

30th March, 1933

THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)

1933

FIFTH SESSION
OF THE
FOURTH LEGISLATIVE ASSEMBLY,
1933



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M97LAD

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.

MR. MUHAMMAD YAMIN KHAN, C.I.E., M.L.A.

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RAI BAHADUR D. DUTT.

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Committee on Public Petitions :

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

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

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

SIR ABDULLA-AL-MAMÜN SUHRAWARDY, KT., M.L.A.

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

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

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LEGISLATIVE ASSEMBLY.

Thursday, 30th 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.

UNSTARRED QUESTIONS AND ANSWERS.

ALLOTMENT OF "D" TYPE QUARTERS TO PERMANENT CLERKS OF THE NON-MIGRATORY OFFICES OF THE GOVERNMENT OF INDIA.

145. Mr. B. N. Misra: (a) Are Government aware that some of the temporary clerks of the non-migratory offices, e.g., Auditor General, Audit Office, Indian Stores Department, etc., were allotted "E" type quarters in New Delhi on their appointment, as their pay entitled them to that type of quarters?

(b) Are Government aware that on their getting an annual increment, they became out of class, and, as they hold liens they are given "D" type quarters even in preference to permanent clerks of long standing who are getting much more pay?

(c) Is it a fact that by giving "D" type quarters to temporary clerks Government lose income on house-rent?

(d) Is it a fact that under the new rules for allotment of Government quarters in New Delhi, the liens of bachelors who were allotted married quarters will be removed and that they would be given instead single quarters according to their relative seniority?

(e) Do Government propose to remove the liens of temporary clerks and allot those "D" type quarters in New Delhi to the senior as well as permanent clerks in preference to the temporary clerks and thereby increase Government revenue in the form of house-rent? If not, why not?

The Honourable Sir Frank Noyce: (a) Yes.

(b) The operation of the rules relating to priority might, in certain circumstances, give a particular temporary clerk preference over a permanent clerk on higher pay than himself in respect of quarters. But such preference would not be due to the fact of the former being in temporary service.

(c) Not necessarily.

(d) The liens of bachelors on married quarters will be removed and it will rest with them to apply for single quarters in accordance with the rules governing the allotment of those quarters.

(e) No. Government do not see any justification for removing the liens held by temporary clerks on "D" class quarters.

**PRESENTATION OF A MINIATURE PALACE MADE OF SALT TO THE
SUPERINTENDENT OF EDUCATION, DELHI.**

146. Mr. M. Maswood Ahmad: (a) Will Government kindly state whether a miniature palace made of salt from the Sambhar Lake was presented to the Superintendent of Education, Delhi, by Lala Gaya Prasad, Deputy Inspector of Schools?

(b) If so, will they be pleased to say in which museum this salt palace has been placed?

(c) If it has not been placed in any public institution or museum, will Government please say whether it is permissible under the Government Servants' Conduct Rules to accept presents from subordinate officials?

Mr. G. S. Bajpai: Enquiries are being made and a reply will be furnished to the House in due course.

IMPROVEMENTS OF EDUCATIONAL FACILITIES IN THE PROVINCE OF DELHI.

147. Mr. M. Maswood Ahmad: (a) Is it a fact that in the combined charge under the Educational Commissioner with the Government of India a five-year programme was launched for the improvement of educational facilities in the Province of Delhi?

(b) Is it also a fact that the number of High Schools, especially High Schools for Muslims, considerably increased during the time when the Educational Commissioner was in charge of the Education Department of Delhi?

(c) Is it also a fact that at that time the quinquennial report was written without the help of a Special Officer?

(d) Are Government aware that since the appointment of the present Superintendent, the number of High Schools for Muslims has considerably gone down and that a Special Officer has been put in charge of the preparation of the quinquennial report?

(e) What expenditure has been incurred on account of this Special Officer? In these days of financial stringency, what is the reason for incurring this expenditure? Was this placed before the Standing Finance Committee for their approval?

Mr. G. S. Bajpai: (a) and (c). Yes.

(b) In 1923 when the Educational Commissioner with the Government of India took charge of the duties of the Superintendent of Education, Delhi and Ajmer-Merwara, the total number of high schools in Delhi was 15 of which four were for Muslims, while in April, 1931, when he relinquished charge of those duties there were 21 high schools in Delhi out of which five were for Muslims.

(d) Only the Siddiquia High School discontinued its High Classes for the reasons given in my reply to the Honourable Member's starred question No. 1637 on December 12th, 1932. The reply to the second part is in the affirmative.

(e) The attention of the Honourable Member is invited to the reply given to his starred question No. 1636 on the 12th December, 1932, which furnishes the information as regards the expenditure incurred on account of the appointment of the Special Officer, and the reasons for his appointment. This officer was appointed, under their own powers, by the three Local Administrations.

**SECRETARY OF THE BOARD OF HIGH SCHOOL AND INTERMEDIATE
EDUCATION, RAJPUTANA AND CENTRAL INDIA.**

148. Mr. M. Maswood Ahmad: (a) Is it a fact that the certificates awarded to successful candidates for the examinations of the Board of High School and Intermediate Education, Rajputana, Central India and Gwalior are not signed by the Secretary, but bear his facsimile stamp?

(b) Is it a fact that a member of the Board of High School and Intermediate Education, Rajputana, Central India and Gwalior, has made a proposal that the certificates issued by the Board to successful candidates should not bear the facsimile stamp of the Secretary's signature but should be duly signed by him?

(c) Is it a fact that the Secretary of the Board is an old retired man?

(d) Is it a fact that he was appointed in the first instance for three years on the recommendation of Mr. K. P. Kichlu, M.A., I.E.S. (retired), an educational expert, on the ground that as the Board was newly constituted the services of an experienced man of the educational line were essential?

(e) Is it a fact that on the expiry of his term of three years, he was given an extension of six months?

(f) Is it a fact that on the expiry of his extended term of six months, he has again been given an extension of a further six months?

(g) Will Government be pleased to say how long they will continue to grant extensions to the present Secretary?

Mr. H. A. P. Metcalfe: The information is being collected and will be laid on the table in due course.

**NON-GRANT OF GRATUITY TO THE ADOPTED SONS OF MUSLIM EMPLOYEES
OF THE NORTH WESTERN RAILWAY.**

149. Mr. M. Maswood Ahmad: (a) Is it a fact that the Railway Board, while interpreting the term "dependent children" in the explanation under note (1) to gratuity rule No. 22, have included "adopted children" of the railway employees under that category?

(b) Is it a fact that in the same explanation the discretion given to the Agents does not mean the differentiation between the Hindus and Muslims?

(c) If the reply to part (b) be in the negative, will Government please state how far the action taken by the Agent, North Western Railway, in forbidding gratuity to the adopted sons of Muslim employees, on the alleged ground that the adoption is not allowed by Muslim law, is consistent with orders of the Government of India?

(d) If the reply to part (c) be in the affirmative, will Government please state if the Muslim employees of the Railway Department are governed by Islamic law?

(e) If the reply to part (d) be in the negative, are Government prepared to instruct the Agent, North Western Railway, to set those cases right?

(f) If the reply to part (d) be in the affirmative, are Government prepared to revise the pass rules and make provision for the grant of passes at a time to all the wives of those Muslim employees who have more than one wife?

Mr. P. R. Rau: (a) and (b). The State Railway Gratuity Rules are statutory rules, and the explanation under note 1 to rule No. 22 runs as follows:

“Dependent children includes adopted children at the discretion of the Agent, according to the circumstances of each case”.

The religion of a railway servant will obviously not be a relevant fact to be taken into consideration by the Agent in exercising his discretion.

(c), (d) and (e). I am informed that the Agent, North Western Railway, has decided that since the adoption of a child is not permissible under Muhammadan law, and no informal adoptions can carry with them a right of inheritance, gratuities should not be sanctioned in such cases. The question of whether any alteration in the present practice should be made is under consideration.

(f) No.

REFUSAL BY CERTAIN OFFICIALS TO ATTEND TO THE REPRESENTATIONS OF THE DELHI PROVINCIAL POSTMEN AND LOWER GRADE STAFF UNION.

150. Bhagat Chand Mal Gola: Will Government be pleased to state whether the All-India (including Burma) Postmen and Lower Grade Staff Union with its Head Office in Bombay and branches all over India and Burma is recognized by the Government of India? If so, why did the Postmaster, Delhi, and the Postmaster-General, Punjab and North West Frontier Circle, refuse to attend to the representation of the Delhi Provincial Postmen and Lower Grade Staff Union, and what led these officers to discredit the fact of recognition of this constitutional institution continuously for a full year till the issue in support of this fact of the Director-General's letter in October last? Are Government prepared to ask these officers to account for their attitude in this regard?

Sir Thomas Ryan: The reply to the first part of the question is in the affirmative. As regards the rest of the question, Government have no information, but I may point out to the Honourable Member that officials must exercise some discretion as to the amount of attention which they should pay to representations, even from recognized Unions.

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 Ramaswami Mudaliar that he proposes to ask for leave to move a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance, namely, “the position of the Chettiyar Bankers in Indo-China and the expulsion of four of them from that country”.

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

(No objection was taken.)

As no objection has been taken, I declare that leave is granted and that the motion will be taken up for discussion at 4 P.M. this afternoon.

ELECTION OF MEMBERS TO THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): I have to inform the Assembly that the following Members have been elected to the Central Advisory Council for Railways:

1. Mr. B. Rajaram Pandian,
 2. Sardar Nihal Singh,
 3. Lieut.-Colonel Sir Henry Gidney,
 4. Shaikh Fazal Haq Piracha,
 5. Dr. Ziauddin Ahmad, and
 6. Mr. Goswami M. R. Puri.
-

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

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): I have to inform Honourable Members that up to 12 Noon on Friday, the 24th March, 1933, the time fixed for receiving nominations for the Standing Committee for the Department of Education, Health and Lands, four nominations were received, out of which one Member has since withdrawn his candidature. As the number of candidates is now equal to the number of vacancies, I declare the following Members to be duly elected.

1. Rai Bahadur Lala Brij Kishore,
 2. Mr. B. V. Jadhav, and
 3. Pandit Satyendra Nath Sen.
-

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Council of State:

"I am directed to inform you that the Council of State has, at its meeting held on the 29th March, 1933, agreed without any amendment to the Bill further to extend the operation of the Salt (Additional Import Duty) Act, 1931, which was passed by the Legislative Assembly at its meeting held on the 25th March, 1933."

PROPOSALS FOR INDIAN CONSTITUTIONAL REFORM—*contd.*

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The House will now resume consideration of the White Paper.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): Sir, the proposals for future reforms embodied in the White Paper have both in England and in this country created a storm of opposition for opposite reasons. The opposition which we find in England to

[Mr. C. S. Ranga Iyer.]

the White Paper scheme of reforms is based on the fact that Englishmen, who believe in conserving and preserving the genius of their race and all that goes to make Imperial greatness and power and, therefore, have been considered and consider themselves as true conservatives, have come to the conclusion that the present reforms will lead to the abdication of British authority in India. On the contrary, the Indian people, who hold radical views in regard to the control of the administration, even though they concede that in the transitional stage some safeguards are necessary, consider that the reforms are inadequate, unsatisfactory and disappointing. This Assembly stands, as it were, between extreme opinion in England on the one side and extreme opinion in India on the other. The die-hards, both on this side of the ocean and on the other, have in unmistakable language called upon their people to reject the reforms mercilessly like poison. The die-hards in England think that once these reforms are introduced, British rule in India will cease. Every one present here has read the very cautious speech that Sir Samuel Hoare, the Secretary of State, made in Parliament; every one is aware of the emphasis that Sir Samuel Hoare had to lay on the safeguards in the White Paper scheme. The conservative die-hard says, you cannot have responsibility and safeguards at the same time; the Indian extremist says, you cannot have responsibility and safeguards simultaneously. Extremes meet. It is not for me today to dwell on the meteness of extremes, but the unreason thereof.

Mahatma Gandhi, when he signed the famous Gandhi-Irwin Pact, clearly agreed to safeguards in the transitional stage. We have now to see whether the safeguards are in India's interests or in England's interests; whether British interests preponderate over Indian interests, and whether the safeguards cannot be mitigated and why they should not be mitigated. The rigour of the safeguards can be reduced in my opinion to the advantage of Great Britain herself in India. Take for instance the financial safeguards. The financial safeguards, according to my reading of them, deny to India financial autonomy. In my opinion, the financial safeguards are the worst feature of the present reforms. India has been asking for fiscal and financial control for long years. India has been told that she can aspire to Dominion Status. But where is the preparation, I ask, in the financial change towards Dominion Status? The Governor General is to have the power not only in regard to giving assent for the introduction of currency legislation, coinage and things of that sort, but he is also to have the power of veto. Why, I ask, should the Governor General have both the powers? Would it not be enough if the Governor General had the power of veto? Why should he also have the power of consenting beforehand? I think it is not necessary in the transitional stage to invest the Governor General with both the powers. Moreover, the Governor General will have a Financial Adviser. I cannot really understand, I am not able fully to understand at any rate, what are the functions of this Financial Adviser. The White Paper is a document which is written in very concise and reticent terms and which does not explain many matters with regard to which one would like to have some explanation. Perhaps my friends, the Round Tablers, understand them better, having been in the negotiations right from the beginning, than some of us who are strangers to the document. But from the stranger's point of view, lacking in the inner knowledge that others have, I can only say that I do

not understand what rôle this Financial Adviser is going to play. Is he going to be, I ask, a purely Financial Adviser? Or is he going to be an octopus in whose tentacles the Finance Minister of the future is to be caught? That position must be cleared up. We know that in a certain part, not necessarily of the British Empire, but in a certain part of the world, which came under British control, I refer to Egypt, the Financial Adviser played the part of the Financial Dictator. In Egypt the Financial Adviser had the front seat and the Financial Minister had the back seat. In Egypt the financial administration was run by the Financial Adviser. There might be reasons for it. Egypt was a bankrupt country, but why should we now begin our financial administration as Egypt had to begin and be saddled with a Financial Adviser?

Mr. N. M. Joshi (Nominated Non-Official): Who told you that Egypt was a bankrupt country?

Mr. O. S. Ranga Iyer: My friend, Mr. Joshi, says who told me that Egypt was a bankrupt country. I will present him with all the volumes on Egypt in the Library. (Laughter.) I will ask him to go into the history of Egypt in the days of Ismail Pasha when even the Suez Canal shares had to be sold. Egypt had no money. Ismail Pasha squandered Egypt's fortunes as the result of which Egypt had to heavily borrow in Europe. Ismail's Financial Minister advised him to borrow in Europe. But I should not be side-tracked from my subject. I can go on answering interruptions, but that will serve no useful purpose. Even the merest tyro in politics, even those who have read superficially Egyptian history will agree that Egyptian finances were in the most decrepit condition. Therefore, when British interference in Egyptian matters was necessary, it was also necessary to have a Financial Adviser in Egypt. But India's case stands on an entirely different footing. I can understand, Sir, British apprehensions, because we are starting on the long journey or short journey to Swaraj, and they perhaps think we have not got the experience; they perhaps think that we must start with some Adviser; and they perhaps think that the Governor General must have some powers of control in the transitional stage. If that be so, why do you not say how long this transitional stage should last? If that be so, why is it not clearly stipulated how long this country is to have a Financial Adviser? It can only be for some time in the beginning, for surely even Great Britain and the Conservatives of Great Britain will not say that Indians have not the capacity of understanding and mastering subjects. Even as Indians have mastered the English language, even as they have mastered the British methods of administration, surely there is sufficient financial talents in this country to master the financial subjects and affairs. If it is absolutely necessary in the transitional stage to have a Financial Adviser, his powers must be very closely restricted to purely those of an adviser. He must be nothing more and nothing else than an adviser. (Hear, hear.) He must not take shelter behind the fact that he is Adviser to the Governor General. He must not impose on others, because the Financial Adviser will have the ear of the over-riding authority. It must not be made difficult for the Finance Minister of the future to form his own proposals, prepare his own Budgets and make his own budgetary arrangements. He must not work in trepidation and fear, lest he should be over-ruled. So long as there is restriction, this panic, this trepidation in the mind of the Finance Minister, it will not be possible for him to be responsible in the Parliamentary sense to the Legislature. His responsibility might be through the Financial

[Mr. C. S. Ranga Iyer.]

Adviser to the Governor General. That is a great danger, especially because, Sir, as you are aware, the Reserve Departments will consume the bulk of the money. Only very little of the money will be left to the Finance Minister and if even in the sphere under his control the Financial Adviser is to impose his wisdom or his discretion on the Finance Minister, then financial autonomy can be reduced to an absolute mockery. (Hear, hear.) Sir, what are the functions of the Finance Minister? According to the White Paper, the Finance Minister exists for raising the necessary revenues and the Governor General spends the revenues that are raised, the bulk of them, for the Reserve Departments. I will read the language of the White Paper:

"Unless occasion arises for the exercise of the Governor General's special powers it will . . . be for the Minister and the Minister alone to take decision on all such matters as the means to be used for raising the necessary revenues, for allocating expenditure in the responsible field, and for the programme of external and internal borrowing."

The Finance Minister, therefore, will have to raise the revenue and even in regard to the expenditure for the Responsible Departments; for the Departments under his own jurisdiction, he can be over-ruled if the Governor General so chooses. That being the case, there is very great danger in not very completely, very lucidly and very rigidly stating and emphasising what is the position to be of the Financial Adviser. Until and unless this is very clearly stated, until and unless the Financial Adviser remains purely a financial adviser, and also, Sir, until and unless it is clearly provided that no one can be appointed as Financial Adviser who has either the vested interests of England or, for that matter, the vested interests of India to look to, unless these things are cleared up and until also the Financial Minister is consulted in regard to the appointment of the Financial Adviser, *in the manner in which he ought to be consulted*, namely, by his being given an opportunity of setting up a panel of Financial Advisers from among whom the Governor General can choose, until these things are done, I am afraid there will be very much misapprehension leading to unnecessary mistrust in this country. (Applause.) This, Sir, is a matter which the Government must very carefully look up, because they should start their future with as little disharmony as possible. It must be explicitly provided that the Financial Adviser must in no case be a representative, as I stated, of the vested interests in England or in India, and it must also be provided that the Financial Minister must not come into contact previously with the Financial Adviser lest it should be thought that the Financial Adviser is actually framing the Budget and handling the finances of the country. As far as possible the responsibility of the Financial Minister to the House must be maintained untarnished and undiminished. (Hear, hear.)

Sir, another aspect under which I would like to approach the proposals contained in the White Paper relates to Defence. Closely connected with the question of Defence is the question of the Services, the Indian Civil Service and the Indian Police Service, and the authority of these Services resting in the Secretary of State. I am not satisfied, Sir, with the recommendations in the White Paper in regard to Defence. The Instrument of Instructions says:

"The White Paper will also formally recognise the fact that the defence of India must, to an increasing extent, be the concern of the Indian people, and not of the British Government alone."

I admit, herein we find something in the nature of an emerging as it were from the old position,—some appearance of emerging. But when you examine it carefully, you do not find in the White Paper any preparation

of the Indian people for the attainment of Dominion Status in regard to Defence. The phrase Dominion Status is very carefully omitted in the White Paper. (Hear, hear.) Read it from the first page to the last—the only phrase that gave some consolation to the Indian people has been, with great care and precision, left out of this book. Why so, may I ask? The answer to that will lie in the speech, greatly satirical, full of raillery, full of wit and full of antagonism to Indian aspirations which the late Lord Birkenhead delivered in the House of Lords denouncing the great Viceroy who made that pronouncement; and now that the Tories have come to power, they did not want, in their wisdom, to create another controversy over the expressive phrase Dominion Status. I would not have minded if they had omitted that phrase Dominion Status, but my quarrel is that the facts mentioned in the White Paper do not take us in the direction, so rapidly as I would like, or at all, of Dominion Status. For instance, it is not stated in the White Paper, how long the question of Defence is to be in the hands of Great Britain. It is not stated there to what extent control of Defence will be vested in the Legislature of the future. It is not stated there whether we will have control even in regard to the raising of a citizen army. Sir, it is not stated how and for how long we are to go through this process of Indianisation and when India will have the same position as the Colonies. This reminds me of the speech of the late Lord Birkenhead. He said “What do you mean by Dominion Status? Do you mean approximation of the position of the Governor General of India to that of the Governor General of Australia? Can you think in any conceivable time that such a thing can happen?” And if you read in the light of that speech the provisions in the White Paper and the special responsibility of the Governor General, you will find that so far as the Army is concerned, I at any rate do not know when we can have a responsible Legislature controlling defence as the Colonies control. I am quite willing to agree to a transitional stage, but I must know when the transitional stage is to be completed in regard to Defence. I am quite willing to wait for 10 or 15 or 20 years, but under the scheme you will have to wait for a century and even then you may not have control over Defence. (A Voice: “Why twenty years?”) My friend, Mr. Gaya Prasad Singh, wonders why twenty years! I shall presently come to it if he will have patience. Every one who comes into the Army today under the sanctity of contract, every one who comes into the Indian Civil Service today under the sanctity of contract, which this House does not propose to repudiate, nor parties outside, every police officer who is responsible to the Secretary of State who comes today into the service under contract will remain in this country for 25 years—not 20 years. Such being the case, I insist that some time must be fixed when this Indianisation process could be completed or at any rate could be half complete. There is no provision in the White Paper for any kind of control, nor of any kind of visualising the future as it were telling us when we can have in the Army a fifty-fifty proportion which we are having in the Civil Service. There can be no responsible Government without Home Defence. We have a right to know when we are going to have responsible Government. We are moderates, but even extremists in the country under the Gandhi-Irwin Pact agreed to transitional stages and safeguards. The safeguards do not mean reservation for all time to come of reserved subjects. That is a very unfortunate feature of the White Paper; and this feature must be made clear. It must be made clear to the people when and to what extent and what control they can have in regard to the Army. In certain branches of defence, such as Indianisation for instance, I know Honourable

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Members who were at the Round Table Conference took up the matter in its early stages; but the White Paper reveals that their views have not been accepted—at any rate, what they had stated then has not been embodied in this Paper Book. This is a matter which will have to be taken up with His Majesty's Government and some light will have to be thrown upon that and this leads me to the question of Indianisation of the services or stoppage of recruitment in regard to the civil service and the police service. I know—and there is no use blinking facts in this matter—that Great Britain will not agree and there is no use asking them to agree to the complete stoppage of European recruitment in regard to the services; for you cannot have a British Army in India merely,—as every time their supporters have said in this country and their own,—and purely for Indian purposes. So long as you have a British Army in this country and British officers in the Indian Army, so long you will have, willy nilly, Europeans in the Police and Civil Services. The whole position is linked up together and, if I may sum it up, it is like this: unless you insist on a certain pace in regard to the Indianisation of the Army, you cannot secure and must not seek elimination of Europeans from the Police or the Civil Service. I do not suggest today to stop recruitment in the Civil Service; but I do suggest today immediately open out greater opportunities for Indians in the Army and state to what extent you are prepared to give the opportunities. The progress which has been made in the Civil Service of Indianisation must also be made in the Army. I attach much greater importance to the Indianisation of the Army becoming fifty-fifty, than to proceed further with the Indianisation of the Police or the Indianisation of the Civil Service. That is a matter which is of profound importance and is worthy of careful consideration.

I come now to another aspect of the subject and that is the riddling of the Constitution with deadlocks. Why these safeguards? Why this supreme emphasis on safeguards? Safeguards for the Centre must appear superfluous, because you are bringing in the Princes. The safeguards in the Centre must appear superfluous, because you have the minorities with weightage. Between the minorities and the Princes, they can keep stable Government going. Do you not trust the Princes? Do you not trust the minorities? This emphasis on safeguards, this excess of special responsibility is only an exposure of the lack of adequate confidence, even in the Princes and the minorities. (Laughter) to keep things going. And unless the Government see to it that these safeguards are reduced, will they not be playing into the hands of the National Congress? If there are safeguards, there will be the temptation to use the safeguards; and "the only way to overcome a temptation is to yield to it", (Laughter) and it will not only be the Governor General in the Centre or the Governors in the Provinces, but also the Congress people who will yield to the temptation; though, of course, the temptation of the one will be different from the temptation of the other. The Congress people will revive their own warlike, ferocious slogans, enter the Legislature and capture the fort of the bureaucracy and induce the Viceroy to use his over-riding powers, to make the exercise of these over-riding powers normal, so that responsibility or the mockery of that responsibility could be exposed; and the Congressmen in the Provinces will say that the over-riding power that the Governor has got in regard to Law and Order is only a screen; they will tear off that smoke screen by inducing him to override the Law and Order Minister. Supposing the Congress captures the administrative machinery in the United Provinces—or in some

other province in India—why should I mention my own province at present (Laughter)—and supposing Congressmen come, having their minds made up, to run the machinery of administration on their own lines, supposing for instance, it is a very unimportant thing—supposing they make up their minds that the Law and Order Minister should change the uniform of the police, supposing they decide that the police uniform in the Congress Government of a province must henceforth be the Gandhi uniform, a Gandhi cap, white shorts and a white shirt; supposing the Governor does not like the prestige of Great Britain being brought so low. After all, there will be the temptation on the part of the Congress people to re-establish their prestige and being human to pay off some old scores. (Laughter.) And supposing they want to pay off old scores in spite of Honourable gentlemen seated on this side who will meet the same fate at the next election as chaff before the wind, because the Congress organisation is efficient and wide-spread. The battle will be between the Governor on the one side and all that he stands for and the Law and Order Minister on the other with all the resources of a Government responsible to the people. The Governor's responsibility will be to whom—to himself, to the Governor General, to Great Britain. And the Minister's responsibility will be to whom—to the Legislature, to the people. The Governor has no Department of his own. The Law and Order Department is a transferred Department and, may I ask, how is the Governor to know whether tranquillity is in peril, whether peace is in danger and whether safety is no more to be in that province, without consulting the Minister? But the Minister and the Governor differ. The Minister says tranquillity is not in peril; the Governor says tranquillity is in peril. The Governor has no Department to understand how it is in peril. Is he to maintain a separate Department? How is he to come to that conclusion? Are the Police and the Indian Civil Service to be spies upon the Minister, communicating directly with the Governor? No, they will not play that role, being responsible public servants. What then? The result will be the Governor will be trying to govern over the head of the Law and Order Minister. It will be more honest, as some critic put it, that law and order should be a reserved Department. I do not agree, but I must warn His Majesty's Government that they are showing the dragon's teeth, in regard to these law and order safeguards, for the Governor is authorized to exercise law and order in the teeth of ministerial advice. The proper thing for the Governor will be to dismiss the Minister to dissolve the Cabinet and; if need be, the Legislature, instead of riding roughshod over the Minister. That is not provincial autonomy. Under the present scheme, there will be no autonomy in the parliamentary sense of full responsibility even in the provinces. Let there be no mistake about it. We will have to see that provincial autonomy is complete. This mockery of over-riding the Minister is rooted in distrust. Distrust begets distrust. If you want to run responsible Government in this country, at least in the provinces, there should be complete responsibility and complete trust on the part of the Governor. While over-riding powers will always exist in the Governor General, the putting up of powers on the Governor making him a sort of minor Czar, as it were in the province, will only result in such continuous clash that ultimately the Governor will be discredited, the Government will be discredited, not the Government responsible, but the irresponsible part of it. Why sow fresh seeds of strife? I am perfectly certain that in the next ten years, instead of having harmonious progress in the provinces and better understanding between Great Britain and India, the Governor will become the target of attack. He will be accused of using and abusing his powers unnecessarily. It is not wise to

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ask for trouble in the provincial field. If you cannot part with power at the Centre, why not part with it in the provinces at any rate?

Then, Sir, I must also refer to another aspect and that is the taking away of existing rights. At present we have the right of retaliation in regard to the Colonies. We have not exercised that right, but that right is there. That right was granted to us, but in the White Paper it is not quite clear where we stand or it is quite clear that that right has been taken away. I will refer Honourable Members to paragraph 122 of the White Paper which reads:

“The Federal Legislature and the Provincial Legislatures will have no power to make laws subjecting in British India any British subject in respect of taxation, the holding of property of any kind, the carrying on of any profession, trade business or occupation or the employment of any servants or agents, or in respect of residence or travel within the boundaries of the Federation to any disability or discrimination based upon, his religion, descent, caste, colour or place of birth.”

Under this, therefore, any British subject would include the colonials, the Whites of Fiji and Kenya. (*Diwan Bahadur A. Ramaswami Mudaliar*: “No.”) My Honourable friend, Mr. Ramaswami Mudaliar, says “No”.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): May I point out to the Honourable Member that to the best of my recollection it was made clear that that safeguard was only intended for Englishmen as we know them, residents of the United Kingdom and, so far as I recollect, it was the Indians who insisted upon including the citizens of the Free State of Ireland.

Mr. C. S. Ranga Iyer: I stand corrected, but I can only interpret what the White Paper contains and, in this connection, I may say that my apprehension is shared by as great an authority as the Right Honourable Srinivasa Sastri. In an article in the *Hindu* on the subject, he has expressed his doubts and misgivings in regard to this matter and he has expressed them at some length. I do not want to take up the time of the House by referring to them, but I would only say that that apprehension exists. I am glad that Sir Cowasji referred to it, but I think he was rather thinking of paragraph 123, in which British subjects are mentioned in a different sense:

“The Federal Legislature and the Provincial Legislatures will have no power to make laws subjecting any British subject domiciled in the United Kingdom to any disability or discrimination.”

He shakes his head. Perhaps he is clear on that point, but as clarity is lacking so far as the White paper is concerned.

Sir Cowasji Jehangir: I agree that is lacking.

Mr. C. S. Ranga Iyer: Well then, this matter will have to be cleared up.

Lastly, Sir, I must refer to one point and that is a point of difference between me and the Leader of the Independent Party. Sir Abdur Rahim in his sober and closely reasoned speech, expressed the apprehensions entertained about federation when he said that we should not have the Princes at the Centre. I do not for a moment belittle the apprehension

he and others have entertained on the matter. He said: you may have your safeguards, but if you have a popular Assembly at all and if the nominees of the Princes are sitting there in a popular Assembly, you will realise, as I believe Honourable Members on the Treasury Benches now realise, that in a popular Assembly you cannot stifle the breath of freedom,—and later on he advised the Princes not to enter the Federation. If I welcome the Princes into the Federation, it is because of the dream of a United India, of a greater India which the great leaders of bygone days, men like Sir Surendra Nath Banerjea dreamt of. Sir Surendra Nath Banerjea used to say "Dream. It is pleasant to dream. Let us dream for a while, dream about the United States of India." Even though there are difficulties in the way, still if there is a possibility of the dream materialising, I would welcome it. After all India is one and indivisible and must be one and indivisible. Sir Abdur Rahim asked: can you pour the wine of democracy and autocracy into the same bottle? He did not say: will it not make too strong a cocktail which will go to the head. (Laughter.) (Mr. B. Das: "Head of the British".) I do not understand what my Honourable friend, Mr. Das, means by it. If he means the head of the British people in India, surely not. But it may go to the head of the State subjects. Once the States through their representatives are brought into contact with the representatives of democracy in British India, then you will lay the foundation of constitutional monarchy within the Indian States. (Hear, hear.)

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): Is this intended to scare away the Princes?

Mr. C. S. Ranga Iyer: This is intended to explain my point of view. They will follow their liege and lord, His Majesty the King-Emperor, and thus become constitutional monarchs themselves. I do not want to scare away the Princes. I do not think that Princes are such fools. (Laughter.) Probably my Honourable friend thinks they are, because he fears they can be scared away by a candid "speech". "They are coming into democracy", said Sir Abdur Rahim. "May I ask, what do the Princes gain?" I say, they are coming in in their own interests. Sir Abdur Rahim went on to say: "Their States are autonomous". He forgot, they have no responsibility to the State subjects. Sir Abdur Rahim added: "They are full of power and jurisdiction. They will have to be asked to surrender their powers and jurisdiction". They are not my own words, but the words of my friend, Mr. Jadhav's own leader. Therefore, when he scares them away, I at any rate can seduce them to the Federal parlour. (Laughter.) Sir Abdur Rahim further observed: "They will be losers peculiarly". He said rather strangely: "They would be losers so far as prestige is concerned, which is of great value to an autocratic ruler,—and what is the justification for that", he asked? Sir, I do not want to encourage even the most primitive of Princes, even the most reactionary of despots, to imagine that in this age of democracy they can afford to live in the primeval periods of one-man rule. I hope, Sir Abdur Rahim was merely pulling their leg. (Laughter.) I admit that if the Princes come into the picture, there is the possibility of democracy in British India—as Sir Samuel Hoare said—not degenerating into mobocracy. At the same time, however, there is the possibility of autocracy in the States coming up to the level of democracy and the possibility of one India growing with

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"power and splendour and standing upon her own rights and her own privileges and powers—a free nation bound within the British Commonwealth of Nations to improve herself and bring about the improvement of the human race. (Loud Applause.)

Raja Bahadur G. Krishnaaschastriar (Tanjore ~~and~~ Trichinopoly: Non-Muhammadian Ritrul): Sir, before I submit my observations to the House, I think I had better say, while the thing is fresh in the minds of Honourable Members, that after hearing my Honourable friend, Sir Abdur Rahim, and the perfervid eloquence of my Honourable friend, Sir Cowasji Jehangir, and of my Honourable friend, Mr. Ranga Iyer, the Honourable Mr. Mudaliar alone remains to fill the picture. I think I ought to say publicly and without any hesitation whatsoever: "Sir, we do not want the democracy that is being promised in this White Paper,—with 46 crores of the Army Budget excluded, the Railway Budget excluded as well as those numerous items which are given in one of the paragraphs in the book as outside the purview of the Legislature. What is that 'democracy' worth?" Sir, all the trouble that we have been hearing since yesterday from Sir Abdur Rahim, Sir Cowasji Jehangir and from Mr. Ranga Iyer this morning added to what my Honourable friend, the Honourable the Finance Member, said that "you are out really for still larger expenditure when you institute this responsible government". We feel no doubt as to our being involved in further large expenditure, compared to what it is now and what it was during the Minto-Morley regime and to what it was before that time. In fact I do not know whether that last expenditure has since been doubled, or trebled, or quadrupled or more. And what it is that we get for all this further and huge expenditure? Sir, democracy may be very good; and federalism may be better, and any other form of Government may be the best in the world, but you can only cut your coat according to your cloth, and I think really that the Indian people, poor as they are, had better go on with a unitary system of Government if the alternative is all that my friends have been reciting here in this House.

Sir, the White Paper has been given to us for discussion and I am not yet quite clear as to what the idea is in discussing this paper. In the introduction or, what I might call, the preamble paragraph, it is stated that they will appoint a "Joint Select Committee to consider these proposals in consultation with Indian representatives and to report upon them". After this report has been laid, it will be the duty of His Majesty's Government to introduce a Bill embodying their own final plans—not necessarily what is contained in this White Paper. What is contained in the White Paper has already been exposed by my Honourable friend, Sir Cowasji Jehangir, and also how far it is against the conclusions arrived at at the Round Table Conference; and when the Bill is framed, you will probably find that whether on account of pressure or other circumstances, some provisions that have already been agreed to by the members of this Round Table Conference will have been either deleted or some new provisions which have not been previously touched upon and which might tighten the grip will have been added. Now what about the position enunciated by His Excellency Lord Irwin when he addressed this Assembly and said that the object of the Round Table Conference was to find out the greatest possible measure of agreement and to frame

a Bill in accordance with that agreement. It may be, as Sir Cowasji Jehangir said, that this White Paper was intended more for consumption by the average Englishman who does not know anything about India and the Indian questions than by the Indians, but I am not going into the motives themselves, I am concerned with what is going eventually to happen when Government's own final plans, whatever they may be, are embodied in the final Bill. Perhaps in one sense that course may be good, because if the Government by chance read what is going on in India, it is just possible that more light may be thrown on the significance of these proposals and possibly some improvement might be made which would benefit the Indian people. But, Sir, as if they had gone too far to engender suspicion in India, they say that the Bill will not contain anything that is not down in the White Paper. They say further that they have not yet marshalled and elaborated here the general arguments in justification of their proposals in view of the impending debate.

Now, I have been reading, with such industry and attention as I could command, the proceedings in the House of Commons and the speeches specially of Sir Samuel Hoare, and I do not find there any marshalling of arguments in justification for the position that has been taken up beyond iterating and reiterating the fact that hopes had been aroused and it is impossible to go back. If that was the measure of the argument and the justification for the position taken up in this paper, then the arguments in support of the objectionable features which my Honourable friends have recited might just as well have been stated in this White Paper, so as to make it as complete as possible. As, however, the Paper has been placed before us, I suppose we are bound to say something which will catch the ear of the Joint Select Committee or better still of the Secretary of State and His Majesty's Government so that some improvement might be made. Now, the first and most important thing I would invite the attention of this House to is that there is no sufficient safeguard provided against interference with religion and religious rites and usages and ancient culture of the various communities inhabiting this land. From the beginning they have been protesting that they were going to incorporate the necessary safeguards for the same. It was one of the fourteen points raised by Mr. Jinnah and it suited exactly also the idea of the orthodox Hindu community as well, and as the Muhammadans are a more powerful community and as by chance at the present time they are able to carry everything before them, we thought we had better not trouble ourselves very much about it except that in our interviews with His Excellency the Viceroy we pointed out the necessity of sending somebody to represent the orthodox view before the Round Table Conference. But, for some reason or other, we have not been able to succeed in that, probably because not having shouted sufficiently loud our existence has been completely ignored by the Government. Therefore, they said that there were already too many people and somebody or other would espouse our cause. But what, however, is more important is that we were told that the British Government have already decided that due and adequate protection or safeguards, as the word goes, will be given to protect the religious rites and usages and ancient culture of the communities that inhabit this place. Now, what is it that they have done? Paragraphs 119 to 121 on page 58 contain, as far as I can see, the first pledge with reference to this subject. There may be other paragraphs, but my industry has not enabled me to find out if there are any more.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural):
Read paragraph 122 also.

Raja Bahadur G. Krishnamachariar: That paragraph relates to discriminatory legislation, to which I will come later. Paragraph 119 says:

"The consent of the Governor General, given at his discretion, will be required to the introduction in the Federal Legislature of legislation which repeals or amends or is repugnant to any Act in relation to the management of currency and exchange or religion or religious rites and usages"

So, Sir, the safeguard, that is vouchsafed to us to prevent undue and thoughtless interference with our religion and culture which might bring popularity in the country for the time being, would eventually be absolutely ruinous to the country and its ancient culture and its religion. I wish to protect the community against it. The consent of the Governor General for federal legislation—a similar provision is provided for the Governor in the Governor's provinces in the next clause—'given at his discretion will be required for the introduction' of a measure in the Legislature. Now, Sir, in reply to our deputation the other day His Excellency the Viceroy said the same thing. I would respectfully point out here and through this House to the Government of His Majesty in England that that protection or safeguard is absolutely illusory and would be of no use whatever. Now, why do I say that? A provision similar to that is in existence in the present Government of India Act and was in existence in the Government of India Act of 1861. Now, Sir, the Government of India Act of 1861 was too near the mutiny and Lord Canning made the Proclamation that it was not the intention of the British Government to interfere with the religion or the religious rites and usages of any community in India and that, God willing, they would not interfere hereafter with those things. Those were the days of greased cartridges; those were the days when everything was shaking to its foundations. Then came the Queen's Proclamation which in definite terms said that there shall be no interference with religion. That was in 1858. In 1861, when they passed the Government of India Act, it was laid down that the previous sanction of the Governor General in Council shall be obtained, among other things, in regard to a measure which affects the religion or the religious rites and usages of the communities inhabiting British India. Now, Sir, how did it work? For a long time it worked very well. In 1872, the Special Marriage Act was passed and in 1910, 1912, 1914 and 1916 various Bills were introduced which had the effect of interfering with the provisions of the Hindu law. Home Member after Home Member sat very heavily upon those proposals and iterated and reiterated the principle of religious neutrality. They expressed themselves that the Government of India were trustees to the helpless millions of India, and they were very strong upon the matter with the result that in some cases the Bills did not go beyond the introduction stage and in other cases they were not referred to a Select Committee. Before the Reforms, there was a Bill, however, in which the principle underlying a section of the Act of 1861 was discussed in the predecessor of this Assembly. That was in 1891, during the Viceroyalty of Lord Lansdowne, and the Bill was generally known as the Age of Consent Bill. That was an amendment of section 375 of the Indian Penal Code of which my Honourable friend, Sir Hari Singh Gour, is not yet tired of beating and beating. When that Bill was first introduced, there was a hue and cry in the country. The cry came mostly from Bengal.

With regard to the principle of previous sanction contained in the Act of 1861 His Excellency Lord Lansdowne said as follows:

"Cases where demands are preferred in the name of religion would lead to practices inconsistent with individual safety and the public peace (*Mark these words*) and condemned by every system of law and morality in the world, it is religion and not morality that must give way."

No one in his senses and no one who has got even the slightest education would quarrel with that enunciation of the position:

"In cases where there is a conflict between the interests of religion and those of morality, the Legislature is bound to distinguish if it can between essentials and non-essentials, between the great fundamental principles of the religion concerned and the subsidiary beliefs and reactionary dogmas which have accidentally grown around them."

That, Sir, is the principle which His Excellency Lord Lansdowne said would guide the Governor General in the application of the section which requires the previous sanction of the Governor General for the introduction of measures of that sort. Now, Sir, as time passed, various other measures were introduced and, although sanction was given in some cases, that sanction became useless as the Bills were not allowed to proceed beyond the second reading stage. Then came the Reforms. There was a large number of representatives of the people added on to the Legislature and the first measure that came before the Reformed Council was the Child Marriage Restraint Act. I will not say the Sarda Act, because my Honourable friend, Mr. Sarda, is not particularly happy when you call it the Sarda Act. (*An Honourable Member*: "Why?") I do not know; you had better ask him that question. He says: "Do not call it Sarda Act", and how can I answer for what he says? However, at that time admittedly, so far as the Hindus were concerned, the Bill was a direct interference with their marriage laws. Sir James Fitz-James Stephen, one of the most brilliant Law Members that ever adorned the Chair which my Honourable friend, the Leader of the House, now adorns, said that among the Hindus "marriage and religion stood for one and the same idea". Therefore, there is no question that so far as the marriage law embodied in the Child Marriage Restraint Act was concerned, it was a direct interference with the religion and the religious tenets of the Hindus.

12 Noon. Now, Sir, sanction was given to introduce the Bill. My objection is that the sanction should not have been given. If the sanction was merely a formal matter, if the sanction was only a matter of course procedure which nobody can trouble himself about, I can quite understand the position. But if behind the sanction there is a discretionary power, there is a necessity to consider the pros and cons and then come to a conclusion consistently with the fundamental principles, I say that sanction ought never to have been given, because, as I said, it was admitted there was an interference by that measure with the religious tenets of the Hindus. Now, Sir, the sanction was given and yet a section similar to that which obtains in the 1861 Act does exist in the present Government of India Act. Did it operate as a protection? No. Once the sanction is given, once the flood-gates are opened, it is impossible for anybody to stop the current from running its own way and culminating in the passing of a measure, however obnoxious it may be to the majority of the community whose religion it affects. Consequently, I take it that when the Legislature held that the previous sanction of the Governor General should be obtained, it meant something more than a mere formality. What procedure is followed by the Governor General, I do not know; I tried to find

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it out, but for some reason or other I have not been able to find out the circumstances and conditions under which that sanction is given. However, the point is, you find that the existence of the power to give previous sanction to the introduction of a Bill did not prevent its introduction into the Assembly. We have got this Temple Entry Bill and the Anti-Untouchability Bill. These are admittedly Bills which do interfere with religion, and, in spite of the very strong protests that some of us made, sanction was given; but, fortunately for us, a solemn promise and a promise which I think would go a great deal to minimise the grant of the sanction has been given that a full and complete inquiry will be made regarding the sense of the community from all interested quarters before the Bill would be allowed to proceed. But that is not the point. That these two Bills have been allowed to be introduced and that the Legislature has been allowed to discuss the matter which admittedly interferes with the principle of religion is, what I submit, objectionable, and I say that the provision I cited is no sufficient safeguard to prevent that sort of thing. In this connection perhaps I might invite the attention of the House to an observation made by Pandit Kanhyalal as member of the Age of Consent Committee. He says:

"The responsibility of agreeing or refusing to sanction still rests with the Governor General, but the Government must naturally find it increasingly difficult to oppose a demand for social legislation persistently urged by the people or their elected representatives."

That is just what has happened; and it is to that that I object, and I say there ought to be a specific, effective and undoubted safeguard to protect us against this carping, cavilling and thoughtless interference with religion, interference by people who never made a study of it, nor have any respect for it, interference by those persons regarding whom I read an extract the other day from Ludovici's book, the multiplication of nobodies.

Now, there is another clause in the White Paper which even minimises this thing. This is in paragraph 121:

"But an Act will not be invalid by reason only that prior consent to its introduction was not given, provided that it was duly assented to either by His Majesty, or by the Governor General or Governor, as the case may be."

Now, Sir, the position created by this clause worked as follows in practice. When the Child Marriage Restraint Act was under discussion before this Assembly, we led a deputation from Southern India and asked His Excellency Lord Goschen not to assent to this Bill until at least His Excellency Lord Irwin returned from his leave. His Excellency Lord Goschen was unable to do it; he was unable to agree to our request, because the original sanction having been given by His Excellency Lord Irwin, it would not be fair and right that he should stop giving his assent to that Bill and thus delay its operation. Consequently, Sir, the fact is that where it escapes one trouble it falls into another trouble. So between these two the result would be that there would be in effect absolutely no safeguards whatsoever against useless and at times malicious interference.

Then, Sir, there is another portion of the White Paper which I suppose has something to do with it, because it is in that way that we wanted that provision should be made. It is the section headed "Fundamental Rights"

at page 29. They say that it is not possible to embody it in a statute and then they say :

"His Majesty's Government think it probable that occasion may be found in connection with the inauguration of the new Constitution for a pronouncement by the Sovereign, and in that event, they think it may well be found expedient humbly to submit for His Majesty's consideration that such a pronouncement might advantageously give expression to some of the propositions suggested to them in this connection which prove unsuitable for statutory enactment."

Now, Sir, I am not a Parliamentary draftsman and I do not know how far the fundamental rights which have been enumerated in that report of the All-Parties Conference could or could not be embodied in a statute. Though I am not trained in Parliamentary drafting, it seems to me that there does not seem to be any difficulty in embodying them as a few sections in the future Government of India Act. However, supposing that it is not possible to do so, I very respectfully submit that this Royal Proclamation, this alternative suggestion made by the White Paper will be absolutely no good. You know, Sir, that when the Ilbert Bill agitation was at its height the Member of Government repudiated the Queen's Proclamation. They said it was a diplomatic document. This was said by Mr. J. H. Thomas, a man from Madras and from Tanjore and Sir James Fitz-James Stephen added his authority to it. They said that it is not a statutory enactment and, therefore, not binding upon anybody, and that consequently it could not be relied upon in favour of the grant of equal rights regarding the trial of Europeans by Indians. So far as that was concerned, they in effect protested that the Queen's Proclamation has absolutely no value though Lord Ripon indignantly protested against such whittling down of the Queen's words. The same will happen to your Royal Proclamation, however solemn it may be. They say that Governor's or Governor General's Instrument of Instructions would also contain some provision to that effect. It may or may not have any effect, I do not know. It depends upon how it is decided when it goes before a Court to see what legal effect it has or had; it would be dealt with by a class of officials.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The Honourable Member has taken over half-an-hour.

Raja Bahadur G. Krishnamachariar: There is only one point more if you will allow me. I wish to say something about the Federation. I shall compress the whole thing and say in as few words as it is possible, if you will allow me to say that, Sir, because it is an important matter and there are very few Members who are acquainted with the inner working of the Native States and the possible result of Federalism. So far as Federation is concerned, it is said that the Federation would come into existence when the Constitution Act will come into force, when the Princes know exactly how the whole thing works, and then they would execute their Deed of Accession, and then the Reserve Bank would be established and then if the number of seats allotted to the Princes would be filled and the Budgetary provision of India would be in a satisfactory condition and a Reserve built up. Now, Sir, those conditions are such that we might have to wait till the Greek Calends, until all join together and enable these people to bring the Federation into existence. Why trouble about the Federation? I found that so far as the Princes are concerned, my Honourable friend, Sir Cowasji Jehangir, said that if the Princes do not come, let them beware they will come into a great trouble unless it be that they would be forced to come. I wish he had developed

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and said in two or three sentences how they would come to this trouble. These gentlemen are capable of taking care of themselves whether they are fools, as my Honourable friend, Mr. Ranga Iyer, said, or whether they are the wisest men on the face of the earth. I am not pleading for them. I know

Mr. O. S. Ranga Iyer: I did not say, if I may correct my Honourable friend, that they were fools. I said that they were not fools.

Raja Bahadur G. Krishnamachariar: Sir, I will tell you how they would be at a disadvantage. It is said that after their execution of these Instruments of Accession, no powers will be exercised outside the four corners of the concessions granted. I shall tell you how declarations of this sort work in actual practice.

Now, Sir, there was a concession of the cession of the Railway jurisdiction in Hyderabad. They have got a formula in the Foreign Office "Whereas by express Treaty and Usage" and they have been exercising their jurisdiction over the railway by arresting people unconnected with the railway affairs. It took three years and it had to go to the Privy Council before a simple principle that as the fountain could rise no higher than its source the British Government could not have power more than was granted to them by the Nizam, and yet all these years intervening they were playing havoc with these cessions that the British Government took. Then, directly you bring them into the Federation, as was observed, you might instil into the minds of the Princes ideas of democracy. Times are alleged to be progressive and you must give them the chance to have their own representation, and what is the effect of representation and what is the position of these Princes? They become mere zamindars. I do not mind it. That is the position they would be reduced to. If that is what you want, say so—don't camouflage. This will be the position if the position of Federation is acceded to. Those are the fears entertained by the Princes in joining the Federation. I know that in 1930 there was a great jubilation when the Princes declared that they would join the Federation and that Federation was going to come soon, so much so that the British Government made Federation a condition precedent to responsibility at the Centre. What these have got to do between them I do not know and the White Paper does not say. I shall invite the attention of the House to a book called "Failure of Federalism in Australia" and I would earnestly request the attention of Honourable Members to that book in order to see how Federalism is going to help us.

Sir, I do not think that I will take much time of the House, but there are only two observations which I would like to make: first in regard to the Services. Having been out of touch with British India for a very long time, I cannot exactly say what the trouble is about the Services and why all these safeguards are introduced. In an Indian State Indians pull on very well with the English people and there is no revolt on the part of Englishmen. There is no request that they were not going to serve an Indian, and some of them were the subordinates of Government. We had no trouble whatsoever. And when an Englishman once enters an Indian State, he does not want to go out of it.

Lastly, Sir, I have been asked to say a few words with reference to the boundary question of Orissa. I know it is not my own subject and there are people better competent to deal with it

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The Honourable Member will be well advised in leaving that for others.

Raja Bahadur G. Krishnamachariar: Sir, Mr. Raju, who was to have spoken upon it has fallen ill and Mr. Jogiah, who was a Member of this Assembly, has come up here as a representative of the Andhra Province, and has asked me to make a few observations to this House. I will make only one observation, and the point I would invite the attention of the House to is that in separating Orissa they divide the population into Oriyas and Telugus, and the complaint is that a portion of Berhampore and Chatrapur Talukas of the Ganjam District and the town of Berhampur which are predominantly Telugu are proposed to be joined to the Oriya Province—a decision to which the people object and I submit that for consideration, through this House, of the Joint Select Committee.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Order, order. The Chair would again repeat the appeal that it made yesterday. Honourable Members will find that so many sections of the House are anxious to take part in the debate. The Chair is sure that the House will sympathise with it. During a debate of this nature, the Chair has to satisfy not merely party interests, but various other interests, provincial, religious, communal, minority and special, and, in view of this, the Chair would suggest that no Honourable Member, except under very special circumstances and for very good reasons, should take more than 20 or 25 minutes.

Mr. N. M. Joshi: Mr. President, in the short time at my disposal I shall try and examine the Constitution as outlined in the White Paper from two points of view. First of all, I shall try to examine how far the Constitution is likely to work smoothly and, secondly, I shall try to examine how far the Constitution will serve the purpose for which every Constitution in the world is intended, namely, to secure peace and contentment for the people in that country. In the first place, if a Constitution is to work very smoothly, it must be a Constitution based upon trust and confidence in the people, and it must be based, not on fear, but on courage. If a Constitution is based upon mistrust and fear of the people, that Constitution will never work satisfactorily and never serve the purpose for which it is intended.

When the British Government made their declaration that there cannot be a Central Responsible Government in this country unless the Indian States join the Federation, they clearly intended to show their mistrust and not trust in the people of British India. I do not understand why the British people who have ruled for over a century in British India should have more confidence in the people of the Indian States than in the people of British India. The people in Indian States are not more educated than we are: they have not yet shown greater capacity than we have, except perhaps the capacity which they have shown to submit themselves to autocratic rule and tyranny. It may be said that the British Government do not expect that the people of the Indian States will be represented in the new Constitution at all, but that they expect that the new Constitution will be made stable on account of representation being given to the Princes of those States and not to their peoples. To suggest even for a moment that the Princes of those States do not care for the interests of their subjects and will not give any representation to their subjects, but will keep all the representation in their own hands, being afraid of their

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subjects, is not very complimentary to the Princes. Moreover, even taking for granted that the representatives of the States will be the nominees of the Princes, I do not understand how they will make the Constitution a more stable one. If you study the history of Great Britain, Sir, you will find that most of the rebellions and revolts in that country against the Government were those made not by the poor people, but by the nobility of that country. If that is so, I do not understand why the British Government should place greater confidence in the Princes, for making the Government a stable one, than in their own subjects. I sometimes feel that our British rulers do an injustice to themselves. They feel somehow that they have not ruled this country as well as they should have, so that, when the people in this country got freedom, they will not stand by the Government, but will be hostile to the Government. The distrust is greater in the masses of this country than in the propertied classes. They somehow feel that the big propertied classes and capitalists may stand by them and, on account of that fact, they have provided greater representation for the landlords and capitalists, including the Indian and the European, than for the working classes. They have provided a fundamental right for the protection of property, but no fundamental right for the protection of the lives of the poor. (Shame.) It is not that the British Government or the British people have shown want of confidence and distrust in the people of British India alone, but let me make it clear that they have no more confidence even among the Princes and the propertied classes of this country. If they had confidence in them there would have been no safeguards such as are proposed in the White Paper. The very representation given to the Princes and to the propertied classes would have been a sufficient safeguard; but the British Government have very little confidence in these people and, therefore, they have provided these safeguards. My Honourable friend, Sir Leslie Hudson, said yesterday that as a labour representative I should not be against the provision of what he called safeguards for machinery. Let me make it

Sir Cawasji Jehangir: May I ask the Honourable Member to tell the House what percentage of the male population of India is going to get the vote?

Mr. N. M. Joshi: I shall come to that question later on. Let me proceed on my own lines. He said that, as a labour representative, I should be in favour of safeguards. I am in favour of safeguards, as are provided in all Constitutions: safeguards are necessary not only for Indian machinery: safeguards are necessary even for British machinery. The British machinery and the British workman are not immune from accidents from machinery: there are safeguards in the British Constitution and we shall certainly not be against the provision of such safeguards as are provided in the Constitution of other countries. But these safeguards, which are provided for the machinery in order to prevent accidents, are not intended to prevent the smooth working of that machinery. But, unfortunately, the safeguards provided by the White Paper are safeguards which will prevent the machinery working smoothly and sometimes may even cause a breakdown of that machinery. It is on account of these facts that we are against some of the safeguards which are proposed. I do not wish to deal with these safeguards in detail. I shall only make a few remarks on some of them.

Take the first safeguard: the safeguard as regards Defence. If power is given to the Governor General in all matters regarding Defence, including the matter of declaring a war, may I know, how the judgment, unassisted by any one, of the Governor General is safer than the judgment of a Legislature in the matter of the declaration of a war? I thought that there was more safety in the judgment of the many than in the judgment of one man. (*An Honourable Member*: "Question.") My own feeling is that if there is any fear of this country being plunged into a war, it will be due to the hasty judgment of one individual than to the judgment of a Legislature.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muhammadan Urban): But is there any country in the world where a Legislature declares war?

Mr. N. M. Joshi: The Government of the country declares war, and if the responsible Government of a country declares a war, it is much safer than a Governor General declaring a war.

I shall come to another safeguard—the safeguard as regards the Foreign and Political Department. In the matter of Defence, a provision has been made that there should be consultation between the responsible Ministry and the Governor General, especially in the matter of fixing the Budget. But, in the case of the Foreign and Political Department, the White Paper does not mention that there will be consultation between the responsible Ministers and the Governor General. Take the Ecclesiastical Department. I do not understand why there should be an Ecclesiastical Department in this country at all. Personally, I have a conscientious objection for being compelled to pay taxation for the maintenance of the priests of any religion, leave aside Christian religion. In the Company's time, there may have been some necessity for the employment of Chaplains at Government expense, but times have changed. We have now in our country more than six million Indian Christians. Why should we make a special provision for chaplains for the benefit of a few thousand European employees in this country?

Then, I shall go to the financial safeguards. These are all based upon one fundamental premise, and that is that England being a creditor country must have guarantees that the security on which the loans are given will not be imperilled. I am not one of those people who hold that a debtor should not pay his creditor. A creditor has a right to receive all the loans which he has given. But a creditor has no right to regulate the life of a debtor. That idea may have been accepted in the dark ages, but it cannot be accepted in modern times. Moreover, Great Britain has given loans to other countries almost equal to the loans given to us, without insisting upon control being exercised upon the finances of those countries. Great Britain has advanced money to Brazil, without insisting upon control being exercised on their finances.

There is a safeguard as regards the Reserve Bank upon which I wish to say one word. It is said that this Reserve Bank should be free from political influences. I do not understand how a Reserve Bank can be completely free from political influences. As a matter of fact, some of the important Reserve Banks have shown political leanings and have played important parts in politics. The Bank of England caused the fall of the late Labour Government. I do not understand why a Reserve Bank should be free from politics. What is meant is perhaps that the Reserve

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Bank should have only one kind of politics, namely, the capitalist politics, and it should be free from any other kind of politics. The modern tendency is that there should be greater State control on the banking institutions, and we are now going back to the old times when people said that there should be no political influences in a Reserve Bank, meaning thereby that there should be only capitalist politics in a Reserve Bank.

Then there is the safeguard regarding the Statutory Railway Board. I am not one of those who think that a Legislature of this kind is the proper organization for the management of Railways, but I feel that as the tax-payer in this country is ultimately responsible for paying interest on the loans which have been taken for our Railways, the ultimate responsibility for the management of the Railways will be with the representatives of the tax-payers. I, therefore, feel that if an organization is to be formed for the management of Indian Railways, it should be an organization established by the legislation of this Legislature. Secondly, I feel that if an organization is to be brought into existence for the management of Railways, it should be an organization on which all the interests should be properly represented. The railwaymen must be properly represented on that organization, and, secondly, all those who pay towards the maintenance of those Railways should be properly represented, and among the interests I mention there are two which are most predominant. The first interest is the interest of the third class passengers who contribute most of your passenger traffic revenue, and the second interest which I would like to be represented on the Statutory Railway Board is the interest of the poorest cultivator in this country who contributes the largest goods traffic to your Indian Railways.

I shall now deal with safeguard as regards the excluded areas. I take it that these excluded areas are to be the areas which are occupied by what are called the backward and the hill tribes. I do not understand why these backward and hill tribes should be denied the protection of a Legislature. How are they going to be better protected by being an excluded area under the sole charge of a Governor? If you study the history of these backward areas, you will find that on account of their backwardness, on account of their being treated as excluded areas, even practices like forced labour are still existing in some of those backward areas and among many of those backward people. There is hardly any law in those backward areas which are to be excluded except the law of the will of the District Officer or whoever may be the other officer in charge. I, therefore, think that it is wrong that these excluded areas should be given to the sole charge of a Governor as a protection to the backward people.

There is one more safeguard which has been provided, namely, that the Governor General will have the power to arrest the course of discussion of any subject which is reserved to his sole responsibility. I can understand the Governor General having special power for purposes of defence or any other reserved subjects to spend money or to pass any legislation for Defence but why should the Governor General have power to prevent discussion on any of these subjects? Is it not enough if he has the power to take whatever amount of money he likes, to pass whatever legislation he likes. But, Sir, to prevent discussion of his action is an intolerable situation. I do not wish to deal with these safeguards any more. I shall now deal with . . .

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

Mr. N. M. Joshi: I am sorry, Sir, but I shall try to finish as early as possible.

Mr. President, I shall now deal with the question of how far the Constitution is likely to serve its purpose, namely, to make the people happy, contented and prosperous. The condition of the masses in this country has been miserable. It has been miserable for a very long time, for centuries. They were ruled by the Moghuls for centuries and, they are being ruled by the British now for more than a century, but their condition is the same. The condition of the working classes is so bad that I have always felt humiliated whenever I went to Europe and had talks with the people from other countries. We have been told several times to our faces that the condition of the working classes in India has been a drag upon the condition of the working classes in other countries. We want, therefore, that any Constitution which we may prepare will be such that the condition of the working classes improved and it will no longer remain what it is today. For that purpose, Mr. President, the first necessity is that the working classes should be properly represented in the Legislatures which we shall establish. The proposals in the White Paper have not gone far in that respect. It is true that some special representation has been provided, but it is much less than what is necessary and what is justified by the population of the working classes in this country and in the case of the Upper Chambers it is entirely denied. I, therefore, hope that the representation given to the working classes in the Legislatures will be substantially increased and representation shall be provided for them where it is not done.

Then, Mr. President, the qualifications laid down for franchise are not such that the wage earning classes are likely to get a share in the representation given to the general constituencies. Property still remains the main qualification for franchise. I suggest for the consideration of Government that they should accept wage earning as a qualification for franchise. It is only by the acceptance of that qualification that the working classes in this country will be enfranchised. As regards franchise, there is one more point that I would like to make and it is this. Although I feel that there are no difficulties in the way of the establishment of adult suffrage, still we reconcile ourselves to the position that adult suffrage may not be introduced immediately, on one condition, and that condition is that the future expansion of the franchise should be automatic, that a provision should be made in the Constitution itself that, after five years or ten years, the number of voters on our electoral rolls shall be doubled or shall be increased in certain proportions. If we leave the expansion of the franchise to the Indian Legislature, it is not very easy to secure an expansion of that franchise. I cannot understand how a Legislature which is elected on a higher franchise will be willing to commit suicide and agree that the franchise shall be expanded. The history of England has shown, the Parliament has always placed difficulties in the way of expanding the franchise. It is true it expanded, but very slowly. I, therefore, feel that our Constitution should provide for an automatic expansion of the franchise.

Then, Mr. President, labour legislation is a very important matter from the point of view of the working classes. The White Paper provides that

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labour legislation of certain kinds shall be within the concurrent powers of the Provincial and Federal Legislatures. I should have thought that if we are going to have a Federation, labour legislation should also be made a Federal subject and should be made applicable to Indian States also. The Royal Commission on Indian Labour have pointed out the desirability of that step being taken. The Government of India in the White Paper proposes that labour legislation shall be made a subject of concurrent jurisdiction. But even in that respect the White Paper suggests that not all labour legislation shall be a subject of concurrent jurisdiction, but only certain types of labour legislation. The White Paper provides that legislation on health insurance and old age pensions shall be provincial subjects. I do not understand, Mr. President, why the Government should have made this difference.

Then you must remember that the Constitution provides that the Government of India cannot pass legislation throwing any financial burden upon the Provincial Governments or the Provincial Legislatures. If that is so, the Government of India must take powers to spend money on the kind of legislation which they will pass. They have proposed that factory administration shall be provincial while factory legislation shall be a subject of concurrent jurisdiction. Now, Mr. President, if our factory legislation throws any financial burden on the provinces, that legislation may become invalid. I, therefore, suggest to the Government of India that they should take steps by which the Central Legislature, when it passes legislation, shall have the power either to spend money on that subject itself or to pass legislation throwing financial burden upon the Provincial Governments.

There is one more point and that is the point regarding the ratification of international labour conventions. The White Paper provides that external affairs including international obligations subject to the previous concurrence of units as regards non-Federal subjects will be a Federal subject.. If the ratification of international labour conventions is subject to the previous concurrence of units, how is India going to ratify the conventions of the International Labour Conference? In the first place, I do not understand exactly the meaning of the expression "the previous concurrence of units". Does it mean previous concurrence a majority of the units, or does it mean the previous concurrence of all the units? If it means a majority of the units, there is at least some chance of some conventions being ratified, but, if it means concurrence of all the units, then there is absolutely no chance of any convention of the International Labour Conference being ratified at all. Then, on account of the very fact that our Constitution is going to be a Federal one, by the Constitution of the International Labour Office itself the conventions of that organisation may be treated as recommendations by any country which has a Federal Constitution. On account of the Constitution itself being Federal, we shall lose some amount of the protection which the International Labour Office has given to us. But if we do not make labour legislation a Federal subject and if the Federal Government do not possess the power to ratify the conventions without the concurrence of all the units, then, Mr. President, whatever little protection the international labour organisation has given to the workers in this country would be lost entirely.

There is one more point which I shall touch upon as regards the division of subjects, Federal, Central and Provincial, and that is the subject of emigration. The White Paper has provided that emigration from and immigration into India is a Federal subject. Similarly, inter-provincial emigration and immigration is also a Federal subject. But the White Paper does not provide that emigration from and immigration into, not as between provinces, but as between one unit of the Federation such as Indian States and British India will be a Federal subject. Unless that is done, British India will be at a disadvantage. The Indian States, being represented in the Federal Constitution, will certainly prevent our passing any legislation prohibiting the working classes from Indian States coming into British India, while the Indian States will have the full right to prohibit the entry of British Indians into their States. I, therefore, suggest, Mr. President, for the consideration of Government that not only the inter-provincial emigration and immigration should be a Federal subject, but emigration from and immigration into one unit of the Federation to the other should also be a Federal subject.

Then, there is one small point about taxes. Among the proposals which have been made for taxation, there is one proposal which many Members may not have noticed. Some of the resources have been allotted to Provincial Governments and, among them, I find mention of the taxes on employment, such as taxes on menials and domestic servants. I do not understand why any Provincial Government should levy such a poll tax as a tax on menials and servants. (*An Honourable Member*: "It is done now.") I suggest it is a wrong thing. You can realise the feelings of the Indian Civil Service and the Indian Police Service if we have a tax for them alone. But so long as we have not imposed taxation on employment of people, such as the Civil Service and the Police Service, it is not just that we should make provision for a tax like the tax on menials and domestic servants.

Then, there is one important point and that is as regards fundamental rights. It is proposed in the White Paper that there is to be a fundamental right for the protection of property. I do not wish to say a word about that fundamental right, but if Government proposed to protect the properties of the rich, I would like to know why they should not try to protect the lives of the people of this country. The first fundamental right in this connection ought to be the right to work, which means the right to live. If people do not get work, of what use is the Government. The first concern of a Government is to provide work and enable people to live, and as people are not enabled to live, I do not know why any people should care for that Government. Take the British Government. They recognise this right to work and to live. Similarly, our Government should, when they try to establish a fundamental right for the protection of the property of the rich, also have a fundamental right for the protection of the lives of the poor. Sir, I have done.

Mr. Amar Nath Dutt: Sir, I beg to 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, the proposals.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Order, order. If the Honourable Member insists on moving his amendment, the Chair would have no objection, for one reason that the Honourable Member wants to express a definite opinion on the question of the

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electorate. But the Chair would suggest to him that in case he makes up his mind to move his amendment, he might move it in the following form. It will be more convenient to the House if, at the end of the amendment of Sir Abdur Rahim, the following be added :

"That this Assembly further requests the Governor General in Council to convey to His Majesty's Government that, in the opinion of this Assembly", and so on.

That would make it more convenient for discussion.

Mr. Amar Nath Dutt: As suggested by the Chair, I beg to add to the amendment of Sir Abdur Rahim my amendment which runs as follows.

"That this Assembly further requests the Governor General in Council to convey to His Majesty's Government that, in the opinion of this Assembly, the proposals of His Majesty's Government for Indian Constitutional Reforms are wholly unsatisfactory and are a retrograde step, so far as the introduction of Responsible Government in India is concerned, unless the proposals are substantially amended so as to make the Indian Government responsible to the Legislature composed of members returned by joint electorates without reservation of seats on the basis of race or religion from provinces constituted after redistribution of boundaries on racial, ethnological and geographical basis."

The discussion that has taken place in the House on the White Paper for a day and a half has left this point of my amendment undiscussed. That being the case, I think I should not waste the time of the House by discussing all those points which have been discussed by previous speakers when speaking on Sir Abdur Rahim's amendment. I shall confine myself to the points I have raised in my amendment.

At the outset, I may be permitted to observe that constitutional and political theories have their fops like fashions in dress and manners. I hope Honourable Members of this House will kindly bestow their best attention to what I submit for their consideration. At the outset, I may be permitted to observe that I am not enamoured of Federation. I am a believer in the unitary system of Government and I shall continue to be so in spite of all that has been said up till now in favour of Federation in the future Constitution of India. A friend from behind says, "in spite of temptations". Yes, in spite of temptations to play to the gallery. I realise the compliment paid to me that I have not yielded to temptation. I believe that, in order, to develop full nationalism in this vast continent of India, one unitary form of administration is necessary. Whether it is practicable and feasible in the present circumstances it is for practical politicians to decide. If it is possible, I shall be very glad if British India and Princely India can come together into one unitary form of Government. If it is not possible, then, it will not be beneficial to drag the Princes into the same Constitution with the people of British India. My amendment gives emphasis to two very important factors which have not been discussed in this House, namely, our demand for joint electorates as also for redistribution of boundaries on racial, ethnological and geographical basis. I will not tire the patience of the House by reciting all the arguments in favour of joint electorates unfettered by any consideration of race or religion. I think India is the only country which has got such anomalous representation in its Legislature as communal representation. No democratic Constitution can exist, much less flourish, with such jarring elements for its representation. Time and again it has been said that it will be a rule of the majority over the minority and that, in order to safeguard the minority interests, it is

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necessary to have communal representation. I beg to submit, Sir, that the minority interests can be amply secured by the declaration of fundamental rights, as is done in every other country in the world and, further, that if any minority community thinks that it will fail to secure fair representation by a joint electorate, then the rule of election by the single transferable vote can be adopted to ensure their adequate representation according to proportion in the Legislature. (Interruption by Lieut.-Colonel Sir Henry Gidney.)

Sir, I do not yield to my gallant friend as I have to finish my speech within the short time at my disposal. Sir, I think the subject of joint electorates has been so thoroughly discussed everywhere that it does not require much time to convince this House of the necessity of joint electorates for the growth of healthy nationalism in this country. Sir, we never used to think before communally. Whether it is the fault of this community or that community, I am not going to touch upon, but, I may say, communalism in one community provokes unhappy communalism in another community (Hear, hear); and if we are to live in peace and amity in this great country of ours, which is the dear motherland of both the minority and the majority communities, I think we should not think in terms of communal interest, but in terms of national interest. (Hear, hear.) Sir, it may be said that these are all pious hopes and catch phrases. (*Sir Muhammad Yakub*: "Too pious.") Sir, my Honourable friend, the Leader of the European Group, yesterday gave as the history of the Legislature in this country. He said that the people of this country lived happily—I do not remember his exact words—but, so far as I remember, he said that the executive in those days was tempered by the advice of nominated Members of the Legislature. Sir, I shall give the names of the first three nominated Members who were then called Additional Members of the Governor General's Legislative Council. They were: Raja Sir Dinkar Rao, Sir Salaar Jung, and the Maharaja of Burdwan.

Sir, I do not know how far these three gentlemen, however eminent they might have been—at any rate the life history of the latter I know full well—however eminent they might be, I wonder really how they could possibly influence the judgment of such brilliant Executive Councillors like Sir Barnes Peacock, Sir Henry Sumner Maine and others. Be that as it may, the executive of India continued to be tempered with the advice of such officers and not of the representatives of the people of India in those times such as Ram Gopal Ghose, Harish Chandra Mukerji, and others or, later on, by men like Dadabhai Naoroji, Kristo Das Paul, and others. Then the Indian National Congress came into existence—I hope that the mere uttering of the name of the Congress will not be anathema in this House—and when I speak of the Indian National Congress, I speak of the Congress before the non-co-operation days (Hear, hear); I am speaking of that Congress of which myself and my ancestors were members. (Hear, hear.) Sir, I can visualize to myself the days when, as a boy, I attended, more than 42 years ago, the Calcutta Congress of 1891. Sir, it was just before those days that an eminent British politician, Mr. Charles Bradlaugh, came to India. Sir, he said that his sympathies were not bound by any racial or geographical limits, and that he wanted to have some sort of representation for the people of India in the Government of India, and the result was that the Legislative Councils with powers of interpellation came into existence in pursuance of Viscount Cross's Bill.

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Then, again, Sir, I remember that in the system of election there was no communal electorate and I remember that from the constituency which is now represented in this House by my Honourable friend over there, Mr. Anwar-ul-Azim, namely, the Division of Chittagong, it was a Muhammadan gentleman, Mr. Sirajul Islam, who was elected to the Bengal Legislative Council, defeating the father of no less a person than Mr. J. M. Sen-Gupta, now a guest of His Majesty's Government. (Hear, hear.) Sir, those were days when people did not talk of communalism. Sir, it was in the fourth Congress at Allahabad in 1888—the first Congress probably which even the veteran old Congressman, Pandit Malaviyaji, attended (Interruption by Mr. B. Das): (To Mr. B. Das) You might not then have been born. Even we were mere schoolboys at that time

Mr. B. Das (Orissa Division: Non-Muhammadan): But I had been born in 1888.

Mr. Amar Nath Dutt: Sir, if one goes through the report of the proceedings of the Congress of that year, he will find Raja Siva Prasad and Sir Sayyid Ahmad opposing the Congress, but there was no question of communalism in those days. The Hindu reactionary, Raja Siva Prasad, and Sir Sayyid Ahmad, both, in their zeal to please the Government of the day, combined to destroy the Congress, but failed. I think, Sir, communalism first came into existence at the instance of a handful of men, set up by interested persons, and the result was the Montagu-Morley scheme. As a student, Sir, of Morley's works, I had high regard for him, but when he became the Secretary of State for India, we lost that regard and faith in him. His settled fact, the Partition of Bengal, fortunately for us, was unsettled later on, thanks to the exertions of that great Bengali, the political guru of India, whose name will ever be remembered with gratitude by his countrymen, I mean Sir Surendra Nath Banerjee. Sir, all this is past history and I shall not go over them again, but, at the same time, I must remind this House that it was our friends over there who brought in the idea about what would be the percentage of separate representation for this community and that community. This spirit of separatism first saw the light at their instance. In this connection, in passing, let me point to one particular community in India, perhaps the smallest minority in this country,—I mean the Parsi community. Sir, they never asked for any communal representation (Hear, hear), but depended upon their own merit, and it was this community that produced men like Dadabhoy Naoroji, Sir Pherozeshah Mehta, and others, who are the pride and ornament of all India. May I appeal to the men of other communities and say that if they also can produce such patriots and men of sterling merit, there will be no bar to their taking their proper place in the Legislature of their country and none of them will find any difficulty in coming to the Legislatures through universal suffrages. But if you produce only Toadies (*A Voice*: "Or Modys?")—no, no—toddlies, then, whatever may be the proportion of your representation in the Legislature, you can never expect to guide the destiny of the country. So far, my arguments were about the joint electorates. I think I need not tire the patience of the House by going into more details.

Now, I come to the redistribution of provinces. Sir, the British Indian provinces were constituted long ago and I think circumstances have changed and there should be redistribution under the present circumstances and

new Constitution. For a guidance in these matters, I would refer all impartial men to a document which was published 28 years ago, in the year 1904, by Mr. Prithwis Chandra Roy. It is called the Map of India. I have never found a better solution of the division of the territorial boundaries of the provinces of India than the one that was given out in this book. I need not go into the details as to what is given in that book, but I do submit that the necessity for having a redistribution of territorial boundaries has arisen. Sylhet, which formerly formed part of Bengal, was taken away from Bengal and given over to Assam. The population there is Bengali and the language spoken is Bengali, but the people there are linked together with other people. Again, as regards the districts of the Chota Nagpur Division, which are Bengali speaking, they have been linked with the Province of Bihar. Then, there is another instance of the new Orissa province which is going to be formed. An attempt is being made to link with Orissa some portion of Madras which they cannot rightfully claim.

Mr. B. Das: I want the whole of Midnapore.

Mr. Amar Nath Dutt: My friend may want up to Saptagram and we are not forgetful of those historical days when they conquered up to Ceylon, but that is no reason why Ceylon should be annexed to Orissa or, for the matter of that, my own district or my own constituency of Burdwan. Sir, I hold in my hand an appeal from a very revered Member of this House who formerly adorned the Opposition Benches and for whom every one of us had the highest regard. I mean Mr. Jogiah, an ex-M. L. A. Sir, it cannot be said that he was speaking from any personal consideration or from any motive of self-interest as may be the case with others who want to take away districts and portions of districts from other people in order to have a separate province for themselves. Here is his suggestion:

"We find that certain portions of the Ganjam district such as the 'B' portions of Berhampore and Chatrapur taluqas which are preponderantly Telugu with the town of Berhampore which has a Telugu majority and other areas such as Parlakimedi are attempted to be amalgamated with the Orissa Province", although the proportion of the Telugus is higher than that of the Oriyas. In fact, it is the Telugus who made Berhampore what it is. Its importance is due to Telugu intelligence and enterprise, and amongst the 75 lawyers, 60 are Telugus, and among the medical practitioners, there is only one Oriya, while there are a large number of Telugu practitioners. Sir, these are some of the instances which I cite to illustrate how redistribution of provinces is abused. I shall try to finish my speech within two or three minutes.

Sir, before I sit down, I beg to observe that this White Paper does not satisfy our aspirations. What those aspirations are, I need not say in my own words, but in the words of one of the greatest Englishmen who ever came to India, I mean Lord Macaulay. He said:

"It may be that the public mind of India may so expand under our system as to outgrow that system; that our subjects being brought up under good government may develop a capacity for better government, that being instructed in European knowledge they may crave for European institutions. I know not whether such a day will ever come; but when it does come it will be proudest day in English history."

I do assert that this consummation so devoutly wished for has come on India and I wish that the Englishmen will play their part as nobly as their ancestors foreshadowed in the words quoted above instead of leaving us to

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cry in the wilderness for the cry goes from Mother India in the significant words of Tagore :

*"Nihsangini dharàr viśhàl antar hotty
Uthēy ēkti prashna kīshā-kānta soor,
Āro kothā, āro kātā door.*

"Helpless and forlorn in the world
The piteous appeal goes wherefor and whither."

The Assembly then adjourned for Lunch till 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.

Captain Sher Muhammad Khan Gakhar (Nominated : Non-Official): Sir, I am neither a politician like those who see a serpent underneath every proposal that comes from the Treasury Benches or, for the matter of that, from Whitehall, nor am I one of those who would not have any reforms at all. We must move with the times and, if necessary, we should mark time if the discipline of rank and file is in danger. I do not claim to be an expert on reading the minds of either the people or the Government, but, as a layman, I keep my eyes open, and, without casting any slur or meaning any disrespect to either set of opinion, I wish to express before this House my own views.

During the busy days of the war, I had neither time nor opportunities to study the Indian politician's mind; in those days I was busy elsewhere making it safe for our talking politicians to carry on with their propaganda through lips. What I do know for certain is, that as soon as we had breathing time after the close of the Great War, whose memories are so fresh in our minds, we found all those who had kept away themselves to face the front and never went within sight of the bearing range of the battle field, and kept in touch with us by reading our accounts in newspapers, were agitating for a reward for the great service India had rendered to save the Empire. Perhaps they were right, "Government regarded their silence during the War as a meritorious service to the cause of the Empire".

The promise of August of 1917 had been extracted and, I must say, our countrymen made full use of that promise. The agitation was first confined to the towns and soon began to spread to the villages, because they were told that the villagers were not with them. This led to a big propaganda to spread the infection to the villagers. Thanks to the facilities provided by the Government, in these early stages, this movement spread like wild fire. In order to please those who can never be pleased, they displeased even their friends. The soldiers were no longer required and we found persons, who had been transported for sedition, were appointed Ministers, in the hope that this may prove a good bait for the agitators.

Government thought that by doing so they would silence the vocal section of India, but that was not to be, and Government were soon confronted with an unprecedented situation in the name of non-co-operation. What happened in the different provinces then is known to us all. Swaraj was promised by Congress and the credulous section of Indian population helped it with men and money. Crores of money were collected for various political funds and were written off.

It seemed at one time that the whole of India was in a boiling pot. The atmosphere cooled down and three sets of people came out of this pot. First, there is the anarchist wing. They believe in methods of annihilation and murders, dacoities, and arsons are their chief mottos. They believe in murders and sensation. Some lives must be sacrificed at the altar of liberty and they are carrying on their ignoble work with some measure of success. They have attempted at the lives of all the Governors and the Viceroy, and even ladies and children have not been spared. The second batch is of extremists, who although inwardly pleased with what is being done by the first batch but are keeping themselves aloof from direct action. They provoke people to set fire to the house of the Government, but outwardly they preach non-violence. This class is more dangerous than the other. They themselves keep aloof. They have large army of brothers and cousins in Government employ, and the movement is kept alive, because these brothers and cousins draw fat salaries and feed them.

The third class is of moderates, who do not know where they are. They want to get every thing out of Government and when the time comes, they join in the chorus of condemnation of Government.

The selfish habit has developed to such an extent that now they are prepared to abuse each other, sometimes on communal grounds and at others on provincial differences. If, in order to meet all these diverse classes of people, Government have provided safeguards against possible misrule, they are fully justified.

Sir, just a few words to my Honourable and learned friend, the Leader of the Independent Party. In supporting his amendment, he asked, whether these proposals were in accordance with the declaration of His Majesty's Government or with the pledges and statements made by the Prime Minister. My answer is "No" to a certain extent, but who are responsible for this? Having had the honour of attending the two Round Table Conferences and being a Member of this Honourable House, I suppose that the majority of Honourable Members will agree with me that it is entirely our faults. The communal fights throughout the country, the terrorist movement, the daily lip fights on communal basis on the floor of this House and mistrust, are not all these sufficient proofs that substantial safeguards are needed in framing the new Constitution? The fall of the Ministry of one of my Honourable friends in Bengal is another proof for the dire necessity for safeguards.

I honestly confess that the ability and the leadership of my Honourable and learned friend is beyond question, but on the grounds on which his Ministry fell need not be repeated here.

I think I should be unjust if I were not to depict Government also in true colours. The last 15 years' struggle has manifested beyond doubt that Government have certain sets of formulæ to go by. The first is "To act on lines of least resistance". The second is "To bend before agitation". These two principles combined have taught our politicians to go on as the Urdu proverb is:

"Bagher roe mām bhī bachcheko dudh nahin deti."

"Even a mother would not feed a baby unless it weeps."

So, Sir, the dissatisfaction cannot be avoided.—weep baby must.

Sir, just a few words to my Honourable friend, the Leader of the European Group. As far as I understand, subject to correction, he said

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that colossal expenses for extending franchise and other expenses should be seriously considered. We should not fear for the price of colour, when we can buy gold. My reply to this is simply a Panjabi proverb:

"Sonā gharāi sē mehngā nahin."

Now, Sir, a few more words and I have done. In the proposed Constitution, all the special interests, *i.e.*, Landlords, Labour, Industrial, Women, Depressed Classes, etc., are given adequate representation in the Central Legislature; but poor ex-soldiers are totally ignored. Their services to the King and Country are well known, and I would be failing in my duty if I do not press upon the Government of India to see, that before the Bill is presented to the Parliament, adequate representation is made in both the Houses for the Indian Army.

In conclusion, I say: "Let the Caravan pass on, but the speed should be kept in with the times."

Sardar Sant Singh (West Punjab: Sikh): Sir, on this occasion, one is tempted to look back some two years when our friends of the first Round Table Conference, Sir Cowasji Jehangir, Diwan Bahadur Ramaswami Mudaliar, Mr. Ghuznavi and others came back to India. They landed on the Indian soil full of zeal, full of earnestness, claiming to bring back the message of peace and goodwill for India. Their enthusiasm and earnestness was contagious and it looked as if the British public in England has come to recognise the existence of deep discontent and extensive resentment against the present system of Government in India. They assured us then that they had succeeded in catching not only the eye, but the ear of the British public and they told us that if the most organised and disciplined political body in India, that is, the Indian National Congress, decided to co-operate with the Liberals, the Heaven was near and the self-government would be within their grasp. It must be said to their credit, Sir, that the sincere convictions and deep earnestness of these delegates did succeed in creating an atmosphere of peace. The Indian National Congress began to think and deliberate over their utterances till a religiously minded Governor General, Lord Irwin, succeeded in entering into a Pact with Mahatma Gandhi, the one man in India who could deliver the goods (Mr. A. H. Ghuznavi: "Question"), and the co-operation of the Indian National Congress was secured. There is a voice from my Honourable friend, Mr. Ghuznavi, from whom I least expected it, that he questions this statement. It may be questioned by those who lay behind the screen, but, so far as the public is aware, we did see and the public did realise that the Gandhi-Irwin Pact was signed and was acted upon, when Mahatma Gandhi left India to attend the deliberations of the Second Round Table Conference. If my friend questions this fact on the ground that the Congress was not in earnest about this Pact, I will tell him later on when I will show how this Pact was broken and that he should question some other parties and not the motives of the Indian National Congress.

Mr. A. H. Ghuznavi (Dacca *cum* Mymensingh: Muhammadan Rural): I questioned whether Mahatma Gandhi could deliver the goods.

Sardar Sant Singh: If my friend doubts as to whether Mahatma Gandhi could deliver the goods, he is welcome to his doubts, but history of the next few years will most probably remove his doubts by demonstrating in

the clearest terms that Mahatma Gandhi alone can deliver the goods. Leaving aside his remarks about questioning this fact, I am tempted to say that when Mahatma Gandhi left for England, there came another calamity. The Labour Government, which was in office so far, was forced out of office on account of the unprecedented economic depression. The Labour Government was washed off and was replaced by what is known as the National Government, but which in reality is a Tory Government. With the change of the Labour Government, there was a change of outlook in those who were masters of the India Office. Sir Samuel Hoare was installed on the famous Mughal *Gaddi* of the India Office. A shrewd politician as he is, he played his cards well. He opened the gates of India Office to all who cared more for their communities than for their country and encouraged their communal tendencies in various ways till he succeeded in joining together the various selfish unpatriotic communal sects. A pact known as the Minority Pact was signed in England. This was an unholy Pact.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): It was a good Pact.

Sardar Sant Singh: My friend, the Knight of the Anglo-Indians, may not agree with me in this fact that the Pact was not in the best interests of India. We may agree to differ. Sir, this Minority Pact was intended to be a counterblast. I am glad—and I am proud of it—that the Sikhs never joined the unholy Pact

Lieut.-Colonel Sir Henry Gidney: It was a good Pact and it has evidently had an impact on you.

Sardar Sant Singh: I do not know. The absence of Sikhs' signature shows that they did not join in the betrayal of their country. To resume my speech, with a change of this Government in England, we found a change in the outlook towards Indian aspirations. Mahatma Gandhi did not succeed and probably could not succeed there. Meanwhile the reactionary forces came into play in Indian politics. As soon as the Tory Government came into power, certain interested groups among the Europeans began to play their part in defeating the success of the Round Table Conference. It is a historical fact, Sir, and those who have followed the proceedings of this Honourable House do know that in October, 1931, when the Second Round Table Conference was still in session, a deputation of the Europeans waited upon the Government of Bombay with certain suggestions as to how to kill the Congress Movement. Those suggestions were subsequently embodied in the Ordinances issued in January, 1932. These are facts, Sir, which eloquently speak for themselves. It was clear that the change of Government in England stiffened the attitude of the Tories towards Indian demand. Before the deliberations of the Second Round Table Conference were concluded, it seemed that the Government in England had made up their mind to crush the Congress. Even these did not open the eyes of those friends of ours who believed in the *bona fides* of Great Britain. But before the Third Round Table Conference was invited, another factor played a part which clearly showed the mind of Sir Samuel Hoare. He issued a statement according to which the status and position of the members of the Third Round Table Conference was attempted to be lowered. Even the most moderate elements were not

[**Sardar Sant Singh.**]

prepared to swallow this pill. They held out the threat of non-co-operating with such a Round Table Conference, with the result that Sir Samuel Hoare had to come down from his high pedestal. But he learnt a lesson. He seems to have decided then to keep a sweet tongue with a stiff neck. He called the Round Table Conference for the third and last time; The results of this Round Table Conference have been sent to us in the form of this White Paper. This reminds me of a nice story which I am tempted to relate to Honourable Members. A pedestrian, walking on a hot June day, felt very much tired and prayed to God for a mare to complete his journey. Soon after he found that a nobleman was passing that way with a number of mares one of which gave birth to a young foal. Finding some difficulty in handling the little animal, the nobleman looked round for some person to carry it and discovered that man. With the help of his servants, the man was whipped to the place where the young foal was and was forced to carry it. Whereupon the man cried out "Oh, God how have you treated me. I wanted a mare to ride, not to carry". The members of the Round Table Conference went to England for getting responsible Government, and what have they brought back? Safeguards. Very good safeguards. So many safeguards indeed that every one of the communities that wanted the safeguards are now crying "No, no; we do not want them". The Muslim community, if I judge correctly from the press reports of the interviews they have given, is growing restive over these safeguards. . . .

Mr. A. H. Ghuznavi: The Sikh representatives at the Third Round Table Conference wanted and insisted on these safeguards: I will show you that tomorrow.

Sardar Sant Singh: If my Honourable friend had the patience to hear me, I think I would have completed the picture, including the Sikhs' demand for the safeguards.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhamadan): He is packing up for the Joint Parliamentary Committee.

Sardar Sant Singh: If we are to judge from the numerous interviews given by the leaders of the Hindu community, we find these safeguards being condemned, if you look at the interviews given by the Sikhs with regard to this White Paper, we find that they too are horrified at the proposals. The real fact is that India wants bread. India wants to live peacefully. The masses do not care for the Legislatures and the Ministers unless they are a means to that end, that is, to secure more bread to the starving millions of India. The question before us is, is the proposed Constitution capable of giving more bread to the masses through their representatives working in the Legislatures of the country? Will it stop the exploitation and continuous drain of wealth from the country? If it is not capable of doing so, then this Constitution stands condemned. In order to condemn this Constitution, I would not add to that analysis to which it has been subjected by eloquent speakers like Sir Cowasji Jehangir and others; but I am tempted to read a few sentences from the

speech of Sir Samuel Hoare delivered in the House of Commons which should be sufficient to condemn the proposals as they stand. He says:

"The Irish Treaty bore no analogy to the Indian situation. The Irish Treaty broke down, because there were no safeguards. In India the Governor General, the Provincial Governors and other high officials would still be appointed by the Crown. The Security Services and the Executive Officers of the Federal and Provincial Governments would still be recruited and protected by Parliament and the Army would remain under the undivided control of Parliament. Those were no paper safeguards. The heads of Government were endowed with great powers and were given the means of giving effect to those powers."

Now, this sentence in that speech completes the picture of the responsible Government that is intended to be bestowed upon this country. It gave me some shock to hear Raja Bahadur Krishnamachariar, the Leader of the Centre Party, who asked for more safeguards. He wanted to protect the religion. I am sorry he is not in his seat at this time. I wanted to ask him one question: whether the Hindu religion embodies eternal truths or it does not embody eternal truths. If it embodies eternal truths, it stands in no need of safeguards from a Christian Viceroy; and, if it does not embody eternal truths, it must go—it cannot remain.

An Honourable Member: That is fallacious reasoning.

Sardar Sant Singh: So far as the Sikh attitude in this matter is concerned, I may point out in the clearest terms that the Sikhs would not consider these proposals. Their offer of co-operation has been rejected. The Communal Award and the present proposals embodied in the White Paper are sufficient to tell them that their claims cannot be considered by a Tory Government. They will await the proper time to come when their co-operation is needed; then and then alone they will come forward to consider what they should do and how they should act.

In the end, I will sum up the whole thing in these words. The upshot of the proposals in the White Paper is that if these proposals are given effect to in the future Constitution of India, the future Constitution of India would be responsible Government without any voice in the defence of the country, with very little control over the finances, with Governors and Governor Generals invested with unlimited autocratic powers, with India divided perpetually into warring communities. I am afraid that India must pass through another ordeal of fire before she can convince her master that she is in earnest in gaining freedom. Britishers will never yield. Britain has never yielded. Britain wants to be guided by the Indian Civil Service and the Indian Civil Service in India will never agree to the transfer of power unless it is forcibly wrested from the hands of Britain. Our friends must be very credulous indeed who believe that Britishers are amenable to reason and rationalism. The best brains of India among the moderates exhausted their eloquence and powers of persuasion in England in the three Round Table Conferences, and they failed to carry conviction with their masters. Still our friends think that their reasonable demands will be met by the Britishers. I want to tell them that British bureaucracy has written in large and bold letters an inscription in the Imperial Secretariat Buildings which probably has not attracted that attention which it ought to attract. In that building it is inscribed:

"Liberty does not descend to a people: people must raise themselves to liberty. It is a blessing that must be earned before it can be enjoyed."

[Sardar Sant Singh.]

There cannot be a greater notice to the Indians than that inscribed outside the Imperial Secretariat Buildings.

Lastly I will tell His Majesty's Government this. I will request them to be honest towards India. Be frank and honest. If you do not mean to give us responsible Government in India, do not say so. You have been breaking pledges for about a century, pledges solemnly given by your Sovereign and responsible Ministers. India bled herself white during the last War which you waged for your very existence. You have been lavish in your promises. Today you are playing falsely with us. If you really mean to govern us by the sword, say so. It will not disappoint us. It will enable you to govern us better. You will have the advantage of making us realise our position. We will then adapt ourselves to those surroundings. Do not please deceive us.

3 P.M.

Lastly, Sir, I will quote Mr. Asquith in this connection and then finish :

"For the hybrid system, which the Government is about to set up, a system which pretends to be that which it is not, and is not what it pretends to be, for this half hearted compromise there is inevitably reserved the inexorable sentence which history shows must fall on every form of political imposture."

Lieut.-Colonel Sir Henry Gidney: Sir, I was about to address this House as one of the members of the three Round Table Conferences, but I am quite prepared to accept the category into which the last speaker put me as "One of the others". But in whatever capacity it be, I have been studying this book which goes by the very simple name of the "White Paper" and, before I attempt to criticise it, I desire here and now to pay my humble tribute to its author, Sir Samuel Hoare, for having played the game with the Third Round Table Conference. I say this, because he has faithfully portrayed in this paper all the promises he gave to us at the Third Round Table Conference and when one plays the game, my task as a critic is made easy as well as almost unnecessary. For this reason, Sir, this paper has well earned its name—"The White Paper".

Mr. Gaya Prasad Singh: Absolutely white.

Lieut.-Colonel Sir Henry Gidney: Absolutely white. It has been called in some places the Black Paper; some one else has called it the dusty paper. But whatever it be, we all know that in its manufacture paper is the finished product of a lot of things, some picked up from the waste paper baskets, other things from the streets, old rags, pieces of paper, etc., and that these are mixed, then bleached, and the result is a piece of white paper, and that is the paper that has been presented to us—a paper the product of many many things dating from the early period of the Morley-Minto Reforms, including the Nehru Report, the Simon Report and the Reports of the three Round Table Conferences. Some may call this rubbish, others substance, in this book Government have called it the White Paper, and we are asked today to polish it and glaze it, not gloss it over by our analysis of its substance. Sir, in my efforts of polishing it, I propose to make a few remarks on this White Paper that is presented to us and which we have been deliberating on for so many days.

Before doing so, I feel it incumbent on my part to say just a few words on that part of the Paper which relates to the community I represent in this Honourable House. There are many minor communal points to which I shall not refer, but among these are two very important matters

to which I should like to advert. One refers to the disenfranchisement of a large body of people of all communities living in the seceded territories or areas of India. This omission may not seem a significant fact, but it is so. In no part of the Franchise Report has that Committee made any electoral provision for any community living in any of these seceded territories demarked in Indian States. I had occasion at the last Round Table Conference to bring this fact to the notice of the Secretary of State for India who promised to make inquiries. I, however, find no mention of it in the White Paper. I have no doubt that inquiries have been made from the Government of India as was promised, but, so far as it concerns my community, it disenfranchises nearly one-sixth of the Anglo-Indian community of India. I refer particularly to the town of Bangalore which, with a communal population of nearly 20,000, has not got a single vote or representative in any Legislature.

The only other communal point that I wish to touch on before I come to the main points of the White Paper is regarding the four seats that have been given to the community in the Federal Assembly and with which I am very satisfied. The Anglo-Indian problem, Sir, is not a political problem; it is mainly an educational and economic one, and with these four seats that have been distributed, one each to Bengal, Madras, Bombay and U. P., it means that the rest of the community in India is disenfranchised, which, I submit, is quite unfair. I would suggest to the Government that they should apportion the electorates and constituencies for these four seats in such a manner that into each of these four Provinces named, other Provinces will be included and so India would be divided into four geographical areas for these four seats. For example, Bengal would include Assam, Bihar and Orissa; Bombay would include Sind, Baluchistan, Ajmer-Merwara, Rajputana; U. P. would include C. P., Punjab, Delhi and the N.-W. F. P., and Madras would include Bangalore, Hyderabad, Coorg, Cochin and Travancore and other seceded areas. In this way the entire community, scattered as it is throughout the length and breadth of India, would be given a vote and would be educated in the true political sense.

I now turn my attention, Sir, to other more important matters. I went to the Round Table Conference, I frankly admit, as a beggar. My friend, Mr. B. Das, disclaimed any such status. He said he did not go as a beggar, but I do remember one day walking along the virtuous end of Parliament Street, and seeing my friend, Mr. Das, carrying an enormous beggar's bowl which hid him, but underneath it was written the word "Orissa". He was begging from one and all for his Province, Orissa. He now comes to this House and says, he begged for nothing. Sir, I admire even an honest extreme Congressman, but I do not admire a Congressman veiled in the disguise of a Member of the Independent Party of this House as is Mr. B. Das. I am sorry to say that this infection has affected my dear friend, Sardar Sant Singh, who sits near Mr. Das, and who has talked as a non-communalist, whereas every word the Sikhs uttered at the Round Table Conference was pregnant with communalism. His own representative at the First Round Table Conference gave us a surfeit of communalism and he was the real cause of the minorities at the First and Second Round Table Conferences not being able to arrive at a settlement over the fight. Indeed it was because he haggled over one seat that the Muslim-Sikh problem in the Punjab was wrecked and which evoked the Communal Award from the Prime Minister and so humiliated the whole of India.

Mr. Lalchand Navai: We, Hindus, never advocate communalism.

Lieut.-Colonel Sir Henry Gidney: The Honourable Interruptor does not belong to the Punjab. I am speaking of the representative of the community to which my friend, Sardar Sant Singh, belongs—not a Sindhi.

Sir, I frankly admit that I went to the Round Table Conference as a beggar and with a beggar's bowl, and I am very grateful to my Indian brothers for helping me get what I wanted and for the things they so gladly and freely put into that bowl, and I am very pleased with it. I take this opportunity of paying a public tribute of heartfelt thanks to my Indian brethren for having put into that bowl what I asked for. I say, Sir, that I owe them a deep debt of gratitude, because they have given me what I wanted. I refer particularly to the education grants-in-aid as embodied in the Irwin Report on Anglo-Indian Education and which is to be statutorily enacted.

Mr. Lalchand Navai: Sind did not want to have a begging bowl.

Lieut.-Colonel Sir Henry Gidney: No. Sind wanted a water supply; look after that and do not attempt to erect a barrage around me and my needs. (Laughter.) Look after the Sukkur Barrage!

Sir, I look upon this educational concession as also the promise of special economic consideration as appears in the First Round Table Conference Services Sub-Committee Report, para. 5, sub-para. 4, given by my Indian friends to my community as a happy augury for the future. I do feel that the Indians at the Third Round Table Conference gave the Anglo-Indian community (regarding the Irwin Report) a fair and square deal so far as the interests of my community are concerned, and the entire community, with whom I gladly associate myself, appreciate it very much and I thank my friends once again.

There are other communal matters on which I might touch, but my time is limited. I shall now refer to the other points as they are to be found in the White Paper before us, so far as it affects the new Constitution and India as a whole. I do not want to pick holes here and there. I would rather review the whole thing *en bloc*. In doing so, I have extracted four important matters. These four important matters, to my mind, form the corner stones or rather the foundation stones of the structure which we have tried to build in London and are to be found in this White Paper. These four corner stones are the Franchise, Federation, Communal problem and Safeguards, and the Services. Sir, let me take the first:

Franchise: This is the very nucleus or the most important foundation stone of this great structure we are trying jointly with British statesmen to erect for the new India. I have a few remarks to make on the Franchise Report by the Lothian Committee. I do think that the acceptance for the first two elections of a written statement to signify the educational qualification of an elector will open the flood gates of corruption and malpractices. I do not think that that should be accepted by the Joint Parliamentary Committee. There is no doubt that the enlarged franchise, as was pointed out, by Sir Cowasji Jehangir, in the Franchise Sub-Committee, First Round Table Conference and as has been pointed out today, will mean an enormous expense to all Provinces, but India has asked for an enlargement of her franchise, and she has got it. She

has made her bed and must lie on it though I am not in favour of such a make-shift of an enhanced electorate. I am sorry to see that the educational qualification has been lowered, but I join forces with my friend, Mr. Joshi, in saying that the qualification of property should include wages as property. In this respect I make a personal appeal to His Majesty's Government on behalf of my community, because today one-third of the male population of my community are unemployed, and, having no property, nor wages, they will be disenfranchised. But, above and beyond all these remarks regarding franchise, I consider that the treatment given to the women of India is hopelessly inadequate. I consider that the cause of women in this country that was so ably presented by the two ladies who went to the Round Table Conference has not been given the attention it deserved. Sir, I believe that the hand that rocks the cradle of India will in time rule India, or, in other words in the emancipation of women lies the regeneration, development and progress of India. It is my conviction that the Franchise Report has not given adequate attention to the demands made by the women of India.

Diwan Bahadur A. Ramaswami Mudaliar: Not the Franchise Report; the White Paper.

Lieut.-Colonel Sir Henry Gidney: Yes, I mean the White Paper.

Let me now discuss Federation as the next corner stone. Federation has been spoken about so much today that one hesitates to add anything to the discussion, but I should just like to read a few lines from a speech delivered at the Round Table Conference. (*An Honourable Member:* "Whose speech is it?") I am sorry to say, Sir, I had the temerity to deliver this speech. I said:

"I should be indulging in a truism were I to say that both the Unitary and Federal types of Government have their good points. In the past, India has been ruled, and her present nationalist spirit developed, under the stimulus of a centralised form of Government. To replace this suddenly by a Federal Government is obviously a leap in the dark, the more so when one finds it connotes the close material co-operation of the Indian States. If we are to judge by the terms published in the Press on which these States would be willing to enter the Federation, their connection with British India would for some time be more in the nature of a sentimental than a practical association."

Those were my views given on the 18th November, 1930, and I do not think they have changed in outlook very much since then. My Honourable friend, Sir Cowasji Jehangir, if he will allow me to congratulate him on one of the finest speeches I have ever heard him make in this House, it was really the best speech we have heard on this subject up-to-date, uttered a very correct note of warning to the States who refuse to join Federation. There is no doubt that the wave of democracy which is spreading throughout India today will be felt in the Indian States tomorrow and it cannot be stopped and no one is more aware of this fact than the States themselves. Sir, however great may be the political storm in Feudatory India today, I pray that there will soon be a calm very soon—for no one will deny that without the States coming in there can be no Federation, and, without Federation, there will be no responsibility in the Centre, except the sort of loose responsibility that Sir John Simon portrayed in his Report. I, therefore, do hope that Indian States will come in and that we shall soon have Federation. But, I feel I am safe in predicting a very busy time for both the Supreme Court and the Federal Court owing to the troubles that are bound to arise out of the admixture of Federal Law and State Law operating in the same place. In this

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connection, let us not forget as regards the present autocracy practised in certain States that when undiluted democracy tried to mix with unfettered autocracy, the precipitate is generally hypocrisy. The States must at all costs avoid such a calamity. But how? If they are determined to retain intact their Sovereign rights, one or the other must weaken and it is this dread of loss of personal power and prestige that democracy will extract from all Federating Units which makes them hesitate before they join Federation. But, I also warn them to take time by the forelock and be guided by the advice of Government and decide soon. Sir, I, however, understand that Federation will soon be a *fait accompli*, because I hear that the larger States are prepared to federate, which I hope will be hastened by Government taking early steps regarding the Reserve Bank, and I do hope that it will not be long before they make up their minds and so get a move on to the creation of a Federal Legislature consisting of British and Princely India working in harmony for the benefit of both.

I now come to the third corner stone, and that is "Minorities". Sir, my attention has been drawn to a very important thing I have read in this White Paper and I should like the Honourable the Law Member to kindly tell us what exactly is the meaning of the phrase "the law of British nationality".

I now turn my attention to the remarks made by my Honourable friend, Bhai Parma Nand. The question of minorities, I do believe, transcends all party politics. It is a matter that is omnipresent in this Honourable House, for it is a matter with which the whole of this House is wholly seized. Moreover, the question of minorities occupies the attention of the Government Front Benches and Departments more than anything else in the administration of India today. I challenge contradiction. My Honourable friend, Mr. Amar Nath Dutt, said that the question of minorities could be and should be placed in the Fundamental rights and embodied in the Statute and he said that every Federated State had such Fundamental rights. He refused to give in to me when I asked him to tell me one such State. Sir, I maintain there is not one Federal State which possesses a statement of Fundamental rights, in which is to be specifically found the protection of minorities as one of the Fundamental rights. But there is, if you want an example, the Commonwealth of New Zealand where there is only one minority community, the Maoris. They have representation in the shape of two Ministers, the salaries of which members were passed, I think by the Civil List Act of 1921—members who, today, sit in the Cabinet of the New Zealand Federal Government. (*An Honourable Member*: "With or without portfolios?") That does not matter, because as Minister they protect the interests of the minority. So, you will find that the minorities problem is a question that is to be found in other Governments, but is more than peculiar to India. This minority problem so occupied the three Round Table Conferences, at least the First and Second, that we were not able to come to a decision, and as Sir Cowasji Jehangir has pointed out, it was that cursed existence of communalism amongst us, that mistrust of each other, that led to our failure to come to an amicable agreement and which drove us to forming the Minority Pact of which I claim to be the father and which necessitated the Government being forced to announce their Communal Award. My Honourable friend, Sardar Sant Singh, has disclaimed that

Sikhs took any part in the Minority Pact. May I tell him for his information on the floor of this House that his representative spent two days flirting with me on the question. Then, can my Honourable friend, Sardar Sant Singh, deny that the entire Sikh political problem in the Punjab is nothing else but of communal representation in which they have demanded safeguards. (*Sardar Sant Singh*: "No.") If that is your reply, then why do you so stoutly object to the Prime Minister's Communal Award? We were driven to the Minority Pact by this communal mistrust and wrangle. And, Sir, what do we witness every day in this Honourable House? 70 to 80 per cent. of the questions asked in this House are pregnant with communalism, bias, prejudice, mistrust and curiosity. If it were not for the communal questions that my Honourable friend, Mr. Maswood Ahmad, asks, the Government Benches would have absolutely no work to do at all. (Laughter.) And it is daily getting worse and worse. And yet we have in this House a party, the "Nationalist Party", hallowed with a "nationalist" name, but some of whose Members appeared at the last Central Advisory Committee for Railways and shouted for communal protection showing themselves to be no "nationalist" but ultra communalists. And yet the Party calls itself the "Nationalist Party". Sir, nationalism in this House does not exist; communalism is rampant—the nationalists are communalists in disguise. This communalism is the gravest danger that faces this country today. That is the rock on which the future Government, Federal or otherwise, will be built or will be wrecked and it is for this reason that the communal problem is one of the most important that is facing this country. Kill it and your new National India is born: retain it and the problem remains for ever as the chief obstacle to national advancement, but one that must be faced and protected. Sir, I frankly admit that communalism is the direct negation of nationalism, but so long as it exists in India and is such a grave menace and obstacle to our national progress, we must face it and safeguard the evils attached to its practice, i.e., from a majority rule. Sir, there is, therefore, no doubt that the protection of minority communities is one of the most important and most sacred duties of every Government—Federal and Provincial, much more is this necessary in the new Government which we are trying to build up, because the past 13 years' experience of this House shows that communalism has come to stay. The British Parliament, the British public, the Indian Government and this Honourable House are wholly seized with the importance of this matter, and if any Honourable Member gets up and says that it does not exist, and, therefore, we should not in the future constitution afford protection to these minorities, he is absolutely and purposefully blind to the realities of the situation that is facing India and her many minority communities. Indeed an India that can rightly and solely be called the Home and the Playground of Minorities, a land in which each one is separated from the other, expressing different languages, customs and religious faiths and entirely devoid of those common cementing factors, a common religion, manners and customs and language which for centuries have bound together the various other British Colonies to the motherland, England, is one that impels communal safeguards. Sir, with communalism rampant in India, with each one of us fearing the majority community when the new Constitution operates and when possibly the Congress Party is in power, I ask, what opportunities does the White Paper afford us to represent our grievances in the various Cabinets? I mean a special Minister to represent Minorities. Scan every page of this White Paper

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and you will not find any such provision for minorities in any Cabinet. Any such protection and provision is to be found in the hands of the Governors and Governor General and then only when the Ministers have not been able to settle a communal matter. You will, I admit, find the promise of safeguards on every page, but no specific mention of a Minister for Minorities. I do not think that any Member of this House will deny that three-fourths of the work that will be performed by the new Government including the Governor General and Governors for many many years to come will be the settlement of communal problems and, if I am right in my view, I would earnestly suggest to the Honourable the Leader of the House that the absence of any specific provision for minority representation in any of the Cabinets is a grave omission in the White Paper and should be rectified at least so long as the communal problem is unsettled. I would further suggest that he conveys to the Secretary of State for India that a strong feeling exists in this House for such a provision in all Cabinets. I know that in one part of the White Paper a suggestion will be found that in forming the Cabinets consideration should be given for representation from one of the larger minorities. Sir, India is nothing else, but a collection of minorities. The one larger minority is the Muslim community and they are quite strong enough to look after themselves. They have been able to do so till now and they will be able to do so in the future. It is the smaller minorities that I am thinking of and I repeat, Sir, that there is no provision whatever in this White Paper for representation of smaller minorities in the Cabinets. Surely we together form a very important factor in the body politic of India and cannot go by default unrepresented in any of the Cabinets. I ask the Honourable the Leader of the House to be kind enough to make a note of this. I would go further and say that in every Cabinet—Provincial and Central—there should be one member whose special portfolio should be the protection of the minorities—not of one minority. If this is not possible, might I suggest the following alternative for the consideration of His Majesty's Government: The Governor General is to be allowed three Counsellors for the three reserved departments, Defence, External Relations and Ecclesiastical. I would suggest that to one of these Counsellors be given the minorities as a special portfolio. I do consider that the protection of the minorities forms the very pivot of the structure of the entire new federation that we are about to build. If this pivotal foundation stone is not well and truly laid, the whole structure will fall to pieces. It is, so to speak, the indicator of India's new constitutional sun dial and, if it is correctly placed on the Federal dial, it will constitute the pivotal point from which progress will evolve and round which the future peace and contentment of India will, as it were, revolve.

I now come to the next corner stone "Safeguards". If the communal problem is fully and truly recognised and appreciated as the most important matter of the future India—and I am convinced that this problem will continue to exist and may grow in intensity for many years to come—then the minority communities must have safeguards. These safeguards are to be found on almost every page of the White Paper and I am thankful that they are there. In the question of safeguards *versus* responsible Government it is my opinion that in India today and in years to come no Self-Government will be able to operate effectively unless the communities are adequately and statutorily safeguarded against a majority

oligarchy and, further, the Governor General and Governors and Ministers be supplied with ample and effective authority with which to effect these safeguards. The past history of safeguards is not very encouraging and those Federal States that included safeguards in their Constitutions have, with a very few exceptions, never operated them. India and her minorities will not tolerate paper safeguards, for we have the present rebellion in Ireland which has taught us a lesson of what dangers we expose ourselves to unless we have adequate safeguards and the Government have adequate power to implement them. It was the absence of any safeguards that caused the ruin of Ireland. I am satisfied with the safeguards in the White Paper, but I want Minorities to have a separate Minister in all Cabinets; otherwise we stand in peril of being swamped out of all employment as the Anglo-Indian community is suffering today after it has built up these very services.

There is one more subject to which I wish to refer and to which I have given a close attention and that is the Services. Though this has been called the White Paper, I find there is one black or dark spot on it, which I hope we shall be able to change to a lighter shade or obliterate altogether, and that refers to the Services. This question has been fully dealt with by my friend, Sir Cowasji Jehangir, with his great experience, as an administrator, behind him. If you take the Report of the Sub-Committee on the Services and compare it with this White Paper, you will be astonished at the vast difference. In paragraph 3 of the Services Sub-Committee Report, the majority of that Committee came to an agreement that the Indian Civil Service would, in future, be recruited and be under the control of the new Federal Government to be. The Chapter in the White Paper on Services has markedly departed from this agreement and relegates all such power and additional power to the Secretary of State for India and him alone overlooking the rights of the new Federal Government and the Public Service Commission. But, I am bound to add, if we want the Britisher in the Indian Civil Service and the Indian Police Service, as every Member here wants, and if we want the right type of man to come to India, we shall have to pay him well and we will have to take him on his own terms. This, I think, is mainly the spirit underlying the cautionary procedure in the White Paper regarding recruitment in these two Services. If you object to it, you are not going to get the right type of man. No one in this House will say that the future India will take the second best or the third best Englishman. We must have in the future as in the past the very best that England can give us. Do you want the Indian Civil Service and the Indian Police Service to deteriorate? Do you want a breakdown of the entire new Constitution by recruiting men of inferior calibre in our Services at a time when we shall need the best advisers? Surely, this House will not subscribe to such a foolish policy. The terms of recruitment, etc., suggested by the Services Sub-Committee, were that such powers should rest with the Federal Government for new entrants, but, I am sure, Sir Cowasji Jehangir will bear me out when I say that a serious compromise was offered by me to this Committee, *viz.*, if recruitment is to be done by the Governor General or by the Federal Government of the future, any Officer of the Indian Civil Service, who felt aggrieved, would have a right of appeal to the Secretary of State. I put this forward as a compromise. Sir, there is a great difference between the two Reports and I do think the time has come when India must be told quite clearly whether we are to have a continuation of the "votable" and "non-votable" items in the civil expenditure list. The White Paper

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offers no such hope. If any, it is a dim and distant vision. In my opinion, when the Montagu-Chelmsford reforms became operative, it sounded the death-knell of the Services as far as recruitment in England was concerned; since then we have advanced many years. We have had the Simon Commission and three Round Table Conferences and yet the White Paper announces that this recruitment is to continue on the same terms with a review after five years. We know that the top-heavy expenditure of this country is due very much to high salaries and Lee Concessions given to Europe-recruited officials. If our expenditure on this item is to be reduced, one is entitled to ask when is this recruitment going to be stopped. We cannot for much longer continue to be saddled with non-votable items in our civil expenditure; otherwise, financial responsibility in the Centre becomes a sham and negligible. There must be a time limit to Lee Concessions. By all means protect vested interests of the present employees, but new entrants must come on different terms. I, therefore, implore the Government to feel with the rest of the House that if the Services are to be used in the work of this country, this country ought to have complete control of them, allowing an appeal to the Secretary of State in cases of need.

There is one more department to which I wish to refer and that is the Indian Medical Service. I consider that the conclusions arrived at in the Services Sub-Committee of the First Round Table Conference and which have been disposed of in two or three small lines of print in the White Paper were an *ex parte* decision. Lord Zetland and I wrote to the Secretary of State for India asking for an inquiry into the Indian Medical Service. There is the greatest discontent among the British and Indian members of this Service. This Service has a glorious record in the history of India and is a Service to whom India should be eternally grateful and surely this House or the Joint Select Committee cannot, with complacency, permit anything that might destroy the traditions of such an excellent Service. We should try and maintain the glorious traditions of this Service and give peace and contentment where discontent and unrest abound today, because neither British nor Indian Indian Medical Service Officers know where they are. I suggest that a Committee do sit to decide once and for all the question of the Indian Medical Service in this country and so satisfy all the varying elements enlisted in it. India wants to supply her own medical needs. India can no longer continue to indent on other countries for her doctors. We should put our own medical schools and colleges on an equal footing, establish one minimum standard of medical education, the equal of any other part of the Empire; have only one register as England has and so elevate our standard of medical education that we shall be sought after for reciprocity and not be beggars as we are today. But do not let us be a party to ruining the morale of this great Service by allowing its officers, both British and Indian, to pass through this prolonged period of agony, this Gethsemane in which neither Indians nor Britishers know where they are in the Service.

As regards the Statutory Railway Board, I am very glad, Sir, that this is to come into being. I know, my friends of the Opposition will not agree and I see that my friend, Mr. Mitra, is already shaking his head. But, Sir, a Statutory Railway Board in India was needed long years ago.

This Legislature has already interfered too much in the day-to-day administration of the Railways, a pastime which has seriously lowered the morale of every Railway officer whose one object is to count the days for his exit from India. Sir, I consider a Statutory Railway Board is a vitally necessary thing if our Railways are to function as business and not political concern and I am delighted to know that the White Paper supports this creation. In this connection and with regard to the economic position of the Anglo-Indian community on Railways, I would draw His Majesty's Government's attention to paragraph 5, sub-paragraph 4, Services Sub-Committee Report, regarding employment of Anglo-Indians on Railways and also to page 169 of the Government of India's despatch on Proposals for Constitutional Reforms, dated the 20th September, 1930, in which it recommends that so far as employment of Anglo-Indians on Railways is concerned it places its protection as "a special obligation upon Parliament".

Diwan Bahadur A. Ramaswami Mudaliar: Does not what the Honourable Member say suggest a reflection on the questions he has been asking recently?

Lieut.-Colonel Sir Henry Gidney: I add with the exception of my questions. (Laughter.)

Sir, the White Paper cannot satisfy everybody including my friend, Mr. Das. But, I do think, it affords a very strong foundation on which to build our Federal Structure. In other words, a tripod on which the new Federal Government can sit without any misgivings. Let me call it a brown tripod, one leg of which represents the Princes, another leg the Muslims and the other minorities, and the third leg the Hindus: and provided these three legs work together and do not get disjointed or loose or warped, let us not be nervous or worried of our future India. As long as this exists, the Federal Legislature will continue to act constitutionally and so long shall we be protected from a majority monopoly including the extremist party who, if it ever became the dominating power in this House, would ruin the entire structure we are trying to erect in a spirit of goodwill and co-operation. Sir, I know that outside of Great Britain there is no sympathy or attraction for democratic Self-Government. I also know very few people believe it will succeed in India, but whether the Democratic Government which we are introducing into India, by means of such a complicated machinery, as portrayed in this White Paper, will be for the good or bad of India, its only success lies in the maintenance of the British connection. If the British Parliament and the British Government, with the faith, trust and co-operation of Federated India, is able to create and keep this tripod erect and steady, then Federation becomes a *fait accompli* in the very near future and India's future progress, development, peace and contentment are assured and safeguarded from any destructive Congress or other destructive activities, and then, in time, will trust beget trust and the need for all safeguards disappear, and we shall witness the creation of a new National India with a common citizenship and brotherhood, labouring together as a nation, not a collection of separate communities, and hand in hand marching on the road, a common pathway to one and all, a road cobbled with every page of this White Paper, not forgetting the thousands of pages of the last three Round Table Conferences, and in our slogan, as we together pass each one of the milestones, I have mentioned, Safeguards, Services, Minorities, etc., we shall in our quest for a common goal obliterate them for ever from our memories and when we have passed the last obstacle on our road, let us hope

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that we shall have so short-circuited our long journey and so successfully shown out fitness and trust of each other that we shall be given without any delay what we all most desire today for our motherland, India—Dominion Status. Let us hope that hand in hand, Hindu, Muslim, European, Parsi, Anglo-Indian, etc., we shall speeden up that journey and together soon reach that *Nirvana*, a happy, contented and well developed Nation, happy in having secured Dominion Status for India, contented in mutual trust of each other and developed as a separate nation, the brightest jewel in the British Commonwealth of Nations. (Hear, hear.) (Applause.)

Dr. F. X. DeSouza (Nominated Non-Official): Mr. President, the White Paper is an attempt to confer a *quasi*-democratic Constitution on the country at a time when most countries in Europe are turning away from democracy. Experience in those countries has shown that the greatest peril of democracy is that it is no better as a whole than the lowest member of it, and with the vastly extended franchise throughout the civilized world, this peril has been rendered more acute. That is why in most democratic countries today you hear more of safeguards and reserve powers than of parliamentary majorities. You hear more often the maxim, *salus populi suprema est lex*, being invoked than the maxim, *vox populi vox dei*.

Sir, if America has been saved from crashing in the economic blizzard that has overtaken her, it is because the strong man at the head of the State ruthlessly wielded the tremendous reserve powers in the normal armoury of the President. He went further; he treated the safeguards, which were meant as a restraint on those powers, as a mere scrap of paper; for what is the violation of the famous 18th amendment to the Constitution in order to rush through a repeal of the Volstead Act, but the scrapping of a most valued safeguard? This makes one pause and think: "Are these safeguards worth making so much fuss about if they are like straw in the hands of a strong man?"

These reserve powers derive their force from the principle of jurisprudence which is the foundation of all civilised Governments,—*salus populi suprema lex*. And in India, where the first instalment of democracy has been heralded by such subversive movements as communal rioting, civil disobedience and terrorism, the need for such powers is manifest. It is, therefore, I think not necessary to take too seriously the criticism that the White Paper embodies more safeguards than powers, more restrictions than privileges. Epochmaking powers are contained in a few sentences; the restraints on those powers have to be stated at length in order to provide a clear definition.

The test is whether the source of power has been transferred from Westminster to the Indian electorate and, if so, whether those powers can be exercised in order to promote the national welfare. After a most careful study of the White Paper, my humble opinion is that in many spheres of policy the White Paper confers on the people of India powers to legislate as great as in any European country. It cannot be denied that the safeguards have been framed also in the interests of the paramount power and are liable to be abused at the hands of a reactionary Governor. There is no doubt that some of them need whittling down at the hands of the Joint Parliamentary Committee, but I take it that the common

sense of the future Governor, who will be a practical British statesman, will make him realize that no Constitution will stand the strain of continued pinpricks.

[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.)]

The safeguards were demanded by Indian politicians themselves in the interests of the minorities. That demand has been most emphatically repeated today by my Honourable friend, Raja Bahadur Krishnamachariar, in the interest of his religion; and if the electorates are carried away by communal passion or swayed by emotion in response to the civil disobedience movement or untouchability or temple-entry propaganda, who will guard the liberties of the country from the passions of democracy, who will protect the Ministry from the adverse vote of the Legislature. *Quis custodiet ipsos custodes?* The history of all democracies shows that it is only by means of special powers vested in the supreme head of the Executive that the remedy can be found.

I shall now turn to one or two of the other important features of the White Paper. Speaking of Federation on the constitutional issue in last year's debate, I characterized Federation as a monstrous birth, an unnatural combination between autocracy and democracy. I said that it reminded one of the description given by Prince Bismark of the Franco-Russian Alliance as an alliance between an elephant and a whale, which could never prove a fruitful union. But in this respect Bismark proved a false prophet. The French whale splashed about in the troubled waters of Russia with such effect that the Czardom of yesterday has given place to the Soviet of today. It looks as though Federation on the lines proposed would have the reverse effect in this country. In the Report submitted to the Standing Committee of the Chamber of Princes by the Committee of Ministers, they make the following observations:

"Democracy and Autocracy if brought together have equal chances of diluting each other. His Majesty's Government welcomes the Indian States as an element of stability and moderation to prevent scrapping of the British connection."

And they cynically add:

"If conscience makes cowards of us all the instinct of acquisitiveness and calculation ought to instill courage in the States leading them on to immediate accession to the Federal ideal."

If this is the spirit in which the Indian States enter the Federation, the fear is not that democracy in British India will be diluted by the Autocracy of the States, but that the infant democracy of British India will be submerged beneath the tide of the autocracy of the States. My Honourable friend, Mr. Joshi, has observed that in the history of England there have been more wars of the Barons than Jack Cade's rebellions. I for one am quite prepared to find that one fine morning when the Paramount Power has pre-occupations of her own, a precisely Mussolini will walk into this Chamber and ask your Marshal to take away that bauble pointing to your wig and gown or whatever symbol of authority you may possess.

Is there any likelihood that the proposed Federation will be a stable political entity? It is of a type hitherto unknown in the history of Constitutions—a pact between autonomous territories and subject dominions. There is no provision for a mutual union. On the contrary, the States aim

[Dr. F. X. DeSouza.]

at studied isolation with a ring fence of eighteen points. Their representatives in the Federal Assembly will be somewhat mixed consisting of ambassadors from the States and elected popular representatives from the provinces. The Federal Government will exercise real power over the citizens of the latter, but little or no power over the citizens of the former. It will thus be neither what constitutional lawyers call a *bundestaat* or a Federal Union nor even a *Staatenbund* or a Confederation, but a League of States and Provinces with a mutual desire to keep aloof from each other. Will there be any element of stability in a Constitution so delicately devised? On the contrary, is the danger not great of the whole fabric toppling over in the perpetual clash between the powers of the Federal Government, the reserve powers of the Provinces, the dictatorship in the States and the safeguards in the hands of the Governor General? "Do not", said Lord Bryce, in discussing the South American Federations with their perpetual revolutions and Civil Wars, "Do not give a people institutions for which it is unripe in the simple faith that the tool will give skill to the workman."

It is however too late to pursue this line of argument. Federation is now a settled fact, a condition precedent to responsibility in the Centre. All that we can ask His Majesty's Government to do is to restrict the interference of the States in the Federal Legislature only to questions of paramountcy and to affairs concerning Federal matters and to exclude all interference from the Princes in matters pertaining to British India alone.

Turning next to paragraphs 180-189 of the White Paper, relating to the recruitment, transfer, promotion and control of the Indian Civil Service and the Indian Police Service, it is clear that neither the Federal Government nor the Provincial Governments will, under that scheme, be masters in their own household for as long a period as a member recruited by the Secretary of State will be in the service. The Minister may formulate a policy and issue orders, but the Services who have to carry out the policy will always have one eye directed towards the Governor. This is not fair either to the Services or to the Minister or to the electorates. The Services will be divided between two loyalties, loyalty to the Minister and the electorate whose salt they eat and loyalty to the Governor and the Secretary of State upon whom depend their prospects and their promotions. I sincerely trust that the great Service whose watchword has always been scrupulous loyalty to whatever master they serve, as observed by my Honourable friend, Sir Cowasji Jehangir, will not be put to the cruel necessity of electing between these two loyalties. For if there is a conflict between these two loyalties, they will be placed in the cruel dilemma in which Lancelot of old was placed:

"His honour rooted in dishonour stood.

And faith unfaithful kept him falsely true."

The scheme will not be fair to the Minister, because he will either be impotent to carry out the mandate of the electorate if the Services are unwilling or he will provoke a rupture with the Governor, but if he wishes to have a quiet time he will surrender to the Services and, to use a slang phrase, it will be a case of the tail wagging the dog and not the dog wagging the tail. The scheme of the White Paper as regards Services thus places Federal and Provincial Governments in a position of importance and renders responsible Government a delusion.

A word about the White Paper so far as it affects the Indian Christian community which I have the honour to represent in this House. Our representation in the Federal Assembly of eight seats in a House of 250 and in the Council of State of two seats in a House of 150, though not generous is not unjust. In the provinces our representation in Madras, where, in education, culture and influence, we hold a position analogous to that of the Sikhs in the Punjab, our representation of nine seats including one woman as compared with 29 seats for the Muhammadans with less than double our numbers is grossly inadequate, while, in the Central Provinces, with a Christian population of 50,000 and, in Sind, with a highly educated population of 15,000, we have no seats at all, while the Anglo-Indian and European communities with a far smaller population have been assigned one or more seats. I trust it is not too late to allot at least one seat in these provinces without disturbing the communal balance.

There is, however, one redeeming feature. Indian Christians can come in by the door of the general electorate where the population is too scattered to form a special constituency. A party returned partly on a communal ticket and partly on a general ticket may not form a homogeneous party in the Chamber, but it will form a *liaison* party between joint and separate electorates which may eventually pave the way to a national electorate of the future.

I also find that provision is made for special arrangements where a considerable portion of the Indian Christian community belongs to the aboriginal tribes. I trust that out of the seven seats reserved for the representation of backward areas in Bihar, some seats will be allotted to the 300,000 Indian Christians belonging to the aboriginal tribes in Chota Nagpur. I stress this point, because there is a tendency to treat the aborigines and the Depressed Classes who embrace Christianity as no longer belonging to Depressed Classes. In spite of a change of religion, their social and economic status remains the same and, to deprive them of financial and other civic aids in consequence of their change of religion, is, I venture to submit, contrary to the provisions of Act XXI of 1850 and is tantamount to religious discrimination.

In conclusion, the Constitution embodied in the White Paper is built on the pillars of Communal Award and Federation, both somewhat insecure foundations. But if the competition between communities resolves itself not into a selfish struggle for place and power, but an unselfish struggle as to which community can do most for the uplift of mother India; if the federating Princes bring their hereditary experience of Government and their prestige into the Federation, not for domination, but for service, then shall we be able to attain the promised goal of Dominion Status and show to the world that it is possible to realise the poet's dream of "a Parliament of men, the Federation of the World".

Mr. Gaya Prasad Singh: Sir, it is an irony of the situation that our discussion of the White Paper on the floor of the House today synchronises with an era of renewed repression in the country outside. Sir, the Indian National Congress has not been declared an unlawful association, but Government have thought it proper to put a restriction upon the meeting of the Congress in Calcutta which was to have been held in a day or two, and a large number of persons from all over the country have been arrested

[Mr. Gaya Prasad Singh.]

for trying to attend that session. That furnishes somewhat strange commentary upon the kind of constitutional reform which is going to come out of the White Paper. Sir, I take it as a triumph for the Indian National Congress that Government should think it proper to ban this meeting. They dare not face the criticism of the Indian National Congress, and the only comment which I can make upon their action is that Government want to silence the voice of national India so that the only voice that will be heard in this country on the White Paper will be of Moderates, Loyalists, Liberals and Round Tablers. Sir, even the Moderates and the Liberals have confessed more than once that there can be no peace in this country and that the peaceful atmosphere requisite for the consideration of the constitutional reforms will not be produced without the release of Mahatma Gandhi and the political prisoners. Yet, Sir, I am somewhat surprised to see that not a word has been spoken on this subject during the last two days that we have been discussing the White Paper. My Honourable friend, Sardar Sant Singh, all credit to him, raised a solitary voice of protest against the policy culminating in an era of repression which has been freshly inaugurated in the country. Sir, the Prime Minister, if I remember aright, in one of his statements said that he expects to see the emergence of a new Dominion in the British Commonwealth of Nations within a few months' time; and we also noted that His Excellency the Viceroy, in one of his speeches in this House, said that he expected to be a constitutional Governor General within his career as Viceroy of India. I have yet to know that the proposals contained in the White Paper approximate even remotely to that vision which was foreseen by His Excellency the Governor General, or the Prime Minister of England.

Sir, the proposals of the White Paper are hedged round with so many safeguards and limitations that, I am afraid, they do not constitute any advance upon the present state of things in the long run. There may be a certain advance in some of the proposals adumbrated, but they have been more than outweighed by some of the others which are of a distinctly reactionary nature. Sir, I am not bound down by the decisions that have emerged from the Round Table Conferences as our Round Tablers must naturally be bound down. I am free to express my opinion on the merits of the proposals from the point of view of the interests of my country.

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

Sir, there are many safeguards, but I should like to refer only to a few of them. In the first instance, there are the reserved departments. In the reserved departments we have got Defence, External Affairs and Ecclesiastical Administration. They are to be entrusted to the Governor General personally, and the rights and conditions of service of the personnel of the defence forces will continue generally to be regulated as at present. Not satisfied with this, we have got some "special responsibilities" also appertaining to the Governor General's position. The special responsibilities may be summarised under a few heads, such as the prevention of grave menace to the peace and tranquillity of India or any part thereof, the safeguarding of the financial stability and credit of the Federation, the safeguarding of the legitimate interests of minorities, the securing to the

members of the public services of any rights provided for them by the Constitution and the safeguarding of their legitimate interests, the protection of the rights of the Indian States, the prevention of commercial discrimination, and any matter which affects the administration of the reserved departments. Sir, in this comprehensive category almost all the powers that are necessary for the perpetuation of an autocratic bureaucracy have been embodied. Again, Sir, we find that some "discretionary powers" also have been given to the Governor General, and these discretionary powers are as follows: The power to dissolve, prorogue and summon the Legislature, the power to assent to, or withhold assent from, Bills, or to reserve them for the signification of His Majesty's pleasure, the grant of previous sanction to the introduction of certain classes of legislative measures, the power to summon a joint session of the Legislature in cases of emergency, and so on. These, Sir, are the discretionary powers which have been vested in the Governor General. Not content with this, we have again some special powers which have been vested in the Governor General, and these special powers relate to the power to take action notwithstanding any adverse vote in the Legislature, the power to arrest the course of discussion of measures in the Legislature, and the power to make rules of legislative business in so far as these are required to provide for the due exercise of the Governor General's own powers and responsibilities. Sir, with all these deadweights, I do not know how we can be said to approximate even remotely to the position of Dominion Status. Then, again, the Governor General has been vested with law-making powers and these are not to be limited in duration. The power to make Ordinances also has been left in tact.

Again, Sir, with regard to the finances, the Governor General shall have a controlling voice in the framing of the Budget and the position of the Minister under the new state of things becomes more or less that of a figure-head. He will be helpless in the hands of the Financial Adviser who, it is proposed, will be given to the Governor General. This Financial Adviser will have direct access to the Governor General, and his power will be felt over the Minister in matters of financial administration, in the framing of the Budget, and so on. It may be argued that these safeguards are more or less paper safeguards, and that they are not expected to be brought into effect; but as Sir Samuel Hoare himself said in course of the debate in the House of Commons the other day, the "safeguards which would necessarily take so prominent a place in the White Paper were designed just as much in the Indian interests as in British", and that these were not paper safeguards.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Order, order: Diwan Bahadur Ramaswami Mudaliar.

MOTION FOR ADJOURNMENT.

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

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muham-
madan Urban): **Mr. President**, I must apologise to the House
4 P.M. for arresting the course of a very interesting and very important
discussion by a special motion for adjournment which I propose to make

[Diwan Bahadur A. Ramaswami Mudaliar.]

at present were it not for the fact that the matter was of the utmost importance, that the interests involved are so vital to many citizens in Southern India, I would not have ventured to break into the course of a discussion on the White Paper. Mr. President, I beg to move:

"That the business of the House be adjourned to discuss a definite and urgent matter of public importance, namely, the position of the Chettiyar Bankers of Indo-China and the expulsion of four of them from that country."

Indo-China, Mr. President, is foreign territory, being under the rule of the French Colonial Government. The Chettiyars of Southern India, a community which, if I may say so, to remove any misapprehension and embarrassment to you, Mr. President, is quite distinct from that of which you are the most distinguished representative. The Chettiyars of Southern India are bankers not merely in Southern India, but in various places in the East. In Rangoon, in Burma, in Singapore, in Penang, in the Straits Settlements and in Indo-China, they have been doing business for a number of decades. In Indo-China, specially, they have large vested interests. They have fully supplied all the capital that was necessary for the production of various useful things in that country, for the development of commercial projects in that country, and they have done so, Mr. President, at the instance, on the encouragement and under the guidance, of the French Colonial Government. They have given large loans to various people, both on the security of landed property and on personal security, loans which have gone far to develop the resources of that country. It is estimated that on promissory notes alone today the outstanding amount of these loans is no less than 700,000,000 francs, which in Indian currency would come to ten crores of rupees. There are other loans also on other kinds of property. A serious situation has arisen with reference to the position of these bankers, Mr. President. We are all aware of the economic crisis that has come over the world. In every country there has been serious and acute financial crisis. Men have not been able to meet their obligations, and creditors have found it impossible to get their just dues collected from their debtors. Indo-China was no exception to this world-wide rule, and creditors, not merely Chettiyars, but other creditors as well, found it very difficult to collect their dues from the persons to whom they had given loans in earlier and more prosperous times.

Let me take the recent history in connection with this question and tell this House how the creditors have been treated in Indo-China. There have been a number of insolvencies consequent on the fact that debtors have not been able to meet the just dues of their creditors, but if there is any impression, that this has been due to any harsh policy being followed by the Chettiyar Bankers, let me at once disabuse this House of that fact. I am given to understand that 95 per cent. of the insolvencies pronounced by the commercial Courts in Indo-China have been granted at the request of creditors who are not Chettiyars. Therefore, the Chettiyar community in particular is not responsible for any great inconvenience that has been caused to the debtors. On the other hand, such evidence as is in my possession goes to show that these Bankers have shown the greatest amount of toleration, that they have at all times given as much time as possible to their debtors to pay off their dues and in many cases have abandoned a good portion of their dues in the hope of collecting at least a small amount of it. Finding that the situation was bad, not because of any pressure on the

part of Chettiyars, but because of pressure from the other creditors, the Judicial Courts were advised by Executive instructions to give time to the debtors to pay up their dues, to extend the time, to give a sort of moratorium through the Judicial Courts. This order was passed some months ago by the Indo-Chinese Government and the judicial authority, acting on the suggestion of the executive power, took note of the financial conditions in the country and gave that sort of provisional moratorium. But this measure did not yield any results satisfactory either from the point of view of the debtors or from the point of view of the Government, and, therefore, the Government revoked that instruction and I understand that measures could be taken in the normal course of events through the Courts by the creditors. When this order was revoked, the Chettiyar Bankers, who had their dues to collect, took recourse under the normal French law of the country and filed their execution petitions in various Courts. It was open to the Courts even then to give time for the debtors to pay. When that was done, the French Government stepped into the scene. I understand that they told the Chettiyar Bankers to accept somewhere between 20 and 30 per cent. of their total just dues and to give full acquittance to the debtors concerned, and when the Chettiyars did not find themselves in a position to do so, to write off so much as 70 or 80 per cent. of their loans, then the Executive Government took more drastic action on these bankers. I have got here instances of the four Chettiyar Bankers who have been expelled from this territory at very short notice. In the case of one gentleman, Mr. Palaniappa Chettiyar, a ukase went to him that he should appear before the Chief of the C. I. D. on a particular date. He had two days' time in which he had to travel about 260 kilometers to come before this gentleman and, when he came before the Chief, an order of expulsion dated three days before he appeared, was given to him and he was asked to quit the territory within a couple of days. The poor man could not possibly do it. There were not even shipping facilities for him to leave the place and, at his urgent instance and through the representation that he made by counsel, he was given two more days and he was asked to quit by the 24th of this month. He had to quit and he has left and sailed for Singapore. Similar action has been taken against three other bankers, the last of whom has left on the 27th of this month. What was their fault? I perfectly agree that every Government has got the right to take action against aliens who are described as undesirable aliens. It is a very well known sovereign right of any State to exclude from its territory those who are undesirable, either because of their criminal inclinations or because of the part they play in promoting secret disaffection against the Government and in trying to infuse a spirit of hostility into political associations. These cases, which are just cases for the exercise of those rights, are well known in International Law, but I venture to state most emphatically on the floor of this House that if there is a peaceful community, a law abiding community, a community to whom the observance of law was even more vital than the observance of religion, it is the community of the Nattukottai Chettiyars of South India, who, by their very training of their profession, by their peaceful avocation, by their very birth, are the most law abiding persons known anywhere in this world. Anybody who has knowledge of that community, of the simple and silent way in which it has built up its fortunes, of the method by which it has been able to adjust itself, to accommodate itself to the surroundings and environments and not to risk the displeasure of high or low, of powerful or humble, will bear testimony to the fact that that community at all events, and every individual of that community, must be excluded from that class

[Diwan Bahadur A. Ramaswami Mudaliar.]

which is called an undesirable class. They have been there on invitation; they have been there at the instance of the French Government; they have done their best to develop that country and now that it is developed, now that their resources have been fully exploited, now that whatever they could do to the people of that country has been done, they turn round and ask them to leave, without bag and without baggage at short notice. It seems to me that this is a state of affairs for which a protest must be launched in this House.

I apologised to the House for the fact that I intervened in the discussion of a very important matter. But, from another point of view, it seems to me that it is somewhat appropriate that on the discussion of the White Paper I should be able to bring forward this motion to see that our nationals are protected in foreign countries. If there is one justification for the proposal more than another, for the proposition that India should remain and must continue to remain a partner in the British Commonwealth of Nations, if we are to prize that *pax Britannica* over which so many of us have waxed eloquent, if we are to tell our countrymen that the doctrine of independence would spell ruin to us, it is partly because by being a member of the British Commonwealth of Nations we get a status in the whole world: we get a status wherever we travel abroad as British citizens as those who belong to a common British Empire. I remember many years ago finding myself in a very difficult situation, walking up the Marie Theresa Strasse in Belgrade and, what was my joy to find in a small shop-keeper's place upstairs the British Consular Office in that country; and I need not tell you that I received the greatest assistance from that Consul to save myself from the unpleasant attentions of the police of that country. (Interruptions.) I said that it is the greatest protection that we require whenever we leave our country; it is an asset that we possess, the greatest asset that we value—those of us who have been privileged to leave these shores; and when we find that our people are treated in this way, in this discriminating way, if I may say so, I think it is high time that we told the Government of India and through the Government of India the Government of Great Britain that steps should be taken to protect these people.

Sir, I was telling you that the executive Government had asked these Chettiyars to compound their dues at 20 or 30 per cent. of the original amount due: otherwise they said that steps would be taken and that orders of expulsion would be issued if they were not willing to do so. The French Government issued a law, in connection with loan against immovable property for a long period on the 29th April 1932. But even according to this law there is no embargo at all on a creditor collecting his just dues through the proper Court of law under the Code Napoleon which, I suppose, is the law prevalent in Indo-China. According to the third article every request for a long term loan will be examined on the basis of arrangements consented to by creditors: so that with reference to other classes of creditors, before the Government give that long term loan, it tries to come to an understanding with those creditors, and then gives a long term loan. In effect a long term loan merely means the substitution of the loan by the Government for the loan of the private agency, that is to say, the creditor gets back the amount which is given by way of a long term loan

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The Honourable Member has got just two minutes more.

Diwan Bahadur A. Ramaswami Mudaliar: These Chettiyar Bankers have given these loans; they are excluded from the operations of this Act; they cannot go to the Courts of law; they cannot collect their dues and, if they attempt to do so, they are expelled. What is the remedy? Not merely have they given long term loans to these people, but the very resources which enable them to give these loans have been got from two English Banks, the Chartered Bank and the Hongkong and Shanghai Banking Corporation: so that not merely the Chettiyar Bankers will be involved in financial ruin, but these two English Banks also will be involved in financial ruin. All that I ask this House to do today is to express a very earnest request, a strong expression of opinion that His Majesty's Government should take note of these facts and use every pressure that they can bring to bear through diplomatic channels to see that no further attempt is made like this, and that the men who have been now expelled will be brought back to Indo-China, so that they may pursue their peaceful and lawful avocations and so that confidence may be restored in that community. Only one word more and I have done. These are Indians. Let it not be understood, let it not even be suggested that His Majesty's Government is not as diligent in the prosecution of the rights of these people as it is in the prosecution of the rights of subjects of Great Britain itself. We are going to hear a great deal about commercial discrimination tomorrow in the course of the speeches of Honourable Members and let there not be a whisper of a suggestion that His Majesty's Government will not do all that is in their power, merely because they belong to India. Sir, I must only take this opportunity of conveying to the Foreign Secretary my personal thanks and the thanks of the community for the very diligent and effective steps that he, so far as he is concerned, has taken in the prosecution of all steps that may be necessary to promote the just interests of these people. Sir, I have done.

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

"That the House do now adjourn."

Mr. F. E. James (Madras: European): Sir, I should like to associate myself and my community with the remarks that have been made by the Honourable Member, Mr. Ramaswami Mudaliar, and I should also like to associate myself with his expression of thanks to the Foreign Secretary who, as we know, is doing everything that is humanly possible for one in his particular position. I am glad to be able to rise in my place and support a motion of this description for the reasons which have been given, and on the very grounds which have been mentioned by my friend, Mr. Mudaliar. If we in this country are claiming at this time protection against what might be discriminatory action on the part of future Governments, surely it is only logical, apart from the inherent justice of it, that we should associate ourselves most heartily with those of our Indian colleagues who stand up against any form of discrimination against their nationals in other countries. It has been done before by this Group: we have associated ourselves from time to time with protests which have been made on the floor of this House by Members against discrimination in respect of their own fellow countrymen in other parts of the world, and I am glad to extend the same co-operation today.

Now, Sir, I have had some knowledge of the community to which this particular motion refers and I should like to pay my own tribute and the tribute of my friends in South India to the great part which this community

[Mr. F. E. James.]

has played and is still playing in the economic and social life of South India and, indeed, in the economic and social life of Malaya, Siam and the countries further east. Those who are interested to learn more of this, to learn more of the part which they play, will perhaps spend the time in turning to the reports of the Indian Banking Committee where they will find a description of the methods of work of this community and of the part which it has played and is playing today.

Coming to the particular motion which is before us, as far as I understand the situation, it is that this community which has done much in this colony of the French Empire to build up commerce and trade in the past three or four decades, this community is a loyal community: it has never associated itself in any sense with any political movement in that part of the world; subject to French laws, subject to French Courts never previously has there been any suspicion that this community was not entirely loyal to the jurisdiction under which they work. The community, in common with all other communities in Siam, in Cochin China, has been suffering heavily from the depression. It is true that the primary business of this community is the banking business. Honourable Members are perfectly well aware that banking is perhaps the main spring of all commercial enterprise, and that when commercial enterprise is limited and when depression falls upon the world, then the banking community suffers as heavily as any community in the world. As far as I understand it, the position is this that either by executive order or by some other order issued by some officer in authority this community has been asked to accept a particular method of dealing with debts to which it is justly entitled, and which method has not been insisted upon in the case of any other single member of any other community. If that is the case, and my information is that is the case, though I should be glad to hear if my friend, the Foreign Secretary, has more details,—if that is the case, then it is obviously an example of very grave discrimination. In fact, by the expulsion of these gentlemen who were not able to fulfil the terms of that order, discrimination ceases to be merely discrimination and it almost becomes expropriation. Therefore, I think, Sir, that we have the strongest grounds for making our opinion felt on the floor of this House. No one here desires to cast any reflection whatsoever on a great power, a great and friendly power. At the same time, this community are subjects of His Majesty the King Emperor, and if there is any virtue in allegiance to that Great Throne and to that Great Crown, surely it is to be found in the protection which that Crown and that Throne can throw over its subjects. If that is the case, Sir, I am sure that the voice of this House, the voice of the Government of India and the voice through His Majesty's Government at Home will have great effect upon those who are responsible, that what we feel to be an unjust state of affairs will be remedied and that those who have been expelled will be allowed to return once more to the place which has been the centre of their labours for so many years.

Mr. Muhammad Ashar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I rise to support the motion of my friend, Diwan Bahadur Ramaswami Mudaliar, for two reasons. The first reason, that it is very necessary that the Government should protect the honour and respect of our countrymen who reside outside India. Sir, it is from a deep feeling of patriotism, I say, that we must protest today against the action launched against these four gentlemen, and we must protest with a strong voice. Sir,

we have learnt how our countrymen have been treated, we have learnt how undue influence has been brought to bear upon them to give up their avocation which they were legitimately entitled to follow. Therefore, Sir, it is to save our honour and also, out of patriotism, that we should support this motion. Those who have the experience of going outside this country will realise how necessary it is that foreign Governments and foreign people should have the same amount of respect for us, Indians, when we are in their country as they expect from us when they are here.

Sir, we are very grateful to the Honourable Member in charge, for he has taken steps to protect our honour, our rights and our avocation outside India. I support this motion.

Mr. H. A. F. Metcalfe (Foreign Secretary): Sir, some days ago, I gave the House certain information regarding this in reply to a short notice question, and I had intended today to give the House further information regarding the facts in the terms of a despatch which I have since received from His Majesty's representatives at Saigon. However, the Honourable the Mover of the motion and also Mr. James have given the House already so much information on these points that I do not feel that it is necessary for me to attempt to cover the ground again. Broadly speaking, my information agrees largely with that which the Honourable the Mover has placed before the House, and the only point in which I would like in any way to controvert what has been said is that I have no evidence at all at present that there has been any definite discrimination against the Chettiyars as compared with other creditors. I am not prepared to say that there has not been, but I have no evidence that there has been, and I trust that the House will not form a considered conclusion on that point until more evidence is before them. All the reports which I have received go to show, firstly, that the state of affairs in Indo-China is very serious, that there is a commercial crisis of the first magnitude, and that the peasant proprietor who has no doubt been improvident and has borrowed largely in times of prosperity is at present faced with the prospect of losing his land altogether. I am sure the House will understand that in those circumstances it may be necessary for a Government to take steps which would not be taken in ordinary circumstances, and all I will say on the merits, which it is obvious that I cannot discuss, is that there is possibly another point of view which has not yet been placed before the House.

I will now merely, if I may, tell the House very briefly what has been done both at Saigon, Delhi, London and in Paris to try and mitigate any hardship which may have been caused to these persons. As soon as the facts were brought to the notice of His Majesty's representative at Saigon, the Consul-General, he immediately telegraphed to his immediate superior at Paris, His Majesty's Ambassador, and he at the same addressed a direct communication to the Governor General of Indo-China. In that telegram he asked that immediate representations should be made to the French Government, and I was informed today by the Secretary of State that representations had actually been made by His Majesty's Ambassador at Paris on the 20th March, that is one day before any news of this affair reached me in Delhi. (Applause.) He also wrote to the Consul-General and said that he trusted that steps would be taken to defer execution of this order until further representations had been made at Paris. It is unfortunate, partly owing to the absence of the Governor General from headquarters, and possibly owing to other influences brought to bear upon him, that the Consul-General's representations were unsuccessful, and these

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four individuals have actually been deported. I am, however, informed that the Consul-General still continues to make representations to the Governor-General, and also that His Majesty's Government have authorised their representative at Paris to continue representations to the French Government who have already commenced to take a genuine interest in this affair. I trust that, after hearing this, the House will agree that everything possible has been done, and that His Majesty's Government have shown the fullest desire to accord to His Majesty's subjects in Indo-China all possible protection.

There is very little more, I think, that I need say, but it may interest the House to know that a considerable amount of public sympathy has been displayed in the local Press on behalf of these gentlemen, and that articles have appeared in the Press, of which I have seen copies,—I am unable to quote them, because they are in French,—but these articles have many of them said that the Chettiyars have been of great assistance to the Colony in promoting the prosperity and welfare of all the people there, and there is criticism of the Local Government's action. I mention this, because it may perhaps serve to satisfy the House that there is not that great danger which the Mover of the motion anticipated that there may continue to be a general expulsion of these people whom we are trying to protect. That, Sir, is, I think, all that I need say.

Diwan Bahadur A. Ramaswami Mudaliar: This motion, as the House will easily realise, is not the usual Adjournment Motion which means a censure on any of the activities of the Government. It has been merely brought forward to ventilate a certain point of view and to get a public assurance on the floor of this House that everything that can possibly be done in a very delicate matter has been done and will continue to be done. That assurance we have had in a fair measure from the Foreign Secretary.

As regards discrimination, our information is that there has been a case of discrimination, and I trust that the Foreign Secretary will try to get more information on the subject, and, if there has been such discrimination, to make every effort possible to prevent it. I trust, further, that not merely will the threatened danger of further expulsions of these Chettiyar Bankers be arrested, but that those who have been expelled and those who have left all their property behind to go to rack and ruin will be permitted to return to their proper domicile in which they have lived for several years and that they will be allowed to peacefully continue their avocations there. I do not know what course you would suggest that I should take

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): If the Honourable Member wishes to do so, he can ask the leave of the House to withdraw his motion.

Diwan Bahadur A. Ramaswami Mudaliar: In that case I ask for leave of the House to withdraw my motion.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Has the Honourable Member got the leave of the House to withdraw his motion?

The motion was, by leave of the Assembly, withdrawn.

PROPOSALS FOR INDIAN CONSTITUTIONAL REFORM—*contd.*

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The Chair will now allow the Honourable Member from Bihar to finish his speech.

Mr. Gaya Prasad Singh: Sir, a few minutes ago, I quoted a sentence from the speech of Sir Samuel Hoare to the effect that the safeguards propounded in this White Paper were in the interests of both India and England. I will go further and say that the safeguards are more in the interests of England than of this country. I submit that this is in utter violation of the Gandhi-Irwin Pact which was entered into with due solemnity. It is a sorry spectacle that the substance of a Pact which was entered into between the representative of His Majesty the King Emperor in this country, Lord Irwin, and the representative of the largest political party in India, Mahatma Gandhi—that the spirit of that solemn Pact is now sought to be violated at the instance of His Majesty's advisers to placate the die-hards in England. The only safeguards that were understood to be in contemplation were safeguards which were in the interests of India only. I, therefore, submit that so far as the safeguards are concerned, they have reduced to a mockery even the shadow of the little powers which the White Paper seeks to confer upon us.

Another omission in the White Paper is that no fundamental rights have been defined or adumbrated in it. I am now hastily skipping over some of the points which I think it necessary to place before this House. An important reactionary suggestion in the White Paper is that relating to the Constitution of the High Courts, and I am sorry that no previous speaker has drawn attention to it. It is contained at page 67 of the White Paper. It runs as follows:

“The qualifications for appointment as a Chief Justice or Judge will remain as at present, but the existing provision, which requires that one-third of the Judges of a Court must be barristers or members of the Faculty of Advocates in Scotland and that one-third must be members of the Indian Civil Service will be abrogated.

Any person qualified to be a Judge will be eligible for appointment as Chief Justice.”

The existing rule is that not more than one-third of the number of Judges of a High Court should be drawn from the Indian Civil Service. Now the White Paper seeks to abrogate that rule, with the result that at one time it is possible for all the Judges of any High Court to be members of the Indian Civil Service, and for the Chief Justice also to be a member of that Service. Hitherto a bar had been placed on the appointment of a member of the Indian Civil Service as the Chief Justice of a High Court. Some time ago, the number of Civilian Judges of my own High Court in Bihar exceeded the prescribed limit, and I drew the attention of the Government to that fact. The Government admitted it in the course of their reply to my question, and steps were taken to remedy it. If this proposal is given effect to, the Chief Justice of a High Court may be a Civilian, and all the Judges of the High Court may also be members of the Indian Civil Service. I submit that this proposal is retrograde, and it seeks to place even our High Courts under executive domination.

With regard to what my Honourable friend, Mr. B. Das, said regarding the constitution of Orissa into a new province, I have nothing to say. (Mr. B. Das: “Thank you.”) I am very glad that Orissa is going to be made a separate province, and the recommendation of the Committee

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which was appointed in this connection, as well as the recommendation of the White Paper show that so far as we, the people in Bihar, are concerned, we have no grievance in the matter, inasmuch as no part of our Province is sought to be wrested from us.

Then, there is the question of a Statutory Railway Board to which reference has already been made by previous speakers. The constitution of a Statutory Railway Board takes away from the cognisance of this House whatever little control we at present exercise over Railway Administration in this country.

Sir, it has been stated that the inauguration of the Federal Constitution will be dependent upon the constitution of a Reserve Bank, and that this Reserve Bank will control currency and exchange. I do not know whether in the absence of any clear definition of the powers of the Reserve Bank, all questions regarding currency and exchange will be taken away from the purview of this House. For instance, if a motion is brought for changing the ratio from 1s. 6d. to 1s. 4d., we want to know whether that will be admitted as falling within the cognisance of the Federal Legislature or not.

Then, there is another point, and that is as regards Anglo-Indian educational safeguards. It is stated in paragraph 101 of the Proposals:

"...no proposal for the reduction in any province of an existing grant-in-aid on account of the education of the Anglo-Indian and domiciled European community will be deemed to have received the consent of the Legislature unless at least three-fourths of the members have voted in favour of the proposal."

Why this favoured community should have been singled out for preferential treatment, I do not know. If they are to be treated as other minority communities, I should have liked similar provisions made for our Mussalman friends, our Sikh friends, our Parsi friends, or other communities (Hear, hear), but why this statutory provision should have been made in the White Paper for one community only passes my comprehension, unless it be on the principle that blood is thicker than water.

Another proposal which is adumbrated in the White Paper is that there will be two Chambers in Bengal, Bihar and the United Provinces. This, I submit, is a very retrograde proposal, and we oppose it with all our power. I do not know how far the proposals contained in the White Paper are in consonance with the decisions arrived at by the three Sessions of the Round Table Conferences. Those of our friends who attended the Round Table Conferences are clearly working under a limitation in regard to criticising the proposals contained in the White Paper. They have only got to see how far the proposals contained in the White Paper constitute a departure from the conclusions at which they had arrived, but those of us who are more free in that respect are at liberty to criticise it from our country's point of view. Ever since the time of the Ottawa betrayal, some of us have been casting lingering looks towards getting seats in the Joint Parliamentary Committee whether as members or as witnesses. I do not know whether it is necessary to waste the country's money by sending another batch on what I may call this wild goose chase, because the proposals contained in the White Paper will have to be changed lock, stock and barrel before they can be acceptable to the country outside. I am afraid, the gentlemen who will go there will not be in a position to voice the sentiments of the country in an unfettered manner. They cannot

be elected. If they can be elected representatives of this House, they can go there in a representative capacity, but they will go now only as nominated members, and I distinctly want to make it clear that whatever agreements they arrive at will not be taken as binding either upon this House or on the country outside. The opinion of our Moderate friends also has been very hostile to the White Paper. I do not want to tire the patience of the House by quoting their opinions, but I would refer to only one. That prince of Moderates, Sir Chimanlal Setalvad, presided over a public meeting held in Bombay recently, and in the course of his speech he said:

"Defence and external affairs are to be reserved departments under the sole control of the Governor General. The Governor General is besides to be vested with what are called his special responsibilities and discretionary power. Among his special responsibilities are protection of the rights of the States and Services and the prevention of commercial discrimination. The Ministers will have no right to tender advice as regards the reserved departments, but even in departments in charge of Ministers responsible to the Legislature, the Governor General will be entitled to act otherwise than in accordance with the advice of Ministers if he considers such advice inconsistent with his special responsibility" and so on.

Among the resolutions that were passed is one which urges that political prisoners should be immediately released, and this is necessary for the creation of a proper atmosphere for the consideration of the constitutional proposals. When my friend, Mr. B. Das, was speaking the other day, I interjected a remark that beggars cannot have dominion status. A policy of political mendicancy has never brought Self-Government to any country. The Government of India are not a charitable institution. They have not come here to distribute alms to the people. They have come here to shake the proverbial pagoda tree to enrich their own country at the expense of our motherland. The differences that we see existing among our people outside are largely responsible for the sort of proposal which the Government have thought it fit to bring forward for our acceptance, and the difference outside in the country is reflected in the constitution of the House today. Why is it that we have so many different parties and groups sitting in this House, when we should be more concerned with consolidating our position of opposition with a view to converging our attack upon our common objective? I agree that parties have also got to serve their purposes. I am not opposed to that. But where they exist they must be based on some fundamental grounds of difference. The only two parties which one should recognise in this House is the party of the Government on one side and the party of the people on the other. Why should there be any difference amongst us in focussing our attack upon a common objective? I am pressed for time, and I will now conclude my observations by quoting the opinion, Sir, of your illustrious predecessor, Mr. V. J. Patel, on the White Paper. This is what Mr. Patel said:

"The White Paper signified Home Rule for the Viceroy and not the Indian people. It gives more power to the Viceroy than the existing constitution in many respects. It will bring nothing but friction between the Ministers and the Governor General and between the different services and the Ministers, leading to all sorts of deadlock. Any one thinking of reasonable hopes of modification in the Select Committee is living in a fool's paradise."

Sir, I leave it at that. (Cheers.)

Mian Muhammad Shah Nawaz (West Central Punjab: Muhammadaa): Sir, the reform proposals contained in the White Paper are under fire from many camps. They are condemned by the extremist section in India. They

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are also condemned by the die-hards in England. Liberals and Moderates consider them unsatisfactory inadequate and disappointing. The general impression is that the scheme consists mainly of safeguards and the necessary responsibility which it confers in the provinces and at the Centre is apt to be overlooked. Nevertheless, it must be admitted that there is an important advance, although the special powers of Governor General and the Secretary of State are conceived in very wide, vague and general terms, and their unnecessary use will very likely constitute an unwarranted interference with the rights of the Legislature and place the Ministers in an embarrassing position and thus hinder the smooth working of the Constitution.

Sir, under the scheme embodied in the White Paper, the real power and the final word will rest with the Governor General, the Secretary of State and the Governors.

Sir, it is expected that the Governor General and the Governors will exercise these special and discretionary powers very wisely and rarely. That may be so. A wise Governor General and a prudent Governor may not interfere very much, but there is seemingly no guarantee, no pledge even that they will not do so.

Sir, I submit that there is no indication in the White Paper that safeguards will come to an end at an early period. There is no indication that the transition period will come to an end in the near future. I respectfully submit that the statement of Mr Butler, the Under Secretary, which he made in the House of Commons yesterday is very disappointing. He said that the ultimate power of recruitment of the Indian Civil Service and the Indian Police Service will be with the Parliament and the safeguards, if they are to be changed, will be changed by another Act of Parliament. This statement needs clarification and I request the Leader of the House to explain it more fully.

Sir, the pledge of the British Premier that the reserved powers will be so framed and exercised as not to prejudice India's advance through her own Constitution to full responsible Government, has not been fulfilled. (Applause.) India, therefore, has a very strong case for urging the modification of the scheme in material particulars.

Well, Sir, on the point of safeguards, there is going to be a very stiff battle in the Joint Parliamentary Committee stage. Indian opinion will hold very strongly that the special powers of the Governor General and of the Secretary of State regarding the stability of finance and the credit of India, the prevention of commercial discrimination, "the legitimate interests" of the services are framed on too wide a scale. With your permission, Mr. President, I will take them in their respective order.

With regard to the financial safeguards, I submit that 80 per cent of the entire revenues of the Government of India will be untouchable by the future Finance Minister. Exchange, Currency and Coinage will be forbidden ground. The Governor General and his Financial Adviser, both acting under the control of the Secretary and the Reserve Bank between them, will have the control and management of the Exchange, Currency and Coinage of the country. It goes further. Even after a lapse of several years of successful working of the Reserve Bank, no Finance Minister will be allowed to introduce a Bill dealing with Currency and Coinage without the previous sanction of the Governor General. Now,

Sir, this is a very unjust provision,—since the Governor General has ultimately the power of vetoing the legislation, he should not be allowed to choke off legislation at its initial stage. Mr. President, Sir Tej Bahadur Sapru in his statement has said that in his opinion no case has been made out for the appointment of a Financial Adviser. That, Sir, is a very weighty opinion and I do hope that our representatives on the Joint Parliamentary Committee will unanimously press that point. The reason is obvious. The Financial Adviser will be a formidable rival to the Finance Minister. He may not have executive powers, but he will be responsible to the Governor General and the Secretary of State. The Financial Adviser and the Finance Minister will, therefore, be at loggerheads.

I now come to the services. In the civil administration, the Secretary of State will continue to have powers of superintendence, direction and control over subjects unconnected with the Paramountcy of the State, Foreign Relations and the Defence of India. The proposals regarding the services are, as Sir Tej Bahadur Sapru has said, the ugliest and most reactionary. (Applause.) Recruitment in England, control by the Secretary of State, excessive privileges to the officers will continue to hold the field for five years at least, and, after the expiry of that period, an inquiry will be set up to review and revise these proposals. It is, therefore, obvious that the steel-frame services will continue to be independent of the Legislature for very many years to come.

Now, Sir, the proposals regarding the future of the All-India Services are, as pointed out by several Members, opposed to the conclusions arrived at by the majority of the members of the Services Sub-Committee. That Committee came to the conclusion that the security services should be recruited and controlled by the Governor General and not by the Secretary of State. The White Paper says that the recruiting and controlling authority will be the Secretary of State. That, Sir, will interfere with smooth working of the Constitution.

Again, the question regarding the recruitment of the Railway Services was not discussed before the Services Sub-Committee. But now I find in the White Paper that His Majesty's Government contemplate putting forward certain proposals at a later stage before the Joint Parliamentary Committee. I do ask, why the Indian Delegation was not consulted on this point? And, pray, what are these proposals? We are entirely in the dark. We should have known those proposals and they should have been discussed. The British Government were in honour bound to discuss them with the Indian Delegation. (Applause.)

Again, Sir, the proposals regarding the constitution of the Public Service Commissions are very unsatisfactory. The Services Sub-Committee recommended that the appointments of the members of the public services should be made by the Governor General at the Centre and by the Governor in the provinces. Now, what does the White Paper say? It says that they will be appointed by the Secretary of State.

Then, again, the recruitment to the Foreign and Political Department will be entirely in the hands of the Secretary of State. This means that Indians will not get a fair chance to enter these Departments. This is very disappointing.

In short, the Secretary of State will continue to make rules regarding the numbers and the character of the All-India Services. Thus the position of

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the Ministry would be one of helplessness, absolute helplessness. The Ministers will in effect be registering the decrees of outside officials, who will be practically independent of them and the Legislature. This being so, the Ministry is bound to lose weight in the Council and it will not be able to carry the majority with it. I am distinctly of opinion that the proposals regarding the future of All-India Services should be altered and the recruitment should be done by the Governor General of India, as recommended by the Services Sub-Committee.

With regard to prevention of commercial discrimination, I beg leave to say that if this safeguard is allowed to be entirely under the control of the Governor General, the Commerce Minister will be placed in a very awkward position. There will be a great obstacle in the path of the furtherance and development of our industries. What really is needed is a comprehensive agreement between Great Britain and India regulating trades relations on a reciprocal basis subject to a very important proviso, namely that the Minister should be empowered to protect and develop our key and infant industries by the grant of subsidies.

I now come to the reserved subjects. Honourable Members are aware that the reserved subjects are to be in charge of three Counsellors. To begin with, I do not think three Counsellors are needed. I think two of them will do, and one of them should be an Indian. (Applause.) Sir, it is a great pity that a distinction has been made between the Counsellors and the Ministers, although the Instrument of Instructions will say that there will be no isolation. I know that the Ministers will be called upon to express their viewpoint on the military expenditure. I am aware that on matters, which call for co-ordination of policy, the Ministers will be consulted. I am also aware that the Instrument of Instructions will declare that in future the defence of India must be to an increasing extent the concern of the people of India and not of the British people alone. Well, Sir, that is not enough. And here I pause to ask several questions from those distinguished Members of the Round Table Conference who are also Members of this Assembly. Was not General Rawlinson's scheme put forward before the Conference? Was it discussed or was it not discussed? As my able friend, Mr. Mudaliar, is going to speak tomorrow, he should be prepared to make a reply. Honourable Members are aware that a Committee was appointed in 1921 with a view to Indianizing the Army. That Committee reported in January, 1922, and General Rawlinson drafted a very good scheme. It received the blessing of the Government of India, but was turned down by the War Office. The scheme purports to Indianize the Army within a period of 30 years, in three stages of 10 years each, and commencing from 1925. That scheme is given in full in my speech dated the 10th March, 1931, at page 1772 of the Assembly Debates. I want to know what has become of that scheme? I am sure, the scheme was placed before the Round Table Conference. But was it not pressed strongly by the Indian Delegation? Why did they give it up? Were they not pleading the cause of India at the Round Table Conference? If so, why did they give up such an important scheme? Is it too much to hope from the Joint Parliamentary Committee to accept it. Sir, with regard to the Indianization of the Army, I am afraid, our British friends do not understand the temper of Indians. I make it quite clear that if there is a foreign aggression or invasion from the North,—be it by the Afghans or the Turks or the

Russians or all three combined—many Mussalmans would like to die on the battle-fields and every inch of the ground will be fought by them and, God willing, our united forces consisting of the Britishers, Hindus, Muslims and Sikhs will be able to inflict an inevitable disaster to the enemy. Mr. President, I say it once more. If ever there is an invasion of India by any outsider—no matter who he may be—a soldier's death will be the best thing for me. *Dulce et decorum est pro patria mori*. (It is sweet and glorious to die for one's country.) The British nation should trust us and take effective steps to Indianize the Army within a fixed period—say thirty years. Without a definite programme of Indianization of the Army, the Reforms cannot be called real. (Applause.)

Mr. President, I now wish to say a few words regarding the franchise of women. I feel and have always felt for women. The franchise of women is very inadequate; their representation on Legislature is extremely insufficient. If Indian women are not given wide franchise and larger representation, how are we going to deal with illiteracy, public health and maternity? Do you not think that it is wise and just that women should have a larger representation and they should have a larger franchise? The Imperial Government have treated the question of women very shabbily indeed. They should have accepted the recommendations of the Franchise Committee. (Applause.)

Sir, I have to say a few words regarding the Muslim interests. I do not want to be a communalist. To tell you the truth, I am not a communalist, but there were certain remarks made by my able friend, Bhai Parma Nand—he is not in his seat—and by my gallant and noble friend, Mr. Amar Nath Dutt, which call for a reply. The Communal Award has become final. Both these gentlemen are living in glass houses and they should not throw stones at others. The Communal Award can only be changed if we can come to an agreed settlement. If we cannot, then it must be accepted in the spirit in which it was given. We forced the British Government to make that Award. If we could settle our communal differences, the Award could have never seen the light of the day. The good faith of the British Government cannot be doubted in this respect. The present scheme in the White Paper is based on the acceptance of All-India Federation and the Communal Award. Again, Sir, my able and learned friend, the Leader of the Independent Party, remarked that the Mussalmans' share in the services should be earmarked. Well, Sir, services are very important things and Sir Abdur Rahim was very much in the right when he said that the minorities should have adequate representation in the services. Is there any gentleman who can deny that proposition? No one can deny that the important minorities should have their share in the Cabinet, the Services and the Army. Why my learned friend, Bhai Parma Nand, was unnecessarily provoked over it? There was nothing wrong in it. No arguments are needed in support of it. It is only just and fair that Muslims want an adequate share in the services. When the power is about to pass to the majority, the minorities desire that their rights and interests should be safeguarded in the Constitution and defined in the Fundamental Rights. (Applause.)

With regard to the provinces, I beg leave to say that the powers of the Governor should be very much curtailed. I am not against the emergency powers; they are given in every Constitution of all the civilized countries. In my opinion, the emergency powers must be retained, but

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they should only be exercised in the event of the breakdown of the constitution. The special powers of the Provincial Governors go beyond even the recommendations of the Simon Commission.

Mr. President, I wish to say a few words about Baluchistan. Baluchistan has been entirely ignored and the distinguished Round Tablers paid no attention to the case of Baluchistan. It is true that Baluchistan is not very well populated. But the Baluchis belong to an ancient race; they represent an ancient civilization and their affairs should not be neglected. The White Paper says that these affairs will be entirely in the hands of the Viceroy and I do not know whether the Federal Assembly will be empowered to discuss those matters. (*Honourable Members*: "It will not be.") The issue is somewhat important and I hope that our representatives on the Joint Parliamentary Committee will press forward the claims of the Baluchis. (Applause.)

An Honourable Member: Statutory majority for Muslims?

Mian Muhammad Shah Nawaz: Well, Sir, I want to say one thing to my Hindu friends. Do they really believe that Muslims are unpatriotic and communalists? Believe me, they are not. The Muslims by their religion, culture and tradition are broad-minded and, I daresay, many of us are more broad-minded than many of the Hindus. We are destined to live together. The Hindus, the Muslims, the Sikhs, the Parsis and the Britishers are going to solve the world problem of humanity. Shall we solve them by a Hindu Raj or a Muslim Raj or a purely British Raj? Nothing of the kind. We want an Indian Raj. Call it a Raj or a *Swaraj*. We want to be an equal partner within the British Commonwealth of Nations. We want to work with our British friends and comrades. We are not against the British element in the Services. The Britishers have rendered admirable and meritorious services. It will be rank ingratitude not to acknowledge and appreciate their services. Sir, Providence has destined us to live together. There may be differences of opinion; there will be differences of opinion on several questions, but no scars will be left behind. We must work on the lines of helpful co-operation. I am perfectly certain that although:

"We school our manners, act our parts,
But He who sees us through and through,
Knows that the bent of both our hearts,
Is to be gentle, tranquil and true."

Let us then press on with our object with faith and courage. May our efforts be crowned with success. (Loud Applause.)

The Assembly then adjourned till Eleven of the Clock on Friday, the 31st March, 1938.