

31st March, 1933

THE
LEGISLATIVE ASSEMBLY DEBATES
(OFFICIAL REPORT)

VOLUME IV, 1933

(31st March to 12th April, 1933)

FOURTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1933



SIMLA
GOVERNMENT OF INDIA PRESS
1933
16

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., K.T., M.L.A.

SIR LESLIE HUDSON, K.T., M.L.A.

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

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MR. S. C. GUPTA, C.I.E., BAR.-AT-LAW.

Assistants of the Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

RAI BAHADUR D. DUTT.

Marshal :

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

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, K.T., M.L.A.

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

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

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LEGISLATIVE ASSEMBLY.

Friday, 31st 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.

OCCUPATION AND VACATION FORMS FOR THE GOVERNMENT OF INDIA PRESS QUARTERS, NEW DELHI.

151. **Mr. S. C. Mitra:** Is it a fact that no occupation and vacation forms are maintained for the Government of India Press Quarters, New Delhi? If so, why?

The Honourable Sir Frank Noyce: The answer to the first part is in the negative. The second part does not arise.

DEPUTATION OF A CLERK AS MONO LEARNER IN THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

152. **Mr. S. C. Mitra:** Is it a fact that the compositors have better knowledge in composing work than the clerks and other industrial hands and until now they were taken as Lino and Mono learners? If so, why has a clerk been deputed as Mono learner in the Government of India Press, New Delhi, depriving the compositors?

The Honourable Sir Frank Noyce: Compositors have a better knowledge of hand composing, but have not always been selected as Lino and Mono learners because a knowledge of hand composition is not strictly essential. The second part does not arise.

DENIAL OF PENSIONARY BENEFITS TO CERTAIN EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

153. **Mr. S. C. Mitra:** (a) Is it a fact that the old day-extra hands of the Government of India Press, New Delhi, recruited prior to 15th July, 1920, have been denied the pensionary benefits? If so, why?

(b) Is it not a fact that the late Munitions Board gave a decision that all the old hands who were in the day-extra and extra establishments at the time of reorganisation of the Press in 1920 will be given pensionary benefits and not contributory provident fund, and this fact was circulated to all Government of India Presses through the then Controller of Printing (Mr. M. J. Cogswell) vide U. O. I. No. 138-Pg., dated the 10th January,

1921, in answer to a question for the same raised in the first meeting of the Delhi Press Works Committee? If so, why have Government now departed from their own decision?

(c) Are Government prepared to reconsider the case and exempt those old men from contributory provident fund and give pensionary benefits?

The Honourable Sir Frank Noyce: (a) and (b). Service rendered in a day-extra establishment does not qualify either for pension or for admission to the Contributory Provident Fund. Under the orders referred to in part (b) of the Honourable Member's question, the men employed in the regular sanctioned establishment on the 15th July, 1920, who at the time of retirement become eligible for pension are, as a special concession, allowed to count their day-extra service towards pension. Government have not departed from this decision.

(c) Does not arise.

RULES FOR PROMOTION OF CLERKS IN THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

154. **Mr. S. O. Mitra:** Will Government be pleased to state the rules relating to promotion of clerks in the office of the Manager, Government of India Press, New Delhi, and state whether any promotion from a lower grade to a higher grade is given on the result of any departmental examination; if not, why not?

The Honourable Sir Frank Noyce: The rules lay down that promotions of clerks from a lower grade to a higher grade should be made on merit provided attendance and conduct are also satisfactory. There is no provision for departmental examination in the rules as such a course is not considered ordinarily necessary.

HOURS OF ATTENDANCE OF THE CLERICAL STAFF OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

155. **Mr. S. O. Mitra:** Will Government be pleased to state the hour of attendance of the clerical staff of the Government of India Press, New Delhi, and the penalty or punishment to habitual late comers?

The Honourable Sir Frank Noyce: The hours of attendance are from 10 A.M. to 5 P.M. except on Saturdays when they are from 10 A.M. to 2 P.M. In case of habitual late attendance, suitable departmental action such as stoppage of increment or reduction to the next lower grade may be taken against the person concerned.

HINDU AND MUSLIM RAILWAY EMPLOYEES AT ALIGARH JUNCTION.

156. **Shafikh Fazal Haq Piracha:** (a) Will Government be pleased to lay a statement on the table showing the number of Muhammadan and Hindu Railway employees (excluding menial staff) at Aligarh Junction?

(b) How many Hindu Ticket Collectors, parcel and goods clerks and the Assistant Station Masters are at Aligarh Junction and for how long have they been there?

(c) Are Government aware that Aligarh is the centre of Muslim education?

(d) Is it a fact that number of employees at the Aligarh Junction consists of an overwhelming majority of Hindus?

(e) Are Government aware that Hindu Travelling Ticket Examiners have recently started harassing University students at Aligarh Junction?

(f) Has any complaint been brought to the notice of the authorities to the above effect?

(g) If the answer to part (f) be in the negative, do Government propose to inquire about the complaint of the students?

(h) Are Government aware that recently a Hindu Travelling Ticket Examiner gave false charge sheets against two respectable Muhammadans which the police on enquiry found to be baseless?

(i) If the answer to part (h) be in the negative, do Government propose to inquire into the facts?

(j) Are Government prepared to post a sufficient number of Muhammadan staff at Aligarh?

(k) Have the Railway authorities received any representation from Aligarh? If so, what action do they propose to take on it?

Mr. P. B. Rau: (a), (b) and (d). Government regret they are unable to supplement the information with regard to the communal composition of staff contained in the annual administration reports of railways with details regarding individual offices or departments.

(c) Yes.

(e), (f), (g), (h), (i), (j) and (k). Government have received no representations on the point. I am sending a copy of this question to the Agent of the East Indian Railway for any action that may be considered necessary.

COMMUNAL COMPOSITION OF EXECUTIVE ENGINEERS, SUB-DIVISIONAL OFFICERS AND SUBORDINATES SERVING UNDER THE CENTRAL PUBLIC WORKS DEPARTMENT, NEW DELHI.

157. **Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state the total number of Executive Engineers, Sub-Divisional Officers and Subordinates, communitywise, serving under the Central Public Works Department, New Delhi?

(b) Is it a fact that the majority of officers in the above categories are unqualified men and some of them have been kept on in preference to qualified men who have been discharged from service?

The Honourable Sir Frank Noyce: (a) I place on the table of the House a statement giving the information asked for.

(b) All the officers employed in the Central Public Works Department are qualified to hold their respective posts.

Statement showing the number of Executive Engineers, Sub-Divisional Officers and Subordinates employed in the Central Public Works Department.

	Executive Engineers including Electrical Engineer.	Sub-Divisional Officers including Temporary Engineers and Electrical Sub-Divisional Officers.	Technical Subordinates.
Europeans	5	5	..
Anglo-Indians . . . . .	..	..	1
Indian Christians . . . . .	..	..	2
Hindus	1	15	51
Muslims	2	6	18
Sikhs	1	3	13
Total	9	29	85

APPOINTMENT OF A MUSLIM AS EXECUTIVE ENGINEER IN THE CENTRAL PUBLIC WORKS DEPARTMENT, NEW DELHI.

158. **Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state whether it is a fact that on the retirement of Sardar Bishan Singh two non-Muslim Executive Engineers were appointed in the Central Public Works Department?

(b) Is it a fact that a promise was given by the Industries and Labour Member in 1931 that, when a vacancy in the post of Executive Engineer will arise the claims of a Muslim will be considered? If so, will Government be pleased to state what action was taken to appoint a Muslim in the vacancy caused by the retirement of Sardar Bishan Singh?

The Honourable Sir Frank Noyce: (a) On the retirement of Rai Bahadur Bishan Singh, Sardar Sahib Bahadur Singh was appointed to officiate in the vacancy to which Mr. A. Croad has recently been appointed permanently.

(b) I can trace no undertaking on the subject but that Government are sympathetic towards the demand for the adequate representation of minority communities in the Central Public Works Department, is shown by the fact that a Muslim was recently appointed as Executive Engineer in Rajputana, a post which now forms part of the cadre of the Central Public Works Department.

MUSLIM ENGINEERS SERVING UNDER THE CENTRAL PUBLIC WORKS DEPARTMENT, NEW DELHI.

159. **Mr. M. Maswood Ahmad:** Is there any senior Muslim Engineer serving under the Central Public Works Department who is qualified to hold charge of important divisions like the Provincial Division or Service Division?

The Honourable Sir Frank Noyce: Yes.

**CONTRACT OF MAJOR WORKS UNDER THE CENTRAL PUBLIC WORKS
DEPARTMENT, NEW DELHI.**

160. Mr. M. Maswood Ahmad: (a) Is it a fact that contracts of major works under the Central Public Works Department are invariably given to a particular community even though their rates are higher than others? If so, why?

(b) Will Government be pleased to state how many contracts big or small during the current financial year were given in the "A" Division of the Central Public Works Department and how many were given to contractors of other communities?

(c) Is it a fact that the Superintending Engineer, Central Public Works Department and the Executive Engineer are partners of certain contractors of their own community? If so, under what rules is such a practice permitted?

The Honourable Sir Frank Noyce: (a) There is no foundation whatsoever for the insinuations made.

(b) Government do not consider that any useful purpose would be served by their calling for the information.

(c) The allegations the Honourable Member has made in this part of his question are of a very serious character. I have no reason to believe that they have any foundation, but I shall be willing to examine any evidence he may be able to adduce in support of them.

**DUTIES OF SUPERINTENDING ENGINEER, 1ST CIRCLE, CENTRAL PUBLIC WORKS
DEPARTMENT, NEW DELHI.**

161. Mr. M. Maswood Ahmad: Will Government be pleased to state whether the charge of the Superintending Engineer, 1st Circle, is much bigger and more important than the 2nd circle in the Central Public Works Department? If so, do Government propose to appoint the senior officer in service to hold the more important charge? If not, why not?

The Honourable Sir Frank Noyce: The two Circles are of equal importance. The latter part of the question therefore does not arise.

**NAMES AND QUALIFICATIONS OF THE PERSONAL ASSISTANTS TO THE CHIEF
ENGINEER, DELHI, APPOINTED FROM TIME TO TIME.**

162. Mr. M. Maswood Ahmad: (a) Will Government be pleased to state the names and qualifications of the Personal Assistants to the Chief Engineer, Delhi, appointed from time to time?

(b) Is it a fact that the Personal Assistants to the Chief Engineer, Delhi Public Works Department, were technical men possessing engineering qualifications, but the present Personal Assistant, who is now designated as Administrative Officer, started Government service as a clerk in the Punjab Secretariat?

(c) Is it a fact that when the new post on a higher scale of pay was created, the intention of Government was to appoint an officer with a knowledge of accounts and budget matters?

(d) Will Government please state whether the present officer has any special qualifications in accounts? If not, why has he been selected in preference to other suitable and qualified men?

The Honourable Sir Frank Noyce: (a) A statement giving the information asked for is appended.

(b) It will be seen from the statement that the last three Personal Assistants to the Chief Engineer, Central Public Works Department, did not possess any engineering qualifications. The reply to the last part of the question is in the affirmative.

(c) No. The proposal was to appoint either an officer of the Indian Audit and Accounts Service or an Assistant Secretary from the Government of India Secretariat, and an Assistant Secretary was finally selected.

(d) In view of the facts I have stated above, this part of the question does not arise.

Statement showing the names and qualifications of officers who have held the appointments of Personal Assistants to the Chief Engineer, Central Public Works Department.

Name.	Qualifications.
Captain W. H. Roberts	Royal Engineers.
Mr. H. W. Milner	Indian Service of Engineers.
Mr. E. W. Grindal	Accountant (now in the Indian Audit and Accounts Service).
Mr. F. C. Richardson	Assistant Secretary, United Provinces Secretariat.
Mr. E. H. Brandon	Assistant Secretary to the Government of India.

**ADMINISTRATIVE OFFICER, CENTRAL PUBLIC WORKS DEPARTMENT,
NEW DELHI.**

163. **Mr. M. Maswood Ahmad:** (a) What are the circumstances under which the post of Financial Assistant was created under the Chief Engineer?

(b) Is it a fact that, as the present incumbent of the post of Administrative Officer, Central Public Works Department, had no knowledge of accounts, another officer as Financial Assistant was appointed?

(c) Is it a fact that the Administrative Officer has very little work to do and has been entrusted with the duties of the Estate Officer with an allowance of Rs. 250 or more per mensem?

(d) Are Government aware that the Administrative Officer gives orders to the Executive Engineers and Sub-Divisional Officers direct in the name of the Chief Engineer, which is very much resented by the Superintending Engineers concerned?

(e) Is it not a fact that the technical and non-technical staffs working under the Superintending Engineers are under their control and important cases are referred by them to the Chief Engineer for his orders?

(f) Is it not a fact that the Administrative Officer notes on those technical cases on behalf of the Chief Engineer and decides them?

(g) Do Government realise that there is very great discontent among the engineering staff employed in the Central Public Works Department on this account?

The Honourable Sir Frank Noyce: (a) and (b). The post of the Financial Assistant to the Chief Engineer was created on the abolition of the late Accounts Office, Central Public Works Department, and is a reversion to the system in force before the creation of that office.

(c) No, the Administrative Officer has a full day's work all the year round and performs also the duties of Estate Officer. No separate allowance is drawn for the performance of these duties.

(d) There is no substance whatsoever in the allegations.

(e) Yes.

(f) No.

(g) Does not arise.

RETRENCHMENT ON THE BENGAL AND NORTH WESTERN RAILWAY.

164. **Pandit Satyendra Nath Sen:** (a) Are Government unaware that the Court of Inquiry constituted under the Trade Disputes Act, 1920, to investigate certain matters connected with the staff retrenchment on Indian Railways, made certain recommendations for the guidance of the various Railway Administrations in case of future block retrenchments and to recall those discharged in the order in which they were discharged in case there be requirement of men, with a view to avoiding the chances of favouritism and victimisation?

(b) Is it a fact that the Bengal and North Western Railway Administration, after the publication of the said Report, discharged more than 200 men from their Loco. and Carriage Workshops, Gorakhpur, on account of retrenchment, in May, 1932?

(c) Will Government be pleased to state whether it is a fact that:

(i) the methods recommended by the Court were not given effect to;

(ii) Rai Sahib Madhusudan Das, President of the Bengal and North Western Railwaymen's Association, complained in his letter dated the 1st June, 1932, to the Agent of that Railway in resorting to such deprecated methods of victimisation and favouritism by subordinates in power in discharging the majority of the workmen without consideration of their seniority and merit of service rendered by them and in regard to the failure on the part of the Administration to consult the Bengal and North Western Railwaymen's Association before the orders for the retrenchment were given effect to;

(iii) the matter was ultimately referred by the said Association to the Government of India (in the Department of Industries and Labour) in the shape of an application praying for the appointment of a tribunal under the Trade Disputes Act to enquire into the failure on the part of the Bengal and North-Western Railway Administration to carry out the recommendations of the Court of Inquiry, stating the whole case and forwarding copy of the correspondence that passed between the President of the Association and the Agent of the Railway;

(iv) in the meantime the matter was referred by the General Secretary of the All-India Railwaymen's Federation to the Agent, who, in reply, said that those discharged could not be reinstated? If so, what are the reason or reasons for his refusal to their reinstatement, contrary to the recommendation of the Court;

- (v) the Government's reply to the prayer referred to in part (c) (iii) was to the effect that the Governor General in Council after careful consideration of the application has decided that the circumstances do not warrant the appointment of a Court or Board?
- (d) If the facts set forth in parts (a), (b) and (c), (i), (iii), (iv) and (v) are correct, will Government be pleased to say:
- (i) why the tribunal was not appointed; and
 - (ii) why the Railway authorities failed to comply with the recommendations?

The Honourable Sir Frank Noyce: (a) No.

(b) Yes.

(c) (i) and (iv). Government have no information.

(ii), (iii) and (v). Yes.

(d) (i). For the reason given in part (c) (v) of the question.

(ii) In view of the answer to part (c) (i), this hardly arises, and I am not in possession of the reasons for any action the administration may have taken.

LEASE OF THE TIRHUT STATE RAILWAY.

165. **Pandit Satyendra Nath Sen:** (a) Is it not a fact that according to the terms of the lease between the State on one hand and the Bengal and North Western Railway on the other, the Tirhut State Railway had to be run by the former till the end of year 1912?

(b) Is it not a fact that subsequently the terms of the lease in this respect were extended by the Government to have force till the end of 1932?

(c) If so, will Government be pleased to quote the authority under which the aforementioned terms were notified?

Mr. P. R. Rau: (a) No.

(b) and (c). The original contract of 1890 for the working of the Tirhut State Railway by the Bengal and North Western Railway Company was terminable at the end of 1904. A revised contract was entered into with the Company in 1905 under which the term of the contract was extended to the end of 1932, subject to the proviso that the Secretary of State would have the option to determine it at the end of 1919. This option was not exercised by the Secretary of State.

LEASE OF THE BENGAL AND NORTH WESTERN RAILWAY.

166. **Pandit Satyendra Nath Sen:** (a) Is it a fact:

(i) that one of the terms of the lease between the State on the one hand and the Bengal and North Western Railway Company on the other was to the effect that the State should be entitled to the half surplus profits of the Railway over 8 per cent.;

(ii) that subsequently the State gave up its right to the said surplus profit;

(iii) that the purchase price of this Railway would have been twenty-five times the average yearly net earnings of the Railway during the five years immediately preceding the 31st December, 1932, had the Railway been purchased by the State then?

(b) Are Government aware that there are numerous grievances of the public against the Administration of this Railway and the conditions of service of its employees are unsatisfactory?

(c) If so, will Government be pleased to state:

(i) what made them to waive their right to the half of the surplus profit of the Railway; and

(ii) why the purchase price of the Railway has been increased?

Mr. P. R. Rau: (a) (i) and (ii). In regard to the Company's Railway, under the original contract of 1882, any surplus over 6 per cent. was to be equally divided between the Government and the Company, but this provision was rescinded by the contract of 1886, which leaves the profits entirely in the hands of the Company.

In regard to the Tirhut State Railway, up to 31st December, 1932, the surplus profits up to Rs. 10 lakhs were divisible between the Government and the Company in the proportion of 4/5ths and 1/5th, and profits in excess of that sum in the proportion of 14/15ths and 1/15th. With effect from 1st January, 1933, these proportions have been revised, and the first 10 lakhs of profits are now divisible between Government and the Company in the proportion of 9/10ths and 1/10th, and excess profits, if any, in the proportion of 29/30ths and 1/30th.

(iii) No. The average yearly net earnings, on which the purchase price payable at the end of 1932 was to be based, were the net earnings of the main line and its branches for the five years to end of 1912. In addition, a sum equal to the capital expenditure on the Doab lines, and the amount of capital expenditure on the Company's railway after 31st December, 1912, in excess of a certain fixed sum, were also payable.

(b) No such grievances have of late been brought to the notice of Government and they have no reason to believe that the conditions of service of its employees are unsatisfactory.

(c) (i). The concession was agreed to in 1883 in view of the then policy of Government to afford every possible encouragement to private capitalist undertaking the financing of railway construction in India.

(ii) Government are unable to understand how it can be said that the purchase price has been allowed to increase.

VICTIMIZATION OF THE MEMBERS AND OFFICE-BEARERS OF THE BENGAL AND NORTH WESTERN RAILWAYMEN'S ASSOCIATION.

167. Pandit Satyendra Nath Sen: (a) Are Government aware of the following facts:

(i) that the Registrar of the Trade Unions, United Provinces, issued a circular to the trade unions in those provinces proposing, according to certain recommendations of the Labour Commission, that the unions' leaders should endeavour to give as many members as possible some share in the working of the unions and that the trade union organisers should

endeavour to find suitable men within the unions to act as officials and should train them in the work of the unions, commencing the training before the selected men leave their employment, and they should be assisted to improve their general education, proposing further, that the trade unions should submit to the Registrar, a half yearly return in regard to the progress made in these respects;

- (ii) that the Bengal and North Western Railwaymen's Association at first agreed to do according to the said proposals;
- (iii) that previous to this the Registrar had elicited opinions of the trade unions in regard to the revision of the Trade Unions Act to the extent that two-thirds, instead of half the officers of unions, should be employees of the industry concerned;
- (iv) that the Bengal and North Western Railwaymen's Association agreed to the proposed revision; and
- (v) that subsequently the said Association did not submit the required return, but wrote a letter to the Registrar complaining that the members of the Association were victimised and terrorised to such an extent that none of the Bengal and North Western Railway employees dare take any active part in the activities of the Association, stating its inability to give effect to the proposals referred to in part (i) under the forced circumstances stated by it, unless Government were pleased to give effect to the other recommendations of the Commission, and asking for the withdrawal of its letter agreeing with the amendment of the Trade Unions Act with a view to submitting a fresh suggestion that cent. per cent. officers of the unions should be non-officials or non-employees of the industries concerned?

(b) If so, what action has been taken by the Registrar or by Government on the letter referred to above, and has the withdrawal asked for been allowed?

The Honourable Sir Frank Noyce: (a) No.

(b) Does not arise.

DUTIES OF GOVERNMENT INSPECTORS OF RAILWAYS.

168. Pandit Satyendra Nath Sen: Will Government be pleased to state the following:

- (a) what are the duties of Government Inspectors of Railways;
- (b) whether they inspect the Railways under their jurisdiction;
- (c) if the reply to part (b) be in affirmative, will Government be
 - pleased to say how many times a year and what things they specially make their point to see;
- (d) whether they are responsible to see that the adequate number of staff are maintained by the Railways and that they are not overworked to ensure the safety of passengers and goods carried by the Railways;
- (e) if so, what are their ways and means to satisfy themselves that the sufficient number of staff are maintained and that they are not overworked;

- (f) when was the Bengal and North Western Railway last inspected by the Government Inspector of Railways;
- (g) whether endeavours were made by him to see that sufficient staff are maintained by that Railway;
- (h) whether any mention is made in his report to that effect;
- (i) whether there is any evidence with the Railway Board or with the Government Inspector that the Bengal and North Western Railway is under-staffed?

Mr. P. R. Rau: (a) I would refer my Honourable friend to section 4 of the Indian Railways Act, 1890.

(b) Yes.

(c) Up to the end of the year 1930-31, the Government Inspectors of Railways were required to make one complete annual inspection of railways under their jurisdiction. But in June, 1931, Government decided in view of the urgent need for economy in working expenses that annual inspections need only be carried out on main lines, that is lines carrying fast and/or heavy traffic and that on secondary and branch lines not falling within the previous category, inspections need be carried out only once in two years except where, for special reasons, the Government Inspector may wish to inspect them annually. Subsequently in March, 1932, Government decided to reduce the number of inspection circles as an experimental measure, with a view to effecting further economies, and as the jurisdiction of the Inspectors had consequently to be considerably increased, Government have modified the duties of Government Inspectors and have issued orders that as a temporary measure it will be sufficient if main and secondary lines are inspected to the extent of 25 to 30 per cent. per annum and small independent lines to the extent of 75 per cent. per annum. The intention of the periodical inspections is to ensure the maintenance of a proper standard of efficiency and the safety and comfort of the travelling public.

(d) No.

(e) Does not arise.

(f) July, 1932.

(g) and (h). It was not part of his duties to investigate the number of staff maintained by that Railway, and consequently his report does not deal with it.

(i) Government have no reason to believe that the Bengal and North Western Railway is under-staffed.

COTTON OR WOOLLEN MILLS PATRONIZED BY GOVERNMENT.

169. Pandit Satyendra Nath Sen: Will Government be pleased to state:

- (a) whether any of the cotton or woollen mills belong to or are patronized by Government;
- (b) if so, which and in what respect is any patronized;
- (c) what is the strength of the labour employed by each of such mills;
- (d) what has been the net profit of each of such mills during the last three years?

The Honourable Sir Frank Noyce: No cotton or woollen mills are owned by the Government of India. Purchases of the products of Indian cotton and woollen mills are made by the Indian Stores Department and this is the only form in which patronage is extended by the Government of India. Contracts are published weekly in the *Indian Trade Journal* to which I would refer the Honourable Member: but as in many cases the mills supplying the goods do not contract directly with Government, no complete list of mills participating in Government orders is available. For this reason and because no record is maintained of the labour force or profits of mills receiving contracts, it is not possible to give the information asked for in parts (c) and (d) of the question.

STATEMENT OF BUSINESS.

The Honourable Sir Brojendra Mitter (Leader of the House): Mr. President, with your permission, I wish to make a statement regarding Government business next week. The programme of legislative business still remaining is very heavy, and Government are anxious to dispose of certain very important Bills before the Assembly adjourns for the Session. For this reason, I must ask you to direct that the House shall sit every day next week except Thursday, 6th April, which is the Id-uz-Zuha.

The Bills which Government are anxious to conclude are the following:

- (1) The Provincial Criminal Law (Supplementing) Bill,
- (2) The Indian Tariff (Ottawa Trade Agreement) Supplementary Amendment Bill,
- (3) The Auxiliary Force (Amendment) Bill,
- (4) The Indian Merchant Shipping (Amendment) Bill (Haj Bill),
- (5) The Indian Income-tax (Amendment) Bill (Foreign Income Bill),
- (6) The Indian Income-tax (Second Amendment) Bill (Omnibus Bill),
- (7) The Murshidabad Estate Administration Bill.

If these Bills are all concluded before the end of the week, Government will proceed with some of the other Bills still pending.

My intention is that, if possible, we should not send any Bills to the Council of State after the end of next week, so that that Chamber shall not be kept sitting over the Easter Holidays. I may now inform Members that in furtherance of this plan, we shall ask you, Mr. President, to sit on the 10th, 11th and 12th April. The work for these days will, if we can so contrive it, consist only of the reference of Bills to Select Committees and other work which will not be passed on to the Council of State. These Bills will include the Indian Medical Council Bill and the Indian Merchant Shipping (Second Amendment) Bill relating to certain International Conventions.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): In accordance with the statement made by the Leader of the House, I shall direct that the House do sit on the 3rd, 4th, 5th, 7th and 8th of April, and, if necessary, also on the 10th, 11th and 12th April.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muham-
madan): Sir, with reference to what has fallen from the Leader of the
House, I wish to point out that, as originally circularised, the business of
the Session was to have been concluded on the 31st of this month. This
extension of the Session by twelve days is very disconcerting to the
Opposition Benches. Members had made their other engagements and
they have now to cancel those engagements: others will be unavoidably
absent. Those unable to do are about to leave. Therefore, under these
circumstances, I would ask the Leader of the House not to bring forward
any controversial measure during the ensuing days. If any matter is
urgent, let it be brought forward, but matters controversial may be post-
poned.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): I
take it that it is only a suggestion that the Honourable Member makes
to the Leader of the House, and I take it that he is voicing the opinion
of the Opposition as a whole.

Sir Hari Singh Gour: Yes, Sir.

An Honourable Member: The Haj Bill is controversial.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Harry Haig (Home Member): Sir, I lay on the table
the information promised in reply to part (a) of starred question No. 263
asked by Mr. S. C. Mitra on the 8th February, 1933.

PERSONS CONVICTED FOR TERRORIST ACTIVITIES.

*268.

Statement showing number of persons convicted for terrorist activities during 1930-32.

Province.	1930.		1931.		1932.		Total.	
	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.
Punjab	47	..	32	..	15	..	94	..
Bihar and Orissa	4	..	22	..	21	..	47	..
Assam . . . . .	..	..	1	..	..	..	1	..
Delhi . . . . .	..	..	2	..	..	..	2	..
Bengal	57	..	76	2	129	2	262	4
Central Provinces . . . . .	..	..	3	..	..	..	3	..
Madras . . . . .	..	..	2	..	2	..	4	..
Ajmer-Merwara . . . . .	..	..	..	..	3	..	3	..
United Provinces	4	..	9	..	24	1	37	1
Bombay	3	..	12	..	12	..	27	..
North-West Frontier Province.	..	..	1	..	4	..	5	..
Total	115	..	160	2	210	3	485	5

Mr. P. E. Rau (Financial Commissioner, Railways): Sir, I lay on the table the information promised in reply to starred questions Nos. 1528 to 1538 asked by Pandit Satyendra Nath Sen on the 5th December, 1932.

APPOINTMENT OF APPRENTICES ON THE EAST INDIAN RAILWAY.

*1528. (a) and (b) I would refer the Honourable Member to my reply to Mr. S. C. Mitra's question No. 20(A) which was laid on the table of the House on the 13th March, 1933.

(c) Appointments are generally made from the Waiting List of ex-apprentices but it should be noted that during their 5 years apprenticeship, 4 years are spent in the workshops and only one year in the Technical School. Though the Technical School results are given due consideration, practical qualifications and the apprentices' ability to control labour have also to be taken into account.

APPOINTMENT OF APPRENTICES ON THE EAST INDIAN RAILWAY.

*1529. (a) Yes. The reason for selecting an ex-apprentice of 1931, in preference to an ex-apprentice of 1930 was that the latter on completion of his apprenticeship was offered a post by the Controller of Inspection, Calcutta Circle, Indian Stores Department, which it is understood he accepted and the ex-apprentice selected was the most suitable candidate available, when the vacancy occurred.

(b) Two temporary appointments were required to be filled by men qualified as C. and W. Draftsman. Their work involved the allocation of letters and numbers to standard component parts and fittings to facilitate manufacture and supply and delivery to and from stock in accordance with the standard nomenclature. The apprentices who had completed their training in 1930 were not considered to have the necessary qualifications for the posts and the vacancies were therefore advertised. Two Indian applicants were offered the appointments; one refused and the other accepted. Mr. Gibbons who completed his apprenticeship in January, 1931, was then appointed to the second post as he had exceptional abilities in this particular work.

APPOINTMENT OF LILLOOAH APPRENTICES AS ELECTRICIANS AND TRAIN EXAMINERS.

*1530. (a) The answer to the first part of the question is in the affirmative and to the second part in the negative.

(b) The ex-apprentice in question applied for an appointment as Train Examiner and as he had been through a course of training in the Mechanical Workshops and was considered a suitable candidate he was appointed.

(c) The answer is in the negative. A certain number of Mechanical apprentices are now trained specifically for the appointments of Train Examiner and subject to their successful completion of the apprenticeship they will be appointed on the occurrence of vacancies.

VACANCIES IN THE GRADE OF TRAIN EXAMINERS, ELECTRICIANS AND ELECTRICAL INSPECTORS ON THE EAST INDIAN RAILWAY FILLED BY EX-APPRENTICES OF THE LILLOOAH WORKSHOPS.

*1531.

	No. of vacancies.
Train Examiners	18
Electricians	1
Electrical Inspectors	1

None of these were filled by the ex-apprentices of Lillooah.

APPOINTMENT OF *Ex*-APPRENTICES OF THE LILLOOAH WORKSHOP.

*1532. (a) The percentage of appointments for permanent and temporary posts, including discharges, since 1929 between Europeans and Anglo-Indians and Indian ex-apprentices of Lillooah Workshop works out to 50 per cent. in each case.

(b) Does not arise.

(c) The question is under reference with the Agent.

APPOINTMENT OF MECHANICAL APPRENTICES OF EAST INDIAN RAILWAY WORKSHOP AT LILLOOAH IN OTHER DEPARTMENTS.

*1533. (a) Normally Mechanical Apprentices in the Workshops at Lillooah are not allowed to work as apprentices in other Departments.

(b) In 1928 an apprentice after 9 months training in the Train Lighting Shop at Lillooah, was permitted, as a special case, to undergo training in the Electrical Department at Lillooah.

Sir Thomas Ryan (Director General of Posts and Telegraphs): Sir, I lay on the table:

(i) the information promised in reply to unstarred question No. 54 asked by Mr. M. Maswood Ahmad on the 2nd March, 1933; and

(ii) the information promised in reply to unstarred questions Nos. 98 and 99 asked by Lala Rameshwar Prasad Bagla on the 18th March, 1933.

DELAY IN THE DISPOSAL OF APPEALS IN THE PUNJAB POSTAL CIRCLE.

54. (a) The reply to the first part is in the negative. The second part does not arise.

(b) Departmental enquiries in this case were started in September, 1929 and the case was made over to the Police in November, 1929; proceedings in Court commenced on the 18th December, 1929 and finally concluded on the 21st December, 1931. It will, therefore, be seen that the 3 years' delay, to which the Honourable Member refers, was chiefly due to the length of the proceedings in court, for which the Superintendent of Post Offices was not responsible.

As regards the 3 items to which the Honourable Member specifically refers, I may state that:

(i) Under the Law not more than three cases at a time could be taken to the Court by the Police.

(ii) The Sub-Postmaster, Sirsa, was to blame and he is being dealt with.

(iii) The case being a cognisable one the Police were responsible for the prosecution and they did not find any ground for prosecuting the Sub-Postmaster, Sirsa.

SYSTEM OF PAYMENT FOR TELEGRAPH MESSENGERS.

98. (a) Based on the figures available for the week ending 26th July, 1930, the total amount of monthly earnings under the old *Bhaga* system of task work messengers of the Calcutta Telegraph Office was Rs. 3,778 as against Rs. 2,723 which would have been admissible to them under the correct procedure.

(b) and (e) Government have no information.

(d) and (e) (i) It was reported by the Postmaster-General Bengal, and Assam Circle, in September, 1930, that no papers could be traced either in his office or in the Central Telegraph Office, Calcutta, as to the origin of, or authority for, the *Bhaga* system; nor can orders bearing on the question be found in the Director General's Office.

(ii) This depends upon the nature of the sanctions.

(iii) (1) and (2) No such records are maintained.

(3) In view of the reply given in this House on the 29th March, 1932, to part (b) of Mr. S. C. Mitra's unstarred question No. 275 and also of the reply now given to parts (d) and (e) (i) above, Government do not propose to take any further action to trace the authority, as they are satisfied that after this lapse of time it is not possible to trace the origin of the faulty system.

(f) (i) The service conditions of Task Work messengers before March 1st, 1931, were generally those of other Government employees of similar pay and status. Their task work rates were liable to be fixed from time to time by the Head of the Circle.

(ii) The Governor General in Council, the Director General or the Head of a Circle according to the nature of the case.

(iii) No—because no change has been made in the fundamental conditions of the men's service.

SYSTEM OF PAYMENT FOR TELEGRAPH MESSENGERS.

99. (a) The procedure for the delivery of press messages is generally the same as that for other telegrams.

(b) The system of charging at triple rates for certain classes of telegrams is not peculiar to the Calcutta Telegraph Office, but is followed in all telegraph offices in compliance with the orders of Government issued on the subject. No enquiry into its origin is therefore necessary.

(c) Government regret that no figures are available.

(d) From figures obtained in July, 1930, it would appear that the loss to a Task Work Messenger of the Calcutta Telegraph Office as a result of the abolition of the unauthorised *Bhaga* system averaged between Rupees four and five per month. More recent figures are not available.

PROPOSALS FOR INDIAN CONSTITUTIONAL REFORM—*contd.*

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The House will now resume discussion on the White Paper. Diwan Bahadur Ramaswami Mudaliar.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muham-madan Urban): Mr. President, on the day that I received a copy of the White Paper, a journalist friend of mine was with me, and having given me just fifteen minutes to peruse very hurriedly the proposals of the White Paper, he asked me for my impressions thereon. I told him that my first impression was that in a very good measure and to a very considerable extent the Secretary of State had kept his word and played the game and that the proposals, most of them, were embodied according to the recommendations arrived at either unanimously or by a majority or by a considerable section, at the various sessions of the Round Table Conference. On more mature consideration and after very careful study, I do not see that there is any reason why I should depart from the opinion that I formed on the first occasion and gave expression to. The White Paper and its proposals, Sir, have to be examined from two standpoints, and I propose to do so, if time permits, from these two standpoints.

The first test is how far the proposals contained in the White Paper are in consonance with the hopes, the aspirations that were entertained when a great Viceroy, Lord Irwin, made the announcement for the appointment of a Round Table Conference to discuss the future Constitution of the country. The second and, perhaps, a more limited point of view is how far the proposals contained in the White Paper embody agreed decisions arrived at after various sessions of the Round Table Conference. Let me take the latter issue first and try in a very hurried manner to examine the proposals from that point of view and to subject them to that test.

Mr. President, I venture to state that on some fundamental and vital points the proposals of the White Paper make a departure, a very radical, and, if I may say so, an unjustified departure, from the agreements and conclusions arrived at, not indeed unanimously, but even with the consent of the majority of the Members of the Round Table Conference. Let me take that issue which was referred to so pungently by Sir Cowasji Jehangir and which has been described as the black spot of the White Paper recommendations relating to the Services. My friends have already pointed out that there is a very fundamental departure involved in so far as the Security Services will continue to be recruited in the future as in the past by the Secretary of State. The Services Committee of the Round Table Conference distinctly recommended that the right of future recruitment and control shall vest in the Government of India and not in the Secretary of State. I fail to see any justification for this departure, a departure which is calculated to upset the whole scheme of responsible Government both in the Provinces and in the Centre and a departure which no Government, I venture to state, can justify except as a result of appeals and representations made by or on behalf of the Services. I do not want to say anything in my speech which would make any reflection on the Services. Perhaps they are not responsible for these recommendations; perhaps their overzealous advocates in England, who want to take care of them when they can well take care of themselves and do not know wherein lies the good of the Services, may be more responsible than those who are in the Services themselves, for these recommendations. Let me take these recommendations one by one. I have already referred to the recommendation that the Secretary of State will continue to make recruitment to these Security Services and here let me add that there is a curious proposal which was never contemplated, that so far as the Railway Services also are concerned it is possible that the Secretary of State will continue to make recruitment—a thing never contemplated at any of the Round Table Conferences, never suggested by His Majesty's Government, not by the Labour Ministry, not even by the National Ministry, and never put forward by the Secretary of State himself: I suggest that it is most unfair that such a proposal should be included in these recommendations or at any rate that suggestions should be put forward and consultations going on between the Government of India and His Majesty's Government that recruitment to the Superior Services of the Railways should also come in under one of these Security Services.

Let me take the next recommendation:

"The Secretary of State will be required to make rules regulating the number and character of civil posts to be held by persons appointed by the Crown or the Secretary of State."

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We ventured to state that the existing members of the services should be guaranteed all those privileges and emoluments which they are enjoying at present; but these rules carry the matter very much farther. I appeal to every member of the Round Table Conference, be he Hindu, Muslim, Sikh, European or Anglo-Indian, who went from British India and ask him to justify these recommendations. What does this recommendation mean? The Secretary of State will make rules regulating the number and character of the civil posts to be held by persons appointed by the Crown. In the first place, this power is in excess of the power which the Secretary of State possesses today whereby, under section 100 of the Government of India Act, only the Indian Civil Service posts are so dealt with by the Secretary of State. We have now added to this the Indian Police Service also; and what does it mean further? I may point out that this recommendation really follows the Simon Commission Report on the subject. There is a rule, Devolution Rule 12, in the present Government of India Act, a rule framed by the Secretary of State, whereby, with reference to the medical services, it is provided that the Secretary of State shall regulate the number and the character of the posts to be held by officers of the Indian Medical Service. My friend, Mr. Jadhav, who was a Provincial Minister, will tell you what havoc this rule has played with the responsibilities and powers and privileges of Ministers. Under the guise of this rule, the Secretary of State has passed orders which are of a grossly racial and discriminating nature: he has earmarked places for which I. M. S. officers alone are eligible and he has gone further and said that certain places should be filled up only by European members of the I. M. S. Certain posts, such as the Surgeon-General under a Provincial Government, the first Surgeon of the General Hospital, the Superintendent of the foremost Hospital in the Province, the Superintendent of the Maternity Hospital, the Superintendent of the Mental Asylum and all sorts of other offices, the district medical officers of some selected districts—all these have been reserved for the European I. M. S. Now, Sir, the Services Committee recommended that that distinction should be abolished: they were against it; their attention was specifically drawn to Devolution Rule 12 and they said, it was grossly unfair to have this sort of racial discrimination made in the services—they said that this gross racial discrimination should be done away with. So far from accepting the recommendation of the Services Committee, an extension of this pernicious principle is sought to be made by the recommendations which have been suggested. Under the guise of this rule, you are going to provide tomorrow that the membership of the Board of Revenue should be confined not only to the Indian Civil Service, but perhaps to European members of the Civil Service, that the Secretaries to Government should be similarly dealt with, and that a number of other posts also may be filled by European officers. . . .

The Honourable Sir Harry Haig (Home Member): I am afraid I have not quite followed the Honourable Member's argument. On what particular passage in the White Paper does he base these suggestions?

Diwan Bahadur A. Ramaswami Mudaliar: I am basing it on paragraph 185 where it is stated that the Secretary of State will be required

to make rules regulating the number and character of civil posts to be held by persons appointed by the Crown, by the Secretary of State in Council or by the Secretary of State, and I am drawing your attention to Devolution Rule 12 in which, under similar terms, the local Government shall employ such number of Indian Medical Service Officers in such appointments and on such terms and conditions as may be prescribed by the Secretary of State in Council. Under a Devolution Rule in identical language, the Secretary of State has claimed the power to earmark particular appointments to European members of the services. I venture to draw the inference that what has been done under Devolution Rule 12 can be done under this rule which is in almost identical language. . . .

The Honourable Sir Harry Haig: I think the Honourable Member will find that the wording of this paragraph 185 is drawn, not from Devolution Rule 12, but from one of the existing classification rules, and that the object of it is to ensure that when the Secretary of State recruits a certain number of officers for an All-India Service, it should not be possible for a Local Government to defeat his object by refusing to employ them in the posts for which they have been recruited. I do not think that there is anything more in it than that.

Diwan Bahadur A. Ramaswami Mudaliar: I am very thankful for the assurance that the Honourable the Home Member has given and I hope that the Secretary of State will not go behind that assurance.

Let me now come to the next point. The existing service rights are protected—they are given in an appendix. I would specially call your attention to Article 15 of that Appendix wherein the concurrence of the Governor is required for every posting of an officer of the All-India Services. That might have been all right under the present system; but what sort of advance are we contemplating when the posting of an officer of these All-India Services, the Indian Civil Service or the Indian Police Service continues to require the consent of the Governor? How on earth is a Minister going to act? What sort of advice will he have? What sort of heads of Departments will he have to control and what sort of Secretaries will he have to confidentially advise him on matters if, at every stage, the concurrence of the Governor to a posting is required?

Let me come to another point. There are rules by which services recruited on an all-India basis are entitled to retire on proportionate pensions. I could understand that. The Services Committee guaranteed further that men who are now in the services, that is to say, before the commencement of the Act, will continue to have that right. But, under a clause of these rules, it is extended to those who will be hereafter recruited and recruited till an examination takes place after the fifth year by a special Commission. Now, I ask the Honourable the Home Member what justification is there to give this right of retirement on proportionate pension to persons who are recruited after the passing of the Act, who come into the service knowing all the opportunities and all the restrictions that they are going to have under the Act? What justification is there to extend to them for a period of five years thereafter the right of retirement on proportionate pensions?

Let me take another example. The Foreign and Political Department is exclusively under the control of the Viceroy. No question of Indianisation can be raised and no such debate, as has been going on in this House

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initiated by my honoured Leader, can hereafter take place on that question. I ask, is that a justifiable extension of the privileges of the services? Take again another recommendation. I ask my Honourable friend, the Finance Member, whether he is content that the pensions to be paid in England are exempt from income-tax hereafter: not that they are liable to income-tax now, but at no time hereafter can this Federal Legislature have the right to levy a tax on those pensions. The Honourable the Finance Member has been, and quite rightly so, very solicitous of the finances of the future Federation, and, if I may refer to another subject, he will also find that the securities in England are exempt from any sort of taxation whatsoever. That is to say, the holders of sterling securities are immune from any sort of taxation. Next week the Honourable the Finance Member will probably bring forward what my Honourable friend, Sir Hari Singh Gour, is contemplating as a most controversial measure—income-tax on some of those who get their money from England. Is the Honourable the Finance Member prepared to justify that for all time to come, under statutory and Parliamentary safeguards, the securities held by the sterling bond holders in England will be immune from taxation?

Then, again, the existing rule-making powers of the Secretary of State will continue to be exercised by him both for existing and future members of the Services recruited by the Secretary of State. Those rule-making powers cannot be divested from him except on an address passed by both the Houses of Parliament. Is it because they fear that some Labour Secretary of State of the future may at some moment or other yield to pressure across the seas and derogate from any of the privileges that are contained in these rules? They have gone further. The Secretary of State is not going to have a Council: he is going to have a body of advisers. The only function that I find is given statutorily to this body of advisers is that where the Secretary of State wants to make any alteration in these rules, the consent of the majority of his advisers is required,—another guarantee again to the services and not merely to those who are in service now and are governing this country but to all future recruits also. Then, again, any person who is holding a post borne on the cadre of the Indian Civil Service may be given such rights as the Secretary of State may decide. I do not understand this provision and I do not see any need for it. What are the rights that the Secretary of State may decide upon? We in the Services Committee suggested that we were perfectly willing to allow every member of the services just now serving in India every guarantee of the continuance of every right that he is enjoying; but to extend it to all and sundry, to extend it to those who will be recruited hereafter, to extend it for all time unalterable, unchangeable, capable of no modification whatsoever by future Secretaries of State is, I venture to think, an extension of the privilege which is an abuse of his powers and a violation of all canons of responsible Self-Government.

Take, again, the question of the Public Service Commission. We suggested that the Governor should appoint the members of the Public Service Commission for the province and the Governor General should appoint members of the Public Service Commission for All-India Services; but no, the Secretary of State comes in. The Governor General cannot be relied upon, this super man who is going to be the Viceroy and Governor General cannot be relied upon, this super man who is going to have 32 discriminatory powers and 45 other powers, this gentleman is not

to be relied upon for appointing members of the Public Service Commission for the All-India Services, and the Great Mughal at Whitehall wants to have the power to appoint members of the Public Service Commission. What justification is there, I ask? When these proposals are considered, one after the other, in their cumulative effect, what wonder that it terrifies even the most moderate people and they are stunned by the almost unlimited powers possessed by the Secretary of State? My friend, Captain Sher Muhammad Khan spoke of the great part that the soldiers took in defending this country. I have never heard a soldier exploit his soldierly qualities and the part he has played in the defence of the country,—I am sorry for my friend. But apart from the soldier, the Civil Service has been largely responsible for building up the British Empire and the Indian Empire, and the Civil Service has so far been the prime mover in the organization of the Indian Empire. If these privileges are to be given, if these prerogatives are to be extended, anomalous in their nature and not justified by any canons of justice and reason whatsoever, if we are not to have the right to say "We shall guard you and give you every possible privilege", if it is to be taken out of our hands and bestowed on a beneficent power ruling at Whitehall, then, I venture to think, that neither we nor the services are going to be the better for it. Bitterness will increase, and in course of time the services who have so far enabled the Empire to be built will be the people about whom it will be said, whenever that chapter of lost dominion comes to be written, if it is written at all "This Dominion was lost, because it was murdered by excessive privileges to the services".

Let me take another aspect of this White Paper. I am racing against time, because I have had more than a hint from you, Sir, as to when I should stop. Let me take the Statutory Railway Board, and let me draw the attention of my Honourable friend, the Commerce Member, to certain facts with reference to it. I am not one of those who are against the Statutory Railway Board. I want it myself. I know that other Constitutions have provided for it. I am not even one of those who feel that it is a crucial question whether the Statutory Railway Board is going to be constituted by a Statute by this House or by a Parliamentary Statute. I do not think that it is the crux of the problem. I know that there are Constitutions which have embodied the Constitution of the Railway Board by Parliamentary Statutes like the South African Act. The crux of the problem is really this. Who appoints the Members of the Railway Board? What powers are going to be given to that Railway Board? Now, Sir, my complaint is that while it is perfectly true that discussions are going on between the Secretary of State and the Government of India, the suggestions contained in this paragraph, those which one can read between the lines create grave apprehensions in the minds of the people. Let me draw the attention of the Honourable the Commerce Member to one or two sentences:

"His Majesty's Government consider that it will be essential that, while the Federal Government and the Legislature will necessarily exercise a general control over railway policy, the actual control of the administration of the State railways in India (including those worked by companies) should be placed by the Constitution Act in the hands of a Statutory Body so composed and with such powers as will ensure that it is in a position to perform its duties upon business principles and without being subject to political interference."

I can understand the Legislature having control only of policy and the Legislature not interfering because of political considerations, but I cannot, for the life of me, understand what is meant by the Federal

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Government merely having control of policy and their not being a party to political influences. Is that sentence to be understood to mean that if the Federal Government controls the Railway Board, that is subjecting the Railway Board to political influences? Is my friend, Sir Joseph Bhore, subjecting Mr. Rau to political influences? What does this sentence mean? I get some clue to it, not indeed in the sense that I should like. At page 61, there is a small phrase squeezed in which might have escaped the attention of Honourable Members. Discussing the question of property vested in the Government, the proposals state that all property in India which, immediately before the date of the establishment of the Federation, was vested in His Majesty for the purposes of the Government of India, etc., shall vest in the Government of India subject to any special provision which may be made in relation to Railways.

The proposal, if I understand it, means that the property in the Railways shall be vested in the Railway Board and not in the Government of India. Is my interpretation correct, Sir? I hope the Honourable the Commerce Member will correct me if I am wrong again. Let me briefly compare it to the South African Act. The Railway Board there was constituted by an Act of Parliament. It is embodied in the course of the Constitution Act when South Africa was given Self-Government, and the very first section says:

"Subject to the authority of the Governor General in Council, the control and management of the railways, ports and harbours of the Union shall be exercised through a Board consisting of not more than three Commissioners who shall be appointed by the Governor General in Council and a Minister of State who shall be Chairman of the Board."

Are these the suggestions that you are thinking of? Are you going to have the future Commerce Member as the Chairman of the Railway Board? Are the appointments going to be made by the Governor General in Council, not indeed in his discretion, but on the advice of the Ministers responsible to this House? If that is so, then whether this House passes measures to have control over the Railway Board or the Parliament takes the trouble to embody in its sections provisions about the Statutory Board is quite immaterial to me, but it is time for you to explain and make the position clear as to what exactly you mean by this.

Now, Sir, I have a complaint to make against the Indian Members of the Executive Council. They are a *pardah* party. They do not tell us what is happening. What are you there for if you are not to take Indian opinion into consultation, before decisions are reached, before you send your despatches, before you commit the whole country to propositions which may or may not meet with the wishes of the majority of the Indian opinion? I have seen during the last few months,—I regret to have to say it,—an aloofness on the part of Indian Members, a reluctance to consult any Members of this House

The Honourable Sir Joseph Bhore (Member for Commerce and Railways): My Honourable friend has, I think, totally ignored the statement which was made by the Honourable the Finance Member the other day.

Diwan Bahadur A. Ramaswami Mudaliar: I am coming to that. I have not ignored it. I have got it very much in mind, in fact my proposition will be to pass a vote of thanks to the Honourable the Finance Member and to the Honourable the Commerce Member and to those of their way

of thinking who have so far and to that extent retrieved the position; but I do complain, because last time you sent up a memorandum on the Simon Commission Report. My friend was not there, but other Indian Members were in the Executive Council, and they put in a provision. Was it ever thought of? Did the Indian Members express any opinion in favour of it? And the whole trouble has arisen because of that provision, which was allowed to find its way into the proposals. Sir, I do not want to be very harsh. If I have been unjust, I venture to apologise frankly

Mr. K. O. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, may I point out that all the three Indian Members of the Executive Council were Members of the Government of India at the time, and that they are all signatories to the Government of India Despatch which for the first time initiated this idea of the Statutory Railway Board

Diwan Bahadur A. Ramaswami Mudaliar: I hope, Mr. President, you will take note of the fact that part of my time is consumed in interruptions.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): If the Honourable Member gives way, he is responsible for the time consumed.

Diwan Bahadur A. Ramaswami Mudaliar: Now, Sir, nor is that all. There is a provision here which I have failed to understand, though I have tried to understand it to the best of my ability:

“With such a Statutory Railway Board in existence it would be necessary to preserve such existing rights as the Indian Railway Companies possess under the terms of their contracts to have access to the Secretary of State in regard to disputed points and, if they desire, to proceed to arbitration.”

The Secretary of State again comes in. What are these terms of contract? Are they to be followed? Is the Secretary of State to be the arbiter? Cannot a novatio be entered into whereby the Railway Companies, who depend upon the Government of India, who are controlled by the Government of India and who get every assistance from the Government of India, can substitute the arbitration of the Government of India for that of the Secretary of State? But perhaps I am over-stating the case. You are going to have a Federal Court. What prevents you from making this Federal Court the arbiter in all these disputed points? Why should we go to Whitehall again? Are we to go to the Secretary of State again over the heads even of the present Government of India and enable him to decide across a dinner table as to how a point should be arbitrated upon? It is unfair to the Secretary of State, unfair to the Railway Companies, most grossly unfair to the future responsible Legislature if these powers are continued to be given to the Secretary of State. Now, Sir, that is not the way how you should work your Railways. You want better co-operations in the working of your Railways, and if there is any fear that the Railways may not prove that solid asset which they have been so far, that fear will be legitimate only when you put all these restrictions. A friend of mine said that the proposals relating to Railways reminded one of the Chinese customs which has been taken over as a mortgage, of the German Railways which have been taken over as hypothecation soon after the War. I trust that there is no such thing and I hope that in the Conference, that is going to be held, these questions will be threshed

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out, and I want the support, moral and otherwise, of the Government of India in any representation that any person who is on that Committee on behalf of the non-official side may make—that while we are anxious to preserve all the assets which the Railways represent at present to the Bondholders, we are also equally anxious that the Federal Government should continue to have the power of controlling, not merely the policy, but the administration of the Railways, interpose however you may a Statutory Railway Board.

Let me come to one other small point. The Finance Member is in charge or hopes to be in charge of a Bill to introduce a Reserve Bank. (*An Honourable Member*: "More scramble for seats.") I am one of those who believe that a Reserve Bank is absolutely necessary for this country. In fact, no advanced country, no civilised country has been able to do without a Reserve Bank. I welcome the provision for a reserve bank, and I agree also that it should not be subject to political influences. In fact, many of the criticisms that have been levelled against the Government with reference to their policy of managing exchange or the issue of note and currency are due to the fact that at the present moment, in consultation with the Imperial Bank, the Government of India perform essentially the functions of a Reserve Bank and, therefore, I am wholeheartedly in favour of the idea that a Reserve Bank should step in so far as to be free from political influences. But there are two vital questions concerned with the Reserve Bank, which I raised at the Round Table Conference and which, I hope, will be discussed—what are the functions of such a Bank, and what is the method by which the governing body will be brought into existence. These are crucial questions. To the extent that it is by State nomination is the Governor to do so "at his discretion", or, again, on the advice of his Ministers? To what extent is the general body of shareholders going to have a voice in the administration or in the electing of members of the governing body? And what other interests will be in a position to choose any of the Directors of the Reserve Bank? These are the vital questions in which we are interested, and these are the questions on which depends the extent to which public support will be forthcoming, and my Honourable friend, the Finance Member, knows, none better, that without that public support your Reserve Bank can never work satisfactorily at all. It is obvious that the composition of the governing body is of vital importance to the State on the one hand and to the general public on the other. No particular interest, indigenous or foreign, Bombay, Calcutta or Madras, purely industrial or purely agricultural, much less any political party should be allowed to dominate in the administration of the Bank.

Sir, there is one other question which I should like to raise in this connection. I understood at the time that for a Reserve Bank to be brought into existence certain preliminary conditions should be fulfilled, a balanced Budget, reserves to be built up, short term loans avoided, and a trade balance favourable to India restored, but I find a new condition, and, if I am wrong, the Honourable the Finance Member will correct me. The White Paper says that the Reserve Bank should be "already successfully operating" before financial responsibility is transferred. What is the exact meaning of that phrase? We do not wish to be caught by small, simple, unassuming phrases afterwards looming tremendously on the horizon and making it impossible for any advance. What is the meaning

of the phrase, "already successfully operating"? How long will it take before any one can pronounce whether the Reserve Bank is "already successfully operating"? The Finance Member is an expert on that subject. Will he tell this House how many years the Reserve Bank should operate before a judgment can be given that it is "already successfully operating"? It seems to me, under the guise of that phrase, Federation may be indefinitely delayed, and, I for one, if that is the meaning that should be read into that phrase, protest against it. My Honourable friends have spoken of the fact that the previous sanction of the Viceroy to the introduction of a measure for amending the Paper Currency and Coinage Acts is absolutely unnecessary. You have the Reserve Bank operating, and my Honourable friend, the Finance Member, knows that no Finance Member can tinker with the question of exchange without the solid opinion and support of the Reserve Bank and its directorate behind him. Does my Honourable friend think that any non-official Finance Member in his place would be so foolish as to risk the prospects of the exchange and the stabilisation of the currency of the country by putting himself in charge of a Bill which has not got the approval of the Reserve Bank? Can he tell us, even if the Finance Member of the future does introduce a Bill, what alarming consequences will follow? Will exchange tumble down next day? I heard a suggestion like that in London. Even if the Bill is passed, the power of veto is still in the Governor General, so that I really fail to see why his previous sanction has to be sought with reference to this matter.

Let me take you, Mr. President, to some minor matters referred to in this White Paper which, I venture to think, are again not in consonance with the agreements arrived at. Take the question of the administration of British Baluchistan. The Honourable the Home Member was there at one session of the Conference where this question was discussed. Was there any suggestion that the Governor General should take over the administration of British Baluchistan? There were indeed my Muslim friends who had stated that British Baluchistan should have responsibility. Never mind, for reasons of a political nature, you would not do it. But what on earth is the meaning of saying that the Governor General is going to have the administration of British Baluchistan? We thought that all Centrally administered areas would be under the control of the Federal Government, and now my Honourable friend, the Foreign Secretary, comes in and says; "I am quite capable of managing it." I do not doubt your capacity, but I say I am equally capable of managing it myself. At the present moment, we are discussing questions with reference to British Baluchistan. We interpellate with reference to the educational facilities there and all sorts of other things. Is the whole of that going to be removed from the purview of the Legislature and handed over to the Governor General to be administered by him? And there is another question. Why in the name of all that is reasonable, was it changed—this provision that there should be three Counsellors, and not two Counsellors? We understood that there might be two Counsellors. (*An Honourable Member*: "One.") We thought that there should be only one, we went as far as two, and now suddenly like a bolt from the blue comes the provision of three Counsellors. I attach the very greatest importance to that recommendation. We do not want the Governor General to be surrounded by a Council of his own. We do not want another Executive Council sitting in judgment over the Federal Ministry advising the Viceroy with reference to his special responsibilities, making him act, not according

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to his discretion, but according to their discretion. What is behind the proposal for the appointment of three Counsellors? It creates a cabal, if I may say so, in its best sense,—it creates a cabal which may assist the Viceroy, but it will derogate from the powers which have been given to responsible Ministers. I ask, what justification is there for the appointment of three Counsellors. I can understand one in charge of defence, I can understand one in charge of Foreign and Political Affairs, but what is the third Counsellor to do? A fifth wheel in the coach unless he be in charge of those special responsibilities and those extraordinary powers, those emergent powers, those discretionary powers, and all sorts of powers which the Viceroy or the Governor General is going to have. I have no hesitation in saying that this will effectively derogate from the responsibility of Ministers.

Take, again, this very simple provision :

“The Governor General will also be authorised, after consultation with his Ministers, to make in his discretion any rules which he regards as requisite to regulate the disposal of Government business, and the procedure to be observed in its conduct, and for the transmission to himself and to his Counsellors in the Reserved Departments, and to the Financial Adviser, of all such information as he may direct.”

We suggested that the Governor General should not preside at Cabinet meetings, that normally the Prime Minister should preside at these meetings and that the business of the Government should be regulated by rules framed by the Prime Minister. I remember in fact pointing out that for the last fifty years at any rate in Canada which you have visited, in the Cabinet room there is an empty Chair where the Governor General may sit, but no Governor General has been able to come and occupy that seat, not even he who was the last Governor General quite recently. I ask, what is the reason for this provision. The rules of business are to be made by the Governor General and similar provision appears for the provinces also, regulating how the Ministry should discuss things. And, then, what is this provision of papers being sent to the Counsellors? Where is the reciprocal provision that the papers of the Counsellors should be submitted to Ministers? Is it going to be one-sided or have these to be sent to the third Counsellor who will review the acts of the Ministry and advise the Governor General and make him act not at his (the Governor General's) discretion, but at the discretion of the Counsellor? These are the loopholes which show the character of the responsibility that is sought to be given and make people absolutely bewildered as to the nature of that responsibility.

Then, take this provision which has crept in in a most unwarranted way. We said that, so far as the Budget is concerned, the Legislative Assembly should be the only body which should discuss the Budget and vote on it and you bring in a provision that, if any demand is cut down or thrown out, a joint Session of the two Houses may be held so that this demand may be passed in the two Houses. Where in the whole world is there a provision that the Upper House should take part in voting supplies to the Government? Can my Honourable friend, the Finance Member, point out a country in which such a condition prevails and what is the justification for this proposal? When you read the report of the Federal Structure Committee, you will find that the British delegates almost unanimously said that the Lower House and the Lower House alone should have power over the Budget, the one exception was the gentleman who adorns a similar place to your own in another place.

Take, again, this question which I consider is of a vital character. The Secretariat staff of the Governors and the Governor General has been made non-votable. Good Heavens! Whoever contemplated that the future Governors and Governor General would be made of such poor stuff that they cannot even get their Secretariat staff voted by a responsible Legislative Assembly, either Provincial or Federal. What is it that you are doing? You are casting a slur on the dignity of these great officers themselves and what is the reason for thinking that any responsible Legislature would be so lost to all sense of responsibility that they will not even vote for the Secretariat staff of these representatives of the Crown? There is a great danger in overstating your case and over-guarding your needs.

I now come to another vital matter, Mr. President. The Governors shall have special responsibility in respect of the prevention of any grave menace to the peace or tranquillity of a province or any part thereof. Let me say quite candidly that we suggested that the Governor or Governor General should have special responsibility in the event of grave menace to the tranquillity of a province, but what is it that we now contemplate? Look at page 18 of the report:

"The special responsibilities dealt with in this paragraph have been discussed and reported on by the Round Table Conference at its third session. His Majesty's Government propose to deal with it by inserting in the Instrument of Instructions of the Governor a direction that he should bear in mind the close connection between his special responsibility for peace and tranquillity and the internal administration and discipline of the police."

What are you contemplating? The internal administration of the police is to be connected with grave menace to peace and tranquillity and the interference of the Governor is to be sought at every turn. If, as my Honourable friend said, they are asked to wear Khaddar, the Governor can say the discipline and the morale of the force is gone and they should be asked to wear only Buckingham Mill cloth. Sir, that is the surest way to make the police administration impossible by creating deadlocks in the whole administration. I would far rather that the Police were a reserved subject, than that the Governor should interfere in this way and say that four more constables are required for the Delhi city and that otherwise peace and tranquillity will be in danger. We faced this question absolutely squarely. We recognised that there was connection between the police force and peace and tranquillity and here I would call the attention of the Honourable Member to the suggestion made by the Services Sub-Committee at the instance of Lord Zetland and the recommendation of the provincial sub-committee thereon. To that recommendation, the Hindus, the Muslims and the Europeans were all parties. We recommended that the Police Act should not be amended except by the Central Legislature. The Police Act confers certain statutory powers on the Inspector General of Police. We recognised that those statutory powers should be preserved and we thought that it would meet all the necessities of the case if we said that that Act can only be amended by Central legislation. All that has been thrown overboard and now comes this curious provision, not based on the recommendations of the Round Table Conference or the Simon Commission, which is the Bible by which most of us stand, that the internal administration of the police and the discipline of the police are going to be subjects of consideration by the Governor.

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Sir, I have not the time to go into other matters: The first test I suggested was how far the proposals are in conformity with the hopes and aspirations entertained in 1930. But I have witnessed the attitude of sections of Indian delegates at the three sessions and I say that, if those hopes have not been fulfilled, it is in a large measure due to ourselves, our internecine disputes and our incapacity to adjust our differences. On that I would acquit His Majesty's Government of any blame. So far as the safeguards are concerned, it was largely due to our own people who asked for one safeguard after another. When I hear talks of nationalism and communalism in this House, I remember the days when we went through the valley of humiliation in England, because our representatives were not able to come to agreements on various points; and when I hear the word "nationalism" wafted about so inconsequentially in this House, I recall the lines of the poet:

"One word is too often profaned
For me to profane it;
One feeling too falsely proclaimed
For me to proclaim it."

Sir, I have done. (Applause.)

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, the amended Resolution of my Honourable friend, the Leader of the Independent Party, so eloquently and ably moved has my wholehearted support. I have tabled an amendment, but I do not propose to move it as I am advised that the first portion of my amendment is covered by the Resolution itself and that the second, which pertains to the special interest of my constituency, Sind, I can presently discuss. Sir, to put it in a nutshell, my opinion on this White Paper is that the proposals for Indian Constitutional Reform are unsatisfactory and reactionary and do not meet the aspirations of even the moderates in India.

The scheme maintains the bureaucratic spirit of the Government of India intact and is intended to strengthen it by inclusion of the Prince's aristocracy. It does not improve upon to any appreciable extent the present Constitution either at the Centre or in the Provinces, but is, on the contrary, distinctly retrograde and will not be acceptable to India unless the proposals are substantially improved, particularly in respect of:

- (1) the establishment of more real responsibility at the Centre and real autonomy in the Provinces;
- (2) not pursuing the proposal for the separation of Sind and thus condemning unheard, enlightened and cultured minorities—about 27 per cent. of the population in Sind—specially with no weightage for them in the Central and Provincial Legislatures and with no special and adequate safeguards for them; and
- (3) adopting a vicious principle of supporting the new Province with a large subvention out of the Central Revenues, thus making it a burden on the rest of India against the recommendation of the First Round Table Conference and the findings of the Brayne Committee.

Sir, time is the essence of the business here. If I had the time, I would have exposed the faults of this White Paper in its true colours and suggest in detail how to constructively improve upon it, but time is too short and the special interest of my Sind constituency requires me to give it a preference and discuss it forthwith. Therefore, I will first address the House on that point and let me say that everybody knows that Sind is a part of the Bombay Presidency, and has continued to remain so for the last 80 years. Sir, the majority community in Sind is Muhammadan. I lay a great emphasis upon that point, on this ground that I do find that amongst the British people it is considered that Muhammadans are in a minority everywhere in India, and it is, therefore, that I see that the question of Sind with regard to Hindus has been dealt with with inequity and injustice. Sir, I would submit that the question of Sind is a question which arose not from the Muhammadans of Sind, but from the all-India Muhammadans in their own interests, for the purpose of keeping Sind as a hostage or a pawn in the game of these politics.

Maulvi Sayyid Murtuza Sahab Bahadur (South Madras: Muhammadan): On a point of information, Sir. Is it not a fact that several Hindus of Sind have expressed their willingness to have Sind separated from Bombay? Is that not a fact?

Mr. Lalchand Navalrai: Sir, as time is pressing, I shall not give way, but my Honourable friend knows that the Hindus are absolutely unanimous in rejecting what the White Paper says about Sind. (*Voices*: "Question, Question.") As I have already submitted, the question in its present form arose not from the Muhammadans of Sind, and that is reflected fully in the first report, I mean the report of the sub-committee of the Simon Commission which sat in Bombay. That committee consisted of local people and they came to the conclusion with one dissentient vote only that Sind could not be administratively, economically and financially separated. Sir, when the question came before the all-India Muhammadans, then only was it decided in this manner, and the Central Committee of the Simon Commission said: I am reading page 26 of the Central Simon Committee's Report:

"Some of us are of opinion that the financial question is at present a definite bar to the creation of a separate province of Sind. The majority of us, however, are of opinion that if the people of Sind are prepared to face the financial burden and the other disadvantages which would seem likely to result from the constitution of a separate province, their wishes in the matter should be complied with. We accordingly recommend that Sind should be separated from the Bombay Presidency."

Sir, after this, sat the First Round Table Conference and this question was heard one-sided. There, in answer to a question by Sir Phiroze Sethna, it was said to the effect: "All I want to point out is that we are all for the separation of Sind, but Sind must stand on its own legs."

Sir Shah Nawaz Bhuto, who is the leader of the Sind Muhammadans, said rather discreetly: "That is right." Then Sir Phiroze Sethna asked: "Then, if not, what is the recommendation of this Sub-Committee? We must not be vague on that point." The reply came from the Chairman, Earl Russell, and it was: "I may tell you, in view of the last word, Mr. Jinnah accepted the recommendation of the sub-committee which is:

"The recommendation of this sub-committee is that if Sind cannot show that it can stand successfully on its own legs, the separation does not take place."

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Sir, nothing can be clearer than this, an expert Committee was appointed to find out if Sind could have its own finances. What that committee said is this:

"On the day Sind will be separated, there will be a deficit of 110.42 lakhs, which unless the Lloyd Barrage comes to the rescue will grow to 144.19 lakhs in 1962-63."

With regard to the question of the yield from the Lloyd Barrage, the Committee said at page 26:

"The ultimate net profit which can be anticipated from the scheme 30 years after its completion is thus only 24 lakhs."

Therefore, Sir, there was absolutely no justification for turning round again at the Second Round Table Conference and forming a different formula. The Prime Minister said:

"His Majesty's Government also accept in principle the proposition which was endorsed at the last Conference that Sind should be constituted a separate province if satisfactory means of financing it can be found. We, therefore, intend to ask the Government of India to arrange for a conference with the representatives of Sind for the purpose of trying to overcome the difficulties disclosed by the report of the Expert Financial investigation which has just been completed."

Now, this is an addition which is a contradiction of the previous verdict about Sind standing on its own legs:

Sir, what justice was there for overcoming the difficulties, I ask?

Thereafter the Conference of the representatives, called the Brayne Committee, summed up their position in a few words. It said:

"At the outset and for some years to come, Sind will require assistance to the full extent of Rs. 80 lakhs if a separate province is constituted."

That Committee said:

"We are not concerned with finding out how that Rs. 80 lakhs could be found out to carry on Sind."

Then, Sir, comes this White Paper—quite Black for Sind. It proposes in effect, "we will go with a begging bowl in our hands and ask the other provinces to give Rs. 80 lakhs to Sind every year". That is what this White Paper contemplates. May I not, therefore, say that this is absolutely unjust? It is a point that needs fuller reconsideration and revision. This subvention is nothing less than a vicious way for separating Sind in the interests of those only who ask that price for other doings. Soon shall they be disillusioned, Sir, to find that there will be no progression of Sind at all, but a culmination into retrogression for themselves. Sir, proceeding further I would submit that this White Paper has treated the Sind minorities with gross injustice. Coming to the question of the safeguards and the weightage, Sind occupies a peculiar delicate position. Sir, you know that there are atrocities that are going on there, that there are dacoities that are being perpetrated there, that there are communal riots rampant there: and if the minority community—my constituency—which consists of not only Hindus, but Indian Christians, Parsis and others, are not given sufficient safeguards and adequate protection, it will be sheer injustice and against all British principles.

Then, with regard to the weightage for the Sind minorities, let us go to this White Paper, by way of an illustration. Sir, it is known full well that the population of Sind is 3.9 millions. That means 12 Noon. about 39 lakhs. Sir, out of this, the population of the minorities is about 27 per cent. and the others are 73 per cent. I find from page 76 of the White Paper that for the Federal Assembly and for the Council of State five seats are allotted to Sind and, as the minority communities are 27 per cent., at least they should be given two seats. But what do we find? We find that out of these five seats, only one is given to my minority constituency, three to Muhammadans and one to Europeans. Sir, Europeans in Sind are a negligible minority and yet they get one seat out of these five. Therefore, I submit that on the question of the weightage also injustice will be done to Sind minorities if only one seat is given to them.

Then, I come to the safeguards. I submit that they are absolutely necessary in the special interests of the minorities. Sir, the profession of the Government has always been that they are the protectors of the minorities. Therefore, in the interests of the minority communities of Sind, it is necessary that sufficient safeguards should be given if Sind becomes so unfortunate as to be separated from Bombay. With regard to these safeguards, I may say that good sense after all prevailed at least among the saner peoples of Sind itself of both the majorities and the minorities. They met at a Unity Conference in Allahabad and came to an understanding. Sir, it is but equitable and will be nothing more than bare justice if safeguards of a peculiar nature are given in order to protect the minorities of Sind who are being forced to be separated from Bombay and are thus entitled to special safeguards. Sir, the safeguards, that were set up especially in the interests of the minority communities in Sind, were, first, the joint electorates for Sind. Now, if Sind is going to be separated, there is a special reason for a joint electorate. All the parties, the Hindus, the Muhammadans and others, will then be responsible to a joint electorate and would naturally create a better atmosphere. Then, Sir, this is permissible after the Award is made as it is agreed to by a common consent at Allahabad. I read it in the papers today that the Punjab has after all agreed to a joint electorate on certain grounds. Therefore, I submit, that this is the first condition, and that safeguard should be given to Sind. The second safeguard is that 37 per cent. of seats are to be given to Sind Hindus for the first ten years. The third safeguard is to have equality of franchise for both Hindus and Muslims in rural as well as urban constituencies. In respect of the recruitment to public services, it has been agreed upon that one-third of the appointments on the Public Service Commission should be reserved for Hindus and 60 per cent. of the posts shall be filled by open competition on the basis of merit alone and 40 per cent. reserved for redressing communal inequalities. Then, there is the question of discriminatory legislation which, of course, should not be made in order to put the minority communities in any difficult or invidious position. The Unity Conference came to an arrangement for Sind that there shall be no discriminatory legislation or taxation prejudicial by reason of caste, creed or tribe in acquiring or enjoying rights including the right of owning, purchasing or disposing of land in open market. With regard to the Cabinet, they held that there should be one Hindu at least in the Cabinet and the Hindu Members of the Council should have a statutory right to ask for a minimum of at least one third of the expenditure on education to be incurred for Hindus.

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As to the communal riots, I submit that they should be put a stop to. A wise suggestion was made that a compensatory contribution shall, if demanded by one-half of the Members of Hindu or Muslim Members of the Legislature, be levied from the Mussalmans or the Hindus, whoever may be in fault for the loss of life, property and honour. Without these and such other safeguards, I submit, it will be absolutely indiscreet, nay, it will be dangerous, for the minority communities, to separate Sind. Sir, I will now take only a minute or two more to make one or two observations. I do not want that I should be misunderstood. I have nothing more to say upon this White Paper with regard to India. Most of the objections I have already said in a nutshell. For want of time I only wish to add that the Dominion Status which is the demand of the people has not been given by this White Paper. Even our enemies, the Birkenheads, Churchills and the O'Dwyers, would endorse this. Even with regard to the responsible Government which His Majesty declared that we would get is not reflected in the White Paper. We have hitherto been given only two small instalments of it and the progress is so slow that the White Paper is not acceptable to the country, yet what I read in the papers is that Mr. Churchill has the hardihood to say that the proposals in the White Paper are tantamount to giving India to Gandhi. This is only a political device. On the other hand, we know that there are also certain friends of India in England who have given their opinion most honestly and fearlessly. One of them, Mr. Maxton, said as follows in the House of Commons :

"If there was one country where advance was less than it was 150 years ago, it was India and we should leave India to work out her own salvation. My opponents might describe it as cut and run policy suggesting cowardice and shirking of responsibility. We describe it as giving human beings to whom resources of civilised world were open, the responsibility of living their own lives and conducting their own affairs."

With these observations, Sir, I bring my remarks to a close.

Seth Liladhar Ohaudhury (Central Provinces Hindi Divisions: Non-Muhammadian): "Sir, it is evident that we do not get by the White Paper Swaraj or anything like it. Instead of the sweets (of Dominion Status) that were promised, brickbats (of reservations and safeguards) are hurled at us. The close fist-d miser who is always ready with a flat refusal is more honourable than the so-called pseudo-benevolent. If it is not intended to offer the substance of Swaraj, why don't the Government say so? No body is going to pull out their tongue if they finish the game by telling a plain "N-O, No." In my opinion, the White Paper is not worth its white paper content even and should be returned to its authors smeared with honey who may please themselves by licking at it."

Mr. H. P. Mody (Bombay Millowners' Association: Indian Commerce): "Mr. President, I do not think this House has been called upon to deal at any time with issues which are more momentous, and Honourable Members who have taken part in the debate have shown themselves conscious of that fact by the tone and temper of their criticisms. I recognise, as everyone else must, that this is no occasion for rhetoric, no occasion for rancour. At the same time, I must say that this is also no occasion for diplomacy and we would be altogether failing in the duty which we owe to ourselves and to the country if we fail to give expression, very fully and

frankly, but, at the same time, with the most scrupulous fairness to our reactions to the White Paper. Sir, I do not wish to go into details; I want to deal with the picture as a whole, and the test that I would like to apply to the White Paper is somewhat different from that which was applied just now by Diwan Bahadur Ramaswami Mudaliar. I would ask three questions and by the answer to these questions I would judge the constitutional proposals before us.

I would ask in the first place: To what extent does the Constitution provide for the elimination or weakening of the control of the Secretary of State? (*U Kyaw Myint*: "None.") What is the measure of the responsibility transferred to the representatives of the people? (*U Kyaw Myint*: "None.") And, lastly, what hopes does the Constitution hold out with regard to the moral and material progress of the country? (*U Kyaw Myint*: "None.")

Now, Sir, as regards the elimination of the control of the Secretary of State, let me say that I regard it as highly anomalous that the governance of a vast country should be carried on at a distance of 5,000 miles,—at the end of a wire, or wireless, as my friend, Dr. DeSouza, says. I regard that as highly anomalous and those who have followed the inner workings of the Government during the last few years are beginning to recognise the danger of the situation, the danger to good government and to progress involved in the interference of the Secretary of State with the day to day administration of this country. Sir, to what extent is this done away with by the proposals which are outlined in the White Paper? There are a number of safeguards provided in the Constitution. The Governor General and the Governors are armed with wide powers of intervention; they are armed with special responsibilities, with discretionary powers, with Ordinance making powers and the like; and one of the main objections to the granting of these wide and autocratic powers to the Governor General and the Governors is that to the extent that these powers reside in them, they will be exercised by the Secretary of State. I draw the attention of the House very pointedly to it for the reason that this aspect of the case has not yet been touched upon, and that one of the fundamental conditions of good government has not been secured in the White Paper, and that is, the reduction or the elimination of the control of the Secretary of State in the day to day administration of this country.

Coming to the second of my tests, I want to know what is the measure of responsibility transferred to the representatives of the people. And there, Sir, I shall merely refer to the various powers which are reserved to the Governor General and the Governors. Certain Departments, and very important Departments of Government, are left entirely as reserved Departments to the Governor General. I agree with my Honourable friend, Sir Cowasji Jehangir, that we did not think that those Departments would be transferred to our control during the transition period. I concede that; I am merely drawing attention to the fact that there are important Departments of Government which are absolutely reserved to the Governor General. On the top of that, he has got special responsibilities which embrace a large variety of functions; then there are additional powers with regard to legislation, with regard to the arresting, initiation and the vetoing of legislation. There are, again, powers with regard to the making of Ordinances, powers for the initiation of currency legislation in this House, and, finally, powers over the services and over railway administration. Sir if you take into consideration what enormous powers are sought to be

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reserved in one way or another in the hands of the Governor General, then I think you will easily realise that what is left to the responsibility of the Ministers is of a very attenuated character.

I shall refer in passing to the position of the services. My Honourable friend, Sir Cowasji Jehangir, drew pointed attention to the way in which the services are sought to be removed from the control of either the Legislature or the Ministers, and the point was very ably developed by my Honourable friend, Diwan Bahadur Mudaliar, this morning. I would only like to draw the attention of the House to what the Chairman of the Services Sub-Committee said on this question. It is to be found at page 83 of the report of the special Sub-Committee on services, of which I had the privilege of being a member:

"My view would be this, subject to one consideration and one consideration only, that the recruiting authority and the controlling authority must obviously be the same. I should like the recruiting authority and the controlling authority to be the Government of India, functioning through a Public Services Commission in whom everybody would have the utmost confidence."

In defiance of this opinion, and of that of the majority of the Sub-Committee, it is now sought to take away the control of the Ministers over the Services.

In another important Department, also, namely, that of Railway Administration, the control of the Minister in charge is sought to be taken away by the device of a Statutory Railway Board, and I would like to know what the precise functions of this Board are going to be. Are large questions connected with railway administration, questions of rates and fares and the like which have a vital bearing on the commerce and industry of the country to be taken away altogether from the purview of this Legislature and the responsible Minister? If so, the establishment of the Statutory railway authority will be resisted to the utmost by public opinion.

I now come to the financial safeguards and, in connection with that, arises the question of the establishment of a Reserve Bank. I was one of the very few people who, at the first Round Table Conference, pressed for the elimination of all control on the part of the Governor General over the Finance Member in the discharge of his responsibility in the matter of the finances of the country; and my point of view was that in view of the exceptional powers which resided in the Governor General, and in view of the fact that as regards the service of debts, payment of pensions and the like, and the guarantees we were prepared to give for the due fulfilment of our obligations and our responsibilities, I said, in view of all this, it was not necessary to provide for any meticulous financial safeguards. In expressing that view, I was in the excellent company of one in whom I think my friends of the Treasury Benches should have the utmost confidence, I mean Sir Bhupendra Nath Mitra. In the Federal Structure Sub-Committee he expounded in great detail his view that there should be no financial safeguards fettering the responsibility of the Minister in charge of the Department, and he gave reasons based on his long experience of government in this country. I should like to ask in this connection why it is that, if an Indian was placed in charge of the Department, he should be held unfit to carry out the responsibilities of that Department. Why should it be found necessary that the way in which he manages his Budget, the way in which he imposes taxation, should be subject to the over-riding authority of the Governor General? Sir, every one recognises the great

services done by the present Finance Member to this country. He has been the one Finance Member who, in my deliberate opinion, has looked at every question from the Indian point of view and has done his best to safeguard the interests of the country. But, Sir, there have been predecessors of our Finance Member, men who have meddled with our currency and with our resources, who have inflicted in the process crores and crores of losses—I refer to Reverse Councils and the 1/6 Ratio as instances—and have left the country. What possible control have we had over those people? We are now going to have one who will not merely have the facile task of criticism from this side of the House, but will have to shoulder the full responsibility of his actions or his omissions; and if he tinkers with the currency, if he tinkers with the finances of this country, his career in this country is finished. That can hardly be said of people who come out to this country for a few years and who disappear after they have handled or mislandled the finances of the country. I repeat that in view of the exceptional powers which reside in the Governor General and in view also of the statutory guarantees which we are prepared to offer, there should be no financial safeguards of the character adumbrated in the White Paper. In this connection, Sir, comes the question of the establishment of a Reserve Bank. My Honourable friend, Diwan Bahadur Ramaswami Mudaliar, said this morning that he wanted a Reserve Bank; so do we all. The idea of a Reserve Bank has been before the country for pretty well 35 years; I think it was first mentioned before the Fowler Commission by Mr. Alfred de Rothschild. Since then the idea of a Central Bank has been continually before various Commissions and before the Government.

Now, Sir, while we are all agreed that we must have a Reserve Bank which would take in hand the functions which are now dually performed by the Government of India and by the Imperial Bank of India—so far as the control of currency is concerned by the Government, and so far as the control of credit is concerned by the Imperial Bank—while we are agreed that these dual functions could best be discharged by a Central Bank, I want to ask, as my Honourable friend, Diwan Bahadur Mudaliar, has asked, who is to control that Bank? In the discussions which may take place in London on that point I hope we shall approach it with the utmost fairness and without any prepossessions and prejudices. But the point of importance which I like to stress in my place here to day is that it must be ensured that the control of the Reserve Bank is largely in Indian hands. Sir, it may do you good, I venture to submit with great respect, occasionally to be reminded of your utterances. What you said during the discussions on the Reserve Bank Bill was that you did not want the domination of foreign capitalists, you wanted control in hands which were Indian and national (*An Honourable Member*: “In the hands of Bombay.”) Bombay may, by its virtual supremacy in these matters, be in control, but I shall not anticipate matters at this stage, otherwise my Honourable friends may oppose the very idea of a Reserve Bank.

The next point is this—what is the object of having on the top of all these safeguards and reservations an addition to the number of Members which was never contemplated at any of the stages of the Round Table Conference? Is the third Member to be a sort of C. I. D. over the Ministers? I can understand the two Members for the Reserve Departments, for Defence and for Foreign Relations. The additional Member suggested in the White Paper would probably be given a roving commission for keeping an eye over the Ministers and the Legislatures. Unless

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the additional Member is to have some such commission given to him, why do you require one more Member than was envisaged at any time during our discussions at the Round Table Conference? I say that the existence of the additional Member will be a grave menace to the proper discharge by the Ministers of their functions.

Sir, if I have time later on, I would like to say a few words about commercial safeguards. At the present stage, I would only say this that at the First Round Table Conference a formula was evolved, a formula in the drafting of which, and in securing the acceptance of which, I took a very active part. The formula evolved was that while we do not stand for any discrimination of any sort or kind, at the same time we wanted that national industries, key industries should be protected and safeguarded in some way. That position, it will interest my European friends to know, was agreed to by Lord Reading and by Sir Hubert Carr, the representative of the European community, at the various Conferences. That formula has been given the go-by and now something else has been evolved. If I have time, I shall show to my friends that if this sort of safeguard is sought to be laid down, it may react against them, and that it may not do them any good. At the same time I wish to assure my British friends that I shall be the last person to ask for discrimination of any sort or kind. My only anxiety is that the key industries of the country should be fully safeguarded.

Now, Sir, the question I would like to ask is, if, in all these various matters which I have briefly touched upon, Ministers' powers are to be strictly circumscribed, what is the position going to be? He will continually have one eye on the Governor General and another eye on the Federal Legislature. In framing any proposals, he will first sit down to consider how far they will be supported by the Governor General, and then how far they will be acceptable to the House, and it may be that if he finds his position becoming untenable *vis-a-vis* the popular section of the Federal Legislature, he will continuously take refuge behind the powers which reside in the Governor General. In this connection, Sir, let me read to you what the Prime Minister said on this question:

"But every care must be taken to prevent conditions arising which will necessitate their use."

He was talking of reservations and safeguards:

"It is for instance, undesirable that Ministers should trust to the special powers of the Governor General as a means of avoiding responsibilities which are properly their own, thus defeating the development of responsible Government by bringing into use powers meant to lie in reserve and in the back-ground. Let there be no mistake about that."

These are the words of the Prime Minister and I say, Sir, that the Minister's position would be rendered absolutely untenable. While on the one hand he will be subservient to the Governor General, on the other hand he will try to play up, whenever he can, to the popular section of the House, and I regard that as an absolutely impossible position. Then, Sir, what will be the position of the Legislature? To what extent will the Legislature be able to control the Minister? When the Minister finds himself in difficulties, he will, as I said, first of all take refuge behind the powers of the Governor General; in the next place he will try and come to an understanding with that section of the House which may be relied upon for taking the most conservative view of things. I can easily

conceive of circumstances arising under which the popular section of the Legislature will be absolutely impotent to deal with the Minister, and where, then, will be the responsibility of the Minister to the Legislature?

I ask, Sir, what is exactly the fear which is responsible for all these safeguards and reservations? Is it to an undiluted democracy that power is going to be effectively transferred, a democracy which may be expected to play tricks with the Constitution, and to discharge its responsibilities in a most irresponsible manner? Is it that consideration which is operating upon the minds of those who are sitting down to frame this Constitution? I cannot imagine how any one can entertain such a fear. Take into consideration the composition of the Legislature. In a House of 375 Members, as many as 125 Members will belong to the Princely Order, or to the nominees of that order. There will be special interests: there will be the interests of landholders and others who may be depended upon to be conservative in their outlook; there will be minorities also which may be depended upon, as I say, to take a most cautious view of any experiment with the Constitution; and, Sir, do not forget in this connection the Upper House which is going to be given concurrent powers in practically every respect. In the composition of that Upper House, out of 260 Members, as many as 100 will belong to the Princely Order. Whenever there is a deadlock, the two Houses will meet together; and, Sir, I make bold to say that the occasions on which the conservative elements in the Federal Legislature will not be able to make themselves felt will be extremely rare.

That brings me to the question of the Federation and the Princes' part in that Federation. I must confess I have been a great sceptic all along with regard to this idea of Federation. I have held the view which I have consistently expressed that I do not think that the conditions were ripe for a fusion of this character between British India and Indian India. But the idea was sprung upon the Conference; and before we had, so to speak, recovered from our surprise, it became a "*fait accompli*", and all that was left to do was to try and see how that idea could fructify. But, in my own justification, I may be allowed to point out that, at the conclusion of the First Round Table Conference, I said in effect: If Federation comes into being—and we are now committed to it—well and good; if it does not come into being, let us have our responsibility at the Centre under all circumstances of the case. Now, what is the position with regard to this ideal of Federation? Apart from any reluctance of the Princes to come into the Federation,—and I can understand their fears and anxieties with regard to bringing their States into the arena of democratic politics—I can understand their legitimate fears in this respect—apart from all that, I fail to see a fair basis for a Federation of this character when I examine the financial aspects of the question. If there is going to be a proper financial adjustment between the rights of British Indian provinces and the rights of States, the States will have to bear a larger burden than they seem now prepared to bear. I say, therefore, that the financial arrangements relating to the Federation are of such a character that in my opinion the Federation will take years to build up. What then is going to be the position in the meantime? I would like to say very plainly that while we cannot possibly go back upon the idea of Federation to which we have definitely committed ourselves at three Round Table Conferences, I for one am not prepared to pay an undue price for the privilege of an alliance with the Princes. (Hear, hear.) If the Princes form an alliance with British India, it will be good for the

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whole of India, provided the conditions of their alliance with us are of a reasonable and fair character. But, Sir, if it is sought to bring about this Federation—to try and secure responsibility at the Centre by this means—at the sacrifice of our vital interests, then, I repeat, I for one am not prepared to pay that price. (Hear, hear.)

Then, another condition is laid down and that is in regard to the establishment of a Reserve Bank; I do not know how those four conditions which have been laid down as conditions precedent to the establishment of such a Bank are going to come about in the near future. We live in a period of the utmost uncertainty, and I do not think that within the next few years at any rate those conditions are likely to be satisfied. What then is to happen to the idea of a Federation? Is the Federation to be hung up, because there is no Reserve Bank properly functioning? Is the Federation to be hung up, if the Princes still want time to make up their minds? If the Federation is to be so hung up, what is to happen to responsibility at the Centre? While I do not charge any single person, I say that our representatives generally did not put sufficient emphasis on this demand for responsibility at the Centre while they were at the Round Table Conference . . .

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhammadan): They were not our representatives: they were nominees of the Government.

Mr. H. P. Mody: It is no use saying that. I will not speak for myself; but there are many men who can claim to be representatives of the people even though they were not elected by any method of popular election.

Then, there is another important question which I would like to deal with for a moment and that is, to answer the point that has been made by several speakers, and that is this: "why are you so afraid of safeguards? After all, these safeguards cannot be brought into being without a conflict between the Legislature and the Ministers or without a conflict between the Legislature and the Governor General, and, therefore, these safeguards are purely illusory". I am not of that opinion. Is the Constitution going to function through breakdowns? Is it to function through clashes between the Ministers and the Legislature and between the Minister and the Governor General and the Governor General and the Legislature? I say, Sir, safeguards are safeguards, and my idea of working a Constitution is not to create crises, to create impossible situations.

I would only say one word more, and that is with regard to the future position. I ask my friends on the Treasury Benches to take a long view of the situation. There are two sections in this country: one, the extreme nationalist section which is powerful, which is vocal, but which is at the moment quiescent, because of circumstances which we need not enter into. Then, there is the other section which, I think, is represented by my Honourable friends here, namely, the section which is anxious to do what it can to work the Constitution. How are you going to make it possible for this section to establish their position in this country? If you provide safeguards, if you do not provide a Constitution which will function smoothly and which will ensure to the people a decisive voice in the management of their own affairs, you render impotent that very class

of people on whom you primarily rely for making the Constitution a success. I ask my Honourable friends on the Government Benches to realise the position, not as it exists today, but as it may exist after a few years, when they may find that all those elements, upon whom they have relied and on which every country relies for a successful functioning of the Constitution, have been swept off their feet, and the field is left entirely to extremists. I strongly urge that these points of view which we have dealt with in the course of this debate be laid before His Majesty's Government and the Secretary of State, and I hope that in the Select Committee, which is going to be set up, they will be duly considered, and a Constitution will be evolved which may endure, cement the bonds between India and Great Britain and contribute to the progress of the world.

Raja Sir Vasudeva Rajah (Madras: Landholders): Sir, I do not propose to cover a wide ground in this discussion mainly for the reason that the point of view of my Party will be represented by other Members. I propose to confine myself to certain specific points of importance with special references to the interests I represent. Federation, Central Responsibility and Safeguards are the triple bases on which the Constitution as embodied in the White Paper rests. Those three principles have been universally accepted in India. Even the Congress party accepted them when they made their agreement with Lord Irwin. The only question now for consideration, therefore, is how far these principles are properly balanced in the proposals before us. Whether the Federation is only an eye-wash, whether Central Responsibility is a reality or is blurred by the peculiar character of the Federation on the one hand and the safeguards on the other, is the main issue before us. That the way of Constitutional Progress in India lies through Federation no one can deny. But is the Federation we contemplate and desire the same as that envisaged by the present proposals where the scope of Federation is carefully restricted, where the Legislature is so composite that neither parties nor majorities can ever exist, where the Financial Powers and resources are so curtailed as to enable the Viceroy to put a Federal Government in a Court of Wards even from the beginning. Nor can I imagine that there is much Central Responsibility vouchsafed to the Federal Government when extensive concurrent Legislative Powers, no doubt desirable in cases of emergency, exist in the hands of the Governor General, and the essential services continue to be recruited not to meet the desire or the needs of the Government in India, but at the will and pleasure of the Secretary of State.

Sir, to me it appears that the most crucial problem is not the existence of the Financial Safeguards and the special responsibilities of the Governor General, the justice of both of which I accept, and nobody in India denies, but the extent of control and authority which is vested in the Secretary of State. What all responsible men in India have asked for and urged for a long time is not that Indians should be given full Self-Government all at once, but the centre of authority must remain in India where it would be possible for the Government to understand the needs of the people and the changing necessities, instead of six thousand miles away, concentrated in the hands of a Parliamentary Minister advised by Councillors whose experience is both out of date and based entirely on service traditions. I for one am not a very great believer in democracy, but it is impossible for me as a landholder to believe in absentee authority.

[Raja Sir Vasudeva Rajah.]

Speaking now as the leader of the Landholders' Group in this House, I regret to have to say that the proposals of His Majesty's Government do not take into consideration either the special position or the legitimate claims of the landed aristocracy of India. Sir, it is generally levelled as an accusation against the British Government that in times of crisis and change, they forget their friends and the claims of those who loyally stand by them. I for one have never believed that this could be the case, but, Sir, I ask, what am I to believe when I find that the Government are anxious to hear the views and placate the opinions of all sections in this country except those who, in fair weather and foul, have supported them and who have never refused co-operation or a call for help in times of crisis. In the Provincial Legislatures, although the total number of seats has been increased largely, the number of landholders' seats remains the same. Even in the Central Legislature, the same is the case. This is indeed a grave injustice done to the class which I represent; especially in view of the conditions of the world today when institutions cherished for centuries are crumbling into dust and subversive movements directed against property and authority are the features of social activities. Under these circumstances, is it unjust for the landholders to demand that there should be special safeguards in the Constitution, to secure their interests and that the weight of their counsels in the Legislatures should not be diminished, if it could not be increased? I am not speaking this merely in the interests of the class I represent. Who will deny that the future of India depends on ordered and stable progress, and what section of the community represents better the principle of stability, or have greater traditions of Government and leadership, than the landowning aristocracy of the country? It is all the more extraordinary that these proposals should emanate from a country whose traditions are so fundamentally aristocratic and whose greatness for centuries has been built up by the unselfish activities of the landholders. It is indeed a further irony that the Conservative Party which is the embodiment of the principle of social traditions should be the sponsors of a scheme which deprives the landholders of India of the existing proportion of influence in Legislatures.

Now, Sir, I come to one of the curious characteristics of the proposals placed before the country. The White Paper proposes that the United Provinces, Bengal and Bihar should have bi-cameral Legislatures.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): I must rise to a point of order, Sir. I do not wish to disturb the Honourable Member, but we must remember that these speeches which are read out so hurriedly in this House will be communicated to the Secretary of State, and if my Honourable friend is expressing opinions of a character which are entirely opposed to the opinions expressed by a majority of my friends here, my friends who will follow him will not be able to contradict him.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): What is the remedy that the Honourable Member is proposing?

Sir Cowasji Jehangir: The remedy is that the Honourable Member should make the speech he reads so that every Honourable Member may understand what he is saying. That is the remedy, Mr. President. It is not fair to the other Members of this House that he should rush through

a speech of this sort written out and without our being able to understand what he is saying, and from what little I have been able to make out, my Honourable friend is saying things that might have been contradicted . . .

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Order, order. The Honourable Member is raising a serious point which is very unfair to other Honourable Members. He cannot expect every Honourable Member of this House to be a trained and perfect speaker as he is, and every Honourable Member has probably his own defects of speech, and every Member must be allowed to read or speak according to his capacity.

Sir Cowasji Jehangir: But he must read it in a manner that every Honourable Member of the House can understand him.

Raja Sir Vasudeva Rajah: I can say everything I have read so far in my own words. . . .

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The Honourable Member can proceed now.

Mr. C. C. Biswas (Calcutta: Non-Muhammadan Urban): We understand him all right.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): We also understand him all right.

Raja Sir Vasudeva Rajah: Now, Sir, why these three Provinces alone have been so favoured is a matter that is beyond my comprehension. The Central Legislature of India is to be bi-cameral though its powers are carefully restricted, but in the Provinces where effective powers have been transferred and where authority is vested in a wide and mobile electorate, the Government have decided that the Legislatures should be uni-cameral. It is unnecessary for me at this stage to enter into the comparative merits of uni-cameral and bi-cameral Legislatures.

As a distinguished Constitutional writer, Dr. Herman Finer, has recently observed:

"Any discussion of Legislatures in Modern Constitutional States which failed to treat of the nature of the Second Chamber or Upper House would be incomplete. It is everywhere a vital question and, in some States, it is an urgent unsolved problem. For, no lesson of Political History has been more deeply imbibed than that which teaches the uses of a Second Chamber. Uni-cameral Constitutionalism or Government by one Chamber, is a comparatively rare and always temporary phenomenon in the history of the Great States; while bi-cameral Constitutionalism, or Government by two Chambers, is the method characteristic of all important States today."

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): It is Friday, Sir.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): How long will the Honourable Member take?

Raja Sir Vasudeva Rajah: I will take two or three minutes more.

[Raja Sir Vasudeva Rajah.]

"The exceptions at the moment are, all States of little Constitutional significance, such as the four new Baltic States, Finland, Esthonia, Latvia and Lithuania; two Balkan States, Jugoslavia and Bulgaria; and Turkey. Experiments in the uni-cameral method have generally been tried during periods of revolutionary reconstruction only to be ended, in the succeeding period of reaction or even while the revolutionary regime persisted, by the re-establishment of the Second Chamber as was in the case of England; for example, during the period of Cromwell's Protectorate."

The desirability of a Second Chamber has ceased to be a matter of argument. As Sir John Marriot has put it:

"The World, by a sober, considered, and unanimous verdict has affirmed its belief in the necessity of a Second Chamber, and uni-cameral experiments have been tried and failed."

I would recommend this passage to the notice of my friend, Sir Abdur Rahim, who spoke the other day against the establishment of Second Chamber in this country.

In the face of the unanimous opinion of the world and of all countries, except Soviet Russia, surely an example not to be copied by India, the Government have decided that the great Provinces of India are to be governed on a uni-cameral basis. And what, Sir, are these Provinces? They are larger in area, much larger in population and more varied in social conditions and proprietary rights than many European countries of first class standing. And in handing over authority to a new and enthusiastic democracy inexperienced in ruling and unappreciative of the difficulties and responsibilities of those not fully represented in their Chamber, there are dangers to which the class I represent are exposed. Has there ever been a case where a deserving community representing as they do the traditions and the ideals of ages and who have a distinct and valuable contribution of their own to make to the common life of the country been so callously abandoned to the vote and suffrage of the masses?

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Order, order. The Honourable Member can continue after Lunch. He ought to know that it is Friday today.

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

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

Raja Sir Vasudeva Rajah: It is no wonder then that the landholders as a class look upon the present proposals with anxiety and alarm and are placed in the position of being without the help of their friends and without the sympathy of their new rulers. In these circumstances, we beg of the Government in the discussions that are to take place in London to reconsider the proposals as they affect the landholders and to establish the Constitution on a basis which will give them an effective voice in the shaping of the destinies of their country and a leading part in the service of their Motherland.

In conclusion, I also urge the necessity of introducing in the section dealing with fundamental rights a provision establishing the neutrality of the Government in religious matters. I desire to see incorporated in it a clause safeguarding to each man the customs and laws of his religion and the tradition on which religious usage is based everywhere. It is a question of vital importance to the conscience of a great majority of the people in this country and they naturally look with suspicion and distrust on proposals which invest the right to legislate on matters of the most profound moral and religious consideration to Assemblies consisting of members of diverse religions.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): I must inform Honourable Members that today I propose to sit till about 6 O'clock.

Maulvi Muhammad Shafee Daoodi (Tirhut Division: Muhammadan): Sir, within the short space of fifteen minutes you have been pleased to allot to me, I shall touch only the salient points. We have heard eloquent speeches in this House about the safeguards and limitations with which the future Government is hedged round, and I need not dwell upon them. At the same time I must admit that the White Paper contains more of safeguards than of powers given to the Indian Legislatures. (Hear, hear.) But when I read the contents again and again of the White Paper, what I began to think was as to why so many safeguards had come to be incorporated in it. I began to address myself as to what they were due to. Sir, I should at once say that I do not blame the authors of the safeguards. I begin to think whether we are in any measure responsible for the safeguards. My attention was at once drawn to that memorable Committee of the Unity Conference at Allahabad and the hundred and one safeguards which were demanded by Honourable friends who represented the Hindu community and the Sikh community at that place. Here is the book in my hand containing the texts of the agreements arrived at by the Committee of the Unity Conference at Allahabad. I read them after reading the White Paper and I thought to myself we have got another document of the same nature in our hands. When things like this are flashed into the world and people come to know that Hindus, Muslims and Sikhs, while sitting together in their Conference, were devising safeguards and limitations on the powers of the Legislatures and the Ministers in their respective interests, why should the Government which have got power in their hands part with it in the way in which we like them to part with? We were reminded by Sardar Sant Singh over there of the inscription which he has seen in the Imperial Secretariat Buildings. Quite true, power does not come, and should not come. I should say, to people who are so suspicious of each other. After all, we want powers to exercise them. Over whom? There should be some reasonable ground that the powers are going to be exercised properly and then and then alone can they demand them as of right.

I confess that the safeguards and limitations in this White Paper are much more than what they could have been had there been only one Round Table Conference. At the end of the First Round Table Conference, the conclusions to which the British Government had come were much more in our favour than the conclusions to which they have now

[Maulvi Muhammad Shafee Daoodi.]

come after these two subsequent Round Table Conferences. I think, at the Second Round Table Conference, we displayed our weakness to a much greater extent and it is that weakness of ours displayed in London which has brought about this result. I would, however, have kept quiet over what happened, I would have forgotten what was done at that time, but again I find the same thing is being repeated at this critical juncture. I expected after the issue of the White Paper that the attempt of Sir Tej Bahadur Sapru to bring together all sections of thought in order to gather strength to effect radical changes in the proposals of the White Paper would be most welcome to us. I do not know the result of that Conference of Sir Tej Bahadur Sapru at Benares as I am not intimately concerned with that. But what I find in the papers is that our friends here in New Delhi sat together in the Working Committee of the Hindu Mahasabha and the Hindu Members of the Central Legislature and have given us (An Honourable Member: "And the Muslim League also") a series of resolutions in which we find that the discussion has been started as to whether the Communal Award is not pro-Muslim, unjust to the Hindus, and unacceptable because of its partiality towards the Muslims. That is the sort of thing that I find some of our friends sitting in this House, along with the Members of the Hindu Mahasabha Working Committee, are doing

[At this stage an Honourable Member (Mr. S. G. Jog) was noticed reading a newspaper.]

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The Honourable Member ought not to read newspapers in the House.

Mr. S. G. Jog (Berar Representative): This issue pertains to the Maha Sabha proceedings.

Maulvi Muhammad Shafee Daoodi: I have got with me a copy of the newspaper wherein it is clearly stated that the Communal Award which forms the basis of the structure of the Constitution is predominantly pro-Muslim, is highly unjust to the Hindus and is unacceptable to them as it provides separate electorates to Muslims at the cost of the Hindus. I do not know what more one would like to say on a subject like this. But, Sir, what is more,—we have got expression of that opinion in this House. Bhai Parma Nand took upon himself to analyse the Communal Award and show to us that it was unjust. My Honourable friend, Mr. Amar Nath Dutt, wanted to raise the question of separate and joint electorates. Again, today, our friend, Mr. Navalrai, is trying to show that the separation of Sind was not quite proper. I ask my Honourable friends, are these things to be discussed now? I would have, however, felt some consolation had I found that my other friends did not concur with them. It appeared to me from their faces at the time that the speeches were being delivered by these gentlemen, that most of my friends on these Benches concurred with them. It is a very difficult situation in which we Mussalmans find ourselves in this country. On the one hand we find that we have got to live with them, and make up our differences with them. We cannot do without them. On the other hand, we see that our friends would not allow us freedom to live in this country, would like to gag our mouth, and would like to choke us.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): That is not true.

Maulvi Muhammad Shafee Daoodi: They go on suggesting plans which would hamper the growth of representative Government in this country. I expected that we would have constructive proposals in this discussion. The time was ripe for it. I am thankful to those Honourable Members of this House who have given us constructive criticism on the White Paper. The opportunity demands it and that alone should have been done. I would again ask my friends on this side to refrain from raking up the old questions if they want peace and harmony in this country.

Mr. Lalchand Navalrai: We are only on our defence.

Maulvi Muhammad Shafee Daoodi: We should go on devising means as to how we can bring about more harmony between the communities. This is the last opportunity that we have got at our disposal for this purpose. The Simon Commission is over now. The three Round Table Conferences have sat. If we be discussing the questions of separate and joint electorates, the separation of Sind, and so on, we would be cutting at the very root of that harmony.

Mr. Lalchand Navalrai: Question.

Bhai Parma Nand (Ambala Division: Non-Muhammadan): We can discuss the share of the Muslims in the services.

Maulvi Muhammad Shafee Daoodi: I did not like at this stage to refer to my friend, Bhai Parma Nand, but, I would now give him one sentence from an Eastern philosopher. He has given us many extracts from Western philosophers to show what the rights of the minorities are and what the rules and regulations devised by the League of Nations are for the protection of minorities, but my friend forgets that the circumstances of other countries and India are absolutely different. Here the Muslim minority is a minority which, I should say, is the harbinger of equality and fraternity on the Indian soil. It has brought about a state of things in this country in which you can claim that you are fit for democracy. The Muslims in this country had further a political status. They did not come here as traders. They had a political status and, so long as is possible, they would try to maintain an honourable position.

Bhai Parma Nand: Does the history of Muslim rule show that?

Maulvi Muhammad Shafee Daoodi: If you want again some quotations from the highest authority in India, so far as the Hindu community is concerned, I would give you one. That is the presidential speech at the Belgaum Congress of 1925 by no less a man than Mahatma Gandhi, one of the greatest leaders of India. It was delivered just at the commencement of the experiment of Constitution making. At that time, he had seen what communal conflict means to the future of India and, therefore, he had this relevant and very eloquent passage in his presidential address. He said:

"A common electorate must impartially elect its representatives on the sole ground of merit. Our services must be likewise impartially manned by the most qualified men and women, but till that time comes and communal jealousies or preferences become a thing of the past, minorities, who suspect the motives of the majorities, must be allowed their way. The majorities must set the example of self sacrifice."

Mr. Lalchand Navalrai: Hindus are a minority in Sind. Protect them.

Maulvi Muhammad Shafee Daoodi: You may rest assured that you will be more protected than we will be protected in other provinces.

Mr. Lalchand Navalrai: Let us hope so.

Maulvi Muhammad Shafee Daoodi: You are again sidetracking me from my point. Remember the agitation of the Hindus and Sikhs in the Frontier Province.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Order, order. The Honourable Member might address the Chair.

Maulvi Muhammad Shafee Daoodi: It was the agitation of the Hindus and Sikhs in the Frontier Province in 1925 against the Muslims in that Province that made me resign my seat in the Legislative Assembly, cut off my connection with the Swaraj Party. When, however, for the first time the question of the Hindu and Sikh minorities was put before the Muslims in the Round Table Conference and Dr. Moonje asked for three times representation for the Hindus and Sikhs in that province, without a word of murmur, the late Sir Muhammad Shafi declared that he was willing to give them all that they demanded. Not a word of murmur was uttered by anybody even in this Assembly and, out of a House of 50 in the Frontier Province, they have got 12 seats. Mind you, that was the attitude of the Muslims. Now, take the question of Sind. As to its separation, most of my Hindu friends were more willing than the Muslims themselves.

Mr. Lalchand Navalrai: Question.

Maulvi Muhammad Shafee Daoodi: They understood at the time what separation meant to them but when it was demanded on the 20th March, 1927, by Muslims a hue and cry was raised throughout the country, and what was the result? The result was that serious communal strife began to take place in Sind. Still, I tell you . . .

Mr. A. H. Ghuznavi (Dacca *cum* Mymensingh: Muhammadan Rural): On a point of order. Will you ask the Honourable Member to address you, Sir? This will prevent all these interruptions.

Maulvi Muhammad Shafee Daoodi: I would say that the Sind Mussalmans have not grudged anything to the Hindu minorities in Sind. But, what is the case of the Muslim minority in Orissa? There, the Muslims helped their Hindu brethren to bring about separation of Orissa from Bihar. They have always been trying to do what they can in order that separation might become an accomplished fact. Now that the separation has been accomplished, what have they got? Out of a House of sixty, they have got only four seats; although there is no one else to take any share out of a House of sixty, they have got only four seats: while, out of a House of fifty in the North-West Frontier Province, the Hindus and Sikhs together have got 12 seats. Since they are clamouring for more seats in Orissa, I have approached my friends, Mr. B. Das and others, who have got the upper hand in the matter, but they would treat my request in a manner which is not, if I may say so, befitting . . .

Mr. B. Das (Orissa Division: Non-Muhammadan): I told you I would give you the same weightage as in the North-West Frontier Province . . .

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Order, order. The Honourable Member is not yielding.

Maulvi Muhammad Shafee Daoodi: On the 26th of this month, all parties sat together, except those amongst Muslims who belong to the civil disobedience group, and decided upon certain points which my friends must have read in the papers. Now, those points raised are no less patriotic than my friends of the Hindu Maha Sabha have raised. I can claim that the resolution passed by the Executive Board of the All-India Muslim Conference, in seventeen clauses, are more on the lines of improving the proposals in the White Paper than on the lines of criticizing it in a manner which might simply destroy the very structure of our future political advance. (*Voices:* "Question, question.") I need not repeat here that resolution. I shall simply lay it on the table of the House so that it might be incorporated as part of my speech. Of course this has already been published in the papers:

"The Executive Board of the All-India Muslim Conference demands radical changes on the following lines:

- (1) The provinces should be granted the largest measure of fiscal, administrative and legislative autonomy.
- (2) The Governors' powers are excessive and should be curtailed.
- (3) The provincial ministers should be fully responsible to the Legislature, and should hold office only as long as they enjoy the confidence of the House.
- (4) The provincial governments should have effective control over imperial and complete control over provincial and other services.
- (5) The powers of the Governor General should be curtailed.
- (6) The High Courts should be an exclusively provincial subject. The appointment of High Court judges should be made by His Majesty on the recommendation of the provincial governors and of the provinces in which the High Courts are situated. The provincial legislature (and not the federal legislature as noted in section 175 of the White Paper) should regulate the power of superintendence exercised by the High Court over the subordinate courts in the province.
- (7) No weightage or other discriminatory privileges should be given to the Indian States.
- (8) Fundamental safeguards for the protection of personal law, education and culture of the Muslims should be incorporated in the constitution.
- (9) Provision should be made for the effective representation of the Muslims in the public services of the country and the army. Effective steps should be taken to indianize the army within a fixed period.
- (10) As the Muslims claim one third representation of the whole house in the Upper House of the Federal Legislature, and have been definitely promised one third of the British Indian share of the seats in the House and cannot see any effective way of securing sufficient seats among the representatives of the states to make up their proportion to one third of the whole House it is their considered opinion that a slightly increased proportion of their seats in the British Indian share over the one third is essential.

The Muslims further disapprove of the principle of joint electorate in the elections to the Upper House of the Federal Legislature, and urge the adoption of separate electorates by direct method.

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

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- (12) The population of Delhi and Ajmere being equal, Ajmere should have the same measure of representation in both Houses of the Federal Legislature as Delhi, and such representation should be regulated by the same principle as in Delhi, and when one is represented by a Muslim the other should be represented by a Non-Muslim in the Upper House.
- (14) That inasmuch as His Majesty's Government's decision promised to give Muslims of Behar and Orissa 42 seats out of 175 seats, i.e., 24 per cent. of the whole House by separate electorate, this meeting of the Executive Board demands that the proportion then fixed should on no account be changed and the seats should be so allotted to Muslims in the Province of Behar and Orissa in both the Provincial Legislatures that the total proportion of 24 per cent. should not be disturbed.
- (15) That representation awarded to commerce should include the Muslim Chamber of Commerce of Bengal and Behar as electoral units in their respective Provinces.
- (16) That the electoral qualifications of the landholders' constituency should be reduced in Bengal and Behar and single-seated constituencies should be changed into one multi-seated constituency in each Province by single transferrable vote.
- (17) The Indian states should not be given privileges of competing for All-India services such as the I. C. S., I. M. S., and commissions in the Indian Army until the states agree to extend the same privileges to British Indian subjects in their territories."

I would appeal to my friends not to destroy the structure at which after much labour and travail we have arrived at the present moment, but to try to improve upon it: and that improvement can only come about if we act in the spirit in which the great leader, Sir Tej Bahadur Sapru, is acting. He is trying to bring together all schools of thought for the purpose of gathering strength in order to put pressure upon those who are in authority to yield more and more to the wishes of the people.

Mr. B. Das: Has Sir Tej Bahadur Sapru any hold on the country?

Diwan Bahadur A. Ramaswami Mudaliar: More than you.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Order, order. The Honourable Member (Mr. B. Das) cannot be interrupting like that.

Mr. B. Das: Sir, I object to my friend's remarks, "more than you".

Maulvi Muhammad Shafee Daoodi: It is time, Sir, that such efforts and endeavours were made so that we may gather the greatest amount of strength for effecting radical and much-needed changes.

Now, I have got to mention one or two special points. One relates to the question of the protection of religion, culture and personal laws. Now, these things are very dear to Mussalmans and they cannot part with them in any circumstance so long as they can hold their own. But I find that the White Paper is blank on that question. Now, Hindus, Mussalmans and Sikhs sat together at Allahabad and discussed this question threadbare and they came to certain conclusions. I now wish to commend a portion

of that agreement to the members of the Joint Select Committee which will sit in London to review this White Paper. That portion is this:

"(1) The personal laws of a community shall not be modified except in response to a desire of the community expressed through its representatives in the Legislature or otherwise and commanding the support of the public opinion of the community concerned.

(2) No change shall be made in the personal law of the Muslims as it is in force in British India except in accordance with Islamic principles ;"

and the most important is the third—

"(3) If a Bill is passed which, in the opinion of two-thirds of the Members of a Legislature representing a particular community, affects their religion or social practice based on religion or in the case of fundamental rights of the subjects, if one-third of the Members object, it shall be open to such Members to lodge their objection thereto within the period of one month of the Bill being passed in the House. The President of the House shall forward the same to the Governor General or the Governor, as the case may be, and he shall thereupon suspend the operation of that Bill for one year and shall, upon expiry of that period, remit that Bill for further consideration by such Legislature. When such Bill has been further considered and the Legislature concerned has refused to modify the Bill so as to meet the objections thereto, the Governor General or the Governor, as the case may be, may give or withhold his assent in the exercise of his discretion, provided, further, that the validity of such Bill may be challenged in the Supreme Court by any two members of the denomination affected thereby on the ground that it affects their religion or social practice based on religion or contravenes one of their fundamental rights."

There is one other point as regards the appointment of Kazis for the disposal of cases regarding marriage and divorce among Mussalmans. This question was also discussed at the Unity Conference at Allahabad and I find that the representatives gathered there looked at it very sympathetically. I would commend this also to the consideration of the members of the Joint Select Committee and I would appeal to them to see their way to securing this concession to the Mussalmans of India so that they might feel safe that their religion will not be attacked by the ever-growing reformers in India who, in their zeal to reform their own religion, are going to reform also the religion of Islam which has scope enough to endure so long as there are any human beings in this world.

Lastly, I would ask my friends again that we should not be afraid of the safeguards which are contained in this White Paper. More important thing is to work together so that we may get rid of the safeguards. Now, in my opinion, if there are men to legislate and men to administer in the real sense of justice and fair play, the safeguards will in effect come to nothing. (Ironical Cheers from the Opposition Benches.) The safeguards themselves are not so menacing. So long as we have men of the type we see at present, the safeguards seem to be absolutely essential. The moment, however, the prevailing mentality vanishes, the safeguards also will certainly vanish. At any rate, the Mussalmans would be ready to ask for their abolition all at once, but so long as we find that the majority community cannot use the power entrusted to it in the right spirit, the safeguards will not only be demanded, but, I say, they will be fought for; and the Mussalmans will not allow a single line of them to be dropped. I would in the end ask my friends to try to create a band of national servants who would look at things fairly and squarely, and not in the spirit which has been displayed by some of us here and which is being displayed outside in the country. Sir, with these words, I resume my seat.

Mr. N. N. Anklesaria (Bombay Northern Division: Non-Muhammadan Rural): Sir, ever since the pronouncement of Mr. Montagu in 1917, two problems have been facing the British Government and the Government

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of India in connection with this country—the problem of efficient administration and the problem of satisfying the legitimate political aspirations of the people of this country. The solid common sense and the firm policy of the present Viceroy have gone a great way to solve the first problem and, towards the solution of the second, His Majesty's Government have published the present White Paper.

A Round Tabler the other day argued in the *Roy's Weekly* that the test of the White Paper was not whether its proposals were acceptable or not, but as to how far did they carry out the agreements, the understandings and the intentions of the Round Table Conference. With all respect, I disagree. The test proposed may be of service, if the question before the country was how far our delegates have bungled the interests of India or how far they have been duped at the Round Table Conference. In my opinion, it is idle now for the Round Tablers to proclaim to the country that they never intended this or they never understood that. Again, it would be worse than idle to charge the British Government with a breach of faith for no faith in the sense insinuated was ever plighted by the British Government. So far as I have been able to read and understand the Round Table Conference literature, the British Government have emphasised more than once the fact that the ultimate arbiter in matters like the present is the Parliament of Great Britain. Sir, the British Government delegates at the Round Table Conference ascertained the Indian point of view or, rather, I should say, the point of view of the Indian delegates and now they have published their own proposals to be laid before the Select Committee. The British Government delegates somehow managed to get the Indian delegates to lay their cards on the table without exposing their own. Our delegates have agreed to the main principles of the proposed scheme. They have agreed to the responsibility at the Centre being made conditional on an All-India Federation. They have agreed to the safeguards and they have also agreed to the separate electorates. To all these things they have committed this country so far as it lay in their power to commit us. (*A Voice*: "No.") And it is no use for the Round Tablers now to quarrel over a minor detail here or a major detail there.

Sir, unless we disavow our self-styled representatives at the Round Table Conference, we have no right in justice to complain about the main proposals contained in the White Paper. In my opinion, the test is not the one proposed by the Round Tabler. The main considerations by which the White Paper has got to be judged, in my opinion, are three: Is the scheme workable? Is the scheme in the best interests of this country? And does it fulfil the promises made and the pledges given? In all these three respects the country, with a unanimous voice, has condemned the White Paper and I do not think my poor voice can add anything to the volume of condemnation. ("Hear, hear" from Nationalist Benches.) Sir, the three conditions on which the Central responsibility is to be granted are an All-India Federation, reservations and safeguards and separate electorates as decided upon in the Communal Award which is, of course, incorporated in the White Paper. All these three conditions, I say, ought to be absolutely unacceptable to this country.

Now, Sir, as regards the All-India Federation. If time had permitted me, I would have ventured into an academical discussion as regards the

meaning of this term "Federation" and I would have been justified in taking up the time of this House in such a discussion, because I find that even now a strange misconception exists as regards the meaning and implications of this term in quarters where we would least expect it. You will be surprised to learn that Sir Samuel Hoare, the Secretary of State for India, publicly confessed that scarcely any of the great men who decided upon the fate of India in this connection understood the meaning or the implication of the word Federation. Sir, for five days the Round Table Conference discussed the question whether a Unitary Government or a Federal Constitution was the best Constitution for India, and what do we find in those discussions? I believe, not more than half a dozen speakers made any reference to the whole question. Five days time was spent in mutual admiration, and nothing else. Only one delegate from India—the representative of the Depressed Classes—gave a definite utterance to his misgivings about the whole Federal idea. Sir, as I said in my speech in the first Session of this Assembly, the case of the unitary idea at the Round Table Conference has gone by default. To be brief, I would try to enumerate the implications of the term "Federation" which Sir Samuel Hoare said he did not understand. Sir, Federation will tend to break up the Indian nation into Bengalis, Madrasis, Oriyas, Sindhis, etc. It will tend to divide the country into different provinces and more than a hundred Native States. Sir, it will tend to create and maintain friction and conflict between province and province, between British Indian provinces and Indian States, between the Governor General and his Executive Council, between the Executive Council and the Federal Legislature. Sir, it will tend towards divided allegiance and conflicting laws. It will restrain the all-India nation-building activities of the State. And, lastly, it will mean a weak Central Government unable and incapable of controlling the tyranny of the permanent majorities, either Hindu or Muslim, in the different provinces. Sir, this is not the view of my humble self alone. I can show, by citing numerous authorities, writers on politics of repute and even our own countrymen, in whom, I am quite sure, everybody would trust.

An Honourable Member: Don't you trust the delegates?

Mr. N. N. Anklesaria: No, Sir, they are bunglers. Sir, Mr. Muthuranga Mudaliar, the Chairman of the Reception Committee of the Indian National Congress in 1927, in his address to the delegates, said as follows:

"Next it is my humble opinion that the Government we should organise for India under Swaraj should be on the unitary basis. Federal Government, however suitable to the conditions of other countries, will be peculiarly inappropriate to India with its revived sense of solidarity. It will also disrupt the synthesising forces of nationalism and present a sad picture of a divided India. If there is local sentiment and local aspiration we can well provide for them by a careful process of decentralisation. Administrative units organised on a linguistic basis with adequate provisions for the needs of localities will amply answer the requirements of local patriotism. At the same time a strong Central Government will keep nationalism intact and elevate India among the nations of the world."

Sir, I would also cite, if time permitted me, the opinion of Sir Sivaswamy Aiyar and I would also refer to the considered opinion of Professor Dicey. Sir, when I was in England in 1904, a question was agitating the mind of the British public regarding some project to hold the British

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Empire together. And along with the scheme propounded by Mr. Joseph Chamberlain there was a scheme propounded of introducing the principle of Federation in the British Empire; and Professor Dicey on that scheme has pronounced the following opinion:

"The new-fangled belief in federation as applied to the British Empire is at bottom a delusion and a delusion perilous not only to England but to the whole British Empire."

Lastly, I would refer the curious to the book of the Honourable Mr. Thomas Brand, South African Union. I cited that in my speech in the first Session of this Assembly and I will say no more about it.

Sir, you may ask, when these great British statesmen, these great Princes and these great Indian delegates approved of these
3 P.M. ideas of Federation, were they all fools? No, Sir. So far as the British statesmen were concerned, they were very clever, very astute and very able men. Sir, to them, the proposal of an All-India Federation must have come, came as it did come from our own Indian delegates, as a great relief, as a way out of the awkward commitments into which the pronouncements of men like Mr. Montagu and Mr. Benn and other British statesmen had involved the British Government. According to those pronouncements, some responsibility had got to be granted at the Centre. But if the Government block in the Legislature which exists at present can be replaced by a far more servile and obedient Princes' block, the risks and dangers of the innovation would be greatly minimised. Sir, if such was the prospect before the British statesmen, who can say that it was foolish for them to have grasped it? Sir, as regards the Indian Princes, they were no fools, but as subsequent events proved, they were clever by half. They were given to understand, and they believed, that if they joined the All-India Federation, their problem of problems, the problem of paramountcy would be solved, and, instead of British India ruling them, they would have a substantial share in ruling British India. Sir, when the Maharaja of Bikaner and the Maharaja of Patiala and the several State representatives reached London, they made speeches advocating in most definite terms an All-India Federation. However, doubts and misgivings appeared immediately after they were told at the Federal Structure Committee that the question of paramountcy was outside the Federal scheme, that their subjection to an indefinite and undefined paramountcy must for ever remain and that in addition to the paramountcy they had to be subject to the new Federal Government and that secession was an impossibility. His Highness the Maharaja of Patiala, on his return to India, frankly acknowledged his mistake and published a most instructive brochure against the whole idea of Federation. His Highness the Maharaja of Bikaner, through the mouth of his Prime Minister, tried to explain away his former utterances by saying that what he meant was not Federation, but confederation, an absolutely different thing, indeed. Sir, at a banquet in Bombay, the doyen of Indian Prime Ministers, Sir Prabhaskar Pattani, publicly stated that in agreeing to the scheme of Federation the Princes had been duped. Sir, I promised to finish my speech within 15 minutes and, as it is already 20 minutes, I take it that there is no further time.

Some Honourable Members: Go on.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): When we are hard pressed for time, it is not proper that the Honourable Member should be allowed to make that sort of encouragement.

Mr. F. E. James (Madras: European): Sir, the Governor of the United Provinces, in referring to the White Paper yesterday, said that it was a document which in form was severe and, I think, that this House is to be congratulated upon dealing with a document severe in form in a formal and practical manner. I rubbed my eyes two or three times during the speech of my Honourable friend, Mr. Ranga Iyer, and wondered whether the same person was speaking, I wondered how long ago it was that the bearded *sanyasi* wrote "Father India" and other wild pamphlets. He addressed himself to a consideration of the White Paper in terms which were as circumspect as those sometimes used by the Honourable the Home Member.

Now, Sir, I desire to deal practically with a few main points and I will first of all deal with the Governor General's and Governor's powers. My Honourable friend, Mr. Ramaswami Mudaliar, this morning seemed to suggest that these powers were something which were quite unusual and extraordinary. But I want to put forward a view which has not, I think, been appreciated fully by some Honourable Members in the House. If you make a careful examination of the powers which are now given to the Governor General and to Governors together with a similarly careful examination of the present Government of India Act, you will find that a large number of powers are only being transferred from the Secretary of State to the Governor General and to Governors in provinces. These powers divide themselves into four general classes. First of all there are those that are in the Government of India Act and are being continued. Secondly, there are those which are now in the Government of India Act, and are being discontinued; and my Honourable colleagues will be perhaps surprised to learn that any powers whatsoever are being discontinued. But I assure the House that certain powers are being discontinued. Thirdly, there are those which exist at present in the Government of India Act, but which are modified. I have not the time to refer to Honourable Members all these sections. I am giving just the main outlines of these. Fourthly, there are entirely new powers, and it is the consideration of the new powers which are placed in the hands of the Governor General and Governors which perhaps the House should concentrate its attention upon. If you examine these new powers, you will find that they relate to the special responsibilities of the Governors and the Governor General, to Federal and concurrent legislation, to the possibility of suspending the Constitution and assuming the full powers in the case of a general breakdown, and to powers which are incidental to the formation of a Federation involving a Federal Court, accession of States to the Federation, and, later on, possibly a Supreme Court. There is further an important power in regard to the apportionment of the residuary powers. I have said, Sir, that many of these powers are at present vested in the Secretary of State under Parts II and III of the Government of India Act. My friend, Diwan Bahadur Mudaliar, spoke of the objection to a Great Mughal sitting in London. I would suggest that it is better to have a Great Mughal sitting in Delhi than in London. To that extent this transfer of power is a very real transfer.

[Mr. F. E. James.]

Another point, Sir, that I wish to mention is, have these powers in the past, even those which now exist, been frequently resorted to? I would say that generally speaking they have not been frequently resorted to. I am aware, Sir, that in this House certification has from time to time been used in order to pass measures which have been thrown out, not necessarily on their merits, but as a result of political demonstration. But I would remind the House that Sir Samuel Hoare himself has said, and no one can doubt his sincerity that these powers are not intended to obstruct a real transfer of responsibility. They need not water down the responsibilities of the Executive. The very exercise of these powers depends upon the constitutional temperament, Parliamentary gifts, the tact and courage of the Ministers; and they also depend upon the wisdom and sense of the Governor General and the Governors. In fact the wise Governor will be like the executioner in "Alice in Wonderland":

"He was so careful, so careful was he,

That he never used the sword that every one could see!"

It is the intention that these powers should only be used in cases of emergency, and, Sir, I would further say that the exercise of these powers would also depend upon the type of the representatives that the country sends into the Legislatures. Here I have the authority of that learned jurist, Sir Tej Bahadur Sapru, who has said:

"I consider it most necessary that the Legislatures must consist of men who will combine independence with tact, who, while refraining from encroaching upon the special responsibilities of the Governor General, will be equally ready to oppose and resist any encroachment on their powers, privileges and freedom of action."

The second point to which I wish to refer is the question of commercial discrimination which has been touched upon by my friend, Mr. Mody, and also in a previous speech by my friend, Mr. Ranga Iyer. I would remind my friend, Mr. Mody, that although he was not at the Second Round Table Conference, it was at that Conference that a substantial agreement was arrived at in regard to the provisions protecting communities against discrimination. Two particular points which have been mentioned on the floor of the House are these. First of all, that these proposed clauses will not allow India to assist her key and infant industries. Now, Sir, in regard to that I again quote the authority of Sir Tej Bahadur Sapru on this particular point. He says:

"Under clause 124, the legislature can make grants, bounties or subsidies out of public funds for the encouragement of trade and industry and such grants will not be treated as amounting to discrimination. Under that clause, it would seem that it would be permissible to impose conditions on companies regarding the composition of the Board of Directors or facilities to be given for training Indian subjects of His Majesty, if they desire to be eligible for any such grants. I think it is right and proper and imperative that the central and provincial governments should have ample power for the protection and development of the key and infant industries by the grant of subsidies, even though sometimes such action on their part might look like discrimination."

If, therefore, this clause does not operate in that way on the authority of so distinguished a jurist as Sir Tej Bahadur Sapru, I suggest that Mr. Mody's fears are unfounded.

The second point is that in regard to clause 122 of the proposals of the White Paper, it extends to any British subject, which would include those in the Dominions and Colonies, where in fact discrimination may be practised against Indians. On that we have the authority of one of whom I have always regarded it as a privilege to call myself a friend and whom

I have regarded in many matters as my *guru* ever since I came to India—I mean, Mr. Srinivasa Sastri, and he has written: “Is India to be deprived for ever of the power of retaliation?” Here I should like to make it perfectly clear that we as a community sympathise with that point of view. We have stood before with Indians in their fight against discrimination against their nationals in other parts of the world, and we do not claim anything more than those of us who are domiciled in the United Kingdom and who are prepared to give the same rights that we claim for ourselves in this country—we do not claim any more than that we should have that protection. Sir, on broad grounds these safeguards are eventualities which, I hope, will never arise. We feel, in view of past history, they are necessary; but we hope that in the future that will not be necessary if the European community ungrudgingly co-operates with Indians in the task of nation-building, in their attempts at economic reconstruction, in their desire to use the powers which are latent in the new Constitution as fully as possible—then I believe there will be little occasion for the use of these particular provisions. Much, I know, depends on the Indian Ministers of the future; but much also depends upon us and I hope that increasing co-operation will make these powers rust through disuse. There are, I think I may claim, signs here and there of a very definite character that Europeans and Indians engaged in commerce and trade and industry in this country are realising to an increasing extent their identity of interests, and the best safeguard against the invocation of any of these clauses is that. When trust displaces distrust, when co-operation is substituted for jealousy, when aloofness gives way to closer contact between the two communities, then I believe that these safeguards will be unnecessary.

Now, a word about the services. I am sorry that reference has not been made hitherto in this House to the tremendous services which they have rendered in the past, and which, in my mind and in our view, merit special consideration. I think it is generally agreed that their accrued rights should be amply safeguarded. On that there is no question whatsoever. I believe that when people of this country in the future look back upon these days, they will look upon the services as the real builders of the new India. Why? You have only got to look at the Treasury Benches to realise that those men whom we sometimes harass during the day are at night helping to build the new Constitution in such a way as to make it safe for those who will take their place. We must give them their due. I believe the services at the present time are rendering one of the greatest services to India that any particular community has ever rendered; and I think that that should be recognised. But what about the future? As I understand the position of my friends on the other side of the House, their objection is to the proposal to continue for a period of five years the recruitment of the Indian Civil and Police Services in the hands of the Secretary of State. Looked at from the purely theoretical point of view, I admit, there is a great deal to be said for that objection. But what is the practical point of view? What is the thing we are really dealing with? I want to put forward three considerations. First of all, during the period of transition which is the next five years, it is of the utmost importance that there should be no deterioration in the standard of these services. Will you get the same class of men if you do not give the same kind of security which is given to the services today,—the gilt-edged security of the Secretary of State's recruitment? It is doubtful, and yet, as I have already said, the need for the best men in the services

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was never higher than during the period covered by the transfer of power from Britain to India; and if the morale and standard and service of these officers are to be maintained at the same high level, I suggest that possibly the price is worth paying. In five years, every one hopes that the constitution will be in working order. Then will be the time to consider whether it is proper to make changes, and a stable and well-established Federal Government may then have the necessary authority and credit to take on this particular responsibility. The second consideration is, in practice have any Ministers in the transferred subjects, generally speaking, felt any disadvantage in the fact that their Secretaries have been recruited and appointed by the Secretary of State? I have never heard it said in general terms by any Minister, with whom I have talked, that the services have shown any less enthusiasm for carrying out their policies and purposes, because they owe their recruitment to the Secretary of State. In fact, I believe, experience has been, on the whole, the other way. Theoretical considerations must, therefore, sometimes give way to the more practical considerations and I do hope that those who go to the Select Committee, as representing this House and this country, will look at this particular subject in that way.

The third consideration I would bring to the notice of this House is that in the appointment of Public Services Commissions you have, in a sense, a guarantee against undue interference by the Secretary of State. I believe (if it has not already been established, it is in process of being established), that there is a convention whereby the Secretary of State almost invariably accepts the advice of the Public Services Commission. If that is the case, there can be no fear of any undue interference by the Secretary of State in service matters.

There was one small matter to which I want to make reference, which was referred to by my friend, Sir Cowasji Jehangir, and that was in connection with the proposal in para. 119 of the White Paper, that the prior consent of the Governor General, in his discretion, should be obtained before any legislation affecting the coinage or currency of the Federation or the powers and duties of the Reserve Bank in relation to the management of currency and coinage and exchange were introduced into the Federal Legislature. I had not the privilege of attending the Round Table Conference discussions, but I understand that the two reasons for that provision are: first of all, that it involves certain States who might not be in the Federation, and, secondly, that, in the event of important legislation affecting the currency, the one thing that one is most desirous of avoiding is that in anticipation of such legislation there should be any flight of capital from the country, whether permanent or temporary. I believe that those two considerations weighed with those who put this particular provision in, and I suggest that the Finance Minister of the future may be very glad to have that provision.

I had put down a few notes in connection with the Railway Board which, for lack of time, I must pass over. I merely want to say this. It is proposed by the Constitution Act to create a Statutory Railway Board and to preserve the right of Indian Railway Companies to have access to the Secretary of State in regard to disputed points and, if they so desire, to proceed to arbitration. Now, I can envisage a Board, not like the one which my friend, Sir Cowasji Jehangir, imagined—a partly elected body from this House to sit over the present Board

Sir Cowasji Jehangir: Not from this House: I did not say from this House.

Mr. F. E. James: Then, I am sorry: perhaps I misunderstood my Honourable friend; but the kind of Board that I envisage is a Board somewhat on the lines of the present Board, purely concerned with business management and administrative control. Objection, I know, is taken to this on the ground that this Board should be constituted by this Legislature and not by Parliament under the Constitution Act. Personally, I do not see why, if the Reserve Bank can be constituted by the Legislature, the Railway Board should not be similarly constituted. The ultimate control of general policy must rest with the Federal Legislature, provided the Board, on the lines indicated, were set up with wide powers of administrative control.

And this, Sir, brings me to the Federation. In spite of my friend, Mr. Anklesaria, I still believe that the ideal of a Federated India is the one to strive for and to strive for without ceasing. I admit the difficulties. I think the most powerful arguments against this proposal have been urged by my friend, Sir Abdur Rahim, and yet I believe the spirit with which the subject should be approached is really contained in very striking passages which are included in the Report of the Ministers of Indian States from the Standing Committee of Princes at the last Round Table Conference. They believe that "it is all the more necessary for the States to join the Federation at once at the outset if they want to join at all, rather than wait and higggle for better times". But, Sir, in regard to this matter, there are three considerations which I want to urge upon this House and upon those who will have the settlement of this problem, and I attach some considerable importance to these three points. It is suggested in the White Paper that a place should be found in the Constitution Act for a declaration as to respect due to personal liberty and rights of property, and the eligibility of all for public offices, regardless of difference of caste, religion, etc. It is also suggested that in the Royal Proclamation inaugurating the new Constitution certain other matters of great importance to certain communities in India may be embodied. I hope that if these suggestions are carried out, it may be possible somehow to bring within the scope of these Declarations the subjects, not only of British India, but of the Indian States who accede to the Federation. It is right to afford the fullest protection to the sovereign rights of the rulers; but the rights of their subjects should also be protected in a similar way.

My second consideration is, that I agree with my friend, Mr. Mody, that a word of warning should be uttered in connection with the financial implications of the Federation. It would be manifestly unfair that the financial burden of supporting the Federation should fall only upon the provinces of British India. Promises of immunity from certain Federal taxes may be an inducement to certain States to enter the Federation; and I am quite aware of the difficulties of the pre-Federation debt,—but it may be a heavy price to pay, and the burden of that price will fall upon British India. I hope the States,—I am sure, the greater States—will not be niggard in this matter, and that the British Government will not be too generous with our money.

And the third consideration is this. One of the safeguards asked for by the Princes is that there shall be no discriminatory legislation against any of the Federating States or subjects of such States. That is right

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and proper. But British Indian subjects and European British subjects in India are entitled to look in return to the same protection from the Federating Indian States. My own community, resident in Indian States attaches some importance to this, and we would ask the same consideration for our fellow Indian citizens from British India. Some reciprocity in this matter might appropriately appear in the Instruments of Accession.

I have been told, Sir, that these suggestions would frighten the States. I do not know. My own experience is confined to the three great States in Southern India,—I refer to Mysore, Travancore and Cochin, where the rulers are loved, where they have representative institutions, where the peoples' rights are respected and safeguarded. There is nothing to fear there, and their sane and liberal administration is a model to many another State and Province. I believe their admission to the Federation would bring strength and progress.

Now, Sir, in conclusion, I would like to ask the same questions that my friend, Mr. Anklesaria, asked just now though I am afraid I shall have to give somewhat different replies. He asked three main questions on the White Paper. First of all, does the White Paper register an advance? I claim that it does. Powers are largely transferred from London to Delhi, as a careful examination of the document will show. It is impossible in the short time at my disposal to go through all the proposals, but I would only refer to what I said about the Governor General's powers. I would refer to the grant of responsible Government in the provinces, and I would refer to a section to which nobody has so far referred, I mean section 146. If I understand it aright, it indicates that the Federal Government will in future be able to borrow on their own security in any market where they can get the money at a reasonable price. That is a very valuable and great change, and that is only indicative of what changes are contained in the White Paper if the proposals are studied aright.

Secondly, does it substantially embody the agreed or the majority conclusions at the Round Table Conference? Now, Sir, it is easy to concentrate on those which it does not embody, but if you look at the thing in broad general outline, I think the House will have to accept the view that it does represent the views of the Round Table Conferences in general. And here I would like to pay a tribute to those who went to the Round Table Conferences. It appears to be the custom and fashion in this House to decry their efforts. They undertook great responsibilities. They carried those responsibilities well. I have always felt, and I have done my best in my own community to put forward this view. I have always felt that it is up to the communities in India to support to the fullest extent by constructive co-operation their efforts. It must be remembered that the Round Tablers carried their political life in their hands, and it is on that account that I hope that the path of the co-operators will be made as easy as possible when they go to the Select Committee. Powers of destruction are still dormant, and the next election will be a tremendous test between the will to co-operate and the will to destroy. Therefore, every effort should be made in the Joint Select Committee and in this country to strengthen the hands of those who are treading the path of constructive co-operation.

My final question is this: does the proposed Constitution provide for its own self-development? Sir, I must confess that here there is some disappointment. While in those matters for which the Crown is responsible, there can be no delegation except by Parliament, in other matters, and,—I am speaking only personally now,—it seems to me that there should be means within the Constitution Act itself of developing towards greater freedom and responsibility. It is the view of those whom I represent that we do not want any more interruption of the normal life in this country; we do not want any more Royal Commissions. What we really want is an entity which is capable of organic life within itself. Sir, I believe that the result of these proposals,—I am just concluding, Sir,—whatever the circumstances of their birth, will be to create an immensely important entity which one day will be a factor in world politics. If Indians enter the new Legislatures, use their powers, recognising the special difficulties democracy must face in India, their position will increase in strength, and the safeguarding hand of Britain will gradually cease to guide. There are still important tasks before the Joint Select Committee. Once more there is an opportunity of mobilising the goodwill of Britain and India in the pursuit of one of the greatest tasks the world has ever seen. For, let not this House forget that this task is not simple, I mean the task of reconciling the conflicting claims of Britain and India. I look upon it as of much more vital importance. There is in the Library of this House a book by an old friend of mine called "Asiatic Asia". In that book, there is a Chapter on the changes in British India. The burden of that Chapter is that if you look to the West, you find the countries of the West fighting with one another for an adjustment of their needs and their aims. If you look to the East, you find the two great Eastern countries engaged in a deadly combat in order to try and find some solution of their conflicting claims. But here is something which brings a great Western country and a great Eastern country into an attempt to find some method of arriving at a solution, a solution which will bring both countries in willing partnership in a great task of co-operation. That is the real problem, and if a solution can be found, I believe it is the key to the great question which will face this world till the end of this century, the great question of resolving the conflicting claims of East and West in a world that is gradually getting smaller. It is such a great task and if I did not believe in the experience, goodwill and statesmanship which are to be found both in Britain and in India, I should not believe it possible of solution. But I believe that that is so, and here is the opportunity. It is the last one that is given, and, as our friends go on to this last stage in their great task. I am reminded of these noble words which appear on the column which faces the Viceroy's House which may well be the guiding principles for our representatives from India and for the representatives from Britain.

"In thought, faith

In word wisdom

In deed courage

In life service".

So may India, and Britain, be great. (Applause.)

Mr. Muhammad Yamin Khan: The main points by which we have to judge the White Paper are, to my mind, the power which has been transferred, the power which has been reserved, the working of the Federation, and lastly the question of the services. We have to see whether the power which has been transferred is what Indians demanded in the past, whether it is the same power which was advocated on the floor of this House continuously for several years. We have to see whether Honourable Members of this House wanted themselves that certain reservations should be placed on the powers which the future Legislature had to enjoy. When I examine those questions, I remember at once the Resolution which was moved by our late revered friend, Pandit Motilal Nehru. There is nobody in this House or outside who can say that Pandit Motilal Nehru did not reflect the views of the majority of this country. Pandit Motilal Nehru, whether people agreed with him or not, commanded great respect and, as an advocate of the people for the change of power, he put in a kind of amendment to a Resolution moved by the late Sir Alexander Muddiman. In 1924, the late Pandit Motilal Nehru had moved a Resolution to this effect:

"This Assembly recommends to the Governor General in Council to take steps to have the Government of India Act revised with a view to establish full responsible Government in India and for the said purpose (a) to summon at an early date a representative Round Table Conference to recommend with due regard to the protection of the rights and interest of important minorities a scheme of constitution for India, and (b) after dissolving the Central Legislature to place the said scheme for approval before a newly elected Indian Legislature for its approval and submit the same to the British Parliament to be embodied in a statute".

This Resolution was moved on the 18th February, 1924. In 1925, when the late Sir Alexander Muddiman moved a Resolution in this House to the effect that the majority report of the Reforms Inquiry Committee be accepted, the late Pandit Motilal Nehru moved an amendment which we may look upon as the real demand of the country. That was to this effect. I need not read the whole of the amendment. Honourable Members will find it in the Reports of the 7th September, 1925. I will only read certain portions which deal with reservations:

"The Governor General in Council shall be responsible to the Indian Legislature and subject to such responsibility shall have the power to control the expenditure of the revenues of India and make such grants and appropriations of any part of those revenues or of any property as is at present under the control or disposal of the Secretary of State for India in Council save and except the following which shall for a fixed term of years remain under the control of the Secretary of State for India:

- (1) expenditure on the military services up to a fixed limit,
- (2) expenditure classed as political and foreign,
- (3) the payment of all debts and liabilities hitherto lawfully contracted and incurred by the Secretary of State for India in Council on account of the Government of India".

Further on, he said:

"The principle of responsibility to the Legislature shall be introduced in all branches of the administration of the Central Government subject to transitional reservations and residuary powers in the Governor General in respect of the control of military and foreign and political affairs for a fixed term of years, provided that during the said fixed term the proposals of the Governor General in Council for the appropriation of any revenue or monies for military or other expenditure classified as defence shall be submitted to the vote of the Legislature but that the Governor General in Council shall have power notwithstanding the vote of the Assembly to appropriate up to a fixed maximum any sum which he may consider necessary for such expenditure and in the event of a war to authorise such expenditure as may be considered necessary exceeding the maximum so fixed".

The last portion of his motion was a reiteration of the Resolution which he had moved in 1924. From this we can see that the late Pandit Motilal Nehru wanted that the transfer of power to the Legislature should not be acceded in the case of Military and Foreign and Political, and he wanted at that time that some safeguards must be placed for the protection of minorities. You will find from the debates that this amendment of Pandit Motilal Nehru was carried by 72 votes to something like 40 or 44. We have got to see whether this White Paper deals with those demands or not.

I find that the power which has been transferred to the Legislature is in substance the same as that which was demanded by that Resolution of Pandit Motilal Nehru. Not only that, but a great deal of power has been transferred to the country which, I must frankly admit on the floor of this House, the country is not prepared to shoulder for some years. The qualification of the voters has been reduced to payment of a rent of Rs. 10 a year which means practically every adult person in the country. The man who cultivates one *pucca bigha* of land or two or three *kacha bighas* and pays an annual rent of Rs. 10 will be entitled to vote in the elections under the new Constitution. These men do not know what the Legislature is even today. The people who are returned by these voters will call themselves real representatives of the people, but I do not think anybody can call himself a real representative of these people, unless these people understand all the implications of the vote and the Constitution. Until they are in a position to check the conduct of their representatives in the Legislatures and chuck them off if they are not acting in the interests of the country, they cannot shoulder their responsibilities properly. Of course they will learn by and by. They cannot learn unless an opportunity is afforded to them. India's dumb millions in the villages do not care a bit as to what is happening in the Legislatures. They want to be left alone in peace and quiet in their villages. They do not want to be taken to the polling booth, which they consider a nuisance to go to, leaving their homes and their fields. But we must educate them. India must progress and, for this purpose, whether willingly or unwillingly, they must be brought to realise their responsibility as citizens. Now, certain powers are necessary to control the people who will come into the Legislatures. Sometimes they do not come on any political grounds, but simply on the excitement of the day. Some man is hanged and the whole city is in turmoil. If that small thing can turn the tables, then the reservation of power is essential during this transitional period.

Now, if I take these reservations one by one, the powers given to the Governor General, I see that he is not going to exercise his responsibility without first consulting his Ministers and giving an opportunity to the Legislature. So far as an enactment is concerned, he will first seek the help of the Legislature. If he comes to the Legislature and the Legislature refuses those powers, then and then only will he resort to his own powers. As far as the Minister is concerned, it is laid down in the White Paper that the Governor General will consult his Ministers, although they may have nothing to do with the reserved departments and, even in matters relating to Ecclesiastical, Foreign and Political and Army, he will place before his Ministers the whole budget and consult them, and there will be joint meetings between the Councillors and the Ministers. Now, it is for the Minister to take the responsibility or refuse it. The Minister may think that he is not prepared to take up that responsibility and that the House is not prepared to take up that responsibility, while, on the other hand, the Governor General may feel that

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it is essential to keep the internal peace and also peace with people outside and, for this purpose, he has to take the whole responsibility on himself, but the Minister will not be precluded from going into questions pertaining to the reserved Departments and I do not think that the position of the Ministers in the future will be worse than the three Indian Executive Councillors who sit in the Executive Council today. They will be in a far better position. Where they do not want to take the responsibility, they can say that they cannot share the responsibility. Now, the position is, whether the Indian Executive Councillor agrees or not, he has to share the responsibility, but, in future, he will be responsible only for those subjects which will be transferred to him. If the Legislature comes down upon him, he can easily say that it was not his responsibility. I think he will be in a much stronger position and so we need not fear about it.

Now remains the question about the protection of minorities. I have watched the debate in this House. It has degenerated into a talk in which one set of people come down on another set of people. They forget that most of these questions have been settled and they still want to discuss them. If that is the case, it is much better that these things should also form part of the special responsibilities. My friend, Mr. Lalchand Navalrai, feels that he will not be safe in Sind and my friend, Maulvi Shafee Daoodi, feels that he will not be safe in Bihar. For the sake of both these gentlemen, I would say that it is right and proper that these powers should remain reserved powers.

Now, there are certain inherent defects in the working of the new Constitution. I find that Indian Ministers will be from Indian States also. I do not see how it can be possible. The Indian States are coming to a certain extent to join the Federation. Their power and their duty is limited. The British Indian cannot interfere in questions appertaining to the Indian States except in so far as the power has been transferred to the Federation, but a Minister who comes from the Indian States will have the power, not only to interfere in matters affecting the States, but in all British Indian questions. There, of course, cannot be a possibility of a Minister having limited power; if he is a Minister, he must have the full powers of a minister in all matters. I cannot see, however, how that is possible and I suggest that it should be seriously considered in the Joint Select Committee as to how and what manner a Minister, drawn from an Indian State, can be brought into the picture of the Federation. There is another important point. Leaving aside the three Presidencies, the Governors are all drawn from the Indian Civil Service. Up to now, of course, we have had good recruiting ground for Governors from among the I. C. S., but I ask, what will the position be as regards the recruiting ground in the future? Now, if a member of the I. C. S. is to remain in the province as a subordinate under a Minister and, on the next day, he is elevated from the Chief Secretaryship to be the Governor, that will not be politically sound or decent and is anomalous. Now, when our late lamented Governor, Sir Alexander Muddiman, died all of a sudden, we had somebody at once to take charge of the Governor's duties. Then, again, also when Sir Geoffrey de Montmorency fell ill in the Punjab, we had somebody to take up the duties at once. Now, I ask, who would be the person who, in such an eventuality, would take up such duties under the new Constitution?

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): The Honourable Member himself.

An Honourable Member: The Chief Minister.

Mr. Muhammad Yamin Khan: My Honourable friend says, the Chief Minister. I wonder if my friend gave any serious thought to it or not. If the Minister becomes the Governor, he at once loses the Chief Ministership. He will have to resign from the Council and for 8 or 20 days he would not like to run this risk. That will be an impossibility. Now, there must be a certain source from which a Governor with all this experience must be drawn. This ought to be cleared up. Then, there is one other difficulty about the Acts which have to be passed by the Governor General on his own responsibility. There is no time-limit about these, as there is, for instance, in the case of the Ordinances. There certainly, I think, ought to be prescribed a time-limit for Acts passed by the Governor General on his own responsibility. It might be that one Legislature would not feel inclined to pass a particular Bill, but then there should be an opportunity given to another Legislature coming later on to do so or not; and if one Minister is unwilling, well, there may be other Ministers who may be quite ready to take up this responsibility on his own shoulders, and I think there ought to be a certain time-limit with regard to all Acts passed by the Governor General on his own responsibility.

Mr. Gaya Prasad Singh: Then you approve of this law-making power for the Governor General?

Mr. Muhammad Yamin Khan: I have not got much time at my disposal, Sir, and, therefore, I shall now say something briefly about the last item, namely, the services. I think, Sir, we ourselves in India are responsible for whatever has been embodied in the White Paper about the services. You may recall, Sir, that an agitation was started by Mahatma Gandhi that as soon as the power is transferred to the people, nobody should get more than Rs. 500 a month. Well, if that was the slogan (Hear, hear), and if I hear "Hear, hear" on this question, then, I think, that the people in the services naturally must be quite nervous and rightly nervous too. Now, I daresay, whatever we might think on this question and on that, at all events the country will support the proposition without any demur that the services should not be made the foot-ball of party politics (Hear, hear), and that the services should always remain away from party considerations. There might be some political considerations which might affect your finances, but politics should not enter into the question of the services, and their future and their prospects should not be affected merely by reason of certain people's certain inclinations in political matters. If, therefore, safeguards had to be introduced, I do not see that there is anything wrong as far as the protection to the services is concerned in the safeguards now provided, and I think that the right protection has been given to the services and, as far as was desirable under the present conditions, to those for some years to come. Of course, after this Constitution has been proved to work smoothly, there will come a time when it might be declared by the workers of the new Constitution that they are not going to interfere with the services on political grounds, and then of course there will come a time when the change will become imperative and that

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change will be demanded and will be granted. At the present time, at the present stage, in the present conditions, I think it is but right and proper that some safeguards for the services should remain so that they should be away from all political considerations.

Now, I want to say a word or two about Baluchistan and Aden. I fail to see why the White Paper fails to say anything about Aden. There ought to be a declaration somewhere or other about Aden,—as to whether it is going to be part of India or is going to be taken away.

The Honourable Sir Brojendra Mitter (Leader of the House): In answer to a question recently, Sir, it was stated that the question of Aden was still under consideration and that no decision had yet been reached.

Mr. Muhammad Yamin Khan: I cannot understand why the decision has been delayed. A decision should be forthcoming at once, because a lot of people from the Bombay Presidency, who are interested in Aden, are feeling very much perturbed as to what is going to be the future of this settlement and they want to know exactly what will be the fate of it. This must be taken up at once, I think.

Then, again, the case of Baluchistan has not been properly treated. I do not think that the way in which Baluchistan has been treated and the manner in which it has been left out is right and proper, and I think there must be something done for Baluchistan. With these words, Sir, I resume my seat.

Sir Hari Singh Gour: Sir, the three days' debate is now drawing to a close.

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

I must congratulate the Honourable Members who have spoken on this subject on their marked moderation and sobriety, and I feel, Sir, that the general tone of the debate during these three days amply redounds to the credit of the Members of this House and fully justifies the confidence which the people repose in this the only central representative institution in the country. I do not propose to traverse the grounds so ably dealt with by the previous speakers, but I wish to recall a few fundamental facts and, in the light of these facts, examine the proposals contained in the White Paper.

Honourable Members are aware of the declaration of policy by His Majesty's Government of 1917 which promised the gradual development of responsible institutions in this country. When the question was raised as to what was the meaning of the expression "responsible government", Lord Irwin in that memorable Declaration of the 2nd November, 1929, said:

"I am authorised on behalf of His Majesty's Government to state clearly that in their judgment it is implicit in the Declaration of 1917 that the natural issue of Indian constitutional progress, as therein contemplated, is the attainment of Dominion Status."

I find that in the very first Round Table Conference the Prime Minister, speaking on behalf of His Majesty's Government, very clearly stated the objective which His Majesty's Government had in view. At page 80 of

the First Round Table Conference report to which reference has already been made by Honourable Members on previous occasions, the Prime Minister said :

" At this point I will read to you the declaration which I am authorised to make by my colleagues of the Government. The view of His Majesty's Government is that responsibility for the Government of India should be placed upon Legislatures, Central and Provincial, with such provision as may be necessary to guarantee during a period of transition the observance of certain obligations and to meet other special circumstances with such guarantees as are required by minorities to protect the political liberties and rights."

Then he deals with certain other points elaborating this declaration made to the Round Table Conference. I find, Sir, that in the Second Round Table Conference, at page 111, His Majesty's Prime Minister said :

" At the beginning of the year I made a declaration of the policy of the then Government and I am authorised by the present one to give you and India a specific assurance that it remains their policy."

Then, at the last Round Table Conference, namely, the Third Round Table Conference, the Lord Chancellor, speaking on behalf of His Majesty's Government, said :

" You are going to get a constitution that, if tended, will grow and increase and gather strength and through the means of accepting the practically possible you will eventually gain the ideally perfect."

The position that was taken up in all the three Conferences as well as in the Simon report, to which references have been made in the course of the debate, was that whatever may be the future Constitution of India, it must not be static, but dynamic, an organic constitution permitting self-growth and self-development without further recourse to Parliament. That has been emphasised by Honourable Members here, and Honourable Members will find that on this point the Honourable Mr. James, who spoke on behalf of the European Group, associated himself personally as in agreement with that question. But whatever may be his view, I take it that the Members on this side of the House are of the opinion that the future Constitution of this country should be a Constitution permitting of self-growth and self-development without frequent and repeated recourse to Parliament. If that be the objective, an objective as defined in the Preamble to the Government of India Act, 1917, and as explained by the Prime Minister and by Lord Sankey in the passages to which I have referred, it follows that the objective of His Majesty's Government is to create Dominion Status in India and there is a consensus of opinion in this House and in the country outside that the Constitution must be a self-developing Constitution. To that extent, the White Paper does not furnish a sufficient answer. It has been said by several Honourable Members that the White Paper does not even mention the word "Dominion Status". It deals with responsibility, but whether it does confer responsibility and to what extent is another matter. But the people of this country and the Honourable Members in this House voicing the views of the people outside of it are anxious that the declaration which found place in the Preamble to the Government of India Act of 1917 and as explained by the Prime Minister and the Lord Chancellor and by the Viceroy of India in the passages I have quoted should find a place in the future constitutional document so that the objective may be ever kept in view and may not be lost sight of.

The second point that, I think, Honourable Members on this side stand agreed about is—and in that agreement I take it that all sections and

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communities including our friends adorning the Benches occupied by the European Group are in agreement—that the future Constitution must be an organic Constitution permitting of self-expansion and self-development. Now, these are, I think, the two basic principles of the Constitution to which Members on this side of the House would like to invite the attention of the occupants of the Treasury Benches. Now, upon the point of responsibility in the centre, there was some disagreement. In the First Round Table Conference, and, later on, it was taken for granted that responsibility in the Centre depended upon the structure of Federal Government and that, without Federation, His Majesty's Government were not prepared to grant any responsibility in the Centre. Later on, the Prime Minister's Award settling the communal problem clarified another important issue, with the result that two other basic principles—Federation and the settlement of the communal problems by the Prime Minister until some other settlement is forthcoming as suggested in the Premier's Award itself—became the two bedrocks of the future Constitution of India as adumbrated in the White Paper. A discordant note has been struck by my friend, the Leader of the Independent Party, as to the wisdom and utility of the Federal form of Government, and I find that some support to his view was given this afternoon by my friend, Mr. Anklesaria. But I think both these questions are no longer open to controversy, and if Honourable Members will recall the history of the constitutional development of this country, they will find that Federation is the culmination of the natural development of the constitutional growth and progress of India since the Declaration of 1917. The Indian Princes and the representatives of British India took part in signing the Treaty of Versailles. India, and not British India, was admitted into the hegemony of nations and became a foundation member of the League of Nations. India, and not British India, has been invited to, and was represented at, several Imperial Conferences, and, when fiscal autonomy was given, it was given to India and not to British India alone. And, I venture to submit that, in all International Conferences and Committees, it is India, the greater India, the united India, comprising the two Indias, princely and British, that have found a place. And it seems too late now to separate what came to be united by the force of circumstances as far back as 1918. It was pointed out in a memorandum of the Central Committee that the natural evolution of Indian constitutional growth must lie in the direction of the unification of the two Indias; and, even in the Simon report, this fact was not obscured, but was plainly brought out. And when, therefore, the present reforms take note of that basic principle of Federation between the two Indias, I do not think that His Majesty's Government were breaking new ground, but were merely taking note of what was an established fact of history. I do not think, therefore, that it would be any use now to revive that controversy in this House,—though open certainly it is, but I do not think it would be either wise or profitable,—to go into the question whether responsibility in the Centre can be dissociated with Federation with the Indian Princes. In the White Paper it is very clearly pointed out that if the Indian Princes for any reason do not come into the scheme of Federation, His Majesty's Government will further consider and consult the representatives of India as to what further course to adopt, and that, I think, is a very fair proposal. For the present we assume that the two Indias will be united in a common scheme of Federation. If, later on, there is any difficulty, then a new

scheme might be evolved in consultation with the representatives of British India. So far I think the majority of the Members of this House must be in agreement, but whatever difference there might be on the question of Federation, there can be no doubt that all Members occupying the popular Benches are naturally apprehensive of the wide terms in which the safeguards have been couched in the White Paper. Honourable Members have pointed out that these safeguards not only deal with residuary and exceptional powers, but they might be utilised to cripple and control the day to day administration. It has been said that these safeguards are to be used with common sense and that they are intended to deal with exceptional cases of emergency. Honourable Members on this side of the House feel that while it is so, it must to a very large extent depend upon what the Governor or the Governor General regards as a common sense view of his powers, and, to that extent, the personal equation of the Governor and Governor General must come into play in dealing with the question of safeguards. It has been said in one connection that some of these safeguards have been widely worded. That is to say, in dealing with the financial safeguards it is said in paragraph 81 at page 11 of the introduction to the White Paper:

"The definition of this special responsibility is drawn in somewhat wide terms not in order to diminish the field of responsibility of the Minister, but owing to the difficulty of giving a detailed specification of financial operations or measures which might on occasion endanger stability and call for the use of the Governor General's powers."

That these safeguards are worded in wide terms is admitted and what is said is that the categorisation of the various circumstances in which the safeguards will be used and the enumeration of certain other factors in which the safeguards might be resorted to must not necessarily imply that they give uncontrolled and unfettered power to the Governor General and the Governor to use them. Now, Sir, I am one of those who are prepared to believe that a constitutional Governor General or Governor is not likely to abuse these powers, but, at the same time, I do not wish to give him a chance to do so, and it is for that reason that Members on this side of the House desire that not only should there be no large safeguards given in wide terms, but they must be strictly defined in the Constitution Act. Some Honourable Members have said that the safeguards may be divided into two classes: one is the retention of the present recruitment of the all-India Civil and Police Services and, secondly, certain safeguards dealing with commerce, finance, currency and exchange, the Reserve Bank and the minorities. Now, both these classes of safeguards are safeguards intended for the purpose of preventing the responsible Government from abusing its powers. Now, the view that Honourable Members on this side would take as regards the Services is that the question about the Services was the subject of discussion at the Round Table Conference and at page 65 of the Report of the First Round Table Conference, paragraph 2, I find the following statement:

"We recommend that for the Indian Civil and Indian Police Services recruitment should continue to be carried out on an All-India basis, but the majority of the Committee are of opinion that recruitment for Judicial Offices should no longer be made in the Indian Civil Service."

On the next page, page 66, we find the following statement:

"Whatever decision may be reached as to ratio, the majority of the sub-Committee hold that the recruiting and controlling authority in the future should be the Government of India."

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Now, there is no suggestion that so far as the present incumbents of the Indian Civil Service and the Indian Police Service are concerned, their protection should be other than the protection which they at present enjoy, nor is there any suggestion that their pay and prospects of promotion and pension should be subjected to a control other than the control which they at present enjoy. The question is really the question as regards future recruits, and the proposal in the White Paper is that for the next five years the present system of recruitment by the Secretary of State and his control shall continue and, after five years, a Statutory Commission will be appointed which will deal with the question to be finally decided by Parliament. Now, Sir, Honourable Members know that the Statutory Commission, known as the Simon Commission, was constituted sometime in 1927. It came into this country in 1928. We are in the year of our Lord 1933 and the Simon Commission Report is still directly or indirectly under consideration. If we are to leave the future of the Indian Civil and Police Services to be dealt with by a Statutory Commission and, thereafter, by Parliament, we do not know how many years it would take before any change in the recruitment and control of these Services is brought about, and the fear that is expressed on these Benches, therefore, is that the question about the future of the Services must be decided in connection with the future Constitution now under consideration by His Majesty's Government and that the view of the majority of the Round Table Conference regarding the recruitment and control as regards the future entrants should be adhered to.

It is perfectly true that His Majesty's Government apprehend that this Constitution in the Provinces and in the Centre gives new powers to the Provincial and Central Legislatures. It may be that a section of the people who come into these Councils may do so, not for the purpose of working the Constitution, but for the purpose of breaking it. Instances like that have occurred in the past, and there is no guarantee that a similar action might not be resorted to in the future, and, therefore, there must be at hand a machinery of Government to carry on the King's Government, if representative institutions failed. That is the underlying view of the White Paper in providing for a system of Government which might continue in spite of the failure of responsible Government, and, speaking for myself, there is a good deal to be said in favour of it. But I think that the two divergent views are capable of being reconciled and should be reconciled if only they placate the criticisms that are being levelled against the independence of the Service, a service to which tributes have been justly paid from all quarters and in which I join.

I wish to point out in connection with this and in connection with the so-called commercial discrimination and other safeguards that, if these find a place in a rigid Constitution, the difficulty would be that that itself will create a hostile reaction in the country and men who would have been friends and would have respected the constitution would be treated as agents of a foreign bureaucracy or of a foreign power, and viewed with undue hostility which might impair the usefulness of the future constitution. We are all anxious that the members of the permanent services should work in hearty co-operation with the Ministers and their Government and I am doubtful, if they are placed under the control of an outside authority which exercises meticulous care, not only as to the general

recruitment and control, but, as pointed out by previous speakers, as to their postings and promotions and the various other details of their services, there might be a hostile current of public opinion directed against them which would impair the utility and usefulness which should be avoided. That is a question which, I think, was raised in the House of Commons and it is a question well worthy of consideration. But it is very difficult at the present moment to say as to what should be the line of advance on the subject. I was reading the other day a representation sent, I think, to the Government of India and to the Secretary of State by the Indian Civil Service Association. It voices the apprehensions of the members of that Service as to their future and demands that Parliament should guarantee to them their pay and pension so as to put them outside the pale of party politics and perhaps occasionally party intrigues. If you really want that the Services should be free from political influences, the Services must be independent of the Government. But, at the same time, if they are recruited and controlled by the Governor General with the aid of the Public Service Commission, I think the assurance which they demand would be amply met, and if it is not met, some *via media* has got to be found so as to give them the security they demand, so that their efficiency and standard may not suffer.

Then, Sir, as regards financial safeguards and the establishment of a Reserve Bank, we have had a re-assuring statement from the Honourable the Finance Member to the effect that that question is still under discussion and representatives of the interests concerned will be invited to collaborate with those responsible for establishing the Reserve Bank. The Honourable Mr. James—I do not know whether he was speaking for himself or on behalf of his community, I rather think the latter, and I should be glad if I am corrected if that is not so—associated himself with those occupying these Benches who advocate that like the Reserve Bank the Statutory Railway Board should be established by the Federal Legislature and not by Parliament, and that the power of the Statutory Board should be akin to the power exercised by the South African Statutory Railway Board, and as Diwan Bahadur Ramaswami Mudaliar has pointed out, both the policy and the general administration should not be thrown outside the scope of the Minister for Commerce or Transport. I do not wish to take up the time of this House by going into the details, because all these details, as many Honourable friends have drawn attention to, require a close study. There are no doubt those who possess the advantage of experience gained at three Round Table Conferences, but the rest require a much longer time than many of us, including myself, have been able to give to a close study of the White Paper *vis-à-vis* the conclusions of the three Round Table Conferences. But, taken as a whole, I think the view that this side of the House has expressed and, if not expressed, implied, is that the conception of responsibility at the Centre is a healthy sign on the part of His Majesty's Government, supported as it is by the bulk of the National Government now in power. If such a responsibility had been shouldered by the Labour Party, there might have been difficulties; but, coming as it does by the united voice of the National Government and as a free gift of England to India, it should be the policy of this House to point out to that Government in what respect the White Paper is capable of improvement and must be improved and to what extent the safeguards should

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be minimised and reduced in rigour. As Members of this House and outside have already expressed themselves in unequivocal terms, I have no doubt that His Majesty's Government will take due note of it and this debate will not have been in vain if they put in their forefront, the Honourable occupants of the Treasury Benches who have listened to this debate and who will voice the sentiments of the elected Members of this House as to what are the shortcomings of the White Paper, upon which this House has deliberated for the past three days.

Some of my friends have referred to the question of the High Courts. This House has already deliberated upon that question and Honourable Members, who asked me to refer to it, must be aware of the view that has been expressed by this House in a considered Resolution. The view on this side of the House finds echo in the deliberation of the Round Table Conference to which I have adverted. It has been pointed out by the Round Table Conference that, so far as the High Court is concerned, the reservation that has been made to the members of the Indian Civil Service is no longer necessary and I, therefore, submit that that should allay the fears which my friends behind me feel regarding the future recruitment to the Indian High Courts.

Mr. A. H. Ghurnavi: Sir, I do not stand here today to defend the White Paper. It needs no defence at my hands. I must say that the proposal contained in the White Paper, if I may say so, is a definite advance and of a far-reaching character. That the proposal requires changes goes without saying. I was very amazed this morning when I heard my esteemed friend, Diwan Bahadur Ramaswami Mudaliar, making his speech. He started this morning by saying that, after seeing the White Paper, a journalist friend of his, who was sitting by him, asked him to give his impressions on that Paper and having glanced for fifteen minutes and perusing that paper very hurriedly he gave his friend his impression thereon: he told him that his first impression was that it was a very good measure and—mark the words—"to a very considerable extent, the Secretary of State kept his word and that the proposals, many of them, were embodied according to the recommendations either unanimously or by a majority or of a considerable section of the various sections of the Round Table Conference". Then he said that, after mature consideration, he did not think there was any reason why he should depart from the impression that he received on the first occasion and gave expression to. Then, Sir, what was the point he was wild about this morning? What was there that he attacked the Treasury Benches and particularly the ferocious attack that he made on the Indian Members of His Excellency the Viceroy's Council? He attacked them saying: "Why did you do this? Why did you do that? Why did you not do that?". Good heavens! How are these poor fellows to be blamed for what has been written in the White Paper? How are they responsible for what is written there? I should have thought that he should have attacked himself. Why did you not do this? Why did you not do that? Why did you not see that this was not written? It was for you to do that, not for those Members who are here. They are not responsible for what is written in that White Paper. If any question of responsibility arises, it is that of the Secretary of State to whom Mr. Mudaliar has given a very big certificate at the beginning that he has done what he had promised us to do. Then, what

was the grievance, against whom was the grievance? It was all very amazing how he followed up the first portion of his speech and how inconsistent the latter portion of his speech was with what he said in the beginning. That, Sir, made me forget entirely what I wanted to say. I would have said a different story, but I felt so hurt, because I have the highest admiration for him. Starting in this way, after giving his considered opinion, he found that whatever the Secretary of State promised has been carried out. Then he is up in arms and levels a charge against the Treasury Benches for not doing this and not doing that

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhamadan Rural): Because they failed to carry out the agreement.

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

Mr. A. H. Ghuznavi: Sir, many members of the Round Table Conference would not have said many things if what they said in London were in cold print. Perhaps Honourable Members are not aware that at the Third Round Table Conference the speeches that were delivered were not recorded, but still Members who were present at the Conference used to be provided with a summary of the daily proceedings, and, if I remember aright, I have jotted down this morning what my friend, Diwan Bahadur Ramaswami Mudaliar, said on one of those occasions in London. He said:

"We understand your difficulties. You want safeguards, because you want to satisfy your people here that their control over "

—mind you the words,—

"You want safeguards because you want to satisfy your people here that their control over Indian administration will not suffer materially. At the same time we will have to tell our people that these safeguards will not in practice affect their control over the Indian administration."

Sir, we have heard a good deal about the proposals being hedged round with safeguards, and so on. Who are the people responsible for these safeguards?

Diwan Bahadur A. Ramaswami Mudaliar: We.

Mr. A. H. Ghuznavi: Certainly, it is we, Muslims and Hindus.

Sardar Sant Singh (West Punjab: Sikh): I am glad the Muslims come first.

Mr. A. H. Ghuznavi. Sir, I have got in my hand the minutes of the sixth meeting of the Conference held in the House of Lords on the 28th November regarding the safeguards about law and order. The discussion under this head was confined mainly to the administration of "Law and Order" and to the provision of safeguards against the breakdown of that administration. Sir, I am reading from the minutes:

"One delegate took this argument a stage further and urged that powers of intervention should be confined to the Governor, who should have the power to call in military aid without the necessity of reference to the Governor General, a restriction which implied delay: in his view it was unnecessary to invest the Governor General with the special powers in question. Another view was that, while it was important to provide for emergencies, it was equally, if not more important, to secure that the first means of dealing with an emergency, namely, the Police Force, should not be allowed to rust and so prove inadequate when an emergency arose. This view was echoed by certain delegates with personal knowledge of Bengal."

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—I may straightaway say that I was not the person who said it,—my Honourable friend, Mr. Joshi, might probably remember the name—

“who urged that in that province it was essential that powers of supervision should rest with the Governor and Governor General. A similar view was expressed of the Punjab though for different reasons, by the Sikh delegate”.....

An Honourable Member: By whom?

Mr. A. H. Ghuznavi: I am coming to that:

“He maintained that while ‘Law and Order’ should properly be transferred in those provinces where the communities were satisfied that the communal balance would be adequately maintained the dissatisfaction of his community with the Government’s communal award was such that law and order could not safely be entrusted to ministerial control. If, however, His Majesty’s Government insisted on transfer of ‘Law and Order’ in the Punjab, he would suggest that the Minister in charge be assisted by a statutory board composed of one Hindu, one Sikh and one Muhammadan, and that in the event of a disagreement between the Board and the Minister, the Governor should decide.

Another minority representative, the Hindu delegate from the Punjab, urged that the proposed emergency powers of the Governor General should be both wide and clear in order to secure his effective intervention”.

And still we complain why there should be these safeguards

Sardar Sant Singh: May I inform my friend that the Sikh delegate was boycotted by his community?

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Order, order.

Mr. A. H. Ghuznavi: All this trouble we could have avoided if, in the first year, in 1930, we could have settled our communal differences amongst ourselves; if we could have given the British people our united demand, the thing would have been different today. We failed, Sir, to arrive at a settlement in 1930.

An Honourable Member: Shame.

Mr. A. H. Ghuznavi: The House probably does not know it, but I will tell the House how we failed. Sir, the discussion in 1930 over the communal settlement was almost complete

Diwan Bahadur A. Ramaswami Mudaliar: On the basis of joint electorates.

Mr. A. H. Ghuznavi: Thank you. Sir, at the Downing Street meeting, the Prime Minister appealed to both the Hindus and Muslims for an immediate settlement, and I must say to the great credit of my colleagues, Sir Provash Chandra Mitter, and Mr. J. N. Basu, who got up and said that they would leave it to the arbitration of H. H. the Agha Khan. I assure you, Sir, I felt very nervous about it indeed, because if the matter had been left to H. H. The Aga Khan, I do not know which way he would have given his decision. But thank God, our friend from Bengal, Mr. B. C. Chatterjee, saved us from this awkward situation. He condemned Sir Provash Chandra Mitter’s action and he condemned Mr. J. N.

Basu's action, and he asked who they were to represent the Hindus? He further pointed out that they did not represent the Hindu community at all, and that the only leader the Hindu community would recognise, it was pointed out, was Dr. Moonje. Well, Sir, even after that, a settlement was arrived at. The Prime Minister laid down this principle that no majority community in any province should be reduced either to a minority or to an equality. Therefore, he was of opinion that the Punjab and Bengal should get 51 per cent. at least and he was inclined to give that number of seats in the Provincial Councils in the Punjab and Bengal where they were in majority. Before we came to the question of Bengal, we took up the question of the Punjab. Sir, for one single seat, which the Sikhs demanded we failed to come to a settlement. That seat they must have from the Muslim quota and from nowhere else, that is, they must have their pound of flesh from the Muslims. That seat was offered to them by the Prime Minister from the quota of the Depressed Classes, but they would not accept it and wanted to have that seat from the Muslims in order to reduce the Muslim majority into an equality, if not into a minority. That is the history of our failure at the beginning. Even then, in answer to my Honourable friend, Mr. Amar Nath Dutt, may I read just one paragraph from the offer which the late Sir Muhammad Shafi made? We, Muslims, were prepared to accept joint electorates, but Dr. Moonje refused to agree. Sir Muhammad Shafi said:

"We are prepared to face our community in India and to accept a joint electorate and that is because we have been moved by the pathetic appeal of Sir Chimanlal Setalvad."

He repeated the offer:

"May I say that so far as we are concerned we are prepared to accept joint electorates on the conditions named by me, firstly that the rights at present enjoyed by the Muslims in the minority provinces should be continued to them, that in the Punjab and Bengal we should have joint electorates and representation on a population basis, that there should be the principle of reservation of seats coupled with Maulana Muhammad Ali's condition. That is the position so far as we are concerned."

An Honourable Member: Maulana Muhammad Ali's formula is equivalent to separate electorates.

Mr. A. H. Ghurnavi: Sir Muhammad Shafi again appealed:

"*Sir Muhammad Shafi:* Do I understand that the proposal made by me on behalf of the Mussalmans on the basis of a joint electorate is not accepted by Dr. Moonje?"

Chairman: Would you answer that, Dr. Moonje?

Dr. Moonje: Would you please repeat the question?"

The question was repeated.

"*Dr. Moonje:* Does your proposal include my acceptance of the principle of giving a statutory majority to a community wherever it is a majority?"

Sir Muhammad Shafi: The proposal as made, whatever it includes. The proposal is made—do you accept it or do you not accept it? We have other proposals. Tell us, do you accept it or do you not? That is the question.

Dr. Moonje: I have taken notes of your proposal.

Sir Muhammad Shafi: I will repeat it if you like, if you want me to."

He repeated it, and Dr. Moonje said: "I cannot accept it."

That was the position we had in 1930. Sir, in 1931, we had full hopes that what we could not do in 1930, we should be able to do in 1931. When Mr. Gandhi went to England, we felt that he at any rate would bring about

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a settlement of the Hindu-Muslim question, that is, the communal question. Mr. Gandhi said so far as the Muslims were concerned :

" We will give you separate electorates, but you must join with me in resisting separate electorates for the Europeans, Anglo-Indians, Christians and the Depressed Classes ".

He went even further and said that if we joined him in resisting
5 P.M. separate electorates for these people, he would give us a blank cheque. And what was that blank cheque? That was that we should have separate electorates in all the provinces, that in the province of Bengal and in the Punjab we should get representation on the population basis, that is to say, 55 per cent. in Bengal and 56 per cent. in the Punjab, and, as for the other provinces, where we were in a minority, he would give us the weightage that we were now enjoying. He agreed to the separation of Sind; he agreed to the North-West Frontier Province being made a Governor's province; he gave us all that we wanted, only we should agree to resist with him the giving of separate electorates to others and also to help him in getting responsibility in the Centre. Those were the two conditions on which we could have all that we wanted. But what did we do? We acted as gentlemen. We had given our word to the Depressed Classes for whom Mr. Gandhi now sheds crocodile tears. We gave them our word that we would be behind them and that we would not let them down. And we felt that Mr. Gandhi's offer was a bait to entice us. We stood by those friends to whom we gave our words and the result was the Minority Pact.

(At this stage Bhai Parma Nand rose in his seat.)

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Order, order. The Honourable Member has not given way.

Mr. A. H. Ghuznavi: Sir, the Minority Pact, when it came to be known in London, caused a feeling of consternation in the mind of Mr. Gandhi. When he came to know late at night that the following morning our signatures were going to be put to it, he sent his emissaries in the night offering the Mussalmans more privileges than what we had demanded, provided, we did not put our signature to the Pact. My Honourable friend, Sardar Sant Singh, yesterday said that if Mr. Gandhi had been free today, wonderful things would have happened, and so on. I interrupted him and said "Question", and he was wild. I will tell you that when Mr. Gandhi went to England, he said that he was representing 95 per cent. of the people of India—not British India, but India. Mr. Ambedkar enquired who were the five per cent. that he was not representing. Although the Muslims, the Depressed Classes, the Anglo-Indians, the Christians and the Europeans said that he did not represent them, still he persisted in saying that he was representing 95 per cent. of the people of India. When the Minorities Pact was about to be signed, Mr. Gandhi went to the Ritz Hotel to see His Highness the Agha Khan and the other Moslem leaders. He told them that there was yet time to withdraw from the Pact and, if that was done, he would give them all that they wanted. My Honourable friend, Mr. Amar Nath Dutt, yesterday took us to task why we did not agree to the joint electorate. He said what a beautiful thing it would have been if we had agreed to the joint electorate. There is no communalism in Bengal; it is only on the floor of this House.

Now, I will give you the history of the joint electorate as briefly as possible. I have already exceeded my time and so I will be very brief. It was during the Minto-Morley Reforms that we got communal representation, call it communal electorate or separate electorate. The then Secretary of State, Lord Morley, gave us six seats from the six districts on a communal basis and the rest of the seats in the first Bengal Legislative Council under the Morley-Minto scheme we had to contest in a joint electorate. You will be surprised to hear that we could not capture a single joint electorate seat in the Bengal Legislative Council, although we were in a majority in Bengal, excepting one seat and that was also by a fluke. The paper of the Hindu candidates was declared invalid.

Mr. S. O. Sen (Bengal National Chamber of Commerce: Indian Commerce): What about district board elections and municipal elections in rural Bengal?

Mr. A. H. Ghuznavi: You have no experience of elections in Bengal. Then, when did this joint electorate agitation start? It started from that foolish letter that was written by Lord Olivier who was then Secretary of State. He wrote a letter to Mr. Satyamurti in Madras condemning the system of communal electorates. They got a clue from that letter and the Hindu Mahasabha started that agitation. The history of separate electorates is a long history. We could never get ourselves elected before we got separate electorates. My Honourable friend, Mr. Amar Nath Dutt, said yesterday that nowhere in the world exists separate electorate. It does exist even now.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Perhaps it is as unfortunate a country as India.

Mr. A. H. Ghuznavi: Lord Morley in 1909, said:

"The Muslims demand three things. I had the pleasure of receiving a deputation from them and I know very well what is in their minds. They demand the election of their own representatives to these councils in all the stages, just as in Cyprus, where I think the Muslims vote by themselves. They have nine votes and the non-Muslims have three or the other way about. So in Bohemia, where the Germans vote alone and have their own register. Therefore we are not without a precedent and a parallel for the idea of a separate register".

Then, Mr. Asquith said in the House of Commons:

"Undoubtedly there will be a separate register for Muslims. To us here at first sight it looks an objectionable thing because it discriminates between people and segregates them into classes on the basis of religious creed. I do not think that is a very formidable objection. The distinction between Muslim and Hindu is not merely religious but it cuts deep down into the traditions of the historic past and is also differentiated by the habits and social customs of the community".

Again, to my Honourable friend, Mr. Amar Nath Dutt, I will say that great men of India like Mr. Gokhale were for separate electorate. He was in substantial agreement with the views of the Government of India on Muslim representation. The Congress and the Muslim League were for separate electorates. They passed a Resolution in 1916. Lord Sinha was for a separate electorate. He said so when he introduced the Bill in the House of Lords. Pandit Jagat Narain of the United Provinces, Sir Surendra Nath Banerjee and my friend, Kumar Shib Shekhareswar Ray, were also for separate electorate. Will my friend be satisfied if the

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late Mr. C. R. Das was for separate electorate? In 1928, Mr. C. R. Das entered into what was known as the Bengal Pact with the object of settling Hindu and Muslim differences. This Pact was ratified at the following session of the Bengal Provincial Conference and it provided for communal representation in the Bengal Council and in local bodies in the proportion of 60 to 40 accordingly as either community was in a majority of population and for the grant of 55 per cent. of Government appointments to Muslims.

Then, our friend and colleague, Mr. Chintamani, who went to London (who was a Minister in the United Provinces), giving his evidence before the Reforms Enquiry Committee, said this. He was asked:

"I believe you had something to do with the granting of separate electorates to the Muhammadans in the District Boards.

Answer.—Yes.

Question.—This state of things may also partly be due to the very fact that the Muhammadans having been satisfied in the demand that they were putting forward for a separate electorate there is now less friction between the Hindus and the Muhammadans."

Mark the words,—“there is now less friction between the Hindus and the Muhammadans”.

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

Mr. A. H. Ghuznavi:

"*Mr. Chintamani.*—Now, one cause of the friction has been removed”.

Mr. S. C. Mitra: What are you reading from? Is it from Sir Abdulla Suhrawardy's dissenting note?

Mr. A. H. Ghuznavi: Yes, I am reading from a supplementary note of dissent by Sir Abdulla Suhrawardy. Sir, I shall not take up the time of this House any longer. I have explained the position to my Honourable friends. We, Mussalmans, have always been agreeable to come to any proper understanding with our Hindu brethren. We gave them an offer in 1930. We gave them the offer to go as far as “joint electorates”. Sir, we know what would have been our fate after we had come back, and how we would have been treated by the Muslim Community, and I know it for a fact that, merely because Sir Muhammad Shafi made an offer for joint electorate in his speech black flags awaited him when he returned. Nevertheless, we still wanted to face our community and bring about a fair settlement between the Hindus and the Mussalmans. Sir, there is a moral to be learnt. If only we had agreed amongst ourselves, if we had only made a joint demand on the British people, this White Paper would have been different from what it is today! Safeguards have now been provided. Yes, we asked for those safeguards; several Hindus asked for safeguards; it is no use putting the blame on His Majesty's Government. At the same time, Sir, I say that this White Paper will have to be drastically changed before it can be accepted by this country. (Applause.)

Mr. K. O. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, we have been told in this House. . . .

Mr. N. B. Gunjal (Bombay Central Division : Non-Muhammadan Rural) : On a point of order, Mr. President. I suggest that as tomorrow has been fixed for a non-official day, we can perhaps continue the debate on this subject tomorrow?

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty) : Order, order. That request might be addressed to the Government at the end of the debate.

Mr. K. C. Neogy : We have been told in this House more than once that it is a dual policy that the Government have been following for the purpose of solving the great Indian problem. It is a two-fold policy,—a policy of repression and a policy of constitutional advance, a policy, that is to say, of coercion coupled with conciliation. Sir, I seem to notice a frown on the face of the Honourable the Home Member at the use of the expression, “policy of repression”. But I am not speaking without authority. In the House of Lords, in 1931, while discussing the White Paper of that year, the Under Secretary of State said :

“In the long run, repression is no remedy. Political discontent requires a political cure,”

admitting in so many words that the other half of the dual policy was certainly a policy of repression. Now, Sir, we are dealing with the other half of the policy in this White Paper, and if this represents a political remedy for a political malady, then all I can say is that it is one of the worst quackeries that has been known in the political history of the world.

Now, Sir, what is it that we have been encouraged to hope for and what is it that we have got in the White Paper? My Honourable friend, Sir Hari Singh Gour, took us through the history of the various pledges that were given to this country by Great Britain, and he expressed his disappointment that although Lord Irwin gave an assurance of the attainment of Dominion Status by this country, there is no mention of that expression in the White Paper. I need not go back to the earlier history. I would ask my Honourable friend to examine the recent pronouncements of responsible politicians of Great Britain and he will find an answer to his question. It was in 1931, when the White Paper was under discussion in the House of Commons, that Mr. Churchill for the first time tried to explain away this promise of Dominion Status. He said :

“Dominion Status? That merely implies a rank; and, so far as rank is concerned, India certainly did attain to Dominion Status as early as the Imperial War Conference. Having participated in the War Conferences and the Peace Conference, having been an original member of the League of Nations, India has attained that status already.”

He said that Dominion Status was something different from the Dominion form of Constitution which was never promised to India. Now, I should not have very much troubled myself over this statement of Mr. Churchill's had it not been reinforced by no less a man than Sir Austen Chamberlain, who, as we all know, had a good deal to do with the historic pronouncement of August 1917. Sir Austen Chamberlain, speaking on that occasion, corroborated this interpretation of Mr. Winston Churchill and he invited Lord Irwin to say definitely as to whether that was not the correct interpretation and whether he did not agree with it. A few days later followed the debate in the House of Lords, and what do we find? The Archbishop of Canterbury, in spite of all his sympathies

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for Indian aspirations, had no hesitation in agreeing with this interpretation of the expression "Dominion Status", and Lord Irwin, who spoke later, had not a single word to say about it. Now, if my Honourable friend in his diligent studies goes into the subsequent pronouncements of responsible Government spokesmen in England, he will find that this expression has been religiously avoided in all of them. Now, Sir, we have been told that in the White Paper, that was issued in 1931, a promise was given that the responsibility for the Government of India was going to be laid upon the Legislatures—Provincial and Central. Let us, therefore, forget "Dominion Status" and examine the proposals from the point of view of responsible Government. Can anyone in this House, even including Mr. James, say that we have got all that is wanted in a responsible system of Government, even in regard to the provinces where it is claimed that we are going to have almost complete autonomy? My Honourable friend, Mr. Ranga Iyer, is not here. (A Voice: "He is here.") Is he? Well, I am sure, the test, which Mr. Goldwyn Smith has laid down for the purpose of determining as to whether a Governor satisfies the requirements of the head of a responsible Government, will, I am sure, be appreciated by him. Mr. Goldwyn Smith says this, in dealing with the changes that take place in the constitutional powers of the Governor,—when there is a change from what is technically called representative Government to responsible Government:

"A Governor is now politically a cypher. He holds a petty court and bids champagne flow under his roof; receives civic addresses and makes flattering replies, but he has lost the power not only of initiation but of salutary control."

Other constitutional writers have pointed out that horse-racing and cricket should form the more appropriate matters of interest for a Governor under a system of responsible Government than actual administration. If a Governor had the necessary tact, he could certainly in a way influence the policies of a responsible Government, but then there must be no whisper that he was seeking to do it. Now, Sir, let my Honourable friend, Mr. James, say as to whether, even in regard to the provinces, we can say that this picture approximately corresponds to what is given in the White Paper?

Now, Sir, I come to the Central Legislature, because my time is very very limited indeed. All of us on this side of the House greatly appreciate the spirit of the speech of my Honourable friend, Mr. James. Mr. James, referring to the special responsibilities of the Governor General, said that there is nothing very extraordinary in all that has been laid down there. Either some of these are already in existence under the present Government of India Act or they are very necessary for the promotion of the general interests of the country. The Governor General, under the present proposals, will have so many different functions and responsibilities that I did not wonder that a speaker in the House of Commons said that for a Governor General of the future Constitution of India what was needed was an Archangel Gabriel and Winston Churchill roled into one. When I went through the long catalogue of the duties and responsibilities of the Governor General, I was forcibly reminded of a very powerful Divinity in the Hindu Pantheon possessing five heads and perhaps as many pairs of hands—the All-powerful Shiva. Now, Sir, for the first time the Governor General will get Statutory recognition of his status as the Viceroy, the Viceroy having no statutory existence at the present moment. This

will be the incarnation of Paramountcy, the Viceroy. Then we have the Governor General with reference to his personal responsibility to Parliament and His Majesty's Government, in respect of Defence, External Affairs and Ecclesiastical administration. Thirdly, we have the Governor General exercising special responsibility in the Federal sphere. Fourthly, we have the Governor General exercising the discretionary powers with reference to the Legislature and other things. And, fifthly, we have the Governor General exercising his control over the Governors of Provinces in regard to the Governor's special responsibilities in the Provincial sphere. Now, Sir, time will not permit me to examine all the various functions that have been assigned to the Governor General in all these various capacities, but I will just take up one of the points relating to special responsibility. Honourable Members will find that, in regard to this special responsibility, it has been clearly laid down that it is not to be confined to spheres of administration, but that it should be for certain clearly indicated general purposes. That is to say, this responsibility would not be confined to any definite subjects, but it would be an all-pervading responsibility in regard to the Federal sphere. And, now, if we come to examine one of the various items laid down with regard to the operations of the Federal Government in respect of which the Governor General's special responsibility will have to be exercised, we find this. This is the last item in the list on page 9 of the White Paper: "Any matter which affects the administration of the Reserved Departments". Now, the principal Reserved Department being Defence, let us see how this works out in practice. And here I have the great advantage of having the opinion of the Honourable Members opposite. Although they have imposed on themselves a vow of silence in regard to the merits of this question, I am in the happy position of quoting from their Despatch on the Simon Commission report which has a great bearing on this particular point. Two out of the three Honourable Members who are at the present moment sitting on the Front Bench opposite were signatories to this Despatch, and I daresay they remember what they wrote on that point. The Simon Commission made a somewhat similar recommendation to that made in the White Paper regarding the Department of Defence, namely, that it should be a separate Department, that is to say, a Department to be administered directly under the responsibility of Parliament, and the Government of India, in their Despatch, were vehemently protesting against that suggestion. They pointed out that the Defence problem could not be treated separately from the other problems of administration:

"The Army Department is in contact with the Civil Departments from day to day. At present, it deals with them on an equal footing, but if it became an authority separate from the Central Government, some conflict would almost certainly ensue".

Then, in another place, they give a long catalogue of the interests of the Army Department in the civil sphere. They say:

"In considering the wider aspects of the defence problem, the defence administration of the State cannot be dissociated from other branches of the administration such as (now my Honourable friends should count the number) Finance, Maintenance of Order, Quelling of Civil Disturbances, Posts and Telegraphs, Railways, Trade, Shipping and Transport, Labour, Health and even Education. The efficiency of the fighting services depends to a large extent on the general efficiency of the nation in these Departments, and on the degree to which the national resources have been co-ordinated in peace and can be harnessed in War".

They are insisting on co-ordination with regard to the normal activities of the various Departments in times of peace; they are not dealing with conditions of war. Now, once again read what is there in the White

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Paper. "Any matter which affects the administration of the Reserved Departments", the principal of them being Defence. In what manner can this House expect the Governor General to exercise his powers of special responsibility if we are to accept the verdict of the Government of India on this particular point? That shows the amount of responsibility that is being allowed to the future Federal Government.

Now, Sir, time is pressing and I will just now proceed to the question of the Statutory Railway authority. I have no time to go into the history of this ignoble proposal. If Honourable Members desire to read the past history, I will refer them to the proceedings of this House, dated the 26th February, 1931, where they will find that I had once the opportunity of relating that history at page 1347. Now, Sir, this proposal originated from the Government of India in that Despatch from which I have just quoted. I have no quarrel with the Government of India. They are perfectly at liberty to hold whatever opinion they want. But, Sir, when that Despatch was sent up, we in this House did not know anything about it, and when I raised that debate to which I have made reference, and when I related the whole history of this question, Sir George Rainy, who himself was a signatory to that Despatch, seemed to have been taken by surprise and he said: "Well, why should Honourable Members think that anything would be done behind the back of the Assembly?" This is what Sir George Rainy said:

"My Honourable friend is afraid that we may smuggle through by some concealed methods provisions about the railways which the country does not want. What does the whole Round Table Conference procedure mean but procedure by discussion and agreement; and how is it possible in those circumstances, and how can His Majesty's Government connive at the sort of schemes which the Honourable Member thinks the Government of India have in their minds?"

I do not know whether he really remembered what was written over his signature on this particular point. However according to Sir George Rainy, His Majesty's Government could not agree to any such thing being done without discussion at the Round Table Conference. Sir, I have the advantage of speaking in the presence of about half a dozen members of the Round Table Conference, and I ask them to tell the House whether the Round Table Conference was at all given an opportunity of discussing this question. What happened was that the suggestion was smuggled in by the Federal Structure Committee into one of their reports, and member after member got up and protested against this action over a subject which was never discussed, and yet it finds a place in that report. But, then, when the Consultative Committee was appointed in India, this question was placed before it, and I do not know whether there is any member of the Consultative Committee present here just now. (*Some Honourable Members*: "Mr. Ghuznavi".) Mr. Ghuznavi will bear me out when I say that the Consultative Committee did not approve of the proposal as embodied in the White Paper. They said that, if need be, the Indian Legislature should be left free to legislate in the matter. That was the opinion of the Consultative Committee; but even this opinion of the Consultative Committee was not brought up for discussion at the Third Round Table Conference, in spite of certain suggestions which, I understand, were made by Sir Purshotamdas Thakurdas, if not by others also. This is how Sir George Rainy's assurance has been given effect to, and we read that this question is still under discussion between the Government in England

and the Indian Government. And I have severe complaint against the Honourable Member in charge that he has not taken this House into confidence in this matter, although it was admitted by the Honourable the Finance Member yesterday that this House is vitally interested in this question. The procedure which he has mentioned of a consultation which would take place in London, I may respectfully point out to him, does not find support on this side of the House. We have got too painful experiences of the hole and corner fashion in which these Conferences are held and in which the selections of members for these Conferences are made. My Honourable friends, Sir Cowasji Jehangir and Diwan Bahadur Mudaliar, referred to this question of the Statutory railway authority, but, I am afraid, neither of them did full justice to the case. The time at my disposal does not permit me to go into any great length in dealing with this question. But, Sir, I will say this that agreeing with Mr. James I demand that the Statutory Board should be set up by a Statute of this House, and when I make this statement I am prepared to take a challenge that the non-official section of this House will be with me if there is a straight vote taken on this issue. Diwan Bahadur Mudaliar has said that it does not at all matter if the body is set up by Parliamentary legislation if the points on which we are keen are provided for. My Honourable friend's experience at the three successive Round Table Conferences ought to have told him that he could not expect the British Government to act in response to Indian opinion in this matter, nor could he expect the British Government to honour any agreement which might be arrived at at the conference to which reference was made by the Finance Member. Diwan Bahadur Mudaliar referred to the South African Constitution. I have a book here dealing exhaustively with the South African railway policy. It is no doubt true that the South African Union Act, which is a Parliamentary Statute, did lay down the general lines on which the Statutory Railway Board should be set up. Mr. Mudaliar has given a quotation from the most important section which requires the appointment of a Statutory Railway Board by the Governor General in Council. But my Honourable friend perhaps is not aware that under that Parliamentary Act it is open to the South African Legislature to lay down detailed provisions and to interpret the Parliamentary enactment in this particular matter. If my Honourable friend were to look up this book, he would see that the Railway Board Act under which the Statutory Railway Board in South Africa at present operates is an Act of the South African Legislature subsequent to this Parliamentary enactment; and, in this Railway Board Act, the South African Legislature has explained this particular section to which I have made reference. This is how they interpret it:

" Railways, ports and harbours of the Union shall be administered and worked under the control and authority of the Governor General in Council to be exercised through a Minister of State who shall be advised by the Board."

That is the constitutional position of the Board in South Africa. It is an advisory board, the entire responsibility for the administration being of one Minister of Transport. Sir, I have no time to deal with the Railway Board Acts of Canada. There no enactment of the British Parliament requires the setting up of a railway authority. It is no doubt true that the Canadian Parliament itself has adopted certain enactments setting up an authority of railway management. Now, Sir, time is short; I have just formulated a few points on which we must insist. We on this side of the House would never be able to reconcile ourselves to a statutory authority set up by virtue of a meticulous provision of the new Constitution Act. I

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have said that the first and foremost condition is that the Board must be set up by a Statute of the Indian Legislature and, as Mr. James said, there is no differentiation possible to be made between the case of the Railway Board and that of the Reserve Bank. In regard to both of these institutions what Government want is to prescribe a Constitution which would keep them above political influence. And I invite my Honourable friends sitting opposite to give up their Sphinx-like silence and tell me what exactly the points of difference between these two institutions are which can possibly justify the enactment of the provisions relating to the Statutory Railway authority in the Constitution Act and not by an Act of this Legislature, as is proposed to be the case in regard to the Reserve Bank. Now, Sir, to proceed with my conditions, the composition of the Board should be adequately representative of Indian commercial and industrial interests, and the technical management may be left in the hands of a small body of experts appointed by the Board. The Board, which should be subject to the general control of the Federal Legislature, should have certain statutory obligations corresponding to its statutory powers. These obligations should include among others the following:

responsibility for the financial success of the railway management as a whole and with reference to each group of railways, a responsibility which could be brought home to the trustees or the members of the Board if anything went amiss;

responsibility for providing a stated contribution to General Revenues; responsibility for maintaining the railway property in good repairs and with unimpaired efficiency;

responsibility for providing adequate facilities for movement of goods, parcels and passengers at reasonable rates and fares;

responsibility for a proper encouragement of Indian industries and commerce;

responsibility for speedy Indianisation of railway services;

responsibility for the purchase of railway stores from India whenever available; and

responsibility for the removal and prevention of racial discrimination on the railways.

These are the few points on which we must insist whether such a body is set up by this House or by any other authority, though, as I have said, I should strongly protest against any interference in regard to the details of such a body being made through the Constitution Act.

U Kyaw Myint (Burma: Non-European): Sir, I shall be very brief indeed, in view of the lateness of the hour. You know, Sir, and the House will remember, that Burma has been mentioned, dishonourably mentioned, in a foot-note in the White Paper, and nowhere else, so that, if I presume to address this House, it will not be in the capacity of a representative of a province which has not yet made up its mind, but as a citizen of India.

I have sat during the last three days in agony on the Opposition Benches—in agony because of the extreme moderation of the speeches. This House has already been accused of one betrayal, commonly called the Ottawa Betrayal; and we are now in danger of being accused of a second betrayal, the White Paper Betrayal.

Sir, the shadow of the invitations to the Joint Select Committee has lain very heavily on this House. (Hear, hear.) The Honourable the Leader of the House showed an air of great detachment when he started the ball rolling: "Here you are, I have finished with it". That seemed to me to be his attitude. And though very rarely indeed have the Treasury Benches intervened in this debate, I wish to Heaven that the Honourable the Finance Member had not intervened in this debate at all, because he has intervened only to throw a bombshell in our midst, thereby creating more shadows of more invitations to more Conferences. I, as a Member, a somewhat unruly Member, sitting on the Opposition Benches, greatly resent the tone of moderation that has prevailed in the debate. I am grateful to the few Honourable exceptions: Mr. B. Das, Sardar Sant Singh, Mr. Gaya Prasad Singh, Mr. Joshi, and (from the most unexpected quarter) Mr. Anklesaria, and, lastly Mr. Neogy. With these honourable exceptions, the participants in the debate were either defending themselves as members of former Round Table Conferences, or defending their activities at the various Round Table Conferences, or defending their rights to invitations to future Conferences.

An Honourable Member: What do you say about the Leader of your own Party?

U Kyaw Myint: I shall come to that, Sir. I was greatly disappointed with the first speaker from the Opposition Benches. With the greatest respect I will name him: the Honourable the Leader of the Independent Party. I was equally disappointed with the speech of my own Leader. How can I, sitting on the Opposition Benches, allow such an unreasonable moderate tone of criticism to pass unchallenged?

What is the idea underlying the White Paper? Let us go back a few years, to the famous Declaration of 1917, which may be called the beginning of the present Reforms. Take the declaration of 1917—thank God, the person who was the author of that declaration is dead; he would commit suicide if he were alive. Take the present Government of India Act, the Act of 1919, which is now in force, then the Simon Commission, then the Simon Report, and then the series of Round Table Conferences, and now the future Conferences, of which I am really afraid. Whatever name we may give to them—call them Joint Committees or Divided Select Committees—they are going to put us in a more awful mess than we are in at present. (Of course their shadow does not fall on me. Nobody is going to pay my passage to England, least of all myself, because I cannot afford it.) At every stage we see on the part of the British Government an attempt to wriggle out of the Declaration of 1917. Are we to be a party to their escape from their attitude of 1917? Hark at Sir Samuel Hoare himself. What did he say at the Third Round Table Conference? What does he say now in the House of Commons? I quote these extracts as examples of the way in which they try to escape out of the definite attitude taken in 1917. This is what Sir Samuel Hoare said at the Third Round Table Conference:

"The safeguards are not intended to obstruct a real transfer of responsible power. They are not intended to impede the day to day administration of any Indian Minister. They are rather ultimate controls that we hope will never need to be exercised."

Here is something worse. The other day, in the House of Commons, he said:

"The safeguards are not paper safeguards and, if necessary, they can be carried into

[U Kyaw Myint.]

Sir, I have followed in the press the reports of two debates, one in the House of Commons and the other in the Council of State. I have followed also, in great agony, for three days the course of the debate in this House. In the House of Commons, Sir Samuel Hoare and his colleagues were defending the White Paper as against the attacks of Mr. Winston Churchill and men of that ilk. Here the Government of India have chosen, perhaps wisely, not to defend the White Paper, and the only person who has attempted to defend it from the point of view of the Government or of the ruling nation is my Honourable friend, Mr. James. How can I agree with Mr. James? Mr. James's mind is the mind of a member of the ruling race. He is not sitting on the Treasury Benches, but his mind is never very far from the mind of my Honourable friends on the Treasury Benches. How can I ever agree with him? What is the idea underlying the White Paper? It is not how much Great Britain can give to India, but how much she can withhold from India. That is the idea.

Sir, an Honourable gentleman who has preceded me has already said that the Federation outlined in the White Paper is not the Federation that we were so enthusiastic about at the end of the First Round Table Conference. I agree with him. The Federation has been hedged round with so many impossible things—safeguards, rights of minorities, rights of Princes and rights of other classes—that it is not worth the paper on which it is described. And I give this as my considered opinion: Taking the White Paper at its face value (and I cannot think of any other way of taking it), all the probabilities are against the formation of the Federation itself, and I think we shall have to reconsider our position as regards the Federation—not only the Province of Burma, which has not yet made up her mind, but all the other provinces as well. Is entry into the Federation, as it is outlined in the White Paper, worth while for any part of British India? Sir, Burma will have to make up her mind one way or the other before the next month is out. For the information of the House, I may mention that on the 25th April there is to be a special Session of the Burma Legislative Council. I really do not know what the reaction in Burma is to the White Paper. It may be that, because Burma has been mentioned only in a foot-note, the people of Burma have not given to the White Paper the careful consideration that the Indian public has given it.

I have intervened at the very end of this debate only because I feel I must make an emphatic protest against the tone of moderation indulged in by every Honourable Member who had addressed the House. I have given my impression of the idea of the British Government in formulating this White Paper. The British Government and I will never agree: I do not suppose they will care, but we shall never agree. (Applause.)

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): I think the debate must now close. Does the Honourable Member, Mr. Amar Nath Dutt, want his amendment to be put to the vote?

Mr. Amar Nath Dutt: No, Sir.

Mr. N. B. Gunjal: May I repeat my suggestion, Sir?

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Have Government got to say anything about the suggestion of Mr. Gunjal?

The Honourable Sir Brojendra Mitter: The suggestion of Mr. Gunjal, as I understood it, is this: that tomorrow may be devoted to the continuation of the present debate instead of Resolutions. That is a matter which is not in our hands. If Members, who have got Resolutions for tomorrow, agree to give up their Resolutions and go on with the present debate, then the Government have no objection to that course.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): So far as the Chair is concerned, it would not be possible to make that alteration at present. The Chair would certainly have no objection if the House as a whole and every Honourable Member, who has drawn a place in the ballot, agree, but the Chair finds that some Honourable Members, who have drawn a place in the ballot for tomorrow, are not even present in the House, and, without their consent and the consent of the whole House, the Chair cannot alter the agenda, especially in view of the fact that places are secured as a result of a ballot.

Mr. S. O. Mitra: Those who are not here, I think, it is their own fault and because they are not present they cannot withdraw.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Those who are not here are not expected to know that at six o'clock on the previous day they will be asked to forgo their right to move their Resolutions.

Sir Hari Singh Gour: Sir, some of them are here and early in the day I was consulted about this question and I sounded the Honourable Members, but I found that some of them were not prepared to waive their rights.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Under these circumstances, the Chair cannot help. The Chair, within the three days limit at its disposal, tried its very best to see that 6 P.M. every section of the House was represented in this debate. The original question was:

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

Since which an amendment has been moved:

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

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

The question is that this substitution be made for the original proposition.

The motion was adopted.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty):
The question is:

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

The motion was adopted.

Sir Hari Singh Gour: Mr. President, will it be recorded in the proceedings of the House that this was unanimously passed—nobody said "No"?

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty):
It will be recorded in the proceedings of the House in the usual way in which decisions of the House are recorded and no departure will be made in this case

The Assembly then adjourned till Eleven of the Clock on Saturday, the 1st April, 1933.