then, the Chair will decide, after hearing the objection, if any, of the Honourable the Law Member, whether it is in order.

ELECTION OF MEMBERS TO THE STANDING FINANCE COMMITTEE FOR RAILWAYS AND THE STANDING COMMITTEE ON ROADS.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): I have to inform the Assembly that the following Members have been elected to the Standing Finance Committee for Railways and the Standing Committee on Roads, respectively :

Standing Finance Committee for Railways :

1. Mr. Muhammad Yamin Khan,
2. Mr. M. Maswood Ahmad,
3. Raja Sir Vasudeva Rajah,
4. Mr. Amar Nath Dutt,
5. Mr. R. S. Sarma,
6. Kumar Gupteshwar Prasad Singh,
7. Mr. Muhammad Muazzam Saheb Bahadur,
8. Maulvi Sayyid Murtuza Saheb Bahadur,
9. Sirdar Harbans Singh Brar,
10. Sir Leslie Hudson, and
11. Mr. D. K. Lahiri Chaudhury.

Standing Committee on Roads :

1. Mr. N. R. Gunjal,
2. Mr. Uppi Saheb Bahadur,
3. Mr. G. Morgan,
4. Haji Chaudhury Muhammad Ismail Khan,
5. Kunwar Raghubir Singh, and
6. Rao Bahadur S. R. Pandit.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Harry Haig (Home Member): Sir, I lay on the table the information promised in reply to starred question No. 783, asked by Mr. S. C. Mitra on the 18th March, 1933.

ILL-HEALTH OF MR. SATINDRA NATH SEN, A POLITICAL PRISONER, DETAINED IN THE CAMPBELLPORE JAIL.

*733. (a) and (b) No.

(c) and (d) Mr. Subhas Chandra Bose was permitted to receive treatment and advice from Kabiraj Shyamadas of Calcutta, but not at Government expense.

(e) The reason for non-acceptance was that the prescribed conditions were not carried out.

(f) Provided the conditions are fulfilled, there is no objection to such medicines being supplied at the expense of the detenu.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I lay on the table the information promised in reply to parts (a), (b) and (d) of unstarred question No. 59 asked by Mr. M. Maswood Ahmad on the 2nd March, 1933.

COMMUNAL COMPOSITION OF PERSONS EXAMINED FOR APPOINTMENT AS LOWER DIVISION CLERKS BY CERTAIN POSTAL OFFICIALS OF DELHI AND LAHORE.

	Hindus.	Muslims.	Sikhs.
59. (a) Number of outside candidates examined by—			
Postmaster, Lahore	19	21	6
Superintendent, R. M. S. 'L' Division . .	..	1	1
Postmaster, Delhi . . . . .	..	1	..
Superintendent, R. M. S. 'D' Division . .	..	..	..
(b) Number of outside candidates declared successful by—			
Postmaster, Lahore	4	4	2
Superintendent, R. M. S., 'L' Division . .	..	1	1
Postmaster, Delhi . . . . .	..	1	..
Superintendent, R. M. S. 'D' Division . .	..	..	..

Excepting the candidate of the Delhi Post Office none of the other candidates has so far been finally approved by the Head of the Circle.

(d) Does not arise as the only candidates so far approved from among the groups referred to in part (a) is a Muslim.

Mr. H. A. F. Metcalfe (Foreign Secretary): Sir I lay on the table the information promised in reply to starred question No. 723, asked by Mr. M. Maswood Ahmad on the 13th March, 1933.

JUSTIFICATION FOR THE APPOINTMENT OF A SEPARATE SECRETARY IN CHARGE OF EDUCATION IN CENTRAL INDIA.

*723. The position in regard to the first query is as follows. All matters connected with Education in the Central India Agency are dealt with by the Superintendent of Education, Delhi, Ajmer-Merwara and Central India, as part of his normal duties. To save time and duplication of work, however, he has been designated Secretary to the Agent to the Governor General in Central India in the Education Department to enable him to submit files direct to the Agent to the Governor General.

The reply to the second part of the question is in the affirmative.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): Sir, I lay on the table:

- (i) the information promised in reply to starred question No. 722, asked by Mr. M. Maswood Ahmad on the 13th March, 1933; and
- (ii) the information promised in reply to starred question No. 724, asked by Mr. C. C. Biswas on the 13th March, 1933.

DUTIES OF THE SUPERINTENDENT OF EDUCATION, DELHI.

*722. (a) (i) Yes. All matters connected with education in Central India are dealt with by the Superintendent of Education, Delhi, Ajmer-Merwara and Central India as part of his normal duties. To save time and duplication of work, however, he has been designated as Secretary to the Agent to the Governor General in Central India in the Education Department. This enables him to submit files direct to the Agent to the Governor General.

(a) (ii)—(vii), (xii) and (xiv). Yes. Positions (ii), (iii), (vi) and (vii) he holds *ex-officio*.

(a) (viii)—(x), (xiii), (xv) and (xvi). No.

(a) (xi) The Commercial Diploma examination is conducted by a board consisting of prominent Government officials and leading businessmen. The Superintendent of Education, Delhi, is not an examiner this year but was in 1932.

(b) No duties other than those mentioned in the reply to part (a) above, are performed by the Superintendent of Education, Delhi, Ajmer-Merwara and Central India. Of certain bodies he is an *ex-officio* member and on others he represents the Local Administration concerned, with the permission, where necessary, of the competent authority.

(c) (1) The Superintendent of Education, Delhi, is a 2nd class M.A. He has had more than 20 years' experience of educational work and has studied educational methods in England, the United States of America and Japan.

(c) (2) No.

(*) (3) The reply to the first part of the question is in the negative. As regards the latter part, the attention of the Honourable Member is invited to the reply to clauses (i) and (2) of part (a) of this question.

EXTENSION OF THE PROVISIONS OF THE PROVIDENT FUNDS ACT TO THE CALCUTTA UNIVERSITY EMPLOYEES.

*724. (a), (b) and (c). Yes.

(c) Yes, Government are prepared to issue a notification after satisfying themselves that the rules governing the Provident Fund of the Calcutta University do not conflict with any of the provisions of the Provident Funds Act, XIX of 1925.

(d) A set of provident fund rules has been framed by the Calcutta University, but they are still under the consideration of the Government of Bengal.

(f) and (g) Applications from 19 colleges have been received but as they are still under examination, it has not been possible to issue the necessary notification. The examination is, however, being expedited and orders will be issued as soon as possible.

PROPOSALS FOR INDIAN CONSTITUTIONAL REFORM.

The Honourable Sir Brojendra Mitter (Leader of the House): Sir, I move:

"That the White Paper containing the Proposals for Indian Constitutional Reform be taken into consideration".

Sir, the White Paper has been published in this country primarily to elicit public opinion, and it is but proper that a document of such far reaching importance,—indeed, a document of destiny, should be carefully discussed by the Non-Official Members of this House who reflect practically every shade of public opinion. It is also a requirement of that propriety that Official Members should take no part in that discussion.

Sir, the policy outlined in the White Paper, stated in the broadest terms, aims at finding a suitable basis for the conversion of the present system of government in India into a responsibly governed Federation of States and Provinces, on the understanding that the responsible government so established must, during a period of transition, be qualified by limitations in certain directions. I am sure, the House will agree that we, the Members of Government, who form part of the present system, should leave this debate entirely to the Non-Official Members. Sir, I move.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Motion moved:

"That the White Paper containing the Proposals for Indian Constitutional Reform be taken into consideration".

The Chair now proposes to call upon Sir Abdur Rahim to move his amendment.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): On a point of order, Sir. I should like to know from the Chair what would be the procedure with regard to the discussion of the amendments. Will they be put to vote? Ordinarily amendments are put to vote first and then the original proposition. I should like to know what would be the procedure that would be adopted in this case.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The Honourable Member has asked a point of information and not raised a point of order. As the Honourable Member has himself remarked, if amendments are moved and pressed to a division, the Chair would follow the usual order of putting amendments first to the vote before putting the original proposition. Sir Abdur Rahim.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): (Loud Applause.) Mr. President, I move:

"That for the original motion the following be substituted:

'This Assembly requests the Governor General in Council to convey to His Majesty's Government that, in the opinion of this Assembly, unless the proposals of His Majesty's Government for Indian Constitutional Reform are substantially amended in the direction of conceding greater responsibility and freedom of action to the representatives of the people in the Central and Provincial spheres of Government, it will not be possible to ensure peace, contentment or progress of the country'."

Sir, at the outset I must express my surprise at the attitude that has been taken up by the Government of India on this occasion. As stated by the Leader of the House himself, the subject under discussion is a matter of

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outstanding importance and the document that we have to deal with involves nothing less than the fate of the Government of this country. Sir, I take it that the Government of India, if not the Government of the entire country, is at least a great portion of the Government of this country, and it seems to me to be inexplicable that when the fate of the Government of the country is involved, the Government of India should have nothing to contribute to the discussion.

Sir, the Government of India must be aware that the proposals contained in the White Paper are of such momentous character, and of such far reaching consequences, that it has created great commotion in the country, to use mild language. On an occasion like this, we should expect, the whole country would expect that the Government should at least indicate their position with reference to the proposals that are before the House. We are aware that the Secretary of State is the master of the situation as representing the British Parliament, but all the same, if the Government of India are the agency of that Parliament and nothing more, even then one would have expected that the Government should have been prepared, in a matter of this importance, to defend the proposals of the Secretary of State, of the Government of Britain, as contained in these proposals. Sir, I repeat that I find it very difficult to conceive the reasons which have actuated the Government of India to observe silence on this occasion, not only the Government of India, but the entire official body. We do not understand that the Government of India and their officials have had nothing to do with these proposals and if Sir Samuel Hoare, the Secretary of State for India, was in a position to explain the trend and scope of these proposals, surely the Government of India ought to have explained those proposals to us.

The Honourable Sir Brojendra Mitter: May I interrupt? If on any particular point an explanation be necessary or if there be any misunderstanding, we shall do our best to offer the explanation and to remove the misunderstanding.

Sir Abdur Rahim: I am glad that the Government of India are prepared to go so far, but I do submit to this House and to the country that the Government of India ought to be in a position to explain not merely particular passages in the proposals of the White Paper, but the entire scheme, and to give their valuable opinion on the subject.

Now, Sir, I pass on to the amendment that I have moved. The House will observe that the language of the motion is extremely moderate, studiously moderate and that the language represents the spirit of this House. We are not here in order to condemn the entire scheme. That is not the scope of the amendment. We see that in some directions there is some advantage, but we do hold, and I believe the majority of the Members, the Non-Official Members on this side of the House will agree, that unless there is considerable advance in the direction of devolving further responsibility on the representatives of the people, the proposals of the White Paper will not receive acceptance in the country (Hear, hear), will not conduce to peace and contentment. I take it that the first and the foremost object of the new Constitution is to assure peace and contentment in the country. We all know for how long political agitation has been going on in order to secure responsible government and, if the proposals are seriously defective in that respect, surely the British Parliament and the British people and

the Government of India will not expect that people will take things lying down. They will not. We have tried in as moderate and sober language as possible to point this out to the Government of India and, through them, to the British Government. We have not used any language which will irritate anybody's feelings. We have not made any particular demand on any particular point. All that we ask for is that there must be some substantial concessions to the people of this country so that responsible Government which has been repeatedly promised to us will be achieved at no distant and vague date, but within a reasonable measure of time. I am not going to discuss the proposals in the White Paper on vague generalities, setting up any vague standard or relying on any particular phraseology which has found vogue in the country. I wish to take my stand, speaking on behalf of my Party and, I believe, of the majority of the Members in this House, on the declared policy of His Majesty's Government. That policy is set out at the very commencement of the White Paper. It is contained in what is called the Command Paper No. 3972. That Command Paper is the declaration made by the Prime Minister on behalf of His Majesty's Government in January, 1931. That declaration was approved by both Houses of Parliament. I wish to examine the proposals in the White Paper, therefore, in the light of that declaration.

If the proposals, as contained in this Paper, are in accordance with that declaration, then we shall be prepared to accept it, but to the extent that they are not in accordance with that declaration, it is our duty to insist upon His Majesty's Government to amend the White Paper in that direction. I have read that declaration more than once and the speech of the Prime Minister of Britain which accompanied and explained that document. I do not wish to refer to the proceedings or to the speeches of any particular members of any of the three Conferences. You can find passages of all sorts in the speeches of the various members of the delegation, British as well as Indian, Princes as well as representatives of British India, and it would serve no good purpose if I were to draw the attention of the House to any particular statement in a particular speech, however eminent the person from whom that speech proceeded. I, therefore, take my stand on a document which cannot be repudiated by any one, by which the British Government and the British people have got to stand. We have been told time after time that the definite policy of the British Parliament is to keep India out of party politics and we have been assured of this also in the most recent speeches delivered on the White Paper in the House of Commons. Indian questions at any rate of this character are not questions for any particular party; they are questions in which the British nation is concerned *vis-à-vis* the Indian nation. That is the position I take up. Therefore, it will serve no useful purpose for anyone to say that the declaration was made by the Labour Government and it is now some other Government, a National Government or practically a Conservative Government, which is in power. I am entitled to ask the British Government to stand by it, whether it is a National Government or a Conservative Government. Sir, in dealing with the proposals I do not want to criticize the proceedings of any of the Round Table Conferences: it is the declaration that is the outcome of those Conferences which is in question. Some of the proposals might have been agreed to unanimously, some others might have been accepted by a majority, or some might represent the views of minorities of the Delegation, and there may be some which are new proposals. I do not wish to deal with these. There

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are Honourable Members in this House who have been members of the three or at least some of the Round Table Conferences, and, if they so choose, they may deal with these points,—as to how far the proposals are in agreement with the decision of the majority or the unanimous decision of the members of the Round Table Conference and which of them are new proposals. Sir, I also want to make it clear that it is not my business nor of this House to try and search out the hidden meanings,—to find out what might have been the intention, to find out what were the general impressions created in the minds of the members of the Conferences. That is not the point. The point which I want to emphasize is, whether these proposals are in accordance with the declaration made as an outcome of the proceedings of the Conferences as to the policy of His Majesty's Government. Sir, the declaration, I say, promised full responsible Government to India, which alone, as the British Prime Minister said, was wanting in order to give India the status of a Dominion in the British Commonwealth of Nations, but subject to certain limitations and safeguards during the period of transition. The Prime Minister pointed out in his speech that pledge after pledge had been given to India that the British Raj was there not for perpetual domination.

Sir, the first question I am going to ask in this connection is this: is this declaration another pledge, or is it a fulfilment of all the pledges that have been given? That is the most important question which the House has to consider, and to it we want an answer. Is it another pledge? Is it an added pledge? Or is the declaration, and the proposals which should carry out that declaration, a fulfilment of the pledges? That is the point, the cardinal point, which I wish to deal with. Sir, I have tried to study the entire proposals, and I have tried even to read the hidden meaning, but I have failed to find what is meant by the period of transition. That is the most important question, to which I find no clue whatever in any of the proposals of the White Paper. Sir, if this period of transition means something indefinite, then, I say, this declaration is a mere promise, like the promises contained in previous pledges, previous statements of Prime Ministers and Parliaments and of the Viceroy of India. Sir, the House is perfectly familiar with the preamble to the Government of India Act, 1919. I want to know, "does this declaration mean, by the transition period, what is laid down in the preamble to that Act?", that is to say, that during this period the people of India have to prove to the satisfaction of Parliament their capacity for Self-Government, that is, a period of probation. Is that the intention? Sir, there must be a clear answer to this question before the Government ask the people of the country to accept the proposals of the White Paper as a final decision. Honourable Members will remember that the Prime Minister, in opening the first Session of the Round Table Conference, at least in one of his speeches at the Round Table Conference, made it quite clear that it was the desire of His Majesty's Government to have a final Government of India Act—a Constitution which would be final in shape and form and contain within itself provisions for development to full responsibility. Is there any such provision anywhere in the proposals of the White Paper? No. Sir, as was pointed out, and as every Member of the Treasury Benches knows full well, examination of the capacity of the people of India from time to time as to how far they are fit to govern themselves leads only to further unrest in the country and can do no party any good. Therefore, I take it that if these proposals are the

final proposals for a new Constitution, which are not to be amended from time to time by inquiries such as were undertaken by the Statutory Commission, then there must be provisions within these proposals for the termination of the period of transition. Sir, that is the first point I want to make. I understand that Indians will be consulted in London regarding the proposals of the White Paper by the Joint Select Committee of Parliament, and I take it that it will be the first concern of those that go from here to attend the deliberations of the Joint Parliamentary Committee to see what means can be devised within the next Constitution Act for full development to responsibility of the government of the country. That is a thing that has to be noted first by the Indian members who are likely to sit with the Joint Select Committee.

Sir, the Honourable the Leader of the House has read a portion of the first paragraph of the introduction to the White Paper proposals. I wish, with the leave of the House, to read the whole of it:

"In December, 1931, both Houses of Parliament adopted a motion expressing approval of the Indian policy of His Majesty's Government, as announced to the Indian Round Table Conference and set out in Command Paper 3972. That policy, stated in the broadest terms, involved the prosecution of further inquiries and discussions with the object of finding a suitable basis for the conversion of the present system of government in India into a responsibly governed Federation of States and Provinces, on the understanding that the responsible Government so established must, during a period of transition, be qualified by limitations in certain directions. These limitations, commonly described by the compendious term 'safeguards', have been framed in the common interests of India and the United Kingdom."

Now, Sir, if you look to the declaration itself, it says this:

"The view of His Majesty's Government is that responsibility for the Government of India should be placed upon Legislatures, Central and Provincial, with such provisions as may be necessary to guarantee, during a period of transition, the observance of certain obligations and to meet other special circumstances and also with such guarantees as are required by minorities to protect their political liberties and rights and such statutory safeguards as may be made for meeting the needs of the transitional period. (Again the transitional period). It will be a primary concern of His Majesty's Government to see that the reserved powers are so framed and exercised as not to prejudice the advance of India through the new Constitution to the full responsibility for her own government."

Sir, if words have any meaning, this passage makes it absolutely clear that the new Constitution itself must contain provisions and must contain the mechanism by which India can advance to full responsible Government and these limitations and safeguards will be brought to an end. There can be no other meaning. Then, if you look to the rest of the declaration, you will find that when it deals with the nature of the safeguards, it expressly says almost everywhere that under the existing conditions this and that safeguard is necessary. Now, Sir, unless it is contemplated, which it is not, that the existing conditions must last for ever, the period of transition must come to an end and with it all these limitations and safeguards.

Now, Sir, as the House will observe from the language of the motion which I have moved, we are not demanding full responsible Government at once. We recognise and fully recognise that for a certain period there must be safeguards. But what we want is this that a machinery must be provided by which the need for these safeguards can be met and met successfully. Further, as regards the nature of the safeguards with which I shall deal presently, I wish to point out to the House that they are even for the period of transition much too sweeping and general. Therefore, it will be the business of the Government of India, at least of those

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Indians who will go to the Joint Select Committee, to point out how and by what means the needs of the period of transition can be met and, further, in what directions during the period of transition the safeguards can be better defined and made narrower in their scope.

I come now, Sir, to the nature of the proposals. I shall take first the special responsibilities that are sought to be devolved on the Governor General. I do not want to discuss all these responsibilities, but to point out that the language with respect to all of them is far too sweeping:

“Prevention of grave menace to the peace and tranquillity of India or of any part thereof”.

Now, that is a matter for the Governor General entirely at his discretion to determine how to prevent any such menace arising. It is not that the menace has arisen or that an emergency has arisen—emergency powers are different, they are put in a separate category—but how to prevent such menace from arising? It is something like section 144 of the Criminal Procedure Code. The difference is that this covers the whole field of Indian administration and not any particular meeting or any particular small locality. Then it says:

“safeguarding the financial stability and credit of the Federation”.

Now, Sir, language could not be wider. Similarly, “prevention of commercial discrimination”. No attempt is made to define what commercial discrimination is and, as for prevention, it depends upon the discretion entirely of the Governor General of the future to say when the necessity arises. Sir, I have been discussing these things with some friends, and one of them suggested in a very charitable mood: “But these provisions will not be brought into operation; these are not meant to be brought into operation”. Sir, I submit to this House that this is an absolutely wrong idea. It may be that the King has got certain reserved powers over the Constitution and they are never brought into operation, but the condition of India is totally different. There is absolutely no analogy here with the position of the King or of the Parliament in Great Britain. Sir, if there was any doubt on the point, the Secretary of State has made it quite clear that these safeguards and these reserved powers are intended to be and will be brought into operation whenever necessary. And who is to judge when they should be brought into operation? The Governor General. Further, as pointed out by the Secretary of State himself machinery has been provided in these proposals for giving effect to these reserved powers and safeguards. The Governor General is going to have a Financial Adviser of his own in addition to the Finance Minister who will be responsible to the Legislature. He is to have three more counsellors and, I take it, he must have a Secretariat staff also. Is that for nothing? Most surely not. These provisions are intended to be given effect to according to the judgment of the Governor General as advised by his counsellors and his advisers; and this is also the case with the Governor. Although the Provinces are promised autonomy and full responsibility as contrasted with the Centre, the Governor of a Province is given exactly the same powers excepting the one for safeguarding the financial stability and credit of India which does not apply to the Provinces. The Governor will have not only his personal staff, but the Secretariat staff; they may

not be called counsellors and advisers, but they will be Secretaries. Therefore, Sir, there is a definite provision in these proposals for giving effect to all these safeguards.

Now, Sir, as I began by saying we admit the necessity for safeguards, but we challenge the character of the safeguards which have been placed in the hands of the Governor General and the Governor. We challenge also the outlook of the proposals that these reserved powers and safeguards must remain for ever. Sir, these proposals, if carried into an Act of Parliament in this form, will make the machinery of the Government of India so complicated, costly and cumbersome that I submit to the House it will be well-nigh impossible to work the Constitution. There will be a Governor General with his own distinct Government not a Governor General in Council as now. The most important half of the Government will be removed from the purview of this Legislature and the Legislature of the future will be worse off than even we are. The Government of India act now through the Governor General in Council and we have six Honourable Members who are Members of that Government, three of them being Indians. The Governor General, in dealing with the reserved subjects like defence and foreign and political relations, will act entirely on his own responsibility and not in Council. He may have counsellors, but not a Council. They will be impervious to the voice of public opinion; they may come here and listen to the debates of the future Legislature, but those debates will be literally schoolboys' debates so far as the reserved subjects are concerned. Sir, we know that defence costs nearly half the revenues of the Government of India, not taking into account the revenues of the Railways; we also know, for instance, from the very motion moved today by Diwan Bahadur Mudaliar, the question of foreign relations also is of the utmost importance to us as it determines the status of this country before the eyes of the world. These vital and important subjects the Governor General will conduct and manage just as he likes; the popular voice need have no influence whatever on him. I do not know, Sir, how the business of the Cabinet of the Government of India is conducted now, but at least we have three Honourable Members who are Indians in the Government of India, and I believe questions relating to army expenditure and political and foreign relations are brought before them. But no Indian need be consulted about them in the future. I think there is a provision somewhere in the proposals that the Governor General should consult the Minister, but that is entirely at his option. But even that does not mean that he will hear the voice of the people as regards the conduct of those Departments. He cannot even be criticised. We know there is a convention in this House that we cannot even mention the name of the Governor General. Therefore, in these most important respects the state of things will be worse than it is now. Surely this is another very important matter for consideration by the Joint Select Committee and Parliament. In this connection I may also point out to the House that there is a suggestion, in fact a definite proposal, that there shall be instituted a Statutory Railway Board. If that is consummated, then even the Railways will practically go out of the purview of the Legislature. What does that mean? It means that 80 per cent. or more of the revenues of India can be spent at the will and entire discretion of the Governor General without the people having any voice in the matter. It is a very serious matter and requires close attention on the part of the Joint Select Committee and of Parliament; and I do hope that the Government of India will point out the implications

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of these proposals. Sir, in this House on another occasion, I raised my voice against the scheme of an all-India Federation, that is, a Federation comprising the Indian States as well as the Provinces of British India. I pointed out then in general terms that to commingle ancient India with modern India is an experiment fraught with the gravest dangers. I will not dwell upon that now, but I must point out that, so far as I have been able to ascertain from conversations with many leading politicians of all schools of thought in the country, there is a great reaction against this proposal. Even the Princes, who showed considerable enthu-

12 NOON. siasm at one time to help us to attain responsible Government by coming into the Federation—mind you, to help us to attain responsible Government—even the Princes, according to the newspaper reports, are not so enthusiastic now, to use a very mild expression. Sir, the proposals contained in the White Paper furnish ample testimony to the difficulties that there are in bringing about the Federation.

Now, Sir, supposing this sort of Federation is brought about in fact by some means or other, by making any concession you like to the Indian States at the sacrifice of the Provinces, at our sacrifice, what will be the position? What do the Princes stand to gain by it? I say, nothing. They will involve themselves in difficulties which they perhaps do not quite realise at present. You may have your safeguards, but if we have a popular Assembly at all and if the Princes' nominees are to sit here in a popular Assembly, they will realise, as I believe the Honourable Members on the Treasury Benches now realise, that it is not easy to run a popular Assembly, to control a popular Assembly, that you cannot in a popular Assembly stifle the breath of freedom, freedom of speech and freedom of criticism—you cannot do that. They must realise that and if they are going to deal with subjects which intimately concern the Provinces that is our India, they will have to be prepared, as part of the same Government, to be subjected to similar criticism, to similar examination and similar searchings. Then, Sir, may I ask, what do the Princes gain? They have autonomy in their own States. Their States are autonomous. They have full powers and jurisdiction. They must be asked—they will have to be asked—to surrender their powers and jurisdiction over subjects of the greatest importance to them. They will be losers pecuniarily; they will be losers so far as prestige is concerned, which is of great value to an autocratic ruler, and what is the compensation for them? I say none. It has been said that unless the Princes come into the Federation with their nominees, there can be, or there will be, no responsibility at the Centre. What I ask is this. If you examine the proposals, what is the nature and scope of that responsibility? Army, Defence and Finance, practically, if not in name, will be excluded, and, last, but not the least, Railways. What is left for the Legislature to administer?

Sir, I saw in the papers that some Member of Parliament said that dyarchy must not be introduced in the Centre. He meant the dyarchy as we have had the experience of in the Provinces. But the Honourable Members opposite know that dyarchy in the Provinces, by whatever means it may be, is working extremely smoothly. Only in Bengal, I believe, twice and, in Madras, once, the Ministry had to be changed. Now, I ask, is that not the very essence of responsible Government, Government by Legislatures, where the representatives of the people are represented? Is it not the very essence of such Government that there must be changes

of Ministry, whenever the people may lose confidence, whenever the Ministers policy has failed to work or failed to bring about the results as was expected of them?

Now, Sir, as I read the whole proposals they are calculated, if not intended, to preserve the *status quo* that now exists. If that is the object of the new Constitution, the new Constitution is not worth having at all. I know that some politicians at least want responsibility or power for power's sake, but surely that is not all. We want power to be able to make things move to bring about amelioration of the condition of the people, enable the people to look after their own affairs and to remedy their lot in life, and that cannot be if you only maintain the *status quo*, if you have safeguards and provisions that will simply preserve the state of things as it is now. Then, I ask, where will be the chance of any Ministry to do anything for the country, to carry out any big policy? I say, it is not possible, and more especially if the finances of the country are controlled in the way they are proposed in the White Paper.

Sir, I alluded to the difficulties which await the Federation, if it is to be achieved, not only difficulties as regards their instrument of accession, as it is called, that is, the surrender of their powers and jurisdiction; there are tremendous difficulties as regards the allocation of seats, allocation of seats between the two classes of units and among themselves. May I ask whether all this complication is necessary in order to improve the present Constitution and to take us forward to responsible Government? I say, it is not. The Princes have their Government, though it is not responsible, theirs are autonomous and self-contained Governments. It is only we in British India that have not. As regards the Statutory Commission, it was pointed out by Sir John Simon himself in yesterday's debate in Parliament that his Commission was appointed by the terms of the Government of India Act, in order to devolve a plan for responsible Government for the people of British India who do not enjoy any autonomy in the proper sense of the word at present.

Sir, let me say one word about the Services. Let me say candidly that I am not one of those who think that the Englishmen in the Indian Civil Service, the Police and some other services like that are not wanted at present. I do say that they serve a useful public service, but I can very well foresee the time if responsible Government is to come at all, a time will come when, for instance, the district administration, a species of administration which was initiated by the East India Company and has developed into its present form on the old lines, when that district administration gives way to proper local government, when we have, as we ought to have very soon, the organs of local government fully developed and in operation, then the services of Englishmen in the districts may not be and will not perhaps be necessary. I am, therefore, not opposed to a certain proportion of the recruitment being made in Britain. I am not opposed to that, not certainly for the Indian Civil Service; but the proposal in the White Paper goes much further. The Secretary of State wishes to keep to himself the entire control of the services. Why? He is afraid that the services will be attacked by the future Governments here. I have some experience of administration in different Departments, and I can say this; there is absolutely no foundation for any such apprehension. I have worked with many an English official—Secretaries and heads of Departments; and I say that I have never found the slightest difficulty in getting on with them. I have found them always loyal, absolutely loyal, carrying out the orders which I, as a Member of the Government, had to

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pass; and I believe that is the experience of all Indian Members of Councils throughout India and of the Ministers. There is not the slightest danger that the future Government will treat unfairly, unjustly or harshly the European members of the services. Therefore, I submit, the proposals are mischievous in this connection. They suggest that the services must look beyond their immediate Chiefs, the Ministers, to other authorities. If you hold that prospect out, if you are going to give any sort of autonomy to the Provinces and if you say to the services: "No your Chiefs are not the Ministers but the Governor and over him the Secretary of State", that is sure to create difficulties. As Honourable Members on the Treasury Benches must be aware, this particular proposal has created considerable misgivings in the minds of the public. I do not treat it as a matter of such grave importance as some of my friends do; but there is the fact. Do not, by your proposals or anything in the Constitution Act, give an impression or make a suggestion to the services, whether European or Indian, that they are not to look to the Ministers for guidance and for orders or for anything concerning their service and themselves, but to some higher authority. I say, that is unwise and inexpedient.

I am afraid, I have taken up a considerable portion of the time of the House: but there is one other important feature in the proposal which I must point out in connection with the services. We know in this House and we are reminded of it constantly that the question of claims by different communities with respect to the services causes an amount of wrangling and ill-feeling in the Legislature out of all proportion to its importance. I searched the proposals to find out some formula for this, but there is none; and let me assure the Government of India that this omission has caused a great deal of misgiving in the mind of the Muhammadan community generally, and, I believe, in other minority communities as well. This is another omission which has to be filled up as soon as possible.

I must say one word regarding my Province of Bengal, and two other Provinces, the United Provinces and Bihar, where it is proposed to instal second Chambers. They have done very well so far without second Chambers. Nobody can deny that. What difficulties have there been in the United Provinces and in the Province of Bihar because of want of a second Chamber? None that I know of. As for Bengal, do Government think that the troubles that are going on there are likely to be cured by the institution of a second Chamber? I do not know what virtue there is in another House sitting in judgment over the Lower House, the larger House, the more representative House. Is it going to be another House of Lords? May I ask, where are the elements in this country to supply the place which the House of Lords occupies in the British Parliament? We also know that even such a House of Lords which contains men who have fought for their country and helped to bring England up to her present position, to the present level of free Government, even that House of Lords is feeling difficulties, insuperable difficulties, in functioning because of the march of time. The House of Lords cannot stem the tide of democracy. Say what you like, democracy has come into the world to stay, whether it takes the shape of an ordinary Legislature or even if it sets up a dictator of its own. Much argument has often been founded on the fact that in some of the countries of Europe we have dictators, yes, but dictators who are the chosen representatives of the people. They are given dictatorial

powers in certain emergencies for certain purposes; but they depend entirely upon the will of the people. Where are those conditions to be found in this country, in Bengal, or Bihar or the United Provinces? Take the position of the Legislature throughout. You will have so many interests there. I do not deny that the interests have to be represented: there are important interests, not only minority interests, but there are landed interests, there are industrial interests which have all to be represented: True. But if you are going to make things still more difficult, surely it will be almost impossible for a ministry to function with any effect or to serve any useful purpose in the country. The Honourable Sir George Schuster pointed out only two days ago that the financial prospect of the country was not so rosy as some of us, according to him, thought. None of us think that the financial prospects of the country are rosy at all; but he pointed out that the new Constitution when launched will involve an additional expenditure of nothing less than nine to ten crores—it may be 11 crores or even 12; but I believe the last figure he gave us was nine crores; where is all that money to be found? Look at the cost of it, not only to the Government, but to the country, to those who will seek election and to those who will have to vote for the candidates, and the whole organisation that has to be set up for the purpose. All this is perfectly worth while if we are to set up a democratic Constitution, provided you make it such that it will work; but it is certainly not worth while if you set up a Constitution which will not work

The Honourable Sir George Schuster (Finance Member): My Honourable friend, I think, is misrepresenting what I said. I said that under the constitutional plan, envisaged in the White Paper, the Central Government, or the Federal Government of the future, was expected to surrender very substantial sources of revenue to the Provincial Governments. That does not represent the cost of setting up the new Constitution, and indeed the figures which I gave included no estimate of the cost of the setting up of the new Constitution. But that, compared with the figures quoted by my Honourable friend, will be quite negligible.

Sir Abdur Rahim: Well, Sir, I stand corrected: perhaps I did not quite accurately represent what my Honourable friend said. But we should like to have from him figures to show what will be the additional cost, not only to the Government, but to the others. Take the Upper Chamber itself: that will cost additional money. All this extended franchise must cost more money to the country. The point I am making is this, whether all this cost, all this trouble and all the worry will be worth while,—the worry on which the Prime Minister of England laid special emphasis at the conclusion of the first Round Table Conference. All this worry will be worth while for the country and we will undergo it willingly and with the greatest readiness, if we can see that the machinery that is going to be set up will be able to do some tangible good and enable the country to advance on the path of economic progress, make the people freer and happier, improve their lot of life, improve their standard of living, give them more education, look after their health better,—if all these things could be achieved, then, I say, all the complications, all the worry and all the cost will be worth while. You have to give responsible Government to the country, but do not make it so complicated and so difficult to work that the Ministers will not be able to carry out any well thought out programme of reconstruction for which they might have canvassed

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the country and for which they might be supported by the people. That is my plea, and I do say that these proposals have to be amended in that direction considerably before the new Constitution can serve any useful purpose. Sir, we are on the eve of a great change, and if I have spoken out frankly, candidly, without mincing words, pointing out the defects, let it not be understood that we condemn all the proposals. There is certainly some advance contemplated, but the advance is not sufficient; the advance must be much greater than is contemplated in the White Paper. If the proposals are such that within a reasonable period by adopting certain measures full responsibility will be acquired by the people of this country, Sir, the Government will be able to satisfy all phases of public opinion in the country. If, on the other hand, the new Act be so halting or so guarded, so much hedged round with safeguards which cannot be got rid of at any time, then, as stated in the Resolution which I have moved, it will not be possible, whatever measures you may adopt, to bring about peace, contentment or progress in the country.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Amendment moved:

"That for the original motion the following be substituted:

'This Assembly requests the Governor General in Council to convey to His Majesty's Government that, in the opinion of this Assembly, unless the proposals of His Majesty's Government for Indian Constitutional Reform are substantially amended in the direction of conceding greater responsibility and freedom of action to the representatives of the people in the Central and Provincial spheres of Government, it will not be possible to ensure peace, contentment or progress of the country.'

Before continuing the discussion, the Chair wishes to make an observation regarding the amendments. Honourable Members would observe that there are 19 amendments on the order paper. The Chair would like to remind Honourable Members that the mere fact that an Honourable Member has tabled an amendment does not by itself give that Honourable Member a right to move that amendment. While the Chair has no desire to interfere with the rights of Honourable Members to move amendments, which are within the scope of the original Resolution, in a debate of this nature, it is the duty of the Chair to regulate the debate, so that the maximum amount of usefulness might be obtained. ("Hear, hear" from all sides of the House.) The Chair called upon the Honourable Member, Sir Abdur Rahim, to move the amendment that stood in his name, because it felt that the Honourable Member's amendment was the most comprehensive and raised a single definite issue. Very many of the other amendments seek to go into great details. It is for the authors of the amendments and for this House to decide whether any useful purpose would be served by actually moving those amendments at this stage of the discussion. The Chair does not wish to express any opinion on that point. With a view, however, to enabling the Chair to decide what further amendments, if any, it should call upon Honourable Members to move, the Chair will be obliged if, after the Lunch hour, Honourable Members in whose names the amendments stand on the order paper will intimate to the Chair whether they desire to move those amendments or whether they desire to drop them.

Sir Leslie Hudson (Bombay: European): Mr. President, on this occasion when the House is being afforded the opportunity of discussing the proposals for Indian Constitutional Reform set forth in the White Paper, I desire to avoid, as far as possible, discussing anything more

than the very broad outline that has been placed before us. Admittedly it is a very broad outline, a net work which is capable of a great deal of filling in as to detail, most of which can only be effected by time and experience in, and of, the working of the machinery which has been sketched for us by those who have devoted their energies to a colossal task in the past two or three years. Devotion, Sir, on the part of collaborators from India sitting in London, with equally able representatives from all political parties of the British Parliament, assisted by members of that great service, both from the India Office and from India, who up till now have had in their hands the executive reins of government of this great country, this vast conglomeration of races, castes and creeds. As I said, Sir, I am not going into the details of the results of their deliberations which are contained in the White Paper which are before us. That there are points of detail in the proposals of His Majesty's Government on which political opinion will be divided goes without saying. I would only ask for as dispassionate consideration as possible of the advance in Self-Government which is laid before the country in those proposals.

May I briefly make some historical reference to the gradual but successively rapid increase in the devolution of the powers of the Government of India to Indians, for Indians of which the White Paper marks what must be the penultimate stage. I will not go back further than the Minto-Morley reforms which gave to the country representation without responsibility, a continuance of that bureaucracy which had ruled the country with honesty and impartiality tempered by the criticism of their actions furnished by appointed representatives from non-official parties. In its time, as in the more spacious decades previous to it, that system laboured according to the limitations of the constitution for the benefit of India. That there were defects in that system, and sometimes radical defects, I should be the last to deny, but on the whole, the peoples of India, especially the masses were well governed and were contented. There followed the Montagu-Chelmsford reforms, a transitional stage, a half-way house, half responsibility with half representation, which, as Sir Abdur Rahim has so aptly said, in spite of the fears and doubts at its inception, as a whole worked amazingly well under difficult conditions. Admittedly this diarchy proved to be not an altogether satisfactory half-way house either to the Government or the governed. It had defects which have acted in the past decade as a continual goad to those who maintained that government by Indians for Indians was their political goal, regardless of the result of the immediate surrender of power by the trained servants of the Imperial Government to the more amateur hands of the indigenous politician. And I wish the House to realise that I am imputing no lack of capacity to the latter. They will be able to prove their capacity when their time comes. I am merely stating facts.

The British Raj, through its agents, the great Indian Civil Service, has been the friend, the "*ma bap*", of the toiling millions of India, and it will not be an easy task for the successors to it and to that service to maintain the standard that has been set. Responsibility for the right government of the country is to be taken over by the elected representatives of the people. It is not a light responsibility to be undertaken. Ministerial capacity is not born in every politician. Honourable Members on the Opposition Benches and those who might be on those Benches, had they not decided otherwise, have found it an easy matter to criticise the management of the Government machine. We do it from these seats when we

[Sir Leslie Hudson.]

consider it necessary. But without knowledge of the reason for and the effect of every cog and wheel in the machine an inexperienced engineer can create havoc and utterly smash the whole concern. We have now before us proposals which His Majesty's Government have decided upon after long discussions with representatives of what I believe to be the majority of Indian wisdom and of Indian state-craft from British India and the Indian States. These proposals aim at complete responsibility with safeguards, safeguards which have aroused so much controversy, but which, I maintain, are necessary in order that the new machine shall operate without serious accident to the machinery and to those for whom it shall work. Safeguards there must be in these days in all machinery as my Honourable friend, the Labour representative, will, I am sure, be the first to admit.

The whole world is now in a position where safeguards are necessary if stability is to be assured and maintained. Look to the West,—to Italy where a safeguard has arisen in the person of Mussolini,—to America where recent events have thrown up the man who has devised safeguards which have saved a great nation on the verge of a cataclysmal crisis—to Germany where it would seem that drastic safeguards have had to be enforced against a different but not less dangerous crisis. Look to the East—to China where the lack of safeguards has resulted in chaos and dismemberment. In this country the safeguards which are proposed are the props on which the country is going to stand until it is able, of its own volition, of its own construction, to produce equally sound and lasting supports which shall ensure its stability. Stability amongst the nations, stability which shall satisfy the investor, the manufacturer, and the labourer that his brains and his labour shall be protected against any external or internal upheaval. What is essential is an executive that shall govern, and govern with justice and impartiality, every soul beneath its sway, with the safeguard that if that executive shall fail to so govern, its Governor, the appointed representative of the Crown, shall take over the reins of government and govern. And let me remind Honourable Members that it is not so very long ago, only a matter of months, when owing to unskilful tending of the machine of Government and to the lack of, or the non-use of, the proper safeguards the Government of Great Britain, as represented by the Prime Minister, had to approach the Crown, His Majesty the King, with the plea that it, the Government, could no longer govern, with the result that for a fortnight, until the nation regained breathing time, and a responsible and capable government was found, the Crown itself took over charge and governed.

Sir, I have gone very carefully through the White Paper. There are many points which I do not consider are sufficiently clarified, there are in my opinion omissions of importance. There are various matters on which the European community will be dissatisfied—the safeguards themselves, financial and otherwise, the representation of the community in certain Provincial Assemblies and Legislative Councils and also in the Federal Assembly, and then, as Sir Abdur Rahim has pointed out, the financial implications of the new Constitution. The cost of the institution of the new Constitution throughout the land is going to be colossal. Where is the money to come from? There will be a source of fresh expenditure in the erection of new Legislatures, housing additional staff, cost of elections with the enormously increased franchise,—the cost of the

new democracy in this country is going to be enormous and Honourable Members and the tax-payers of this country should recognise that fact now.

As I have said, there are points which the European community is not satisfied about, for example, an examination of the classification in the schedules of exclusively Federal, exclusively Provincial, and Concurrent subjects has revealed several subjects which appear to us to require re-examination. We find more and more insistent the need of safeguards against the breakdown of the new Constitution, an event which from a variety of reasons cannot be put aside as an improbability, against mismanagement which is also a possibility, and also against the declared policy of what has been described as the only organised political party in the country, a policy which has been broadcasted as being for the repudiation of debt and expropriation of established interests, as being for revolution and destruction of the whole social structure of Society. And if these safeguards are not satisfactory and if they are not made, so far as possible, inviolable, how can the fears of minorities be allayed, their suspicions be dispelled and fairplay be assured to all communities and classes? We know that the proposals and safeguards put before us in the White Paper are drafts and only drafts and that they will be considered by the Joint Committee who will be at perfect liberty to amend, or to prune, or to discard any or all of them. Such Constitution, as that Joint Committee may evolve in their wisdom and judgment, must of necessity be very broad in character, capable of expansion and development as every new Constitution must be, but the safeguards have to be formulated. They have got to be laid down in black and white, for there will be no subsequent opportunity of altering them or enacting others. One may liken the new Constitution to a long series of sign posts along the high road of the nation's safe progress, pointing the way where safety lies, and the safeguards to those barriers set up to prevent minorities or any section of the body politic being pushed off that road where it should, and I hope will, have an equal right to travel with its fellow citizens. There are doubtless many decisions in the White Paper with which bodies of Indian opinion will not find themselves in entire agreement, but I do claim it is a great advance, an advance which would not have been within the bounds of imagination ten years ago, towards the goal of Indian desire. To make use of some of the words of the Introduction to the White Paper, if every endeavour is made by those responsible for working the Constitution, both the Governments and the governed, to approach the problems that will present themselves, and they will be many and difficult, in the spirit of partners in a common cause, in a common enterprise, then we may look forward to an advance to the ultimate goal and to a land of prosperity and a people blessed with an era of peace and contentment.

Nawab Maharsingji Ishwarsingji (Bombay Northern Division: Muhammadan Rural): Sir, the subject is so vast and the time at my disposal so short, that I must confine myself to only a few aspects of the question, which could be dealt with for hours together. I must at the outset say that it is felt by persons of all shades of opinion that the scheme of reforms as proposed in the White Paper falls far short of the expectations of even the most moderate politician. The Dominion Status, in the real sense of the term, is as distant as ever. But when one remembers that the whole structure of the Constitution Act is based on two fundamental questions, i.e., All-India Federation, and the Communal Award, one must concede

[Nawab Naharsingji Ishwarsingji.]

that in the present state of things, any nation, who was alive to its sense of duty and responsibilities to the peoples of India, would be failing in its duty if it took a leap in the dark. So long as we have not composed our communal differences, so long as the peoples of British India and the States look upon each other with an eye of distrust and suspicion, so long we must remain content with slow and steady progress. Unless communal unity is achieved, unless the peoples of British India and the Rulers of the States imbibe into each other that confidence, that sense of security, which is so vital for the smooth running of the administration of such a vast country as India, I fail to see how we can raise our heads and assert that we are prepared for complete Responsible Government. Today Hindus are not prepared to admit the fair claims of Muhammadans. The Sikhs, the Backward Classes, the Europeans, the Indian Christians, the vested Interests and Labour, all these claim safeguards for the protection of their interests. And when Government have laid down safeguards in order that these very interests may be looked after, we make a grievance of them. So, Sir, the first essential thing to be done is to compose our differences and achieve unity so that Government could safely put the reins of Government in the hands of one united India.

Sir, once the Constitution Act comes into operation, once the different communities and the delegates of the States sit together in one House to solve the difficult problems of the administration of one united India, confidence is bound to follow, but till then it is better for the welfare of the different classes and communities themselves that the Governor General and the Governors of the Provinces have adequate powers to see that whole fabric does not come down at its inception.

We hear from all quarters that a glance at these safeguards, under the name of Special Responsibilities, would show that there was not a semblance of Responsibility in the scheme of Reforms proposed in the White Paper. But it must be admitted that this scheme of Reforms is a great advance on the present state of things. If Britain was only careful to send men of broad vision and liberal political outlook, men who knew India and Indians, men who were known for their sympathies for the needs and aspirations of Indians, as Governor Generals and Governors, and the Indian Ministers and the Legislatures in their turn so carried out their functions that the Governor General and the Governors had not to call their "Special Powers" into play, then a smooth running of the Constitution was assured. It all depended on how far the Governor General and the Governors, and the Indian Ministers and the Legislatures were inclined to work as two component parts of one machine, with knowledge that the success of one depended on the satisfactory working of the other.

Sir, what we notice is that after the Reforms of 1920-21, India is more divided. There are more frictions and differences; and narrow-mindedness is on the increase. In almost every province of India there is a conflict between the heart and the brain. Discipline, which was deep-rooted for centuries, has been undermined in a short period of twelve years. In the absence of discipline, sound common sense, broad-mindedness and spirit of compromise, success of any scheme of reforms could not be assured. But the general mass of the population of India is yet so very backward, the different interests in the country are so very complicated,

that unless sufficient safeguards are guaranteed, success of the reforms is a distant ideal. The powers gained by virtue of the reforms are to be exercised mostly over the rural areas, the population of which is agricultural and without any sense of appreciation. So, Sir, as I said above, it is essential to compose our differences, create mutual trust and goodwill, and sense of security and protection for every shade of interest and trust between the rulers and the ruled. It will be only then, Sir, that success will be assured.

The question of Federation is entirely new in the history of India. For centuries India has been divided into a number of compartments, so much so that there are today no less than about six hundred Ruling Princes in India. Add to this the very large percentage of Landholders, Jagirdars and Inamdars and nearly eighty per cent., of the rural population of British India. Then we find that though Federation is a very good ideal, in actual practice, the question is bound to be very complicated and confusing, and when considered in all its aspects, the structure of Federation appears to be unsuitable and unworkable for a country like India. But I do not desire to take long on this subject. I would only say that it may better be left to the Ruling Princes themselves to judge whether the scheme of Federation is acceptable to them or not. If they choose to enter the Federation, I see no harm in giving them all the safeguards they ask for. All the treaties, pledges and engagements between the Paramount Power and the Ruling Princes must be respected as words of honour. But if the Ruling Princes favour their entry into the Federation, they must incidentally guarantee the fundamental rights of their subjects, and their cadets, and bring their administration up to the standard and on the lines of British India. The reason is obvious. Their territory, though technically out of British India, is a part of India and not a distinct country. So, Sir, unless there is a harmonious working of the whole of India, the structure of Federation will be in danger before long and the result may be against the interests of the country, against the interests of Great Britain, and against the interests of the Ruling Princes themselves.

Sir, I find on a perusal of the White Paper that the Bombay Presidency is not to have a second Chamber. The question of establishing a second Chamber in that Presidency is of the utmost importance. There is a class of landed aristocracy scattered all over the Northern, the Southern and the Central Divisions of that Presidency. It pays nearly one-fifth of the total land-revenue of the Presidency. Very naturally, Sir, the representation of this class as such will be very meagre in the Provincial Council. I, therefore, suggest that the Bombay Presidency may be given a second Chamber. Since there will be no official Block in the Provincial Council, and since the wave of democratic feeling will be predominating in the Lower Chamber, it is essential that there should be a system of checks and balance to save the Province from precipitate legislation. I can think of no better means of effecting this than by the provision of a second Chamber; otherwise the conflict between destructive and constructive policies will be so great that it may ultimately result in a deadlock. Sir, there is only one other alternative, which is even more preferable to the scheme mentioned above. This important class may, I suggest, be taken out of the crowd and grouped into a separate entity.

Before I conclude, I shall be failing in my duty if I do not refer to a problem that is vexing the minds of an important class in British India, I mean, Sir, the landholders. I would not have ventured to raise this

[Nawab Naharsingji Ishwarsingji.]

question at this late stage if I had not found the assurance in the introduction to the White Paper itself that the proposals mentioned therein are not the last word on the subject. This class has stood by Government in all times. When other vested interests either stood aside or with ulterior motives played into the hands of people who were engaged in subversive activities, the landholders adhered to Government and silently helped them in the maintenance of Law and Order and the restoration of peace and tranquillity. They have always been the real backbone of Government.

Sir, No Government could boast of more faithful allies. Sir, this class has a stake in the country. They pay the largest revenue in the Government Treasury. Their unfailing and continuous support to Government and opposition to the unlawful activities of a section of the people have made them unpopular—so much so, that there is hardly any school of political thought in India which is prepared to espouse their cause. Till now, they have maintained their position. But, under the changed order of things after the introduction of the Constitution Act, their influence is bound to be slowly and steadily swept away. Sir, they have no big trumpets. It is only Government to whom they can look up for protection. When other interests were crying hoarse into the ears of Government, their faith in the justice of their cause has kept them silent. But, the result is very unfortunate. We find that the claims of the landholders have not been adequately safeguarded, not because Government were not sympathetic, but because they have not been put forth in their true perspective. Consequently, when every class and community has its representation increased as a result of the widening of the franchise and enlarging of the Legislatures, the representation of the landholders remains the same. It is said that with the widening of the franchise, their influence in the Provincial Councils will increase. But a study of the local conditions will show that it will be otherwise. I will say, that it is now up to Government to make provision for the maintenance of the privileges, and security of the rights and guarantee the future existence of a very humble, yet very important order in Indian society. Sir, I earnestly hope and trust that the Government of India as well as His Majesty's Government will extend their sympathetic consideration and support to the cause of this landed gentry of India while making the final framework and thereby still further secure the attachment to the British Government of those who have always stood firmly loyal and unaffected by the storm of political agitation raging round about them. I further venture to submit that it is in the best interests of Government as well as the country, that all persons, having a real stake in the country, should not only be made secure in their position and rights, but should be rendered more effective and powerful (Ironical cheers from Opposition Benches), so that, under the new Constitution, a stable and peaceful Government may be secured and the British connection may be maintained unimpaired, to the mutual advantage of India and Great Britain.

In conclusion, I pray for mutual trust between the rulers and the ruled, mutual goodwill between the sister communities and for the general advancement of the country—social, economical, moral and political.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I wish to trace back the history of political agitation in India since the Montagu-Chelmsford

Constitution came into existence. It is well-known to the House that a certain section of the people,—the most advanced, the most intellectual, the most brilliant among them—non-co-operated with that Constitution and started the non-co-operation movement. Sir, three years afterwards, however, the intellectual section of the Congress entered this Legislature as the Swaraj Party in order to help in the framing of a Constitution that would be acceptable to the people. We had, then, the Muddiman Committee's Report in which some of the brilliant members that are not present here in this House co-operated,—for example, Mr. Jinnah. Well, Sir, thereafter, a Diehard Secretary of State, Lord Birkenhead, gave it out that Indians did not know their own minds. They must frame a Constitution, they must say what they want, and then the British Government would decide what India will need. Well, it is well-known to this House and to the world at large what the Indian leaders wanted. They met at Lucknow, and they framed the well-known report known as the Nehru Report to which even liberal leaders like Sir Tej Bahadur Sapru were signatories. Well, the Nehru Report was framed by the advanced section of Indian leaders, but it could not be acceptable to the British Diehards. Then the Round Table Conferences came—one after the other, the third has been finished and a fourth has been foreshadowed in this White Paper that we are discussing. But at that First Round Table, Sir, the most intellectual section of the people, the Congress, were not allowed to participate. To the Second Round Table Conference, it was permitted to go under certain bans and certain conditions; and in the Third Round Table Conference, no men of Congress mentality even found a seat,—and we have now got this White Paper!! We have got this White Paper and what more could we expect?

Mr. A. H. Ghuznavi (*Dacca cum Mymensingh: Muhammadan Rural*): Will you kindly let us know what was the ban imposed on the Congress?

Mr. B. Das: I need not tell my Honourable friend, Mr. Ghuznavi, what was the brake that was applied at every stage on
 1 P.M. Congress leaders and on advanced leaders in India so that they were prevented from giving the necessary help for the framing of the right Constitution for India. The very fact that this White Paper has come out from the Third Round Table Conference shows that the right mind of India was not reflected on it.

An Honourable Member: What was the threat?

Mr. B. Das: Sir, I do not wish to listen to the interjections of the minorities. I know what my Honourable friend, Sir Henry Gidney, and the so-called minority pact did at the Second Round Table Conference and why it was that the Second Round Table Conference became a failure. I also know the causes of the revolt of the minorities in alliance with the British die-hards, the Churchills, the Zetlands, the Lloyds that met at the Second Round Table Conference. Sir, we are discussing now how we can bring in sober and statesmanlike criticism on this White Paper so that it may induce the members of the Joint parliamentary Committee to frame a Constitution that would be acceptable to India. I must congratulate my Honourable friend, Sir Henry Gidney, because he persuaded his friends and managed to have Lord Irwin as the Chairman of a Committee whereby he secured the protection of the education of his community at the Third Round Table Conference and that is all

[Mr. B. Das.]

that he needed. I would like to hear from him when he speaks that he and his community have identified their interests with the interests of Indians and that they feel equally with us. I read in today's paper that an Anglo-Indian lady member of the Punjab Council, Mrs. Shave, whilst speaking in the Punjab Council on this White Paper shed tears and said: "Why don't you all trust us? Have we no heart? Do we not feel the same as you?" I ask my Honourable friend, Sir Henry Gidney, instead of siding with the group—the European group—to which he belongs, to speak as one who has adopted India as his motherland,—not only he, but the successive generations of Anglo-Indians.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Put your stethoscope to my heart and find out.

Mr. B. Das: Now, Sir, in 1929, when the Congress met in Lahore, there was a division. I have referred to this on previous occasions and I would like to refer to it again. There was a split in the camp. Some of the advanced section of Indian leaders wanted independence or substance of independence. We, who were as good Congressmen as they, said: "We will remain in the British Empire and we demand only the substance of Dominion Status." Sir, we parted company at the Lahore Congress and we came here. We came here for a substance of Dominion Status and in that we were encouraged by the then Viceroy, Lord Irwin, when he said that India would get Dominion Constitution and there will be certain safeguards. Those safeguards would be in the interests of India. Sir, that was Lord Irwin's statement and my leader, Sir Abdur Rahim, has also quoted the statement of the British Premier, the pledge that both the Houses of Parliament gave to the people of India. Sir, when we compare those pledges and those assurances with the draft proposals contained in this White Paper, we feel absolutely shocked and disappointed. This White Paper gives no Constitution at all; it only consists of myriads of safeguards, safeguards to the minorities, to the European community, to the European mercantile community, to the Services and to the British Government which happen also to be a minority in India.

Sir, if the British Government mean to give India a Constitution, let it remember the utterances of Lord Irwin and of the Prime Minister two years ago. They said that a Constitution should be so framed that it should have the substance of Dominion Status and the safeguards should be so framed that they would be in the interests of India. Then, Sir, there is not a single line anywhere in this White Paper that this Constitution will be an automatic Constitution. It does not say that even after five years or fifty years hence all these safeguards will automatically disappear and India will then have a Dominion Constitution as is the case with the British Dominions of Canada, Australia or South Africa. My friend, Mr. Gaya Prasad Singh, says that beggars cannot have Self-Government. Sir, I am not talking here as a beggar; I am talking here in the words of the British statesmen who say that India ought to be an equal partner in the British Commonwealth of Nations. If we are going to be equal partners in the British Commonwealth of Nations, are we going to be tied down to these myriads of safeguards from which there seems to be no chance of getting out unless some day the Secretary of State or the British Premier may think it fit to move another Constitution Bill in the House of Commons.

Sir, before I go into the details of the provisions of the White Paper, I would like to refer, first of all, to my own province Orissa. When the Secretary of State, Sir Samuel Hoare, announced the creation of the Orissa Province on the 24th December last, I declared that the Oriya people were grateful to the British Government for having righted a wrong which lasted for over 130 years of British rule. But, Sir, the trouble lay on the question of the boundaries of Orissa. We find the following foot-note on page 44:

"The boundaries of the new Province of Orissa will be in accordance with the recommendations of the Orissa Committee of 1932 (*following the Chairman's recommendation where this differs from that of the two Members*) except that the Vizagapatam Agency and the Parlakimedi and Jalandra Maliahs in the Ganjam Agency will remain in the Madras Presidency."

Sir, in the history of Committees and Commissions I have never seen the Government of India or the British Government going against the unanimous recommendations of a Committee appointed by the British Government or the Government of India. Sir, I cannot understand why the Secretary of State went against the unanimous decisions of the O'Donnell Committee and against the majority decision of that Committee about the inclusion of Parlakimedi. Sir, since this distressing news was announced, not only the Members of this House, but the Government of India and also the Secretary of State have been flooded with bunches of telegrams from Orissa. I myself have received a bunch of them, but I do not want to read them; I only want to tell the House about the intensity of feeling among the Oriya people. Already Members have seen in the press the interviews given by my Honourable friends, Mr. Phookun of this House and the Honourable Mr. Mehta of the other House, who were members of the O'Donnell Committee and who wrote the majority report about the inclusion of Parlakimedi in Orissa and also the unanimous recommendation for inclusion of Jaipur; and they have been staggered at the way their recommendations have been given the go-by.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): What about the telegrams from the Orissa Mussalmans which I handed over to the Honourable Member?

Mr. B. Das: I will deal with that. I am glad to find a certain awakening among the Oriya Mussalmans. I wish it were a genuine awakening on the part of the Mussalmans of Orissa. But it has been fostered by a certain outsider, a Mr. Fazal Huq, who paid a visit from Bengal to Orissa. They want 20 per cent. of the seats in the Orissa Council and some other safeguards. I wish to tell my Honourable friend, Sir Muhammad Yakub, that he and I entered this House on the same day; we have no communal trouble and communal quarrels in Orissa. Hindus and Muslims live in amity there; but if outside Muslim friends want to come and interfere

Maulvi Muhammad Shafee Daoodi (Tirhut Division: Muhammadan): There will be trouble now if you are not generous enough.

Mr. B. Das: If outside Muslim friends want to interfere in our domestic matters, I assure them that I will give the Muslims the same consideration, the same treatment and the same friendship as my Muslim friends are giving to the Hindus in the North-West Frontier Province and in Sind.

Sir Muhammad Yakub: I have full confidence in my friend, Mr. Das, and that is why I did not take up the matter myself, but handed over the telegrams to my Honourable friend.

Mr. B Das: I am very grateful to my Honourable friend for having confidence in me, and I can tell him on behalf of the Hindus and Muslims in Orissa that no Muslim, no minority will remain dissatisfied in Orissa. Their interest is our own.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Mr. R. K. Shanmukham Chetty) in the Chair.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The following Honourable Members have intimated to the Chair that they do not desire to move their amendments:

Sardar Sant Singh, Mr. B. N. Misra, Maulvi Sayyid Murtuza Saheb Bahadur, Shaikh Sadiq Hasan, Mr. K. P. Thampan, Bhai Parma Nand, Mr. M. Maswood Ahmad, Mr. N. N. Anklesaria, and Mr. B. Rajaram Pandian.

In view of the importance of the subject and the desirability of allowing as many Honourable Members as possible to take part in the debate, the Chair would appeal to Honourable Members to impose voluntarily a reasonable time limit on their speeches.

Mr. B. Das: Sir, before the recess, I was indicating the great discontent and the intensity of feeling that prevail in Orissa over the announcement of the boundary of Orissa. Sir, the Orissa leaders, irrespective of caste, creed and community, have all gathered and met together and expressed their serious dissatisfaction with the boundary of our province and over which numerous telegrams have been sent. The Oriya feeling will be gauged if I just quote from John Redmond, who once said:

"A healthy nation is as unconscious of its nationality as a healthy man is of his bones. But if you break a nation's nationality, it will think of nothing else but getting it set again It will attend to no business, however vital, except the business of unification and liberation."

While Honourable Members are thinking of getting a better Constitution for India, I am only thinking of unification and liberation from the clutches of sister provinces.

An Honourable Member: Bihar only.

Mr. B. Das: Bihar, Madras, and part of Bengal too. I would like to speak longer on the Orissa question, but it will do well if I sum up the demand of the Oriya people that has been ventilated in a statement which the leaders of Orissa are forwarding to the Government of India, and,

through them, to the British Houses of Parliament. Sir, the following is the Oriya nation's unanimous view on the boundary problem:

"While we may have different views with regard to the advance made by the Reforms adumbrated in the White Paper over the present Constitution, we are all unanimous in denouncing the proposal to create a truncated province with the present Orissa Division and a small area from Ganjam and C. P. We have been shocked to a man at the announcement of the boundaries of the proposed Orissa Province. We had fondly dreamed that our agitation during the last three decades for the re-unification of the dismembered Oriya tracts had borne fruit and that the area proposed by the Curzon-Risley Circular as early as 1903 would at least be taken into the new province. Far from satisfying ten millions of Oriyas, the Government have evidently succumbed to the persistent opposition of the Madras Government to the Oriya claim. The exclusion of Jeypore extending over 11,000 square miles cannot be defended on any conceivable ground. The O'Donnell Committee appointed by the Government of India unanimously recommended its inclusion, the peoples of Jeypore have unanimously urged its inclusion. The Raja Saheb of Jeypore has been one of the acknowledged leaders of the Oriya movement during our long period of struggle, but the Government have thought it fit to exclude this area on grounds not obvious to us.

Exclusion of Parlakimedi comes as the rudest shock to the Raja Saheb, who was invited by the Government to represent the Oriyas at the First Round Table Conference and to whose initiative at the Conference the formation of a separate province of Orissa is mainly due and who also represented the Oriyas in the O'Donnell Committee and who has been a loyal and sincere supporter of the Government. It is highly disappointing that the conclusion arrived at by the successive official Committees of Enquiry have been ignored: the idea of exclusion of Parlakimedi has created a deep resentment and strong dissatisfaction among the Oriyas.

We feel that grave injustice and wrong have been done to the Oriyas. The wishes of the people, their racial and linguistic affinities, administrative convenience, economic interests, trade and communications, geographical contiguity and history and culture all demand the inclusion of Parlakimedi in the province of Orissa.

The elimination of Singbhum and Phuljhar tracts is no less surprising. The question of Midnapore has been lost sight of.

We are sure, however, that the intensity of feeling among the Oriyas should not be ignored and the Joint Parliamentary Committee will redress the wrong done to the ten millions of Oriya people."

Sir, without Parlakimedi if we have a separate province of Orissa, it will be, as my friend, Mr. K. P. Thampan, once said like playing Hamlet without Hamlet, as the Raja of Parlakimedi happens to be the premier Prince of Orissa, and, without his Estate, I cannot conceive of an Oriya province. Sir, I would just remind the House of a well-known passage from Lord Curzon, while speaking in the House of Lords, who once said that "If the Oriyas were an agitating people, which they are not, they would soon make their protest heard".

Sir, when Orissa was attached to Bihar, and East Bengal and West Bengal were united in 1912, Lord Curzon spoke of the Oriya demand for unification to the above effect. I do not know how I can ask my people to agitate and make our demand felt. I can ask them to organise black shirts, but I will wait for the present.

Sir, when the White Paper was published on the 18th of March, and the attenuated boundary for Orissa was announced, the Orissa leaders, and the Orissa Press wanted it to be observed as a black day for the province. I hope that the British Government and the Government of India will realise the disastrous effect which this action of the Secretary of State has produced on the Oriya people and see that justice is done to us.

Sir, I would like to make a few observations on the White Paper about the so-called safeguards that have been provided in it. As I said before, it is all safeguards, and nothing but safeguards. I cannot understand why there is so much suspiciousness in the mind of the British Government.

[Mr. B. Das.]

Why they think that without a non-voted Financial Adviser the administration of the Federal Government cannot run? Why do they saddle the Governor General with three Counsellors whose salaries are to be non-voted and also a Financial Adviser, whose salary is not only to be non-voted, but whose staff, the *chaprassis*, clerks, etc., all are to become non-voted. If one looks into the financial aspect of the new Constitution dealt with in the White Paper, he will find that 80 per cent. of the finances of the new Federal Government is to be non-voted. Then, what is the transfer of responsibility? Even in Finance there is only to be a transfer of 20 per cent. responsibility to the so-called responsible Ministers. I can summarise the result of the White Paper in one sentence, and that is, that in every respect it is going to transfer only 20 per cent. of responsibility in all directions, and that has been spoken of as Provincial Autonomy in the White Paper. But where is provincial autonomy when the finances are being controlled by the Financial Adviser of the Governor General? Unless the cost of defence is reduced, the provinces cannot breathe freely, nor can they think of an autonomous province, nor can they develop themselves; and yet defence remains a non-voted subject and will for ever remain so; and there is no automatic provision made in the White Paper whereby the Army expenditure can be reduced. A few days ago, I challenged these Round Tablers to tell us how they laid stress upon this point before the Round Table Conference; and I said that excepting Sir Purshotamdas Thakurdas none of them had the courage to demand or to lay stress upon this reduction of the cost of defence. Most probably these gentlemen, belonging as they did to the liberal school of thought, were afraid that if they demanded a reduction in the cost of defence, probably they might be applying a brake to the reforms and there will be no chance of getting the sort of Constitution that they were expecting and by which they thought that posterity will remember their names. But, instead of posterity remembering them, as things are going to happen, even my very generation is going to curse them.

One of the funny things that I see is that of Baluchistan—not only the Political Department becomes non-voted and is to be administered by a Counsellor, but the financial provision for Baluchistan becomes completely non-voted: at present this House still looks into the administration of Baluchistan. If that is the dose of reforms that the people of Baluchistan are getting, then I pity those who pleaded that Baluchistan should be made a province under the new Constitution.

My leader, Sir Abdur Rahim, has already referred to the Statutory Railway Board. My own view in the matter is this. I do not mind the railways being administered by a Statutory body but that Statute should be a Statute of Delhi and not a Statute of Westminster. It is sheer deceit; it is a sheer insult to the genius of India to provide in this White Paper that the Statute that will govern the Statutory body of Railways should be a Statute of Whitehall. I wonder how my friends, the Round Tablers, subscribed to that provision. I am surprised that they subscribed to that principle.

Mr. A. H. Ghuznavi: Who did?

Mr. B. Das: There is a provision that the Reserve Bank should be started immediately and that the Reserve Bank should come by an Act of this House. If the Reserve Bank can come by an Act of the Indian

Legislature, why not a Statutory body for Railways come by an Act of the Indian Legislature? Let the Constitution Bill provide

Mr. A. H. Ghuznavi: Who subscribed to the view that the Statutory Railway Board should come by an Act of Parliament?

Mr. B. Das: Probably I have misunderstood: when my friend, Mr. Ghuznavi, explains that he strongly condemns the principle that is laid down in the White Paper that the Railway Board should become a Statutory body by a Statute of Whitehall, then I will be satisfied.

Mr. A. H. Ghuznavi: I asked, who subscribed to that view? You said the Round Tablers did.

Mr. B. Das: I am glad to have at least this confession that the Round Tablers did not subscribe to that view. I was spending a few days in London while the Round Table Conference was sitting and some of my friends in that Conference told me: "You are getting this new Constitution for India, and recruitment for higher services hereafter will for ever be done from India." I was given to understand by very many friends and very responsible friends that there will be no further recruitment for these services in future in England. But what does the White paper say? Five years after the new Constitution, a Committee will be appointed to consider if the Imperial Services, the steel frame services, like the police, engineering and civil service, should be recruited in the same proportions, or in different proportions. After the new Constitution in 1919, we were told that ten years thence the new reforms would come; and now we are told that five or six years hence in 1936 or 1938 something might happen. This means a further freedom granted to the services for a number of years—one does not know for how many years. All this shows that the British Government and the Secretary of State do not mean that there should be any transfer of responsibility from that side to this side.

Now, people talk of Federation. How can there be a Federation when there are such uncongenial partners, the British Indians on the one side and the Indian Princes on the other? In 1931, when we were discussing the report of the First Round Table Conference, I stated: "Who are these Princes? Why are they coming? Are they coming to the Federation as mere ornaments only to fill the picture, or are they coming to help British India to help the whole of India to advance in the direction of responsibility and democracy?" Since then, Sir, in the last sitting of the Chamber of Princes, we find that the Princes have put forward their eighteen points to safeguard their rights and privileges. We had fourteen points before this from Mr. Jinnah formulating the Muslim Demand which, I am glad, my Muhammadan friends have secured. But now the Princes have taken a lesson from my Muhammadan brothers and they want 18 points and, if Government do not give them these 18 points soon, they will bargain for more and it may go up to 25 or 50 points next year. How can these two elements, democracy and autocracy, coalesce when the Princes talk in terms of paramountcy and sovereignty, and what not? There is another aspect to consider. If the Princes at all come in, they are going to have effective control in our affairs. For instance, they will control the customs tariff and the administration of the customs revenue; yet we cannot talk anything about their internal affairs; and they are still bargaining so much.

[Mr. B. Das.]

that I feel that there will be no Federation. Everybody knows that when the Princes were first seduced to come into the Federation, they were told that there will be a certain transfer of sovereignty to the provinces and at the Centre, and that the Princes will share in that transfer of sovereignty and come and sit with us in the same Federal House. Now, the whole trouble is that the Princes find that in the Federal Assembly under the Federal Constitution no sovereignty has been conceded and that is why the Princes are demurring. They are not going to join the Federation. I want the British House of Commons and the Joint Parliamentary Committee to take note of it, and say whether it is not a fact that the Government of India and the India Office are applying compulsion on these Princes to join the Federation

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muhamadan Urban): No, no.

Mr. B. Das: I am glad that my friend, Diwan Bahadur Ramaswami Mudaliar, knows the secrets of the Government of India and the India Office

Diwan Bahadur A. Ramaswami Mudaliar: It has been expressly denied, Sir. My friend may repeat it as many times as he can.

Mr. B. Das: I do not accept it unless it is denied by the Leader of the House here and by Sir Samuel Hoare on the floor of the British House of Commons

Diwan Bahadur A. Ramaswami Mudaliar: It was denied by Sir Samuel Hoare in the British House of Commons.

Mr. B. Das: I still lay this charge that they are applying compulsion or pressure on the Princes, and that is why the Princes demur to come into the Federation. Personally, Sir, I do not want the Princes to come into the Federation. The Princes want their pound of flesh, but I want them to remember that it is not the British Government and the Government of India alone who can give them everything. The British Parliament exists. I hope the British Parliament and the British people would rise to the occasion and well might they say like Portia to the Princes:

“ Take your pound of flesh of British India,

Shed not one drop of democracy,

Demand not Paramountcy, Suzerainty or Sovereignty. ”

Sir, will the British lion rouse itself and lash its tail and say to these princes “Enough” and that it cannot and will not tolerate autocracy, no bargaining at the cost of humanity?

Sir Muhammad Yakub: Sir, in rising to speak on the White Paper, I feel like a traveller in a thick wood without knowing in what direction the destination lies. I have no doubt that the framers of a democratic Constitution for India are faced with a gigantic task having no parallel in the history of the world. If any tribunal or any individual were to take upon himself the task of framing one Constitution for the whole of Europe, satisfactory to all the different communities in different countries

it would be considered as aiming at an impossibility. Yet since the last six years an effort is being made to satisfy the different classes and communities in India, having different interests, and traditions and more divided among themselves than the people of different countries of Europe with one Constitution. Then, again, the impossibility becomes more paradoxical when we find that democracy is being wedded with an autocracy in order to produce this novel Constitution. If I am not at all hopeless of the task, it is because I consider the White Paper merely a "writing on a slate", which, according to the Secretary of State himself, could be washed away in order to produce an altogether different structure.

In 1920, when the present Constitution was given a definite shape by that far-sighted and sincere supporter of India's aspirations, the late Mr. Montagu, it was never contemplated that, on the lapse of the statutory period of ten years, India's further advance would be made dependent on the Princes joining an All-India Federation. At this stage I want to make it quite clear that I consider the Indian States as our great national assets and their preservation and the maintenance of their rights and prestige must be our greatest concern. Whether the Princes should join the Federation or not is a matter entirely for their Highnesses to decide, but, as one of the representatives of the people of British India, I must make it quite clear that we are as keen for the preservation of our rights as the Indian Princes are of theirs, and we on our part would not be prepared to accept any Constitution which might be thought to endanger the unity of British India or those positive advantages which are derived from a uniform body of the law and administrative practice. The White Paper does not give us any clear guidance as to the functions of the representatives of the Indian States in the Federal Legislature. We ought to be satisfied that these representatives will have no right to discuss or vote in matters relating purely to administration of British India and that their functions will only include such Federal subjects as are common both to British India and Indian States. Then, again, we will not be prepared to accept any Weightage to the Indian States, in the Federal Legislature, which would tend to reduce the majority of the British Indian representatives into a minority or even to an equality, or impair in any way their position as a deciding factor in the affairs of British India.

A great deal of criticism has been levelled against the special powers vested in the Governor General and the Governors of the Provinces. But, before disparaging the safeguards, if we try to introspect our own position and bear before our mind many of the tragic stories of communal warfare, terrorist outrages and social propaganda, repudiating debts, and destructive political programmes, we will be convinced that we are responsible for many of the safeguards in the Paper. And, again, when the Federal scheme comes into practice, if we create any extenuating conditions in the country, it would endanger the public peace. It will again be that the responsibility of putting into motion the machinery of safeguards will fall on our heads and we shall have to thank our own destructive politics and hard instinct. Democracy, in the sense in which it is generally understood in Europe, is, in my opinion, for the present, altogether outside the orbit of the Indian Constitution. You cannot endanger the very existence of administration in this country by introducing, all of a sudden, measures which would place certain communities and certain classes totally at the mercy of other communities. I do not propose to introduce

[Sir Muhammad Yakub.]

controversial matters into this debate. We are all familiar with the conditions prevailing in India. The presence of Muslim States on its North-Western Frontier, and that of Sino-Buddhist States on its North-Eastern Frontier will always have violent re-action on the internal and external policy of the country and proves the necessity of safeguards and British connection.

The Mussalmans consider democracy as their national heritage. We were the first to introduce the principles of equality, liberty and fraternity into the domain of the State ethics and were always guided by these principles in the art of government. But self-preservation is the first law of nature and I cannot object to these special powers being vested in the Governor General and the Governors of the provinces, in order to protect the democracy from degenerating itself into rank communalism; and the greater the powers which the Governor General and the Governors have to control, the larger their special powers must be. However, there are certain powers conferred upon the Governor General and Governors which smack of too much of distrust of the Indians. While I cannot deny the vesting of the emergency powers in the Governor General and the Governors, I see no reason why a dictatorial position should be bestowed upon them, such as the proposed provisions giving them too vast a latitude to ignore the Legislature and the public opinion in framing laws. I also do

3 P.M. not find any justification for extremely vast powers vested in the Governor General and the Governors in the name of financial safeguards. Nor can the proposal of forming a Statutory Railway Board be allowed to pass unchallenged.

The next point which, according to my humble judgment, is of the utmost importance for my community, is the question of services. The life and death of the Muslims in India depends upon their share in the administration of the country. Although for the present, appointments generally would remain in the hands of the Government, experience has fully established that no Governor can go against the wishes of his Ministers and the heads of Departments in the matter of appointments, and unless statutory provisions are made to secure a definite share of services for Muhammadans, their position can never be considered as secure. The omission in the White Paper to give an indication in this direction is extremely disappointing. In the same way, a statutory provision for the share of the Mussalmans in the Cabinets of the country is of utmost importance.

I realise that for the present the question of the vesting of residuary powers does not arise, but a time will come when this period of transition will come to an end and it is a matter of great disappointment that there is no indication in the White Paper on this point.

An Honourable Member: What is that period of transition?

Sir Muhammad Yakub: I say there is no indication of that in the White Paper. It is in your hands and in my hands. I would strongly submit that the Constitution must provide for the transfer of residuary powers in the States when full Dominion Status is established in India.

Coming to the proportion of the Muslim representation in the Federal Legislature, I find that the decision of the Government on communal representation is modified inasmuch as the White Paper does not provide

for the reservation of seats for the Mussalmans in the quota of the Indian States. Our rights cannot be fully safeguarded unless we are guaranteed at least the same proportion of the Mussalmans amongst the representatives of Indian States as we are guaranteed as regards the representatives of British India.

Experience compels me to modify my views as regards the method of representation for the Muslims and I am compelled to come to the conclusion that separate electorates must, for the present, form the principle of the representation of the Mussalmans in all the elective bodies, and therefore, whatever may be the electorate for the Upper Chambers, I would insist upon the necessity of providing separate electorates for my community.

Coming to the question of franchise, I must repeat what I said in my note appended to the report of the Indian Franchise Committee as regards the female franchise. I see no reason why different qualifications should be fixed for women and why a wife should have a right of vote if her husband possesses the right under the property qualifications. I am fully prepared to give to women an equal status with men in the matter of franchise, but there can be no justification for creating artificial and extraneous qualifications for them. As a matter of fact, the women themselves have not asked for any such differential qualifications. I was, therefore, disappointed to find that women have been given a right to vote if their husbands are in possession of property qualifications required.

Every student of English Constitutional History is familiar that the English Constitution is a plant of slow growth, and likewise we are seeing that our Constitution is developing slowly along with our political advancement. Since the days of Lord Ripon, they are following one aim of giving responsibility to the people of India in the administration of their country. Our hopes of success and expedition of responsible reforms are greatly strengthened when we see that here in India our first pilot will be Lord Willingdon, whose sympathy with Indian aspirations is appreciated by every school of thought and whose recent experience of a Dominion Government will be a great asset to the success of our cause. And when we see beyond India the personality of Lord Irwin in the British Cabinet, it makes us more hopeful in the success of our cause. Let us not, therefore, allow the feeling of pessimism to pervade our minds. It will not be wise on our part to reject the hand of co-operation extended by the British Government. Let us try to work the new Constitution, with necessary modifications, and at the same time we should continue our efforts to remove the restrictions which impede our political growth.

One word more and I have done. The chief object of this debate, as I understand, is to create an accumulative effect of our opinion and criticism on the Joint Parliamentary Committee and the British Parliament. Let us not, therefore, spoil the effect by going into lobby on this debate.

Bhai Parma Nand (Ambala Division: Non-Muhammadian): Sir, I had given notice of an amendment, but following your suggestion to Members who had tabled amendments, I have thought it advisable to give up the moving of that amendment. I would, therefore, express my views in general and also on the subject which I have put in my amendment.

[Bhai Parma Nand.]

Sir, in his very eloquent and able speech, Sir Abdur Rahim, the Leader of the Independent Party, referred to the share of Muslims in the services of the Government of the country. My Honourable friend, Sir Muhammad Yakub, also laid stress on that point and also on the share of Muslims in the representation of Indian States to the Federal Assembly. It would be better for me if I quote the passage in Sir Abdur Rahim's speech where reference was made to the subject. He said this:

"I am afraid, I have taken up a considerable portion of the time of the House : but there is one other important feature in the proposal which I must point out in connection with the services. We know in this House and we are reminded of it constantly that the question of claims by different communities with respect to the services causes an amount of wrangling and ill feeling in the Legislature out of all proportion to its importance. I searched the proposals to find out some formula for this, but there is none ; and let me assure the Government of India that this omission has caused a great deal of misgiving in the mind of the Muhammadan community generally, and, I believe, in other minority communities as well."

The main question of representation on communal lines has been settled by the White Paper and, in addition to that, now there comes another fresh demand that a similar share in the representation of Indian States on strict communal lines should have been also assigned to the Muslim Community in it. It is not yet quite settled whether the Indian States are going to join the Federation or not ; neither it is settled how much they will get and in what proportion it will be divided among themselves. This is one. Then, there is the demand for a communal formula for the distribution of a share in the public services of the country. I would say, Sir, that we were already feeling aggrieved at the spirit of communalism that has been displayed in the Communal Award proper as well as in that portion of the Award which finds its reference in the White Paper. But, our friends, the Muslims are not satisfied with that. They want to go several steps further and want to get their communal demands satisfied in other departments as well. I think it is my duty at this juncture to tell the Government in order to have it conveyed to His Majesty's Government what we, the Hindus of India, feel on this matter of communal representation and the communal award which has been issued in two parts, first, the Communal Award proper, and, the second, that portion of the Communal Award which relates to the allocation of seats to the various communities in the White Paper.

It has been professed so very often that British Government are pledged to establish responsible self-government on the lines of Dominion Constitution in this country. If the Government are really sincere and if they believe in the sanctity of their pledges, I think it is most unfair on their part to introduce, as if by the backdoor, a system of franchise which is directly destructive of democracy and nationalism and is quite incompatible with the promised Constitution. The award, however, very clearly shows that this has been given in the interest of communalism. By issuing this, the Government have placed a premium on communalism and it seems that they have decided to give India a Constitution which is far worse, more communal and less democratic than even the Constitution that was proposed by the Statutory Commission. I read somewhere that the Communal Award in two portions has practically supplied the frame work for the new Constitution and the Government have made their Constitution to bend and twist and suit itself to the Award rather than the Award to the Constitution. There is another thing which I want this Honourable House to note, and it is this, that while before giving the

Communal Award proper, the communal problem was kept an open issue for a very long time, even in the Round Table Conferences opinions were invited and discussions were held on that point by different parties concerned. This award, that has come to us through the White Paper, has been stealthily issued and it has not got even the merit of being openly discussed by the people. It is simply an arbitrary measure of His Majesty's Government issued in an unexpected and sudden manner.

An Honourable Member: We have been expecting it for a long time.

Bhai Parma Nand: Yes, but not in this shape. My Honourable friend, Mr. Ramaswami Mudaliar, said the other day in his speech that the Communal Award and Federation were the two basic principles of the new Constitution and that the new Constitution would not stand without them. I am sorry I cannot agree with my friend, as I believe that various constitutions had been proposed when there was no trace of the Communal Award yet. I would take the different schemes of the proposed Constitutions one by one and will try to show to this Honourable House the dangerous position in which we have been placed by this new award of His Majesty's Government.

In the first place I would refer to the League of Nations' plan. There is a general scheme of settlement of the minorities question laid down for us by the Minorities Committee of the League of Nations of which India is a member. This Minorities Committee of the League of Nations discussed the problem of minorities as they were found in the countries of Europe; and they have come to certain conclusions on that subject. Their conclusions are that the minority in a country is entitled to three important general rights. One is full and complete protection of life and property and free exercise of their creed, religion or belief, provided that its practice is not inconsistent with public order or public morals. The second right is equality of all nationals before the law and in the matter of civil and political rights. Thirdly, there is the obligation to impose no restrictions on the free use of any language in private intercourse, in religion, in the press and in public meetings or in publications of any kind. These are the rights on which are based the minorities treaties which are described by Mr. Henderson as being part of the public law of Europe and consequently of the world. I want in this connection to add that the speeches that were made by the representatives of the various countries in that Minorities Committee are in perfect unanimity with the view which was clearly expressed by Sir Austen Chamberlain, the representative of the British Government. Sir Austen said:

"It was certainly not the intention of those who had devised the system of minorities protection to establish in the midst of a nation, a community which would remain permanently estranged from national life. The object of the Minorities Treaties was to secure to the minorities that measure of protection and justice which would gradually prepare them to merge in the great national community to which they belonged."

This was the one general, natural and national plan of Government that had been settled by the League of Nations. The second Constitution was the one which was proposed by the Central Indian Committee for us. They say in their report in para. 129 as follows:

"Except in the case of Europeans to whom we would concede separate electorates of their own on account of the language difficulty already mentioned, we propose that the seats allotted to the other communities and to Labour and women should be contested in joint electorates."

[Bhai Parma Nand.]

The Central Indian Committee, having proposed joint electorate for the Hindus and Muslims, seem to have been very liberal in allotting seats to minority communities. Fixing the total number at 273 for the Central Assembly, they have assigned 104 seats to Hindus, 12 to the Depressed Classes and 79 to Muslims, 17 to Europeans, three to Anglo-Indians and three to Christians, while reserving 28 seats for Landholders, Commerce, Labour and Women.

Now, there is the third scheme of Constitution which was laid down by the Simon Commission in para. 180 of Volume II. This scheme is, in my opinion, by far the best, the most fair and worthy of preference to all the other schemes that have come before us. While recommending separate communal electorates for the Provincial Councils, they have proposed for the Federal Assembly the indirect method of election on the principle of proportional representation.

An Honourable Member: Do you abide by that?

Bhai Parma Nand: Yes, I do. I think the best thing I can do is to quote the whole scheme in the words of the Commission themselves. They say:

"The second feature of our proposal, to which we attach very great importance, is the use by the Provincial Councils of the method of proportional representation in selecting members of the Federal Assembly. By this means, while securing adequate protection for all minorities"—*let it be noted that, in their opinion, this secures adequate protection for all minorities*—"we are able to get rid of specific provisions for separate communal representation in the Assembly."

(Hear, hear.)

This clearly shows that the Simon Commission were opposed to having separate communal representation in the Federal Assembly.

"Take, for example, the Muhammadans."

I am quoting the words of the Commission:

"We have already said that, in the absence of agreement between the two major communities, separate representation for Muslims in the Provincial Councils must continue and an adequate number of provincial seats must be guaranteed to them."

In the provincial Councils they have this separate representation and the guaranteeing of special seats:

"It will, therefore, be open to the Muslim Members of the Provincial Councils to secure that a proper proportion of Muslims is returned to represent the provinces in the Federal Assembly. . . . At the same time, the communal complexion of the provincial delegation is not absolutely fixed, for it is one of the advantages of the system of proportional representation that there are marginal seats the occupants of which are likely to be returned by the votes of members of more than one community. . . . In either event, whether the voting in the Council is strictly on communal lines or not, the Members returned to the Federal Assembly will all be the choice of Provincial Councils as a whole. They will be sent to the Centre to serve the general interests of the province and they will have a new opportunity of learning the benefits of co-operation; however deep and wide communal divisions may remain, the Constitution of the Federal Assembly will not have to provide for them by ear-marking seats or classifying constituencies. This we regard as a great gain and hopeful development."

I would ask the House, Sir, to mark the words:

"and they will have a new opportunity of learning the benefits of co-operation", in the extract I have just given above.

Sir, this is the spirit of the recommendations of the Simon Commission with regard to the representation in the Federal Assembly. It was on the assumption that the Provincial Councils were constituted on strictly communal lines and the electors in the Provincial Councils would give priority to candidates of their own community, that they gave the following estimate of seats in the Federal Assembly as divided among different communities—Non-Muslims 50 per cent, Depressed Classes 10 per cent, Muhammadans 30 per cent, Sikhs 2 per cent, Indian Christians 1 per cent, Europeans 5 per cent, besides which two per cent. were to be given to the Anglo-Indian community by nomination.

The fourth scheme was proposed by the Government of India in their Despatch. They recommended a maximum strength of 200 seats for the Federal Assembly, and they apportioned those seats on the existing ratio. They gave the revised and existing distribution of seats in the following manner:

(I want these words to be marked: "*the existing ratio of the Federal Assembly to be maintained, and the number to be increased accordingly*"):

The existing general seats were 90. Their revised general seats were to be 145. Non-Muslim seats were to be raised from 50 to 79; Muhammadan seats from 30 to 50, Sikh seats from 2 to 6, European seats from 8 to 13, 3 for N.-W. F. Province, one for Coorg and one for Baluchistan. It is a surprising fact that His Majesty's Government, while issuing the Award and making a fresh allocation of seats, have completely disregarded all these proposals, including that of the Government of India as well!!

Now I come to the discussions and the shape which this question assumed in the Round Table Conferences in London. In the First Round Table Conference, a Minorities' Committee was specially appointed for the settlement of the communal problem. It was admitted by this Committee that a system of joint free electorates was, in the abstract, most consistent with democratic principles. But there was a real danger that under such a system the representation secured by the minorities would be inadequate. Then there came the claim for communal representation and for a fixed proportion of seats. It was also urged that the number of seats reserved for a minority community should in no case be less than its proportion in the population. This of course is admitted, that if there is any rule that can justify separate representation and the fixing of a proportion for any community that insists on separate representation, the only way to settle the question is to give them seats according to their ratio in the population.

Sir Muhammad Yakub: Will the Honourable Member accept the same thing for the Punjab and Sind?

Bhai Parma Nand: Well, if this principle is extended to the whole of India, I would certainly accept it, Sir. (Hear, hear.) (Applause.)

Maulvi Muhammad Shafee Daoodi: Then, why have the Hindus and the Sikhs in the Punjab, the Frontier Province and in Sind objected?

Bhai Parma Nand: Well, I have got my own views. Now, turning to my point, out of the three methods, nomination was unanimously deprecated. With regard to joint electorates with reservation of seats,

[Bhai Parma Nand.]

doubts were expressed that whilst such a system might secure the representation of minorities, it provided no guarantee that the representation would be genuine. But that it might, in its working, mean the nomination or in any event the election of the minority representatives by the majority community. It was pointed out that this was in fact only a form of communal representation and had, in practice, all the objections to the more direct form of communal electorates. The only one method which was accepted generally was separate electorates, although it was suggested that a portion of seats, say 80 or 90 per cent. should be so assigned and the rest be filled by open election. But this proposal too did not find acceptance.

It is needless for me to say that the Hindus have all along stood for pure and genuine democracy, undefiled by the devices of communal representation for which there was no parallel or precedent in any civilised State in the world (Hear, hear) and it was the Muslims who demanded separate representation, a separate electorate, the reservation of seats and preferential weightage; not only in the Legislatures, Sir, but in all branches of the public service,—that is, in the Army, in Railways, in Posts and Telegraphs and even in schools. And this point which I brought out was very well proved today when my Honourable friend, the Leader of the Independent Party, and my Honourable friend, Sir Muhammad Yakub, expressed to this House their own view also and urged the same thing, namely, that there should be an adequate representation for Muslims in the services and that this should have been put down in the form of a formula in the White Paper. It was in reference to all these communal claims that Mr. Ramsay MacDonald, as President of the Minorities Committee, said:

“The evil of communal electorates has assumed its most dangerous form and proportion in India where different communities and minorities are out to claim that the Legislature is to represent not regions, but religions, not areas or interests, but castes and creeds, by a strange electoral system based on the grouping of voters by religion in separate communal electorates.”

And, then, he illustrated this point by quoting a few extracts from his speech which he delivered in the House of Commons and I do not think I will be going out of my way if I give these quotations to this Honourable House. Mr. Ramsay MacDonald explained the position which he had noticed in the Minorities Committee, in the House of Commons in the following words:

“It is a very curious problem and if the members who are interested in these constitutional and political points care to read carefully the Minorities' Committee's report, I promise them one of the most fascinatingly interesting studies which they have undertaken. You build up a Legislature as this is built up, by Constituencies: Voting in constituencies is not to take place and cannot at the moment take place in the way that voting in our constituencies takes place where you might have an aristocrat as one candidate and a working man as another. You would have our constituencies divided up into sections with a certain number of working class constituencies where nobody but working men can run as candidates; a certain number of, say, Church of England constituencies where nobody but the communicating members of the Church of England could run until you filled the 100 per cent. of your constituencies in this way. Then, before any election took place, it would be perfectly certain that the Church of England would have, say, 50 per cent. of the seats, working class, say, 25 per cent. and so on.

Another problem that faces us from that point of view is if your Legislature is to be composed in these water-tight compartments, these community-tight compartments, whom are you going to appoint your executive? The claim is put that the executive, that is, the Administration and the Cabinet shall also be divided into water-tight

compartments. If any constituency is to be ear-marked as to community or interest, there will be no room left for the growth of what we consider to be purely political organisation which would comprehend all communities, all classes, all creeds and conditions of faith. This is one of the problems which has to be faced, because if India is going to develop a robust political life, there must be room for national political parties based upon conception of India's interest and not upon conceptions regarding the well-being of any field that is smaller or less comprehensive than the whole of India."

Now, Sir, this is that the Prime Minister said about the system of communal representation as was discussed in the Minorities Sub-Committee. He referred to two more things, and referring to joint electorates he said:

"Then there is a modified proposal. A proposal is made that there should not be communal constituencies with a communal register, but that there should be a common register in the constituencies, but a certain percentage of representation should be guaranteed to certain communities. It is the first proposal in a somewhat more attractive democratic form, but still is essentially the same."

And, lastly, with regard to the principle of weightage, he said:

"It is very difficult to convince these people that if you give one community weightage, you cannot create weightage out of nothing, you have to take it from somebody else; when they discover that they become confused indeed and find that they are up against a brick-wall."

Sir, I have given a long quotation from the speech of the Prime Minister. This speech has become a classic with us and we would not be tired of quoting it again and again. However, we find a change has come over in the Prime Minister in the Second Round Table Conference and the same Mr. Ramsay MacDonald addressed the delegates of the Second Round Table Conference in a different tune in his final speech. This is how he summed up:

"There is still difference of opinion, for instance, as to the composition and powers of the Federal Legislature and I regret that owing to the absence of settlement of the key question (*now he calls it a key question which he had been deprecating all along in his speech in the Minorities Sub-Committee and also in the House of Commons*) of how to safeguard the minorities under a responsible Central Government, the Conference has been unable to discuss effectively the nature of the Federal Executive and its relationship with the Legislature.

We must all, however, realise that there stands in the way of progress whether in the Provinces or in the Centre that formidable obstacle, the communal deadlock. I have never concealed from you my conviction that this is above all others a problem for you to settle by agreement amongst yourselves; the first of the privileges and the burdens of self-governing peoples is to agree how the democratic principle of representation is to be applied; in other words, who are to be represented and how it is to be done?"

This principle has been altogether disregarded by His Majesty's Government in the White Paper. Now, Sir, this is the view and, indeed, the question will be put—who is to blame for this disagreement? I cannot blame anybody. It is not for me to say, but I would quote the words of the Muslim Memorandum presented by the Muslim delegates to the Third Round Table Conference. That will make clear as to who is responsible for this communal representation. Evidently very much encouraged by those in whose power it was to grant a Constitution to India, the Muslim Delegation said as follows:

"For the Lower House, we take it for granted that the Muslim representatives will be chosen by direct election through separate Muslim constituencies. In the Upper House the Muslim community insists that their representatives from British India should be elected through separate constituencies by the Muslim members of the various provincial legislatures and by them alone."

[Bhai Parma Nand.]

Then they make the point more clear and go on to say:

"As has been urged over and over again in the Round Table Conference and elsewhere, the Muslim community claim one-third share in the Federal Legislature, that is, 33 seats of every hundred in the Lower House and 33 per cent. in the Upper House. The community insists that after 33 seats out of hundred in either House 25 should be guaranteed to them out of the British Indian quota. As between British Indian and the Indian States, British India is on the population basis entitled to 76 seats out of a House of 100. That is why the Muslims asked for 25 on a third of 76 seats out of the British Indian quota. Further, they asked that it should be so arranged that 8 Muslim seats out of a House of 100 are secured out of the Indian States quota to represent Muslim interests in the Indian States."

Then, the Muslim Delegation gave their reasons in the following words:

"The Muslim community would strongly object to any plan under which the whole of the British Indian quota for the Upper House would be elected by the Provincial Legislature voting as body by the system of the single transferable vote. Apart from other reasons, the chief of which is the community's dislike of joint electorates in any form, their objection rests on the ground that under the most favourable conditions such a system would not secure for them a due share in the Upper House."

From these quotations that I have given above it is clear that the Muslim delegates insisted on separate electorates. They rejected joint electorates; they threw overboard the scheme of proportional representation as proposed by the Simon Commission and, above all, they wanted one-third seats in both the Lower and the Upper Houses. Here, Sir, communalism had reached its climax. The mystery of this, however, becomes clear from a two-line reply given by Sir Samuel Hoare in a speech delivered at the conclusion of the Third Round Table Conference. In this reply we have a real foretaste of what is said in the White Paper. He said:

"I think I have said it over very often before that the Government consider that the Muslim community should have a representation of 33 1/3 per cent. of British and Indian States in the Federal Assembly."

And that is what we have got in the White Paper, the gist of a scheme which has superseded all the others. Now, Sir, a pertinent question can be asked, why one-third of the whole should be given to Muslims who form one-fourth of the population of the Hindus? I admit that in the course of the Unity Conference at Allahabad the Hindus, representing the Congress views, offered their conditional consent to give 32 per cent seats to the Muslims, but the Hindus, representing Hindu view, had said clearly that they would agree to give 32 per cent to the Muslims provided the Muslim agreed to fix 65 per cent seats for the Hindus in the Centre. The object underlying this proposal was that the Muslims were entitled to only one-fourth ratio of the Hindu seats, but giving them special weightage they could get 32 instead of 25, provided the remaining balance was assigned to the Hindus. It is beyond all understanding how the Muslims could get one-third not of the Hindu seats, but of the total seats.

Yet, this is not all, there is something more. An attempt is made through this White Paper scheme that the Hindu majority in India should for all practical purposes be reduced to a minority in the Central Legislature. Honourable Members would easily recollect that during the discussions on the distribution of seats in the Punjab and Bengal, the Muslim leaders laid down a definite rule that if the minorities in the

Punjab and Bengal are given any weightage, it should be clearly understood that the Muslims should in no case allow their majority to be reduced to a minority. The Muslim majority in the Punjab and Bengal comes to 55 per cent while the Hindu majority in India amounts to 75 per cent; and from the distribution of seats, as proposed in the White Paper, this majority of 75 per cent has been reduced to a minority in the Central Legislature, and it would undoubtedly be a great marvel if the Hindus would not see through the trick and try to find out a remedy for it.

According to the Central Indian Committee, taking the total figure as 250, the Hindus (including the Depressed Classes) would have got 106 and the Muslims 72, the ratio of Muslims to the Hindus would in that case be 40 per cent. No doubt this percentage is much higher than the population ratio, but the Central Indian Committee allowed this high percentage on the supposition of having joint electorates for all.

Then, according to the Statutory Commission, on a total of 250, the Hindus (including the Depressed Classes) would have got 150 seats and Muslims 75, and thus the Muslim ratio to the Hindus would be 33 per cent. This is the most fair and equitable adjustment of seats between the Hindus and the Muslims, and I do not think there will be anybody in this House who would accuse the members of the Simon Commission of any partiality towards the Hindus.

According to the Government of India Despatch scheme, the Hindus would get 136 and Muslims 75. Thus the proportion of the Muslims to the Hindus would be 36·7 per cent. This proportion is worse than that fixed by the Simon Commission although it is better than what we find in the White Paper, according to which Hindus (including Depressed Classes) have been given 105 seats and the Muslims 82, the proportion of the Muslims to the Hindus being about 44 per cent. My point is very simple. Let the Muslims get one-fourth of the Hindu population ratio and, if they want more weightage, let them get 32 or 33; but I cannot understand what right they have to claim that out of the total they should get one-third.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The Honourable Member has taken about 40 minutes already.

Bhai Parma Nand: I will finish in a minute.

This does not end there. We know that out of the general seats (meaning thereby the Hindu seats) 6 seats are given to the Sikhs, 8 to Europeans, 4 to Anglo-Indians, 8 to Christians and 6 to European Commerce. The remaining 31 seats are assigned to special constituencies of Labour, Landholders, Indian Commerce and Women. From this it is clear that out of these remaining 31 seats, half, or at any rate more than one-third, would go to the Muhamnadans. Thus, roughly speaking, Muslims, Europeans, Indian Christians, Sikhs and Anglo-Indians would get 114 seats as allotted to them and, as I said, out of 31 special seats, more than one-third, say 12, would go to non-Hindus. Thus it would appear that more than half of the total would go to the non-Hindus and even out of 124 seats left for the Hindus, some are sure to go to the Parsi community, which one single community is left by the side of the Hindus so as to apply the word "General" to the Hindu constituency.

[Bhai Parma Nand.]

I do not think there could be a greater injustice and inequity that could be done to a great and ancient race. I would go a step further and say that this shows a kind of vindictiveness on the part of the Government towards the Hindus on account of the various ways of agitation they have adopted against the Government. No doubt a very large number of agitators come from the Hindus, but there can be no doubt also, that this class does not represent the real Hindu mind or Hindu feeling. The Hindu population, though feeling interested in the present agitation for various reasons, is in fact keeping itself distinct and watching the events in the capacity of a spectator. Any kind of vindictiveness towards a whole people would be unpardonable in the eyes of God and unjustifiable in the eyes of history. I beg to submit, therefore, that there is yet time for this Government to intervene and have this wrong redressed.

On these grounds, Sir, I support the amendment moved by the Honourable Member.

Sir Cawasji Jehangir (Bombay City: Non-Muhammadan Urban): Sir, the first impression that I got from the White Paper was that it was prepared for the consumption, not of this Honourable House, but of another which is an older and, I would justifiably say, much more distinguished Legislature, the House of Commons. Throughout its pages you will find safeguards prominently placed before your eyes, while the concessions, that have been proposed to be granted to India by His Majesty's Government up to now, are hidden away in corners and places where you have got to fish them out. I have no complaints to make against that. For, after all, His Majesty's Government have to deal with the House of Commons and not with this unfortunate and helpless Assembly. And, therefore, Sir, if that impression is given to many in India, I take consolation to myself that it was done for the advantage of this country.

Now, Sir, very roughly speaking, the scheme is as follows. There is to be a Federation. There are to be two important departments reserved. In the rest of the Departments of Government in the Centre and in the provinces, responsibility is to pass into the hands of responsible Ministers; but there are certain powers to be reserved to the Viceroy and Governors which are called special responsibilities.

[At this stage Mr. President (The Honourable Mr. R. K. Shanmukham Chetty) vacated the Chair, which was occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

I will deal with the scheme very shortly, because I have not sufficient time at my disposal to really go into any details. If I do so very cursorily and thereby miss out any really important points, it will be due to the shortness of the time at my disposal.

Take Federation. Sir. I am a believer in Federation; and I believe that a sufficient number of Princes are coming into the Federation, and I further believe that it is in their interest to come in. It would be impertinence on my part to give advice. I do not propose to do so, but it is open to any man to prophesy what will happen to the States that do not join the Federation. They will be either forced to come in within a very short distance of time or the consequences to them may be serious. I am not one of those who believe that the Princes are coming in simply

in order to help British India to get central responsibility. Nobody is a philanthropist in this world. They are coming in, because they think it is to their advantage to do so, because they feel that British India sooner or later must get central responsibility, and that when British India gets that central responsibility, their position being outside the Federation will ultimately not be worth the paper on which their Treaties are written. Sir, that is why I am a believer in Federation.

Now, Sir, I will come to the Reserved Departments. I note that there is a school of thought in this country that strongly believes that Defence should be transferred immediately. I have no quarrel with that school of thought. They are entitled to their views; but we can only say that the reservation of Defence and Foreign Relations is an established fact, a settled question, and it will do no one any good—it will serve no useful purpose for any school of thought to raise that issue at this stage. Those who are strongly of opinion, who conscientiously believe that there is no immediate future for India without the immediate transfer of Defence, will inevitably not help to work the Constitution; but I am also strongly of the opinion that they will be in a very small minority. But, though Defence is a reserved subject, it does not follow that no one should contend that certain subjects which now come under Defence should not be transferred. I mean Indianization. It does not mean that if Defence is reserved, this Honourable House or its successor shall not be allowed to express an opinion on the amount that should be spent on Defence. It does not also follow that the future Government of this country shall not express definite opinions, opinions that ought to weigh with the authorities who will have the defence of the country in their hands, with regard to the Army Budget. All that is dealt with in this White Paper.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Where is it mentioned in the White Paper that the Federal Assembly will have any chance to discuss the Army Budget?

Sir Cowasji Jehangir: It is. I will show it to you. It is provided that Ministers shall be allowed to examine the defence budget before it comes to the Legislature and express their opinions to the Viceroy, who shall, by a quasi-Statutory provision, have to consider those opinions before he comes to a definite decision.

Now, Sir, I pass on to the "special responsibilities", that are really the most important part of the White Paper and which deserve the most serious consideration of every Honourable Member. They are on page 9 of the Introduction and are seven in number. I propose to deal with only (i), (ii) and (vi). I have no time to deal with the others; and (i), (ii) and (vi) are undoubtedly the most important. But, before I deal with them individually, may I make a criticism, which it was our privilege to bring to the attention of His Majesty's Government on all the three occasions that we had the honour of going to England. It was the vagueness of the wording, the wideness of the powers given to the Viceroy and Governors: And, Sir, I do not propose to quote any words of any of the delegates who belonged to the group with which I had the honour to work. I propose to read to you just a few lines from the speech of a distinguished member of the Muhammadan delegation who had the honour of sitting on the opposite benches not very long ago—I mean Mr. Zaffarullah

[Sir Cowasji Jehangir.]

Khan. This is what Mr. Zaffarullah Khan said with regard to the vagueness of one of the "special responsibilities":

"As a general statement that is no doubt true, but I hope that the sub-committee will come round to the view that the matters in respect of which powers are left in the hands of the Governor must be very clearly defined, so that it can be easily ascertained both by the Governor himself and by those who may be disposed to criticise his action, exactly what is the sphere in which his interference is permissible and whether his interference is or is not justified by the terms of the statute or by the other instructions laid down. Such powers should not be left to any further definition or left very much to the discretion of the Governor himself to define. Naturally the question of whether to exercise those powers or to refrain from exercising them should be left to the discretion of the Governor, but there should be no ambiguity with regard to the spheres in which he can interfere when occasion arises."

Nothing can be put more clearly, in more precise and definite terms than the opinion expressed by Mr. Zaffarullah Khan about these special responsibilities.

I consider it just as unfair to Viceroys and Governors of the future, as it would be unfair and unjust to this country, to give them wide powers so that, if they exercise them, they would be blamed, and if they did not exercise them, they would still be blamed: And I can visualise instances that might crop up in the future where the Viceroy may have to take out a coin and toss it up "Interfere or not interfere": I can visualise occasions on which a Viceroy or a Governor will say to himself: "I have reached a stage when, if I do not interfere and if anything goes wrong, I will be called upon to account by the Secretary of State and the British Parliament and it may end in my recall. Then, again, if I do interfere and it is found that that interference was unnecessary, I will incur the odium of all the Indians whom I have to govern." Which alternative is he going to choose? I venture to suggest that, being human like everybody else, he will choose the first alternative and interfere: he will rather be on the safe side and incur the odium of the people in India than the censure of the Secretary of State and Parliament which may result in recall. Therefore, it is most unfair and it is most unjust, I say, to future Governors and Viceroys to place them in this extraordinarily difficult position. We are not going to get supermen as Viceroys and Governors. We may get one now and then, but we shall require a large number of Governors and a successive number of Viceroys; and considering the attractions that there are for men with great ability in their own country, do you expect that you will get large numbers of Englishmen being supermen ready to come out as Viceroys and Governors in the future? No. Therefore, to create posts and appointments which by the Constitution require supermen to discharge the duties attached to them is unfair to this country, is unfair to the Englishmen who will come out in the future. I go further and say it is unfair to the Services of which Englishmen will long continue to be members. Take the Federal Structure Committee's Second Report. It clearly states that these powers shall be exercised only in the last resort:

"With regard to subjects in the administration of which the Governor General would normally act on the advice of his Ministers, it was generally agreed that arrangements must be made whereby in the last resort the peace and tranquillity of any part of the country must be secured."

Is there anything in this White Paper to show that His Majesty's Government are now beginning to agree with us that these powers are only to be exercised in the last resort? Is there anything to show that a

Governor or Viceroy may not take advantage of this special responsibility to interfere unnecessarily? Your Constitution will break down the minute a Governor or Viceroy interferes unnecessarily, and I have already pointed out the circumstances under which a man may be placed when he may have, knowing that he may be interfering unnecessarily, to interfere rather than run any risk of a charge of weakness.

I come now to the question of the "financial safeguards". Who in this country does not fervently hope and pray that the financial stability and credit of India will not only continue as it is, but will be enhanced? Who is there against this in this country, may I ask? Then, why should the power be given to the Viceroy to interfere in order to maintain the financial stability and the credit of India? And what does it mean? Does it mean that on every Budget of every Department, he has got to consider whether the Ministers are extravagant and whether that extravagance will lead to the credit and financial stability of India being jeopardised? That is what we have pointed out to His Majesty's Government. Surely you do not wish to place your Viceroys in this extraordinary position. No. They said:

"We do not mean that. But we must include it in the Act in very wide terms, so that if an occasion does arise, it may not be said that the Viceroy had no powers to interfere."

Sir, that is an argument that does not appeal to me. You put certain responsibilities upon the shoulders of a man and you expect him to discharge those responsibilities. But, then, you say: "I am placing all these vast responsibilities upon your shoulders in indefinite terms, but I expect you to act with such discretion that on every occasion you will be right and never wrong in the interference you exercise." You must really, in fairness to the Viceroy, clearly define under what conditions and under what circumstances he should interfere to maintain the financial stability and credit of India.

After a considerable amount of discussion, I am prepared to say that this can be further defined. I would define it as follows. I would say that he must interfere only if there is any danger of the non-votable supplies being not forthcoming, that is to say, monies for debt charges, salaries, pensions, Army Budget, etc. Then I would say that if a Ministry of the future is so mad, and if the Legislature is so insane as to allow deficit Budgets for a number of years and that deficit is allowed to be met from loans, certainly a very dangerous position will arise, and I have no doubt that the financial stability and credit of India will suffer. I am prepared to allow that if we are going to be so mad in the future, then the Viceroy should be allowed to interfere. I have no objection. Again, I would say, that if the borrowing policy of the future Government of India was of a character which forced the Government to pay much higher rates of interest than one would legitimately expect for a great country like India, or if Government were forced to pay higher rates of interest than other countries of the same standing in the money markets of the world, if their borrowing policy was of that character, then I would allow the Viceroy to interfere. Why? In every Constitution in the world there are these safeguards given to somebody. In this case we have to give them to the Viceroy. I am prepared to allow that, in such cases, to maintain the financial stability and credit of India, the Viceroy should be allowed to interfere

Sardar Sant Singh (West Punjab: Sikh): May I know if the Government of Ireland is possessed of safeguards which should have prevented De Valera from acting as he did towards Britain?

Sir Cowasji Jehangir: Sir, I would inform Honourable Members that we did press this point of view in England, and it was given very careful consideration; but the answer that was given to us was that as far as His Majesty's Government could see just now, there were no further instances which they could contemplate in which the Viceroy should interfere, but there might arise occasions which would not come within the definition I have given, and which might jeopardise the credit and financial stability of India, in which case, if it was defined as I have ventured to do today, the Viceroy may not be able to interfere. Well, I venture to say that these should be defined in the Constitution. But if other circumstances should arise, which we cannot foresee, which nobody can foresee, which would jeopardise the credit and financial stability of India, then somebody will have to interfere, somebody must come to our rescue, and I will have no objection to the Viceroy coming to our rescue, the Secretary of State coming to our rescue; but to leave it as it is, in this vague and undefined manner is a danger not only to the Viceroy, but it is a danger to this country and to the success of the whole Constitution.

Now, Sir, I will come to the third of the safeguards, and that is administrative discrimination.

An Honourable Member: Commercial discrimination.

Sir Cowasji Jehangir: Commercial administrative discrimination. We only heard of this commercial administrative discrimination for the first time at the Second Round Table Conference. There appears to be some misunderstanding. There are two kinds of discrimination, administrative and legislative. Legislative discrimination is dealt with in another part of the White Paper: administrative discrimination is dealt with in the safeguards mentioned on page 9. Therefore, I am now dealing with administrative discrimination. At the First Round Table Conference, we were dealing with legislative discrimination. As soon as I heard of this administrative discrimination, I frankly tell you, Mr. Deputy President, I was shocked; I was literally shocked. Now, what does it mean? It means that a Viceroy or a Governor will be allowed to interfere with a Minister in his day to day routine work if any action of the Minister or any decision of the Minister is, in the opinion of a Governor or a Viceroy, such as to discriminate against anybody else. It is not only against Europeans; it is Hindu against Muhammadan; it is Muhammadan against Parsi, and it is Hindu, Muhammadan and Parsi against Europeans. It is not stated merely European commercial discrimination. I admit the idea is to safeguard the interests of Europeans against any unfair treatment, inequitable treatment and unjust decisions. But it refers to everybody, and the Governor and the Viceroy, if you please, is allowed to step in and stop my friend, Sir Joseph Bore, from taking a certain action. Why? Because he says that that action will lead to discrimination. Every contract that my friend, Sir Joseph Bore, may give can be interfered with, by an appeal, if you please, to the Viceroy, alleging that A did not get the contract and B got it because A is an Englishman and B is a Muhammadan.

Sir, I cannot understand how this administrative discrimination is going to work. I do grant that there may be cases of hardship. I do grant that in the whole of India among the large number of Ministers an instance may occur where a Minister will deliberately do injustice to a man because he happens to be English, Hindu or Muhammadan. Such an instance may occur. But I will only take the injustice against the Europeans, because that is what is contemplated under this safeguard. Suppose an instance does occur, what is the remedy, I will be asked. My remedy is a simple one, and it is given to the Europeans under this Constitution: it is their representation in the Legislatures. What are they in the Legislatures for but to see that no injustice is done to their community? If such an injustice is done in any particular instance, are they going to be paralysed in the Legislature? Are they not going to expose that injustice? They will do so; and I venture to tell my friends on the European Benches that their ventilating their grievances in the Legislature, that their exposing the injustice of the Ministers, will be a much stronger and better remedy in their hands than appealing to the Governor to interfere. For I believe that, if a Governor does interfere with a Minister due to alleged discrimination, and although the Minister may be wrong, although he may have been unjust, deliberately unjust, I venture to suggest that on account of the interference of the Governor, the case will not be judged on its merits. But if a case is brought to the notice of the Legislature by the elected representatives of the European community I venture to suggest that there will be few Legislatures in India which will not side with them and censure the Minister for having done an unjust act, for there are many communities besides the Europeans in this country, and if it is the case of injustice to a European today, it will be a case of injustice to a Hindu, Parsi or Muhammadan tomorrow

[At this stage Mr. President (The Honourable Mr. R. K. Shanmukham Chetty) resumed the Chair.]

Therefore, I venture to suggest that my friends will do well to trust the Legislatures to see that grievances of this sort are remedied and the Minister is censured, instead of giving the power to a Viceroy or a Governor. Sir, I have done with these "special responsibilities." (An Honourable Member here interrupted.) If I continue to answer questions, I am afraid you will tell me that I have exceeded my time, and, therefore, I hope my friends will excuse me, if I don't answer their inquiries. It is not because I do not wish to answer them, but it is because I have to economise in time.

Now, Sir, I come to the Reserve Bank. Everybody agreed at the First Round Table Conference to the establishment of a Reserve Bank, but as to when it was to be established was left uncertain and there was certainly a possibility of its not being established before the Federation, and, therefore, certain safeguards were provided for the interregnum. In the Third Round Table Conference, there was a distinct change of principle. The establishment of a Reserve Bank was made a condition precedent to the transfer of financial responsibility from the shoulders of those who bear it now to some other broad shoulders, and, therefore, this Reserve Bank has become a most important question. But, in fairness to the position taken up by the Secretary of State, let me tell Honourable Members,—it may not be very clear in this White Paper,—he gave us the most unequivocal assurance that he would do his best to

[Sir Cowasji Jehangir.]

see that the 'Reserve Bank' was established as soon as possible, that he would help the Government of India as much as he could to establish that Bank, and, further, that a Bill would be brought before this Legislature and that public opinion would be consulted before the Bill was introduced to ensure that, when the Bill was actually introduced, it met with the approval of this House; but failing all that, if it was not humanly possible to establish a Reserve Bank, then the question would be re-discussed; and we on our side made it perfectly clear that we would not agree under any circumstances to the delay in the establishment of Federation because Government found it impossible to establish a Reserve Bank. This was the position so far, and I do think that it is now time that my Honourable friend, the Finance Member, might let us know, if he can, what the position now is. Is he consulting public opinion in India? What does he propose to do? Is this Reserve Bank Bill coming at all before this Legislature? And what are in short the chances of a Reserve Bank being established before the Federation comes into being? I would ask for that information and I hope we shall get it. So much for the Reserve Bank, and I do not desire to discuss it further.

Now, Sir, there is one very important point which I do desire to draw the attention of this House to, and that is, one dealing with "special responsibilities". There are certain paragraphs in this White Paper that make me rather apprehensive. They are paragraphs 37, 38 and 39. They explain the position of a Minister *vis-a-vis* a Governor or a Viceroy, and the position of a Governor or a Viceroy *vis-a-vis* the Legislature. Sir, my humble contention is that these suggestions are retrograde and that they will lead to irresponsibility in Ministers. In that connection to make the matter perfectly clear as to what I mean, I desire to quote to you the words of the Prime Minister and I can quote no better authority. The Labour Government may have been in office at the time of the first Conference, but luckily the Prime Minister still remains Prime Minister today and, therefore, I desire to quote his words. He said as follows:

"There is one great danger inherent in these safeguards which I will mention: because it is of the utmost importance in the working of the constitution. Ministers must not shield themselves from taking upon their own shoulders their responsibility when it is unpopular by leaving the Viceroy or the Governor to put into operation his reserve powers."

My second quotation is from the Statement of the Prime Minister made on behalf of His Majesty's Government:

"The provision of reserve powers is necessary in the circumstances and some such reservation has indeed been incidental to the development of most free constitutions. But every care must be taken to prevent conditions arising which will necessitate their use. It is, for instance, undesirable that Ministers should trust to the special powers of the Governor General as a means of evading the responsibilities which are properly their own, thus defeating the development of responsible government by bringing into use powers meant to lie in reserve and in the background. Let there be no mistake about that."

I say, Mr. President, let there be no mistake about there being a distinct conflict of opinion between what was expressed by the Prime Minister and what is stated in this White Paper. Paragraphs 37, 38 and 39 are not consistent with the Prime Minister's statement. Paragraphs 37, 38 and 39 try to describe how a Minister can get out of doing the right thing by shifting the responsibility upon the Governor or the Viceroy, showing the white flag to the Legislature whenever he possibly can and

sticking to his seat on the Government Benches and to his remuneration every month. I visualise a different state of affairs. I am prepared to have these safeguards. Some of them may be necessary. I know, Mr. President, that we Indians are responsible for many of these safeguards. They are put in at our instance. Who are we here in this Legislature to denounce Government for having included safeguards? Does it lie in our mouth to blame the Secretary of State? I desire that my Honourable friend, Bhai Parma Nand, would put the searchlight upon himself.

An Honourable Member: Both sides.

Sir Cowasji Jehangir: I desire that he would look into the question more carefully. But while I agree that these safeguards must be in the constitution, I do not desire that our Ministers shall take advantage of those safeguards and make the Viceroy or the Governor do what it is the Minister's duty to do, because the Legislature would not agree with him or might show resentment or might show opposition. If you allow that state of affairs, then the result will be that a Minister—you may not always have ideal Ministers—may say: "If I budget for X lakhs or crores of rupees for such and such a Department, the Legislature might oppose and might want to reduce. Let me put down an amount as low as possible, knowing that the Legislature will not object to it. If the Viceroy objects, let him certify and go to the Legislature with it. I can then go and tell the Legislature; 'I only put down an amount for that Department which, in my opinion, was sufficient and I know you will agree with me. But what can I do when a foolish Viceroy insists upon raising that demand? It is not my fault?'" Let not such conditions prevail in this country. I want the Minister to accept his responsibility and place before the Legislature after considering the whole question as to what is the amount that Government will have to spend; and if he once comes to a definite conclusion, he must face Legislature. If on the other hand after having come to a definite conclusion on the matter, the Viceroy disagrees with him, then I consider that it is the duty of the Minister to place his point of view before the Legislature and that of the Viceroy, and if the Legislature agrees that the amount he has put down is sufficient for the purposes for which it is intended, and that the Viceroy is merely playing for safety in asking for greater expenditure, then I consider it is the duty of that Minister to resign. These three paragraphs are trying to protect him. They show that a Minister can continue in office and throw the whole responsibility on the Viceroy or the Governor. I do desire that that point of view should be brought to the notice of the Secretary of State.

I was not able myself to understand very clearly the anxiety of His Majesty's Government to make it perfectly clear that, when there was a Governor's Bill or a Viceroy's Bill, there should be no mistake as to whose responsibility it was. But I never intended when I agreed with that, that it should be used for the purpose of protecting a Minister and giving him opportunities of shirking his responsibility. Sir, I do desire to bring this not only to the notice of Honourable Members, but to the notice of the Government and I desire that special attention should be drawn to this aspect of the case. For, if my interpretation of these three paragraphs is correct, your Constitution will break down. Ministers will evade their responsibility. They will become puppets. That is not what is intended. It is intended that they shall be Ministers,—that was all along the intention,—and, therefore, Mr. President, either I have misunderstood these

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paragraphs—then I stand corrected and most gladly corrected—or if I have not misunderstood these paragraphs, I do desire most strongly to protest, and my ground of protest is that these paragraphs are inconsistent with the statement made by the Prime Minister in his speech and the lines I have read out from the Statement on behalf of His Majesty's Government.

Now, Sir, just going back to the Reserve Bank for one minute, I should like to have some explanation on one matter. There has been some misunderstanding on this subject. Some believe that the Reserve Bank is going to get all powers of control of policy over Currency and Exchange. I do not understand that to be so. As I understand it, the Ministers of the Federal Government and the Legislature will have the power of amending the Paper Currency and Coinage Act. This House will have the power of deciding the policy as to currency and exchange. The management of currency and exchange will be in the hands of the Reserve Bank. But I would like to bring to the attention of this Honourable House a most objectionable proviso that has been included in this White Paper. It says that the previous sanction of the Viceroy is necessary to any Bill amending the Paper Currency and Coinage Act. We have strongly protested against this. I consider it as one of those safeguards which places upon the shoulders of the Viceroy a responsibility which is quite unnecessary. It is one of those safeguards which will bring odium, distrust and criticism, which is quite unnecessary. He has every power in his hands to stop such legislation. A legislation of this kind has got to be decided upon by the Government first. It has then to come to this House. Then it will go to a Select Committee. It will have to be passed by this House and finally the Viceroy has got in his hands the power of vetoing the whole Bill. Why then is this previous sanction necessary. We have already protested very strongly in England against this, at much greater length than I am able to do here, and I merely mention it here.

Now, Sir, I come to another important question, namely, the Railway Board. It is mentioned in this valuable document only in just a few lines. There is nothing in the proposals; and, so far as I am concerned, I am unable to understand what the proposals are. They talk of general control. What do they mean by general control? They say that the Government and the Legislature shall have general control. Do they include in that general control capital expenditure? Do they include in that general control the policy of Indianisation? If they do, I can understand general control, but if there is any intention of leaving out of the definition of general control the policy of Indianisation, then this House will most strongly protest. I earnestly ask for information. I want to know what is meant by the Statutory Body. Is it to consist of officials and non-officials with a non-official majority? If so, I presume that this Statutory Body will meet once or twice in a month and will have under them what is now called the Railway Board for the day to day administration. If that is so, it is a suggestion that has been considered in this country. I am asking for information as to what is it that is meant. The Honourable the Leader of the House informed my friend, Sir Abdur Rahim, that he would explain certain matters. This is one of those matters which, I think, this Honourable House can request Government to explain, and I trust they will do so.

Now, Sir, I come to the worst part, in my humble opinion, of this White Paper: that is the Services. It is regrettable that His Majesty's Government should not have been able to accept the conclusions arrived at by the Services Sub-committee of the Round Table Conference. The Committee that reported on this matter had Sir William Jowitt, the then Attorney General, as Chairman; and, by a majority, they definitely came to the conclusion that future recruitment to the I. C. S. and the Police should be by the Government of India and not by the Secretary of State. I do not desire to go into the terms of that report. It has been studied, I am sure, by every Honourable Member of this House. We tried to deal with that question as fairly, as equitably as we possibly could, and it was due to the fairness and the equitable manner in which we looked upon every point that we got a majority to decide in our favour. That decision has been completely and absolutely upset by His Majesty's Government. Not only will the Secretary of State continue to recruit members of the Civil and Police services, but he will continue to recruit them in the same ratio as was decided upon by the Lee Commission. He shall have power to make rules as to what posts these men shall hold and no post shall be left vacant for three months without his sanction, and the personal concurrence of the Governor shall be required for all postings. I consider, Mr. President, that this cuts at the very root of responsible Government.

There is no intention of treating anybody today or in the future unfairly; and so far as the present members of the Civil and the Police Services are concerned, we have agreed that all their privileges shall continue to the day of their death. This change in the Constitution shall not make the slightest difference to them. We are looking to the future and if the future recruits, whether they be Englishmen or Indians, are to look to the Secretary of State for their future prospects, happiness and contentment, with what respect will they look upon the future Government of India? That is an aspect of the question which I want this House to consider. After all, we do want Englishmen in this country and we want to recruit them in the future. Sir Abdur Rahim has said that and we admit, with shame and regret, that if we continue to recruit these men, it is because of this curse of communalism. Till this curse of communalism is eradicated, it is necessary in the interests of the country to have Englishmen in India: And let it be said to the credit of the Englishmen that between Indian and Indian they have held the scales level, and they have come to be trusted and honoured. Let us not mince matters. I have had a little administrative experience. I have been a member of Government for nearly six years and I know of instances where Swarajists clad in khaddar have come to me and begged of me to send an Englishman to a certain post, and I had to throw the Civil List at them to point out the Englishmen that were available. Sir, I have seen a great change of feeling in this country over the question of the future recruitment of Europeans within the last couple of years. When I contended that we will require Europeans for years to come, I was at first called unpatriotic. Now, those very friends who called me "unpatriotic" are today seeking to lay it down as a safeguard for their communal interests that Englishmen shall be recruited in the future. (Hear, hear.)

But, Mr. President, that does not mean recruitment as specified in the White Paper. There is a price this country will have to pay for Englishmen of the proper type. But let it not be at the cost of its self-respect. Do not force upon this country the

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recruitment of Englishmen without a sense of respect for the Ministers and for the future Governments of this country. If you do that, you will merely ruin the morale of Government and you will harm your servants. Have other safeguards. Let the Viceroy be the man to whom the Services can appeal for justice. Let there be Public Service Commissions. But let not the recruitment be made by the Secretary of State. Mr. President, I venture most honestly, most sincerely, to state that if this provision is included in the Bill, it will be a source of discontent, and, above all, it will continue the agitation for further reforms immediately these reforms are granted.

But if, after all, His Majesty's Government will only be a little reasonable in this matter,—I do hope and trust that these reforms, after the changes I have mentioned and which we have mentioned in England over and over again are introduced, will be acceptable to 65 or 70 per cent. of the population of this country. Sir, I must say that some of the provisions contained in the White Paper require amendment. I have pointed out the objections; I have shown where the safeguards go too far. I have also pointed out the objections in the case of the Services and the Railway Board. If these can be remedied, if these safeguards can be made more definite, as I have explained, then what is there left? But, Mr. President, powers are given to the Viceroy and the Governors to implement their special responsibilities; and if those special responsibilities are properly defined, if those special responsibilities are such as the Governors or the Viceroy will exercise only in the interests of India, then I most respectfully contend and bring to the attention of my Honourable friends that the powers given to implement those safeguards need not be feared. What is there in the power given to a Viceroy to legislate, to make a Governor General's Act, as it is called, if it is to implement a special responsibility which is well and carefully defined? We know that he is going to interfere in such and such matters. Well, he must have the power to implement his responsibilities, and what of it even if he is going to have the power to make Ordinances necessary to implement a special and well-defined power to which we all agree. Therefore, all those criticisms about the powers given to the Viceroy and Governors to implement their special responsibilities will completely disappear if only His Majesty's Government will meet our point of view and define those special responsibilities more carefully,—with the one object alone, namely, that the Viceroy and the Governors will only interfere in cases of real danger, and that the ordinary administration of this country will be carried on by the responsible Ministers and the Legislatures.

Mr. President, I appeal to the Government that they will convey to His Majesty's Government that they will so amend the Constitution that it will be acceptable to 65 or 70 per cent. or even 80 per cent. of the population of this country. I hope and pray that Providence will guide the destinies of both countries to the goal which we all have in mind—a goal which we desire that both countries should reach hand in hand, the goal of prosperity, peace and contentment; I hope and pray that Providence will grant to the great Legislature, in whose hands our destinies lie,—common sense (Hear, hear)—the faculty for which my English friends are famous the world over, the faculty which has made them the greatest power in the world; and, Sir, if they maintain the common sense which all their

classes are so richly endowed with, then they will long continue to guard and preserve the empire,—an empire which is the greatest in the world today, and of which, Sir, India will ever remain the brightest jewel and the greatest ornament. (Loud Applause.)

The Honourable Sir George Schuster: Sir, as my Honourable friend, who has just spoken, has referred particularly to the questions of the Reserve Bank and the Statutory Railway Board, I desire to intervene very briefly in this debate in order to give the House information which, I think, will go a long way to clearing up the position. These two subjects, as my Honourable friend pointed out, form a very important part of the White Paper plan. It is clear that in their case further discussion, and, to a large extent, technical discussion, is necessary and that the Indian Legislature is very specially interested in them. As to the Reserve Bank, the Secretary of State made it clear in a statement at the Round Table Conference that Indian opinion would be consulted before final proposals were framed and put forward. The desirability that Indian opinion should be consulted as to a Statutory Railway Board is also recognised. I am now authorised to state that it is proposed that special discussions with Indian representatives shall be held on both these matters in London simultaneously with the Joint Select Committee discussions, and that selected representatives of Indian opinion will be specially invited to proceed to London for this purpose. The aspect of the two questions to which I have already referred, namely, that they are matters of direct interest to this Legislature, is receiving our full consideration; and, in the selection of names to be put forward by the Government of India, they may rest assured that Government will take full account of the interest of this Legislature in the matter. (Applause.)

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): In the order paper for business tomorrow and the day after, as usual, questions for oral answer have been put down. But if it is the desire of Honourable Members that the succeeding two days may be wholly devoted to the discussion of the White Paper, the Chair will agree to postpone the questions. (Voices: "Yes, yes.")

The Assembly then adjourned till Eleven of the Clock on Thursday, the 30th March, 1938.