

25th January, 1934

THE
LEGISLATIVE ASSEMBLY DEBATES

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SEVENTH SESSION

OF THE

**FOURTH LEGISLATIVE ASSEMBLY,
1934**



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1934

Legislative Assembly.

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THE HONOURABLE SIR SHANMUKHAM CHETTY, K.C.I.E.

Deputy President :

MR. ABDUL MATIN CHAUDHURY, M.L.A.

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MR. K. C. NEOGY, M.L.A.

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

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

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Assistant of the Secretary :

RAI BAHADUR D. DUTT.

Marshal :

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

Committee on Public Petitions :

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SIR HARI SINGH GOUR, KT., M.L.A.

MR. T. R. PHOOKUN, M.L.A.

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

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LEGISLATIVE ASSEMBLY.

Thursday, 25th January, 1934.

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

MOTION FOR ADJOURNMENT.

SIGNING OF THE INDO-JAPANESE COMMERCIAL TREATY IN LONDON.

Mr. President (The Honourable Sir Shanmukham Chetty): I have received a notice from Mr. B. Das that he proposes to ask for leave to make a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance, as follows:

"The proposal of the Government of India that the Indo-Japanese commercial treaty shall be signed in London, which will reduce the Constitutional Status of India to that of a subordinate branch of the British Administration and dishonour the Fiscal Autonomy Convention."

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

(No objection was taken.)

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

STATEMENTS LAID ON THE TABLE.

Mr. P. R. Rau (Financial Commissioner, Railways): I lay on the table:

- (i) the information promised in reply to parts (a) to (d) and (f) of starred question No. 1930 asked by Mr. S. G. Jog on the 11th December, 1933;
- (ii) the information promised in reply to unstarred question No. 316 asked by Pandit Satyendra Nath Sen on the 14th December, 1933;
- (iii) the information promised in reply to parts (b) and (c) of unstarred question No. 271 asked by Mr. S. C. Mitra, on the 11th December, 1933; and
- (iv) the information promised in reply to parts (b) and (c) of unstarred question No. 26 asked by Sardar Sant Singh on the 5th September, 1933.

USE OF AN OFFICER'S CARRIAGE FOR JOY RIDES UNDER THE ORDERS OF THE DIVISIONAL SUPERINTENDENT, MORADABAD DIVISION, EAST INDIAN RAILWAY.

*1330. (a) and (b). The Agent, East Indian Railway, reports that the reply to the first part is in the negative. As regards the second part, a saloon was placed at the disposal of the widow of an officer recently deceased, for her journey from Delhi to Moradabad, as a special case owing to the condition of her health.

(c) The answer to the first part of the question is ordinarily in the negative, but special circumstances may arise which justify special treatment.

(d) No staff in whatever grade they may be are permitted to travel without tickets or passes.

(f) In the circumstances explained, Government do not consider that any special action is called for.

VACANCIES IN THE GRADE OF SUB-HEADS IN THE EAST INDIAN RAILWAY ACCOUNTS DEPARTMENT.

316. (a) A statement is laid on the table containing the information required by the Honourable Member.

(b) Yes, without prejudice to the claims of those who have already held such posts satisfactorily for a number of years.

(c), (d) and (e). The questions are not quite clear. I understand that there is no bar to promotion to class I if the candidates are eligible under rules. Two clerks who have passed Appendix D or E examination were recently promoted to Class I.

Statement referred to in the reply to part (a) of Assembly Question No. 316 asked by Pandit Satyendra Nath Sen.

Nature of vacancies.	No.	How filled up.
(i) Permanent	7	Demoted Sub-Heads 2 Clerks who have passed Appendix 'E' and S. R. A. S., Pt. II 1 *Other classes of staff 4
(ii) Officiating or temporary	16	Demoted Sub-Heads 11 Clerks who have passed Appendix 'E' or S. R. A. S., Pt. II Nil. Other class of staff 5 (as a purely local arrangement; four have since reverted.)

DENIAL OF CERTAIN BENEFITS TO THE INDUSTRIAL HANDS OF THE EAST INDIAN RAILWAY PRESS.

271. (b) and (c). Agent, East Indian Railway, reports that the industrial staff of the East Indian Railway Press are governed by the same terms of service as monthly paid workshop employees in other workshops of the East Indian Railway. These differ from the terms by which the clerical staff are governed in matters of leave, passes and eligibility for the Provident Fund.

QUALIFICATIONS OF CHARGEMEN IN THE CARRIAGE AND WAGON SHOPS, NORTH WESTERN RAILWAY, MOGHALPURA.

26. (b) Statement 'A' showing the names and other particulars of chargemen recruited in England since 1921 and statement 'B' giving the names and other particulars of the chargemen appointed since 1921 who are no longer in service are attached herewith.

The Agent, North Western Railway, reports that it has not been possible to trace the case of any covenanted subordinate discharged from the Mechanical Workshop during the years 1921-31 either for "consistent inefficiency or otherwise". The latter part of the question does not therefore arise.

(c) Transfers within a workshop are controlled by the Works Manager while those from one workshop to another are controlled by the Superintendent, Mechanical Workshops. Transfers from workshops to Divisions and *vice versa* and those from one division to another are controlled by the Agent. Transfers in the Carriage and Wagon shops at Moghalpura like other transfers are ordered to meet the exigencies of the service.

STATEMENT 'A.'

Statement showing the names and other particulars of Chargemen recruited from England

Name.	Date of appointment.	Pay or which appointe
		Rs.
Mr. A. F. Carter	12th February 1921	32
Mr. N. C. Fieilo	12th February 1921	32
Mr. A. Hogg	6th December 1921	32
Mr. F. J. Davison	26th December 1921	32
Mr. J. Smith	7th March 1922	32
Mr. K. M. Levine	14th November 1922	32
Mr. G. E. Moody	14th November 1922	32
Mr. W. C. Maidlow	21st November 1922	32
Mr. O. Johnson	21st November 1922	32
Mr. H. G. Hawkins	21st November 1922	32
Mr. G. P. Holland	5th December 1922	32
Mr. R. R. Morse	16th January 1923	32
Mr. C. Banyard	28th December 1923	32
Mr. T. J. Bright	28th December 1923	32
Mr. H. Weaver	19th February 1924	32
Mr. R. L. Hill	4th March 1924	32
Mr. W. E. Jackson	4th March 1924	32
Mr. H. C. Howell	4th March 1924	32
Mr. A. E. Welby	4th March 1924	32
Mr. N. F. E. Pryke	3rd October 1924	32
Mr. H. Roberts	13th October 1924	35
Mr. A. S. Kelly	21st October 1924	32
Mr. G. H. D. Ellis	2nd December 1924	32
Mr. T. J. Dunn	2nd October 1925	32
Mr. C. J. Roach	8th October 1925	32
Mr. C. F. Osborne	12th October 1925	32
Mr. W. R. Edgar	12th January 1926	32
Mr. R. Stanbury	5th May 1926	32
Mr. E. C. Legg	4th January 1929	35
Mr. W. S. Godde	24th January 1930	32
Mr. I. Patchett	7th February 1930	35

STATEMENT 'B'.

Statement showing names of Chargemen recruited from England who are no longer in service, whose service particulars are not available.

Name.	Date of appointment.	Pay on appointment.
		Rs.
Mr. H. J. Bryer	January 1921	320
Mr. T. Crone	Do.	320
Mr. H. Hole	Do.	320
Mr. S. W. C. Langley	Do.	320
Mr. W. G. Johnston	12th February 1921.	
Mr. J. G. Wholte	September 1921.	
Mr. F. J. H. Walter	Do.	
Mr. J. Thomas	November 1922.	
Mr. R. J. Smith	January 1923.	
Mr. O. E. Pollard	February 1923.	

THE UNTOUCHABILITY ABOLITION BILL.

Mr. President (The Honourable Sir Shanmukham Chetty): The House will now resume further consideration of the following motion moved by **Rao Bahadur M. C. Rajah** on the 5th September, 1933:

"That the Bill to provide for the abolition of untouchability among the Hindus, be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable Sir Harry Haig, Diwan Bahadur Harbilas Sarda, Mr. C. S. Rangaiyer, Mr. Gaya Prasad Singh, Mr. T. N. Ramakrishna Reddi, Mr. S. C. Mitra, Mr. B. V. Jadhav, Mr. B. Rajaram Pandian, Hony. Captain Rao Bahadur Chaudhri Lal Chand, Rai Bahadur Kunwar Raghubir Singh, Rao Bahadur S. R. Pandit, Mr. R. S. Sarma and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

and also the amendment moved by **Mr. R. S. Sarma**:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the end of June, 1934."

Pandit Sen will resume his speech.

Pandit Satyendra Nath Sen (Presidency Division: Non-Muhammadan Rural): Sir, before I resume my speech on the Bill brought forward by the Honourable Mr. Rajah, I beg to invite your attention to some very important facts which have come to my knowledge very recently. The facts are these. The principle of this Bill is the subject matter of a suit which is *sub judice* in a law court at Poona and I raise a point of order on the ground that a reasonable debate on this Bill will be almost impossible without running the risk of being charged with contempt of court. A similar situation arose some years ago when the Public Safety Bill was being discussed in this House and the late Mr. Patel ruled the Bill out of order on the same ground. This is a certified copy which has been sent to me by one of the plaintiffs in the case with a note attached to it. The note runs as follows:

A legally advised pray notify all Hindu and non-Hindu Members of their liability to prosecution for contempt of Crown and for oppression under section 124 of the Government of India Act for disobedience to Queen's Proclamation regarding non-

interference in religious matters, if parties to legislation against it and also if they oppose Bills to repeal such past laws. No legal protection avails them which is taken away by Statute of Westminster, the first of 1275 Edward I, Chapter Fifth, Volume 3, page 19, Halsbury's Statutes and Statute of 1322, Edward II, Chapter Fifteen, Volume 12, page 420, Halsbury's Statutes. Breach of oath of allegiance may vacate their seats under section 5 Parliamentary Oath's Act, 1866."

I would invite your ruling on this point.

Mr. President (The Honourable Sir Shanmukham Chetty): What exact is the point under adjudication by the Court of law?

Pandit Satyendra Nath Sen: The principle of this Bill is *sub-judice* in a case which is pending in the law Court.

Mr. President (The Honourable Sir Shanmukham Chetty): What is the point for decision in that case?

Sir Muhammad Yakub (Ritchikund and Kumaon Divisions: Muhammadan Rural): What is the plaint and what is the relief sought?

Pandit Satyendra Nath Sen: The two plaintiffs are G. K. Harkare and His Holiness Shree Shankaracharya. The defendants are Mohan Karamchand Gandhi and others.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammad Rural): May I ask whether Mr. Harkare is a sane man?

Pandit Satyendra Nath Sen: I do not know. This is the certified copy sent to me.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammad Rural): What is the prayer?

Pandit Satyendra Nath Sen: I am reading out the prayer:

"That the defendants may be permanently restrained from carrying on propaganda and such other works in and outside Legislatures in favour of temple entry and other similar methods to the danger of safety, health and legal rights of the plaintiffs to worship unmolested and free from social tyranny; that the defendants be permanently restrained from surrendering the legal right of unmolested worship under the Queen's Proclamation of 1858 and from approaching Government to induce them to commit contempt of the Crown, etc."

Mr. President (The Honourable Sir Shanmukham Chetty): What is the date of the suit?

Pandit Satyendra Nath Sen: The copy of this plaint is signed "20 January, 1933".

Mr. President (The Honourable Sir Shanmukham Chetty): The Chairman wants to know when the suit was filed. Was it after the introduction of this Bill?

Pandit Satyendra Nath Sen: May be.

Mr. President (The Honourable Sir Shanmukham Chetty): Then the Honourable Member need not proceed with any further point. If a

[Mr. President.]

suit that has been instituted after the introduction of a Bill raises the principle involved in the Bill, that will not prevent this Legislature from considering that measure, because, if that contention were accepted, then any person who felt aggrieved by a Bill, could simply file a suit in a court of law and thereby hold up all legislation. (Applause.)

Pandit Satyendra Nath Sen: I submit to your ruling, Sir, but I have got another grievance. Sir, I submit that this Bill is *ultra vires* of this Legislature under section 94 of the Government of India Act.

Mr. President (The Honourable Sir Shanmukham Chetty): Did the Honourable Member raise that point of order before?

Pandit Satyendra Nath Sen: No, not before; this ground is being pressed just now. Section 84 (I) says, towards the end (the portion in brackets):

"A law made by any authority in British India and repugnant to any provision of this or any other Act of Parliament shall, to the extent of that repugnancy, but not otherwise, be void."

On the last occasion I took my stand on the Queen's Proclamation. I had not the authorities with me ready on that occasion. Now I beg to submit that the Queen's Proclamation also has the same validity as an Act of Parliament. This is what we find in Halsbury's Constitutional Law, page 15:

"When legally made and issued, Royal Proclamations are to be judicially noticed and are of the same validity as an Act of Parliament. Any breach of their provisions is punishable by fine or imprisonment."

So I beg to submit that this Bill is repugnant to the Queen's Proclamation, which has the same validity as an Act of Parliament and, therefore, *ultra vires* of this Legislature.

Mr. President (The Honourable Sir Shanmukham Chetty): A ruling has already been given on that point on the 5th September, 1933, when the Honourable Member raised a similar point of order.

Pandit Satyendra Nath Sen: But not on this ground?

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member in raising the point of order said:

"I beg to submit that this Bill is *ultra vires* of this Legislature. As I said, I take my stand on the notification of the Government of India, published in 1857 during the regime of Lord Canning and on the Queen's Proclamation of 1858."

He based his contention on the Queen's Proclamation of 1858 and the Chair has ruled that:

"The powers of this Legislature are defined in the Government of India Act and not in the Queen's Proclamation, and if Honourable Members want to draw the attention of the Chair to the fact that a certain Bill is *ultra vires* of the Indian Legislature, they must draw attention to the relevant portion of the Government of India Act in the first instance. The Chair would, therefore, ask the Honourable Member first to draw its attention to the section of the Government of India Act on which he relies."

Pandit Satyendra Nath Sen: But on that occasion I took my stand on section 65; I take my stand now on a different section. Section 84 (1) says:

"A law made by any authority in British India and repugnant to any provision of this or any other Act of Parliament shall be void."

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. Will the Honourable Member read that section properly? He omitted certain words. Will he please read that section in full?

Pandit Satyendra Nath Sen:

"A law made by any authority in British India and repugnant to any provision of this or any other Act of Parliament shall, to the extent of that repugnancy, but not otherwise, be void."

Mr. President (The Honourable Sir Shanmukham Chetty): Quite so. If the present Bill is repugnant to any law made by any authority in British India or to any Act of Parliament, to that extent it will be void, but not otherwise.

Pandit Satyendra Nath Sen: Sir, I submit to your ruling, but I have got another grievance and that is the last. (Laughter.) I have noticed in the past, at least on one occasion, that the Chair is liberal enough to revise its ruling in the light of new facts placed before it. On the last occasion, when I raised my point of order, I took my stand on section 65 and the Chair was pleased to rule me out on the ground that:

"The Queen's Proclamation is not a part of the written or unwritten law of Great Britain and Ireland and, therefore, it is not covered by the section to which the Honourable Member has drawn the attention of the Chair."

Sir, the section speaks of the "United Kingdom of Great Britain and Ireland" which, I think, means something different from the expression used by the Chair. The "United Kingdom" certainly includes India also, because, otherwise, if "repugnant" means only in relation to Great Britain and Ireland, as put by the Chair, then it can have no meaning so far as India is concerned. When India is in question, "Great Britain and Ireland" must include India also. (Cries of "How?" "How?") Otherwise it will become meaningless. No law can be passed in India if it is repugnant to the laws of England! This is perverse. "United Kingdom" must, as it seems to me, comprise dependencies, colonies, etc. (Interruptions.)

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

Pandit Satyendra Nath Sen: The Chair will kindly bear with me for two or three minutes while I place all the facts. Sir, this speaks of the unwritten laws. What does that expression mean? It has been held by competent authorities that unwritten laws must mean the fundamental rights of the subjects. The law of England consists of two elements—the *Lex scripta* and the *Lex nonscripta*. *Lex scripta* comprises the Statute law while *Lex nonscripta* is an unwritten law comprising those principles, usages and rules of conduct applicable to Government and the security of person and property which do not depend for their authority upon any existing express and positive declaration of the will of the

[Pandit Satyendra Nath Sen.]

Legislature. Coming to Indian decisions, there are two important rulings reported, dealing exhaustively with this point. In Bengal Law Reports, Volume 6, page 392, Norman J. observes:

"In order to see what is meant by the 'unwritten laws' whereon may depend in any degree the allegiance of any person to the Crown of Great Britain and Ireland' it is necessary to consider first what allegiance is, and then he concludes with these words:

'I will next consider what are the Unwritten Laws referred to in the section. (He is referring to section 65.) It is well known that the provisions of the Great Charter and the Petition of Rights are for the most part declarations of what the existing law was, not enactments of a new law. They set forth and assert the right of the subject according to what was assumed to be the ancient Unwritten Law and Constitution of the realm. Rights of so sacred a character can never be taken away by a subordinate Legislature'."

In a recent decision reported in I. L. R. 39 Madras, page 1085, the learned Chief Justice (now Sir) Abdur Rahim, who, I may say, is not unknown to this House, wholly approving the above observations of Norman J., concludes that "by Unwritten Laws are meant the laws recognising the fundamental rights of the subject to the enjoyment of personal freedom and property". The fundamental rights have been enumerated below. Five things have been mentioned and No. 3 runs as follows:

"The right to freedom of speech which is closely connected with and covers that of freedom of conscience."

Now, if we turn to page 367, Vol. XI of Lord Halsbury's Laws of England treating on Ecclesiastical Law, we find a clear recognition of the fundamental right of the subject to the protection of the State, in matters religious. The portion goes on thus:

"The civil power, while thus exercising complete control over all states and degrees, whether ecclesiastical or temporal, and affording all necessary protection from wrongful acts, refrains from exercising any purely spiritual functions and recognises and has always recognised the right of all to follow the dictates of their conscience in the religious opinions they hold."

So, these are the fundamental rights of the citizens and they are going to be assailed by this Bill. I beg to submit, therefore, that you will be pleased to revise your ruling in the light of these facts.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): May I also, Sir, just make a few remarks before you give your ruling. I was myself going to raise that point. In addition to what my Honourable friend, Pandit Sen, has said, there is one point in your previous ruling on which I cannot lay too much stress. In that ruling you observed:

"If the Honourable gentleman wants to take shelter under the provisions relating to allegiance to the Crown, he must point out that this Bill contravenes some law or constitution of the United Kingdom of Great Britain and Ireland."

I need not read further, but, as I understand it, the gist of your ruling is that unless a specific law of the United Kingdom of Great Britain and Ireland is quoted as against this Bill which is before the House, this Legislature will not exceed its powers in enacting a law. That is the point to which your ruling was confined and, although you did read the whole of the section which refers to unwritten laws relating to the allegiance to the

Crown, your ruling, as I interpret it, does not refer to that portion. If I am right in my interpretation of your ruling, then I shall proceed to make my submission.

Mr. President (The Honourable Sir Shanmukham Chetty): You wish to know whether my ruling covers also the unwritten law.

Raja Bahadur G. Krishnamachariar: The first point upon which I wish to make the position clear is this. As you rightly observed, my Honourable friend, Pandit Sen, based his argument entirely upon the Queen's Proclamation and you proceeded to say that the Queen's Proclamation was not a part of the written or unwritten law of Great Britain and Ireland and, therefore, it was not covered by the section to which the Honourable Member drew the attention of the Chair. Therefore, the Chair ruled that it was in order. What I respectfully beg to submit is that so far as your ruling on the former occasion is concerned, it did not refer to the unwritten laws upon which the allegiance of the subjects to the Crown depended, and it is upon that position that I would like, with your permission, to submit a few remarks.

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member would be at liberty now to point out any unwritten law of the United Kingdom of Great Britain and Ireland which will be contravened by this Bill and on which the allegiance of the subjects to His Majesty the King depends.

Raja Bahadur G. Krishnamachariar: That is all I wanted. I do not wish to raise the same question again as it will waste the time of the House. The position that I shall attempt myself to lay before you is that this Bill contravenes the unwritten law of Britain and Ireland upon which the allegiance of the subjects depended. Sir, the unwritten law has been explained in the famous decision on Queen Empress *versus* Amir Khan, which is known as the Wahabi case, a portion of which has already been read out to the House by Pandit Sen:

"The Law of England consists of two elements, the *Lex scripta* and the *Lex nonscripta*. *Lex scripta* comprises the Statute law while *Lex nonscripta* is an unwritten law comprising those principles, usages, and rules of conduct applicable to Government and security of person and property, which do not depend for their authority upon any existing express and positive declaration of the will of the Legislature. It is often called customary law and has the same force and authority as Acts of Parliament."

Having said that, Justice Norman says:

"I will next consider what are the Unwritten Laws referred to in the section. It is well known that the provisions of the Great Charter and the Petition of Rights are for the most part declarations of what the existing law was, not enactments of a new law. They set forth and assert the right of the subject according to what was assumed to be the ancient Unwritten Law and Constitution of the realm. Rights of so sacred a character can never be taken away by a subordinate Legislature."

That portion has been read out by my Honourable friend, Pandit Sen. What I respectfully beg to submit is that under the *Magna Charta* every subject of the Crown has got the freedom of conscience and every subject of the Crown is entitled to perform his worship according to his own traditional religious laws without being subjected to any disability. That was the Charter Act of 1833 which, although repealed, has not lost its force so far as this particular point is concerned. I submit, therefore, that the point

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mentioned by Justice Norman was approved by Chief Justice Sir Abdur Rahim in that famous case of Annie Besant *versus* that gentleman who wanted to have his son's guardianship. The thing has been fully approved by Chief Justice Sir Abdur Rahim coupled with the fact that under the Ecclesiastical Law of England everybody is entitled to a freedom of conscience to hold whatever opinion he likes and that no one shall be compelled to change his view, simply because a minority or a majority has seceded from the position anciently and traditionally entertained and are now trying to force their opinion upon a minority or a majority as the case may be. Consequently, the unwritten law of the United Kingdom of Great Britain and Ireland preserves for us the right of freedom to observe our religion in our own way and I submit that this Bill which professes to abolish untouchability which undoubtedly is a religious question as has been admitted by His Excellency the Governor General himself in the communiqué issued while giving sanction to the introduction of this Bill—these are questions of a religious nature, these are the words of the official communiqué—I, therefore, submit that as the unwritten law of Great Britain and Ireland allows me freedom to follow my religion in the way that I and my ancestors have done and as the object of the present legislation is admittedly to prevent me from doing that, I say that this Bill interferes with the allegiance that I owe to the Crown, because it makes me do a certain thing which is against the provision of that unwritten law and on that ground I submit that this Bill is *ultra vires*.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): I do not want to make an elaborate argument, but I only want to say that it is not proper for the Honourable the Leader of the Centre Party to take shelter under religion and interpret that shelter in the light of an unwritten law and deprive the Legislature of its legitimate right of legislating on matters which are not necessarily religious or which cannot always be evaded by raising the religious question and treating religion as a piece of India rubber.

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member's contention, if the Chair has understood him correctly, is this: that freedom of conscience and freedom to worship according to one's own religious usage are rights conferred on an individual by the unwritten law of Great Britain and Ireland and that this Bill contravenes that unwritten law and, therefore, *ultra vires*. That seems to be the position of the Honourable Member. Is the Chair correct?

Raja Bahadur G. Krishnamachariar: I cannot say that it was actually conferred. I say that the freedom of conscience and the freedom of worship are rights inherent in the subject and the unwritten law of England has also recognised in the words of Justice Norman and the great Charter and the Petition of Rights only declare the custom and the usage that was existing at the time and it did not confer upon me any particular right on that particular occasion. That is my submission.

Mr. President (The Honourable Sir Shanmukham Chetty): Freedom of conscience and the free right of worship according to one's own religious practice are rights inherent in the unwritten law of Great Britain.

Raja Bahadur G. Krishnamachariar: If I may interrupt, this is inherent in me which the unwritten law has declared to be inherent in me.

Mr. President (The Honourable Sir Shanmukham Chetty): In other words, freedom of conscience and freedom of right of worship are inherent rights which are recognised by the unwritten law of Great Britain and Ireland and this Bill contravenes that unwritten law. So far as the Chair has been able to understand the provisions of this Bill, this does not make any inroad upon the freedom of conscience of anybody or on the freedom of worship of any person. This Bill, in its operative portion, simply lays down that no disability shall attach to a person simply by reason of the fact that that person belongs to a particular community or caste. The enacting of a provision of that nature by the Legislature does not in the least make any inroad upon the freedom of conscience of any citizen in the country or interfere with the right of worship of any person.

Raja Bahadur G. Krishnamachariar: Will you please suspend your ruling Sir, because I have to submit

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. It is a provision which removes a disability attached to a person by reason of his belonging to a particular caste and, therefore, the Chair does not think that the provisions of this Bill contravene even that part of the unwritten law of Great Britain and Ireland.

Pandit Satyendra Nath Sen: Sir, in the course of my speech on the last occasion at Simla, I had the courage to utter the name of Manu in my support and Honourable Members will remember that a certain friend of mine cried: "Down with Manu, long live Gandhiji".

An Honourable Member: Who said that?

Pandit Satyendra Nath Sen: Mr. Reddi. He is not here, and, therefore, I did not want to mention his name.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadian Rural): Is he an untouchable?

Pandit Satyendra Nath Sen: He is not, so far as I know. The history of the country during the last four months gives the direct lie to this cry. While Manu has been reigning supreme in the hearts of the people of this country for the past millions of years, Gandhiji has been deposed after a short and partial reign of a few years.

Mr. B. Das (Orissa Division: Non-Muhammadian): Question.

Pandit Satyendra Nath Sen: Why, his movement is being opposed not only by a large section of the people who are now styled as Sanatanist Hindus, but also by untouchables whom he is pleased to call Harijans.

Mr. B. Das: No, no.

Pandit Satyendra Nath Sen: His tour has been boycotted by the untouchables of the United Provinces. His tour has been boycotted by the people of Bengal.

Rao Bahadur M. C. Rajah (Nominated Non-Official): Gandhiji has not yet gone to the United Provinces and Bengal.

Pandit Satyendra Nath Sen: They have passed a resolution in the United Provinces that his tour should be boycotted. His tour has been boycotted by the untouchables of Burdwan from which place my Honourable friend, Mr. Amar Nath Dutt, comes. His tour has been boycotted by the people of Madras.

Rao Bahadur M. C. Rajah: No, certainly not. Lakhs of people attended his lectures.

Pandit Satyendra Nath Sen: He was escorted by the police in Madras.

Rao Bahadur M. C. Rajah: Because several lakhs of people attended.

Pandit Satyendra Nath Sen: Not only the elder section of the people, but also the younger section have revolted against his movement. I have got with me a manifesto issued by the Youth League of Bengal under the caption *Gandhibad dhanso hok* which means let Gandhi's doctrine be destroyed. The young man, who is the Secretary of the Youth League, has been arrested and perhaps imprisoned by this time quite in keeping with the conduct of the Government who ask the thief to steal and the householder to keep watch on the thief.

Mr. B. Das: Will my Honourable friend enlighten us whether the Leader of the Youth League objected to the Harijan movement or to the political views of Mahatma Gandhi?

Pandit Satyendra Nath Sen: They have put ten questions to Gandhi and they demand answers to all of them. One of the questions is regarding his Harijan tour. While Manu is still reigning in peace still and while his reign brought peace and concord to the country, Gandhi's regime is being tainted with strife, with schism and with bloodshed

An Honourable Member: How is it relevant?

Pandit Satyendra Nath Sen: If "down with Manu and long live Gandhi" is relevant, this is also relevant.

Sir Muhammad Yakub: But Sir Hari Singh Gour will not give any peace to Manu also.

Pandit Satyendra Nath Sen: I am not responsible for his views. Sir, the non-violent followers of Gandhiji are being let loose to make bloodshed at the cost of the Sanatanists. Swami Lalnath, the captain of the volunteers, was assaulted and injured the other day at Jubbulpore and two great Sanatanist pandits had been assaulted and injured at Palghat the other day. This, Sir, is the previous history and I will now proceed with the proper discussion of the Bill. Honourable Members will realise that the Bill has got three different aspects, religious, social and political. While discussing the Bill on the last occasion, I spoke a few words from the religious point of view. I confess that I do not understand yet whether it is a religious measure or a social measure or a political measure. Gandhiji says that it is a purely religious question, while others say that it is a political question. I do not know who utters the truth and who utters the lie. From Mr. Gandhi's utterance, *viz.*, that the Hindu religion will perish if this untouchability is not removed, it appears clearly that it is a religious question. But may I ask, when and where has Mr. Gandhi made a special study

of religion? It has been a fashion nowadays that those who are innocent of the holy writs, nay, even of the holy script, are to be regarded as greater authorities on questions of religion than those who have devoted their whole life to the study of that subject. If it is really a religious question, Mr. Gandhi ought to have the courage to face a Shastric discussion with the pandits. But whenever he has been invited to such a discussion, he has always avoided it at the last moment. Even the other day, he was invited by the pandits of Anantapore in Madras to which he replied that he was not prepared to hold a conference with them.

Sir, I have already said that others take it as a political question. Pundit Malaviya and his followers take it as such. Their view is that this particular measure is being engineered with a view to strengthening the position of the Hindus. Their apprehension is that if the untouchables are not treated with a greater amount of kindness, as they are pleased to call it, they will embrace Islam or Christianity and the position of the Hindus will be weakened. But pray, why should they embrace Islam or Christianity? The Brahma Samaj is there, the Arya Samaj is there. It is only the Sanatanists who are oppressors and not the Brahmos or the Arya Samajists. The untouchables may easily embrace one of those religions and keep the position of the Hindus intact. And what is the number of these untouchables? I think they are not more than five per cent. of the total population.

An Honourable Member: They are seven crores.

Pandit Satyendra Nath Sen: Mr. Gandhi says 40 millions and Mr. Rajah says 46 millions. That does not mean seven crores.

An Honourable Member: What are the Government figures?

Pandit Satyendra Nath Sen: Mr. Gandhi's figure is 40 millions and he is a greater authority on this subject than Government. Sir, whatever may be the number, Honourable Members know that the numerical strength plays a very unimportant part in the actual strength of a community or of a nation. Just consider the position of Russia and Japan; just consider the position of the Parsi community whose number is handful, but still they occupy an influential position in India. And if you are really eager to increase your number, why do you advocate the necessity of birth control in the same breath? You cannot hunt with the hound and run with the hare at one and the same time.

Sir, as to the social aspect of the question, I should remind Honourable Members that the word "social", so far as Hindus are concerned, is almost always a misnomer, and "social" always means "socio-religious". That being the case, no one can compel me to touch a person whom I regard as unclean and there can be no legislation compelling me to touch a person whose touch my Shastras enjoin me to avoid. It may be argued that they may be taught to be clean; but I say emphatically that by their avocation, by their habits and by their culture they can never come up to the standard followed by the caste Hindus. There may be one or two exceptions, but we should not forget the principle that "majority always determines the character".

Rao Bahadur M. C. Rajah: Amongst them there are much cleaner men than Brahmans.

Pandit Satyendra Nath Sen: Take the case of a surgical operation. However clean and cultured you may be, you will not be allowed to handle the surgical instruments. Similar is the case with the caste Hindus and the untouchables. Even if there are one or two exceptions who may be clean or cultured, the general rule is that they cannot come up to the standard of the caste Hindus.

Mr. B. Das: As a representative of caste Hindus, I strongly demur.

Pandit Satyendra Nath Sen: Apart from these considerations, there are others to which I alluded during my last speech. This is a sort of non-co-operation movement by which we segregate ourselves from the untouchables and it is a pity that the father of the non-co-operation movement cannot understand the proper spirit underlying this custom. Sir, the Hindu religion is based on some philosophy which is more valuable than fickle science. Sir, we are not bound to give up our own philosophy at the bidding of one who is perhaps not a Hindu. A *Vedantin*, for example, cannot give up his doctrine and become a *Naiyayik* or an atheist at the frown of a renegade. Sir, I have ventured to say that Gandhi is not a Hindu and I am prepared to prove by his utterances and his acts that he is really not a Hindu. He may be a Hindu by birth

Rao Bahadur M. C. Rajah: No, he is a European.

Pandit Satyendra Nath Sen: But Hindu is not the antonym of European.

Sir, all this trouble, I mean the present movement, is due to the abandonment of a single principle, I mean the law of *karma*. Those who are not prepared to abide by that principle, which is one of the basic principles of the Hindu religion, cannot claim to be called Hindus. I venture to submit that even the untouchables who are prepared to abide by these principles are better Hindus than those well dressed and English-speaking Hindus who are only Hindus in name

Rao Bahadur M. C. Rajah: What are you speaking now, English or Hindi?

Pandit Satyendra Nath Sen: I am speaking English, because the Honourable the President will not allow me to speak in my own mother tongue, because that is the rule. . . .

Rao Bahadur M. C. Rajah: There is no rule like that: this is how you quote rules which do not exist.

Pandit Satyendra Nath Sen: If I am allowed to speak in my mother tongue, I am prepared to do so. . . .

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order: the Honourable Member must be allowed to proceed without interruption.

Pandit Satyendra Nath Sen: I may cite one story here. We have all heard the name of Sister Nivedita. A great Yogin, named Kathia Baba, once visited the City of Calcutta: he met his devotees there: the meeting began in the evening and terminated late at night. Sister

Nivedita took her seat in one corner of the room; and when all the other members had left, she, with her characteristic meekness, approached the Yogin: the Yogin asked her: "Mother what is the matter with you?" She said: "Father, is it not possible for me to become a Hindu?" The answer was: "Why are you impatient? You will be a Hindu in the next birth". And the hearty reply was: "All right; I am pleased". This is the method by which one becomes a Hindu—by self-abnegation, not by aggression (Interruption) and not by interruption. (Laughter:) Mr. Gandhi may think that he is doing a lot of good to us: so also did think all the fanatic preachers of different religions. They thought they could send us to Heaven in the course of a single day if they were provided with adequate power; but should we follow their precepts on that account? It may be argued that the case stands on a different footing with Mr. Gandhi, because Mr. Gandhi is an extraordinary man. Extraordinary he may be, but he is not an infallible man. We have often seen that he commits Himalayan blunders to which I referred in my last speech. Even during his last fast, his lieutenant, Mr. Rajagopalachariar, said that he was going to take a wrong step, and one of his right-hand men, Pandit Mahaviya, said that the step which he was going to take was unjustifiable. So, where is the guarantee that he is not mistaken even in the present case? We know that he is a man of an impulsive nature and that his movement has assumed an undue amount of importance owing to that characteristic of his nature. We all remember his salt campaign, his *charkha*, his non-co-operation movement and his civil disobedience movement, and this will also share the same fate: I have no doubt of that in my mind.

Mr. B. Das: May I rise to a point of order and ask whether the Honourable Member is right to allude to Mahatma Gandhi's activities on salt, *charkha* and civil disobedience?

Mr. President (The Honourable Sir Shanmukham Chetty): That is not a point of order.

Pandit Satyendra Nath Sen: I am only referring to these things briefly. . . . (Cries of "Go on".)

Mr. Gaya Prasad Singh (Muzaffarpur *ex* Champaran: Non-Muhaimadan): Go on like this: it will gladden the hearts of the officials!

Pandit Satyendra Nath Sen: I do not curry favour with the officials: that is not my nature. Reference is often made to common sense and to public opinion, both of which I think are futile. Common sense in these matters is no better than common ignorance, and I may remind Honourable Members that public opinion has been characterised by Thackeray as "that great big stupid" and the same view was taken by Cardinal Newman and by Mr. Asquith—Lord Oxford.

I have already referred to the Civil Disobedience Movement which has been abandoned by Mr. Gandhi keeping his position intact as far as possible; and some are inclined to characterise this movement as only an escape from that Civil Disobedience Movement: when he was compelled to give it up, his choice naturally fell on a similar disobedience movement: it was only a transfer from politics to religion. This movement is only a Civil Disobedience Movement against the established religion and religious customs. By this movement he is going to surrender our

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religious Swaraj to the foreign rulers; he was a staunch supporter of political Swaraj, but he is now going to surrender the much more valuable Swaraj in the expectation of some imaginary or less important thing, perhaps nothing in reality. We should not forget that this religious Swaraj was purchased one day by the life-blood of the Indian sepoy, and Mr. Gandhi is going to surrender this religious Swaraj in this unwarrantable manner to the foreign rulers. Sir, I have remarked that Mr. Gandhi is not a Hindu in his utterances or in his acts. I will refer here to one particular fact. It was only the other day that he married his son (he himself is a non-Brahmin) with the girl of a Brahmin. . . .

An Honourable Member: What is wrong in it?

Pandit Satyendra Nath Sen: That is never sanctioned by the Hindu Shastras. And whenever there is such a marriage, I mean
12 NOON. a marriage beyond the proper limits sanctioned by the religious laws and usages, Mr. Gandhi always comes forward with his blessings. His lieutenant, Mr. Kelappan of Guruvayur fame, married a Christian lady, and still he is pleased to call himself a Sanatanist. Miss Krishna Nehru, a Brahmin girl, married one Mr. Hathibhai, who is a non-Brahmin, and still they call themselves Sanatanists,—and Mr. Gandhi is a Sanatanist of that type.

I have already made it clear in one of my previous speeches that we are not in the least inimical to the welfare of the untouchables so far as their moral, vocational or their economic welfare is concerned. We do not hate them, for how can we hate them? Because our teaching is that, if we hate them, we will be paid by God in our own coin. That cannot be the injunction of the sages who felt even for the lowest of the lowest. It will be interesting perhaps to most Honourable Members here to know that when we collect the *tulasi* leaves or *bilvapatra* for our daily worship, we have first of all to propitiate the plant and then pluck the leaves one by one very gently so that the plant may not be pained in the least. . . .

Mr. Amar Nath Dutt: What is the *Mantra* please?

Pandit Satyendra Nath Sen: When this is the position, it is incredible that the sages have taught us to hate anybody or any section of human beings. On the other hand, we look on them with a certain amount of sympathy. I should say that untouchability, as practised in India, is the mildest of all. Untouchables there are in every part of the country. In other countries untouchability is based upon wealth or rather on man's arrogance, whereas we in India have left the question entirely to the hands of God who is the only infallible being. Sir, the untouchables of our country, if they stick to their vocations which have been allotted to them by our Shastras, will be much happier than the untouchables in other countries. This is what appears in the *Statesman* of the 18th November, 1928. This is from the pen of Mr. Justice Westley Howard of the Supreme Court of New York. The article is headed—“Is civilisation worth having?” Here he depicts the condition of the untouchables in other countries, in New York, in London, in Vienna, in Paris, etc.:

“In these basements and attics babies are born who never see the blue sky or smell the fresh air, and mothers die who never touched the greenfields or walked in the silent forests. And this is civilisation! . . . Those who prowl in the dark and

fit like spectres in the gray of the morning. Those who sleep with their clothes on in bunks or rags, eaten with vermin, stupefied with stench; living in squalor, want, privation, wretchedness, filth and disease.

In this region of the wretched, beyond the pale of law and the touch of charity, babies are strangled, the old are abandoned, the sick neglected, the weak maltreated, the insane tortured, the young polluted. In these crowded quarters of the lowly, women lie in confinement in the same room where thugs swear and gamble; the dying gasp and struggle while thieves smoke and wrangle; children play and prattle while harlots drink and gabble."

and so on.

Nobody will deny that untouchables in our country are much better than these unfortunate beings. We have given them a living, to which, if they stick, they will be able to live happily and merrily, and they are really doing so. There is another quotation in this connection. When Bernard Shaw came to India and was questioned about untouchability, this is what he said:

"The working man is practically an untouchable to Duchesses and capitalists. A Dutchess may not object to the shadow of a labourer falling on her, but if he wants to marry her daughter, he will soon find that he is in reality an untouchable. That, I assure you, gives me quite enough to think of without bothering about untouchability in India."

He added that millionaires and men in high position did not intermarry with them and did not go even as far as Indians did.

I admit that most of the untouchables are economically backward, but I should also remind Honourable Members that their economic condition has been worsened during the British reign. This was clearly admitted by Sir Sankaran Nair himself in his speech in 1919. Their condition is being worsened, not only by British rule, but also by the reformers. It was only the other day that we read in the papers that a Brahmin youth was congratulated lustily by our leaders, because he earned one rupee by polishing the shoes of Sir Tej Bahadur Sapru and thus snatched away the bread of his neighbour, the cobbler. I admit that they are economically backward, and if we have not shown our zeal in ameliorating their condition so long, that is not a great sin on our part, because poverty in India is not regarded as a sin, it is not regarded as a disqualification. If there are untouchables who are poor, there are thousands of Brahmins who fare much worse than the untouchables, and there are grounds for it. In an untouchable family, every one is a wage-earner, the male, the female, the boy, the girl; while, in a Brahmin family, the male member is the only earning member on whom depend all the other members of the family. How much tears have been shed by Mr. Gandhi and his followers over the pitiable lot of these starving Brahmins?

Sir, I do not deny that there are inequalities. Inequalities there must be in society which is only a bundle of inequalities. God has created these inequalities. God has created the mountains, God has created the oceans. So, there must be inequalities. Of course, there are people who make tall talks about equality, fraternity and liberty. These are high sounding words and sweet words indeed. They are much talked of, but never observed. Equality, fraternity and liberty, to a reasonable extent, have never been observed by anybody else except by the Hindus. I will tell you a very brief story. When the Parsis—I am sorry that my Honourable friend, Mr. Anklesaria, is not here—when the Parsis were being tortured, were

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being oppressed in their own native land, they came to Guzerat and they approached the King of Guzerat named Jadhav—not our Mr. Jadhav—and prayed that they might be accommodated in his country. He accommodated them readily, without demanding a passport or without refusing a passport to them. We know what a difficult task it is to have a passport in these days. Even yesterday we had a question regarding the differential treatment of coloured persons put by my Honourable friend, Mr. Gaya Prasad Singh.

Sir, there is a positive side of this untouchability which has kept the different castes in perfect amity and concord from time immemorial. There is not a single caste which is absolutely superior or which is absolutely inferior amongst the untouchables. Mr. Gandhi calls the caste Hindus sinners against untouchables, forgetting the fact that it is not the caste Hindus alone who have sinned against untouchables, but amongst the untouchable themselves one sins against the other. A Namasudra, for example, would not eat from the hands of a washerman. Is he not a sinner then? Then why am I singled out for being punished for being a sinner? If I am a sinner, he (Mr. Rajah) is no better.

While discussing the merits of this Bill, we should not lose sight of its full implications. We are going to abolish one kind of untouchability, namely, that which is based on birth, but there are other sorts of untouchability as well. We are often regarded as untouchable during certain periods of *Asauch*. My son even is regarded by me as an untouchable when I am eating my meal. I do not touch him, and if he touches me, I have to give up my meal. There are other kinds of untouchables also. Females are regarded as untouchable periodically. What are we going to do with all those kinds of untouchability? Are we going to give them up?

An Honourable Member: Is it in accordance with your Vedas?

Pandit Satyendra Nath Sen: Yes. There are other forms of untouchability also. Prostitutes are regarded as untouchable. If they insist on being touchable, am I to abide by the dictates of these persons? If all the other forms of untouchability remain and only one form of untouchability vanishes, what will be the result? There will be so many anomalies in society to which I referred in my previous speech.

We know that this campaign cannot succeed, and we know that Government are not going to support this movement if they do not go off their head. They are simply playing a game at the cost of both these parties which is a policy highly reprehensible. They are amused to see that a tug of war is going on between the reformers and the Sanatanists.

An Honourable Member: And the Sanatanists are walking into the parlour of Government.

Pandit Satyendra Nath Sen: Although I am sure that this movement cannot succeed, still when we consider what a vast amount of energy is being wasted on both sides,—and it is being indirectly encouraged by Government,—we cannot but condemn the conduct of Government.

An Honourable Member: How can Government help it?

Pandit Satyendra Nath Sen: They could have helped it from the very beginning. It is they who have granted special privileges for carrying on this campaign. We have not forgotten that.

Mr. B. Das: Do you want the Government to put Mahatma Gandhi into jail again? Is that your suggestion?

Pandit Satyendra Nath Sen: I cannot help, because he is the father of the movement; I must make some reference to him. This movement is being carried on in a most objectionable manner. Various sorts of falsehoods are being disseminated by eminent persons holding responsible positions, to some of which I would refer in a word or two. I have collected seven of them and I won't take more than seven minutes in dealing with them. No. 1 is their contention that the caste system is not to be found in the Vedas. I should like to refer them to the famous *Purshasulita* of the Rig Veda, as well as Sukla-Yajurveda, Chapter 30, which makes a clear mention of the four castes together with some sub-castes.

An Honourable Member: What is the text?

Pandit Satyendra Nath Sen: I am not going to quote the Vedic text in this Hall. I have given you the reference and you may see it for yourself. It has been argued that Lord Chaitanya discarded untouchability. This is absolutely false. While he was living at Juggernath, it was only the Brahmmins that entertained him with boiled rice, but the non-Brahmmins used to entertain him with *prasad*. That shows that he was a staunch follower of the caste system. Two of his pupils were imprisoned by a Muhammadan ruler and they could not observe the full ceremonial cleanliness and, therefore, they regarded themselves as degraded. They always avoided the company of the other devotees so that they might not pollute them, and with this conduct of theirs Lord Chaitanya was very much pleased. That has been clearly mentioned in his life, called *Chaitanya Charitamrita*, written by Krishnadas Kaviraj.

It is asserted by the reformers that Ramchandra ate from the hands of Guha, his friend, but the history that we have in the Ramayana is quite different. It is stated:

“*Lakshmanena bhritam bari pitam tena mahatmana.*”

Ramachandra spent that night by drinking water only fetched by Lakshmana. The next point is that Nārada was the son of a maid-servant. Sir P. C. Ray is responsible for this utterance, but it is clearly stated in the Bhagavata that he was the son of a maid-servant during his *previous life*. That makes a lot of difference. A responsible person like Sir P. C. Ray should not make such irresponsible statements in his public speeches. This has been reported in a paper called *Aj*. In a paper, named *Manoranjan*. I do not know where it is published from, it has been said that the untouchables were allowed access during Yudhisthira's *Raj Sūya* sacrifice. The information supplied by the Mahabharata is quite different. The text is this:

“*Na tasyam sannidhan sudrah kaschid asid na chavroti
Aular-vedyan tada rajan Yudhisthira-nivashane.*”

[Pandit Satyendra Nath Sen.]

When the sacrifice was going on, there was not a single Shudra, or even one who was not observing a vow, in the neighbourhood of the seat of sacrifice. The next item is that Vashishta was the son of a prostitute. This was also said by Sir P. C. Ray. But the Devi Bhagavat says:

"Tasmad ayonijah kale bhavita tuam na samshayah."

That is, he was not born of any womb and that he had a supernatural birth. Then the next point is that Vyasa was the son of a fisher girl. This is a common error both among the reformers and others. When Bhishma went to beg for the girl, called Satyavati, her foster father, Dasaraj, said:

*"Yasya sukrat Satyavati sambhuta vara-varnime
Tena me bahushah tata pita te parikirtitah."*

That is, your father has been spoken of very highly by the father of Satyavati, thereby indicating that he was not her actual father. So, he was not the son of a fisher girl. These are some of the falsehoods that are being disseminated by the followers of Mr. Gandhi to which we must emphatically object. These things should be stopped and if this propaganda is not stopped by Government in time, then I give a warning that there is every likelihood of the days of the mutiny being recalled. With these words, I beg to oppose the motion.

An Honourable Member: You will lead the mutiny.

Pandit Satyendra Nath Sen: I will.

Mr. B. V. Jadhav: Sir, I have not the acumen of the learned Pandit who has just sat down, nor have I the time to waste over the subject. My learned friend has taken this House over a wide range of subjects. He has discussed and demolished the reputation of Mahatma Gandhi and lastly he has threatened the Government with dire consequences if they do not accept his advice and stop the progress of this Bill. Sanatanists have very short memories and I think they are deplorably wanting in the logical sense. The Honourable Member, Pandit Sen, continued his speech of 5th September in which he said: The reformers are no representatives of the Hindu community. They are not more than five per cent. of the entire Hindu community. Still in the same speech he complained that he was not accorded a patient hearing in a meeting at Calcutta and he wanted to call upon the Honourable the then Law Member as his witness, but unfortunately the Law Member was not in his seat at that time.

Pandit Satyendra Nath Sen: What is the objection?

Mr. B. V. Jadhav: Wait and have patience. The Honourable Pandit said that 95 per cent. of the Hindu population is on his side and yet it is strange that in the meeting in the Albert Hall 95 per cent. of his supporters could not check the five per cent. of the reformers. Today he says that the five per cent. of the reformers do not know their religion, that they do not possess common sense and that they are simply out to destroy the Hindu religion. This is one piece of logic. The Sanatanists always claim that they are in a majority, but they would not allow anybody

to ascertain the opinion of the majority, because they know in their heart of hearts that their boast that they are in a majority is a hollow one. The whole speech of the Honourable Pandit Sen carried the idea that he was up only to kill time and not allow a fair play to this Bill introduced by the Honourable Mr. Rajah. Sir, what is the gist of this Bill? What is the intention of this Bill? Pandit Sen has been talking hoarse over the fundamental rights and over the rights of the Sanatanists or of the Hindus to worship according to their own religious doctrines. He is claiming the rights of every human being, but, at the same time, in the same breath, he is denying the same rights to a section of the Hindu community! Pandit Sen made a great show by quoting authorities from Scriptures. In winding up his speech, he criticised the authorities brought forward by others and laid stress upon their ignorance of Shastras. I need not traverse the same ground again. The examination of these texts is simply barren, without any result. Pandit Sen quotes verses and authorities, but I challenge him to say whether he observes them.

Pandit Satyendra Nath Sen: That question is irrelevant. I do observe to the best of my ability.

Mr. B. V. Jadhav: It may be irrelevant to the Pandit, but I think it is very relevant on the floor of this House, because that subject has been raised by the Pandit himself. May I quote the same *sloka* which he quoted the other day

Mr. Amar Nath Dutt: Where is that? In "Chandal Purana"?

Mr. B. V. Jadhav: Where that is Pandit Sen will tell you. He has quoted it from somewhere. Therein he talks of the untouchability of women periodically.

An Honourable Member: At what period?

Mr. B. V. Jadhav: Well, the best authority on that is the gentleman behind you. But I am quite sure the Pandit observes his *sloka* by night only, and not by day. The women of his family are untouchable at night, but not by day. I pause for a reply, Sir, whether that is not a fact.

Pandit Satyendra Nath Sen: I refuse to answer it.

Mr. B. V. Jadhav: Then he has just now said about the untouchability of the prostitutes. According to the Brahmins, they are untouchable by day, and not by night. (Laughter.)

Raja Bahadur G. Krishnamachariar: I object to that sort of thing. Who says they are untouchable by day? They are not untouchable. Please do not defame the great Brahmin community.

Mr. B. V. Jadhav: Sir, I am the best defender of the Brahmins as I shall presently prove, but the challenge was given by the Pandit himself. He said that prostitutes were untouchables. I know they are "untouchables" by day.

Pandit Satyendra Nath Sen: Are you speaking of your part of the country or of your own community alone?

Mr. B. V. Jadhav: Does the cap fit you? You are welcome to wear it then. Then I was told that a Brahmin, whatever his actions may be, is not degraded. I have got a very good authority for that. In my part of the country, they say that a Brahmin who has fallen from his estate is the greatest in all the three worlds,—and I really believe that. My friend, the Raja Bahadur, also, I think, said so, a few minutes ago. Now, I would like to know whether the wife of a Brahmin enjoys the same privileges. I think my friend, the Raja Bahadur, will enlighten me on this point. What has the learned Pandit to say about it?

Pandit Satyendra Nath Sen: Go on in your way instead of killing time in this way.

Mr. B. V. Jadhav: I am very glad my Honourable friend has become conscious that he had been killing time all along. I was expecting that conscience would prick him some day and I am very glad to see that it has pricked him already pretty quickly. Sir, the main point of the learned Pandit was that the Chandals are suffering from their misdeeds in a former birth and that this is the law of *Karma*. I am a believer in the law of *Karma* myself, but I believe in the *Karma* of this birth and not of the last birth. Everyone is enjoying the fruits of his *Karma* in this birth. There may be some advantages from the *Karma* of the past birth. This subject has been treated very fully by the very same Vashisht who was described to have been "Ayonija"—not born of the human womb—by the learned Pandit a few minutes ago. In the great colossal work "Yog-Vashisht", Vashisht states what the limits of the *Karma* of the past birth were. He clearly shows, that as a man enjoys the fruits of the *Karma* of yesterday, so he enjoys the fruit of the *Karma* of the last birth, but that, as the mistakes of yesterday can be cured by good deeds today, so also a man can correct the mistakes of his past birth and give a good or bad turn to his life in the present age. I make a present of this to the Honourable Pandit Sen. If he respects Vashisht, he ought to see that the mistakes of past births can be corrected by good deeds of this birth, and so the mistakes of the generations of Hindu Rishis and learned men ought to be corrected by the Legislatures of this day. The Legislature has got the power to do it, and no argument to the contrary can avail the Honourable Pandit Sen or men of his turn of mind. Now, basing his argument on the theory of *Karma*, Pandit Sen very seriously propounded to this House on the last occasion his theory. He said:

"So these untouchables owe their origin to serious violations of marital laws."

May I ask the learned Pandit if all the 40 millions or 45 millions of the untouchables that are now to be found on the face of this country are born of parents who were responsible for the origin of these untouchables by way of serious violations of marital laws? Is that your opinion, Pandit Sen?

Pandit Satyendra Nath Sen: Will you kindly repeat it?

Mr. B. V. Jadhav: Your words are here. You say that these untouchables owe their origin to serious violations of marital laws.

Pandit Satyendra Nath Sen: I stick to that view.

Mr. B. V. Jadhav: According to Pandit Sen, 40 or 45 millions of untouchables that are to be found in India are born of parents whose origin can be traced to the violation of marital laws.

Pandit Satyendra Nath Sen: What I did mean is that their forefathers were not the lawful children of society, and it only stands to reason that as the son of a Brahmin is a Brahmin, the son of an untouchable is an untouchable, and so on.

Mr. B. V. Jadhav: Pandit Sen means to say that certain individuals violated the marital laws and gave birth to children from whom all the 45 million untouchables have descended and all the 20 or 25 millions of Brahmins that are to be found in India have also descended from Brahmin parents. Is not that so, Pandit Sen?

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member should proceed with his speech.

Mr. B. V. Jadhav: My argument shortly is this. I am going to show that Pandit Sen is calling into question the general morality of Brahmin women. When he says about the violation of marital laws, he knows it perfectly well that all the children born out of wedlock are not untouchables. They are still touchables and their number is going to be added in every generation. But according to his ideas, the offspring of a Brahmin woman by a Shudra is a Chandala, but the member of any other class is not a Chandala. So, the marital relations are such that the parents are a Brahmin woman and a Shudra man. Now, we find that there are about 45 millions, according to Pandit Sen, of the untouchables and there are about 20 or 25 millions of Brahmins. So, the number of Brahmin women who formerly went astray and had children from Shudras was much larger than the number of Brahmin women who remained honest and lived with their husbands.

Pandit Satyendra Nath Sen: I confess I cannot cope with your supernatural logic.

Mr. B. V. Jadhav: I pity Pandit Sen if he cannot understand the logic. The logic is plain, Sir. The number of untouchables is at least twice the number of the Brahmins.

Mr. Amar Nath Dutt: Is not the Brahmin community entitled to some protection from the defamatory onslaughts of this speaker?

Mr. B. V. Jadhav: I am simply interpreting what I was told in all seriousness about the origin of the untouchables. I do not accept his theory that the offsprings of a Brahmin woman from Shudra man were the Chandalas. I have got a theory of my own as to how this untouchable class came into existence. But the Brahmins of today are clinging to the theory that they were the offsprings of Brahmin women and Shudra men. Pandit Sen himself has said that.

An Honourable Member: He quoted Manu.

Mr. B. V. Jadhav: What I wish to say is this that I do not substantiate his theory.

Pandit Satyendra Nath Sen: That is not my theory; that is Manu's theory.

Mr. O. S. Ranga Iyer: If that is Manu's theory, then I should say he must be damned.

Mr. B. V. Jadhav: I think the Brahmins have made a conspiracy of traducing the Brahmin women and I shall stand by the Brahmin women. I say that the Brahmin women are much better than even Brahmin men. The Brahmin women have all along kept to the right path, and to say that they were responsible by their moral slip in favour of the detested Shudra to give birth to Chandalas is simply false. Manu cannot be accused of it. Some Brahmin or some person like Pandit Sen might have interpolated that *sloka* in the Code of Manu. But let me assure my friend, Pandit Sen, that as he did not know the laws of the country and was simply reading from an article which appeared in the Sanatanist organ, the *Indian Mirror*, so also he might have got hold of an article in the same valued paper which attributed the birth of the Chandalas to the misconduct of a Brahmin woman with a Shudra. Without realising the implications of that statement, Pandit Sen was, I think, rather hasty to quote it on the floor of this House. I shall say nothing further on this point. Whatever the origin of the Chandalas may be, they must be given the rights of human beings. Pandit Sen has regaled this House by quoting from George Bernard Shaw and some authors in America and others. Even if we take it for granted that untouchability is to be found in America or in Africa or in the ducal houses of England, the untouchability observed in India cannot be justified. Whatever the conditions there may be, the untouchables of America, the untouchables of Africa and the untouchables of the ducal houses of England are allowed to stay within the limits of the town, are allowed to have their share of the rights of citizens and are allowed to carry on any avocation they like. The untouchables here are prevented from doing all these things. The object of this Bill is to help the untouchables in the way of taking to any honest calling. At present a Sanatanist or his sympathiser is allowed to go to a Civil Court and ask for an injunction if an untouchable claims the right of a human being. The Bill is really a social piece of legislation. It does not come in the way of any Sanatanist following according to his own conscience, and, therefore, I do not think there is any justification in opposing this Bill.

The conscience of the Sanatanist is a very delicate organ. When an untouchable becomes a Christian or a Muhammadan, he loses his untouchability and even the Sanatanist does not take the trouble of following the religious tenets and he will not take a bath if touched by such a person. My Honourable friend, Pandit Sen, on a former occasion told us that there were certain substitutes for baths. He was asked that as he came in contact with the Honourable Member, Mr. Rajah, who is an untouchable, whether he took a bath every day after going home. It is well known that he does not. What is the justification for saying that there are substitutes for bath. No doubt there are substitutes, but they will not make one clean. If a bath is for the purpose of securing cleanliness, then any substitute for it is of no use.

Pandit Satyendra Nath Sen: Cleanliness is of two kinds.

Mr. B. V. Jadhav: I would like the visible cleanliness and not the invisible cleanliness of which Pandit Sen is so fond.

Mr. Amar Nath Dutt: You are not much fairer than Pandit Sen. He may be a little more black.

Mr. B. V. Jadhav: I would ask a simple question of the Sanatanists. If they can have substitutes for bath, can they not find any substitute or any formula by which the untouchability of these untouchables will be taken away?

Mr. G. Morgan (Bengal: European): Send them to the League of Nations.

Mr. B. V. Jadhav: Are the sacred Shastras so impotent that they cannot find a formula for achieving this? Had they done so before, I do not think my Honourable friend, Mr. Rajah, would have come forward with this Bill before the Assembly. The Sanatanists will do nothing of their own accord and they would not allow others to help in their own way. They will always try to put obstacles in the path of justice. My Honourable friend, Pandit Sen's arguments about the different avocations allotted to the untouchables and the distressful condition of the Brahmins which he described in moving words are, I think, sufficiently convincing to this House. It is news to me that the Brahmin community is in a very perilous condition. The Brahmins of olden times had chosen poverty as the badge of their tribe, but that badge was thrown away long long ago and the Brahmins are now to be found pursuing all avocations and amassing wealth as much as they can.

Pandit Satyendra Nath Sen: Some of the untouchables also are doing the same.

Rao Bahadur M. C. Rajah: Why not?

Pandit Satyendra Nath Sen: We do not grudge them doing so.

Rao Bahadur M. C. Rajah: But you say that poverty is the badge of your tribe, at the same time you are amassing wealth.

Mr. Amar Nath Dutt: They refer to the Raja Bahadur.

Mr. B. V. Jadhav: My Honourable friend does not grudge the untouchables their better days. But his great authority, Manu, whom he follows, has stated that if a Shudra accumulates wealth he becomes arrogant and thus he becomes a menace to the Brahmin community and, therefore, it is no wrong to deprive him of his wealth. But the foreign Government, shall I say blessed or cursed, I do not know, has prevented all this looting of the Non-Brahmin communities by the Brahmins and, therefore, the Non-Brahmin communities should all bless the foreign Government. But, on the other hand, the Brahmins and Sanatanists like my friend, Pandit Sen, who honour Manu and his commandments, must be cursing the British Government for preserving law and order.

Sir Muhammad Yakub: Sometimes you also join them.

Mr. B. V. Jadhav: Sir, the subject of untouchables has been engaging the attention not only of Mahatma Gandhi, but of greater men before him. The struggle of the Brahmins and the Non-Brahmins is an ancient one. Even in the Vedic period, the followers of Vashisht and the followers of Vishwamitra were at loggerheads and, according to the opinion of the learned, Vishwamitra's was a rebellion against the supremacy of the Brahmins. The rise of the Great Buddha and the great Jain Tirthankaras is also due to protest against the tyranny of the Brahmins. In the 15th century, a Brahmin, by name Eknath, threw his heart and soul in the abolition of untouchability. Later on, about 1850, the founder of Satya Sodhak Samaj, Mahatma Jotirav Fuley, also reopened the same question, but he was opposed tooth and nail by the Sanatanists of those days. The opposition of the Sanatanist is as keen and as bitter as it ever was. People of conscience and such people as take compassion upon the poorer classes will try their best to do justice to the depressed classes and to oppressed men. The upper classes who are enjoying special privileges and who fear that their position might be compromised are always up in arms against such movements. The attempt of Pandit Sen and men of his mind is on the same lines. The struggle will go on. The Indian conscience is awakened, and Mahatma Gandhi has contributed to that awakening. The younger generation in larger and larger numbers are realising the importance of this question of removal of untouchability. This question is eating into the tender parts of our society. The question ought to be solved sooner or later, better sooner than later. I hope that this House will realise the responsibility involved in this question and give their emphatic view in favour of the Bill introduced by Mr. Rajah.

Raja Bahadur G. Krishnamachariar: Sir, I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1934."

1 P. M.

This amendment is practically the same as Mr. Sarma's except that I extend the time up to the end of August, 1934.

Diwan Bahadur Harbilas Sarda (Ajmer-Merwara: General): When the Assembly will be no longer in existence.

Raja Bahadur G. Krishnamachariar: The life of this Assembly has been extended to the 31st December, 1934, and I always thought that August is at least five months before December.

Diwan Bahadur Harbilas Sarda: But the Assembly will be dissolved before then.

Raja Bahadur G. Krishnamachariar: I am not in the know of gentlemen who think that the Assembly is going to be dissolved, but I know this that there is generally a Session in Simla in September. My point is that the 30th June was stated, because, at that time, it was thought that this Bill would come up for discussion at Simla. The discussion did not end in Simla and the time that is given to the Temple Entry Bill is also required for this Anti-Untouchability Bill, and that is the reason why I say that the period lost may be made up by two or three months up to the end of August, 1934.

Mr. O. S. Ranga Iyer: But is there not a danger of this Bill not coming before this Assembly at all by putting it off till August in case there is no September Session, and we have to face a General Election? Therefore, I would ask the Honourable Member to be conciliatory and at least to make it possible for this Assembly to take up this matter.

Raja Bahadur G. Krishnamachariar: I am glad to have that little expression that my Honourable friend used,—“we have to face a General Election”. I want you to do it; I want you to go into the country and say that you want to abolish untouchability. And if the country gives you a mandate to come to this Assembly on that issue, you can have your Bill passed and I shall sit down quietly. But certainly my idea is not to shut it out from this Assembly, but if my friend wants to make it the 1st August, I would not mind. What I want is that there should be ample time in the words of His Excellency the Viceroy for all shades of opinion to be obtained; and I say that there is not much time between now and the 30th June for this Bill to be considered so much in detail, as for instance, the other Temple Entry Bill. So, with your permission, Sir, and in order to satisfy my friend, I will say 1st August instead of 31st August.

Mr. C. S. Ranga Iyer: Is this not a less complicated Bill?

Raja Bahadur G. Krishnamachariar: I shall immediately show that it is a more complicated Bill.

Sir, in the first instance, I should like to invite the attention of this House regarding the genesis of this Bill. Mr. Rajagopalachari, a trusted lieutenant of Mr. Gandhi, has issued a book, named “The Plighted Word”, in which he gives shortly a history of the introduction of this Bill. He says that in Poona there was a certain pact between Mr. Gandhi and certain gentlemen who were extreme reformers regarding the rights of certain classes of the Hindu community, and as a result thereof, there was a resolution passed at a public meeting in Bombay. In that resolution it was stated:

“This Conference resolves that henceforth, amongst Hindus, no one shall be regarded as an ‘untouchable’ by reason of his birth, and that those who have been so regarded hitherto will have the same right as other Hindus in regard to the use of public wells, public schools, public roads and all other public institutions.”

I am particularly anxious that this House should remember these words, because I shall have to deal with it in some detail when I come to the provisions of the Bill itself:

“This right shall have statutory recognition at the first opportunity, and shall be one of the earliest Acts of the Swaraj Parliament, if it shall not have received such recognition before that time.”

—Nobody has any objection to that. When your Swaraj Parliament comes, this will be the first Act—

“It is further agreed that it shall be the duty of all Hindu leaders to secure, by every legitimate and peaceful means, the early removal of all social disabilities now imposed by custom, etc.”

It is stated that, in pursuance of this, Mr. Gandhi advised that this Bill should be introduced and it must be placed before the present Legislative Assembly. Now, my friend, Pandit Madan Mohan Malaviya, who, I suppose, is just as good an authority as anybody else in this matter, and

[Raja Bahadur G. Krishnamachariar.]

to whose presence and influence Mr. Gandhi owed his ability to pass this pact and this resolution at the Conference, says in a letter to Gandhiji with regard to this resolution :

"You referred in your letter to the resolution relating to the removal of untouchability passed at the Bombay public meeting held after the fast week. I agree that it is the duty of every Hindu who was a party to it to make good the resolution. And it is to me a cause for supreme thankfulness that I was able to persuade the orthodox people assembled at the Mahasabha to pass the resolution they did which goes almost as far as the Bombay resolution. But you will, of course, also agree that we are equally bound to stand by the proviso of the resolution passed at the public meeting held in Bombay on 30th September last, which stated that in the efforts to be made to secure the benefits mentioned in the resolution to the depressed classes, no force or compulsion shall be used, but resort shall be had to peaceful persuasion only. I hold that this rules out Satyagraha or fasting to have the temples opened to those who are at present not allowed to enter the temples. I also hold that this rules out, even more clearly, any attempt to seek the help of the Legislature to secure such entry into temples."

So that Pandit Malaviya, who was instrumental in getting this resolution passed, clearly understood the resolution to mean that such an attempt as is now made through the Legislature, should not be made, but that it should be done through peaceful means. The peaceful means culminated the other day in a speech made by Mr. Gandhi at Raipur where he told the audience in all seriousness "If you do not abolish untouchability voluntarily, force will be used". He said that in so many words. I challenged him by a letter in the public press whether or not he used that language and, if so, whether it was in accordance with the resolution of the Bombay conference that it should only be by peaceful persuasion and by no other process. However, that is by the way. So that it is perfectly clear that Mr. Gandhi, the father of this resolution, desires that it should go through this Assembly, although another gentleman of equal standing interpreted that resolution by saying that recourse should not be had to the Assembly, and, consequently, I submit, this is practically a process of coercion by which it is attempted by Mr. Gandhi to remove untouchability by having recourse to this attempt to get this Bill passed

Mr. C. S. Ranga Iyer: Passing of legislation means coercion, does it?

Raja Bahadur G. Krishnamachariar: The passing of legislation is certainly coercion, for the Legislature compels persons to do things which are against their conviction, which are against the dictates of their religion which have been purposely excluded from the Legislature by all principles of justice and good Government: that is the reason why I say it is coercion. In fact, a legislative Act is an act of coercion: it may be a right sort of coercion; every legislative enactment is a coercion and the sanction behind it is the punishment that a man would be subjected to if the order embodied in that legislative enactment is disobeyed, and, consequently, one need not be ashamed to say that recourse to the legislature is an act of coercion . . .

Mr. C. S. Ranga Iyer: But will you agree to this coercion if I get a mandate from the people?

Raja Bahadur G. Krishnamachariar: Then it is not coercion at all: it is only an expression of the peoples' will through the constituted authority. The very hypothesis puts out of court the question of coercion, because, when the Legislature, as it is supposed to be the mouthpiece of the com-

community acting under its authority, finds that the community wants a certain thing to be brought into existence, it is the only organ by which that thing can be brought into existence, and, consequently, it is absolutely no coercion whatsoever

Diwan Bahadur Harbilas Sarda: You mean the majority of the community?

Raja Bahadur G. Krishnamachariar: This counting of heads is a matter which is a very long story and with which I do not want to trouble the House: the majority and the minority is a question which can never be determined

Diwan Bahadur Harbilas Sarda: You mean the mandate should be given by the entire Hindu community without one man dissenting?

Raja Bahadur G. Krishnamachariar: I do not want to go on with these hypothetical matters, because my friend, Mr. Jadhav, will get up and say that the only thing I am doing is to waste time and not to say what I have to say

Mr. President (The Honourable Sir Shanmukham Chetty): The House now stands adjourned till Half Past Two.

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

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

Raja Bahadur G. Krishnamachariar: Sir, just before we separated for Lunch, I was referring to the genesis of this Bill, and I quoted Mr. Rajagopalachariar's explanations as to how the Bill came into existence. I also pointed out how the venerable Pandit, Pandit Malaviya, did not agree with the step that has been taken. Mr. Rajagopalachari, in justifying his position, has trotted out the old argument that the British Judges have been standing in the way of the Hindu society, as they sterilised the Indian society by laying down laws which are no more observed by the people. Sir, I am not a prophet. I do not believe in prophesying unless I know the whole position thoroughly, but I know this much that the British Government has got to administer the Hindu Law for the Hindus.

Diwan Bahadur Harbilas Sarda: As they understand it.

Raja Bahadur G. Krishnamachariar: Of course, as they understand it, because, so far as man is concerned, his intelligence is limited.

An Honourable Member: They have misrepresented the laws.

Raja Bahadur G. Krishnamachariar: And so have the reformers. I am very sorry that those who live in glass houses should attempt to throw stones at them. Those who do not know anything about the Hindu Law, those who do not know a word of Sanskrit except just enough to misunderstand, pose here as authorities on Hindu Law. The tragedy of the constitution of this Assembly is that men who never read Sanskrit, men who do not understand the Sanskrit language, men who never attempt to see why it is that certain laws and regulations are laid down, but are simply led away by the observations of orientalist who, hundred years ago, when researches had not advanced very much, were content only with looking at the contradictions and were not able to reconcile them, come up here and attempt to lay down laws for the Hindu society by saying: "Oh, this is a hopeless mass of confusion—you can never reconcile one dictum of the Hindu Law with another". And that is what Sir Thomas Strange said on one occasion. He lived long before the books were translated. My friend, Mr. Rajah, in his great enthusiasm to support his Bill, had the misfortune to quote Sir Thomas Strange. Sir Thomas Strange's Hindu Law has already been exploded. We have gone very far from him. Much water has flowed under the bridge since his time, and even if he came back to life, he himself would not agree to most of the propositions that he laid down. I was only pointing out in reply to an interruption from my revered friend, Diwan Bahadur Sarda, that the Judges who decided at that time decided the Hindu Law as they understood it, and I said that the tragedy of the position was that the reformers were equally so, they did not understand anything about the Hindu Law, and yet they took upon themselves the responsibility of amending it. That is the misfortune of it. If these people, who have to frame the law, are also compelled to administer it, then they would understand the difficulties. The fact of the matter is that they framed the laws in any way they liked and left it to others to administer them. The position, as it exists at present, is well summed up by an European author of great repute, and this is what he says:

"When things go wrong with the social structure of a nation through the general decline in the ability and stamina of its manhood, two distinct tendencies seem always to become noticeable. The one is to interpret changes which are merely the breakdown and decay of old and healthy institutions as signs of progress. In our era this is called evolution, and the other is, owing to the unjustifiable laws, confided in the governing classes, it is for every one, qualified or unqualified, to refer himself as entitled to make an attempt to put matters right."

A little later the same author says:

"Truth to tell, such a multiplication of nobodies far from producing somebody merely increases and complexes the already existing confusion."

The position is this, Sir. Old institutions are dying out, and they have ceased to command respect owing to the extraordinary system of education that we have been receiving. We have been brought up under a system of education which has deprived its recipients of all respect for our ancient culture. We are all brought up under such environments that these old institutions would necessarily tumble down—because these reformers say: "Oh, we are now reforming". The result is that everybody attempts to do things which he is not qualified to do, and all these nobodies put together, in the nice language of this author whom I have quoted, cannot produce somebody and they only produce confusion worse confounded. That, Sir, is the position and that also forms part of my

argument in connection with the genesis of this measure. It is a tragedy, it is one of the misfortunes of what they call the path of democracy, that religious matters, matters which should form the subject of consideration and decision by persons who have spent the whole of their life in the study of the subject, are left to people who do not understand sufficient Sanskrit, to people who get into these Assemblies by means of a qualification absolutely divorced from anything like the necessity to have a knowledge of even the elementary principles of law or experience of the world.

Mr. B. V. Jadhav: Is it not a gibe against the Professor?

Raja Bahadur G. Krishnamachariar: It is not a gibe against the Professor; it is a true, faithful and honest picture of what obtains, and whoever thinks that the cap fits him, I have no objection for his putting it on. That being the position, what is it that this Bill seeks to do? Sir, I submit with all respect that it does interfere with religion, and my first authority is Mr. Gandhi. Mr. Gandhi is responsible, he is the father of this movement. He admits, when challenged by Sir Nripendra Nath Sircar, that there is nothing of politics in it, it is entirely a matter of religion, and the Government of India, in giving their sanction, admitted, —I mean the Governor General admitted, that it was a question of religion, in the face of all these, this is what the Statement of Objects and Reasons says:

“The custom of segregation of certain Hindu classes as outcaste and untouchable and the social and other disabilities they suffer under in consequence of such custom, have been the subject matter of universal condemnation.”

I think I shall dispose of the whole thing in this way. There used to be in England a story about the three amiable tailors of Tooley Street who said: “We the inhabitants of Great Britain and Ireland, we represent the whole of the United Kingdom”. Exactly in that manner these people start by saying that this has been the subject matter of universal condemnation. Who condemns them? Half a dozen of these gentlemen, who, under a misguided education, lose respect for everything that, according to their old traditions, they ought to have respect for, shout loud. There is a newspaper press behind them which reports every act of theirs—it may be sense or nonsense or anything, and consequently the people see only one version in that newspaper, and they say it is universal condemnation. I am reminded, Sir, of a famous passage in one of Burke's speeches where he speaks of the grasshopper in the field making a tremendous noise, while, on the other side, the great cattle after feeding lie down under the oak chewing the cud. It is these grasshoppers that make the noise, and people are led away by the fact that the whole country has universally condemned it.

Mr. C. S. Ranga Iyer: Who are the grasshoppers ?

Raja Bahadur G. Krishnamachariar: They are the handful of reformers who think that they have got the whole country behind them. Sir, the fact is, they have been educated, they are out of employment, and they want to try and get employment in this manner. So, they go about the country saying, if anybody has got any money, get hold of him and attack him. If the Government are not going to make him a Governor or a Deputy Governor or whatever it is, this is a **Statanic Government** and it must be put an end to. If somebody else has got some

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lands, expropriate them. These things happen, because unfortunately people there are out of employ, and the only education that they get is literary education for whom no Government on earth, even if all the persons had to be employed, could find employment. And these are the grasshoppers.

Mr. C. S. Ranga Iyer: But do the non-reformers come under the category of cattle, to complete the quotation of the Leader of the Centre Party?

An Honourable Member: And chew the cud!

Raja Bahadur G. Krishnamachariar: And chew the cud entirely regardless of the noise that the grasshoppers make. The cattle that is of use to the country, the cattle that produces the wealth of the country, having done its work in the morning, having had the feed, goes and sleeps under the tree quite unconcernedly, in spite of the howling of the grasshoppers all the time. I say the non-reformer is that. I say with all respect to my Honourable friend, Mr. Jadhav, that we form 95 per cent. of the population, and if you go and count, you would probably find that we form even more than that. I do not attack the reformers. I greatly respect them for their courage in coming out for reform, but my little objection to them is, why shove down your ideas of reform down our throats. By all means form a separate community. But what I object to is this,—so long as you want to be a Hindu, follow the Hindu tenets, have the courage to do so. As Sir James FitzJames Stephen said at the time of the discussion of the Civil Marriage Bill, we can frame laws for people who call themselves Hindus, we can frame laws for those who have seceded from Hinduism and hold their own convictions, but nobody on earth, not even the British Government can ever frame laws for those who want to call themselves Hindus, but who would not abide by any injunctions contained in the Hindu Shastras. That is my little trouble with the reformers. Otherwise, I have nothing but admiration for the courage that they exhibit in spite of the fact that later in life they will be thoroughly disillusioned and unfortunately find that it is too late in the day for them to change. The Bill says, and I read it for the purpose of showing that it does interfere with religion:

“Notwithstanding anything contained in any existing enactment, regulation or order and notwithstanding any custom or usage or interpretation of law, no penalty, disadvantage or disability shall be imposed upon, or any discrimination made or recognised against, any subject of the State on the ground that such person belongs to an untouchable caste or class among Hindus, and no Civil or Criminal Court shall recognise any custom of untouchability or base its adjudication on such a custom.”

Certain religious ceremonies have got to be performed at a public place, for instance, on the river banks and in tanks, and I go and sit there, collect my people and perform the religious ceremony. If this Bill is to be passed, a member of the depressed class—I do not call them untouchables, because, as I shall presently show, there is a great deal of fallacy in thus naming them, I would much rather go by their ancient name of depressed classes. These people come and they sit there by me and wash their clothes and all their water is splashed against me and they bring their community and they sit there and wash to prevent me from performing the religious ceremony. I have absolutely no remedy against them, and that is one of the ways how it is possible for

them to interfere with my religion, and that is the reason why I say and why Mr. Gandhi also admits that it is a question of religion which he is now attempting to reform, and reform in a peculiar way. Two things he has told us. The first thing I have already said about his speech in Raipur where he has threatened us, unless we say that untouchability is gone, he is going to make us do so by force. I cannot for the life of me understand, and probably I am dense, I hope that some follower of Mr. Gandhi,—probably my Honourable friend, Mr. Ranga Iyer, who is spoiling for a speech immediately after me in order to smash me—I hope he will be able to show how by force he is going to make me say that untouchability is gone from today. (*Mr. C. S. Ranga Iyer: "Force of opinion."*) Yet, at the same time, he says, getting rid of untouchability is not a question of force or law or anything of the kind, but it is a change of heart. That is to say, putting it psychologically, you are going to tell a man who is to be friend with me, like him, love him and directly it is so stated. I am going to like him! Another is this, it is even more fearful. Hitherto Mr. Gandhi was a mahatma, now he has become a prophet. He has become a prophet with a curse in his hands, and that curse he will bring out in this manner, and he has pronounced it in this way. If Hinduism will not get rid of this untouchability Hinduism shall perish. Cowper has said:

"Rome shall perish,
Write that word in the blood that is spilt."
"Hinduism shall perish,
Write that word in the untouchability that it suffers.
Perish hopeless and abhorred.
Deep in ruin as in guilt."

If untouchability is not removed, the Hindu religion will cease to exist. Listen to the story of Hinduism. Hinduism has been in existence for 5,000 years. People will never believe the Puranas, because they say it is all mythical stories. Fortunately for me, I have got a right minded Englishman, Mr. Justice Pargitter, who has written a book, called "Ancient Historical Traditions", and let all those gentlemen, who defy the authority of the Puranas, listen to what this gentleman has said. It is always easier to speak. . . .

Mr. B. V. Jadhav: Do you accept Mr. Justice Pargitter's conclusions?

Raja Bahadur G. Krishnamachariar: I do not know what his conclusions are exactly you refer. When I am referring to one matter, I hope I shall be allowed to finish, and if I find that his conclusions as regards other matters are unpalatable, I am quite prepared to meet them, but I am now dealing with a point which ought to be universally admitted as correct and it is this. Mr. Justice Pargitter said, it is easier to speak the truth than falsehood. It is impossible to believe that those people 5,000 years ago sat down and deliberately concocted stories, for what? They are dead and gone, and why should they deliberately concoct these stories? Consequently the presumption is that those stories are true, and it lies upon those who deny the truth of those stories to prove that they are false. That is not what I say, but Mr. Justice Pargitter, a man who occupied the position of a Judge, and I suppose he knew something of what he was talking about and probably of dialectics and of law. If you do not want to go so far back as the Vedas and the Puranas, there was a person of the name of Megasthenes who has recorded his travels

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in India, and you will find, while describing the state of society at that time he refers to the existence of this untouchability. I think Megasthenes came here some time either before or after Alexander the Great, I do not remember exactly, it was certainly 2,000 years ago. For 2,000 years Hinduism has lived and, God willing, it shall live for another 2,000 years in spite of the anathemas that have been poured upon it by prophet Gandhi. It is not Megasthenes alone, there was Fahian, the Chinese traveller, who came here about the eighth century; he referred exactly to the same state of things. He pointed out that there was a certain class which were following professions which made it impossible for the general community to live near them, and so on and so forth. That is to say, he was referring to the depressed classes, and I believe it is 1,200 years since Fahian came and went away, and Hinduism is still alive, notwithstanding the fact that untouchability is also alive. Consequently all these imprecations fall completely flat upon us, because the basis of this untouchability, if properly understood, is in truth an eternal law. It is not a law made today, it is not a custom as it is wrongly alleged to be, but it is based upon the fundamental, eternal, impartial and moral law of God and nothing else.

An Honourable Member: What did Ramanuja say?

Raja Bahadur G. Krishnamachariar: I am coming to Ramanuja. I have got to say a lot about Ramanuja—the misreading of what he said. I may assure my Honourable friend that I am not going to leave this subject without referring to certain fantastic arguments that my Honourable friend, Mr. Rajah, put forward during my absence in connection with Temple Entry in supporting the position that he took up in connection with the depressed classes. But, Sir, I am now on the question that, affecting as it does an important religious question, this Legislature could not and ought not to interfere with it. I know the sanction of the Governor General having been given under section 67, this Legislature is perfectly right to discuss it, but I respectfully say that the sanction is not correct and I ask you, as a matter of ruling, to kindly hear what I have got to submit and then say whether I am right or wrong. I know there is a clause which says that the conduct of the Governor General, except as the head of the Government of India, cannot be questioned on the floor of this House. I am not discussing the conduct of the Governor General as the representative of His Majesty; under section 63 of the Government of India Act, this Legislature consists of three personalities, first the Governor General, next the Council of State and lastly the Legislative Assembly, and that, without these three factors combining, there is no legislation at all, and if you kindly refer to the section which lays down the necessity of sanction of the Governor General and the various acts which the Governor General is intended to pursue in case of a difference of opinion between the two Legislatures or in the case of a deadlock, you find that those provisions as well as the provision which empowers him to veto, at the end of all these proceedings, all these come under the head of legislation in the Government of India Act commencing from section 63. When I respectfully submit that the Governor General was not justified in giving this sanction, I only refer to his act as part of this Legislature and it would not be correct to say that I cannot criticise the action of one part of the Legislature in connection with a matter which concerns vitally the jurisdiction of this House to

entertain or not to entertain a measure of legislation and, I submit with all respect that this being a matter of religion no permission ought to have been given. Lord Irwin, in his reply to the Muhammadan Deputation, led by Mr. Muhammad Ali, stated "As long as it is made clear to us that it was a question of religion, we never went near it". This being admittedly a religious matter, no sanction ought to have been given and all we would like to say is that it is wrong. Beyond that, I do not know if I can ask you to take the subject off the hands of the Legislature, because the previous sanction required by the Act not having been lawfully given, there is no sanction and consequently there is no Bill which under the law you can take cognizance of in this place.

Diwan Bahadur Harbilas Sarda: Then why do you speak?

Raja Bahadur G. Krishnamachariar: If I had the power in my hands, I would have said: "There is no Bill before you, gentlemen, you go out", but I have got to get the President to agree with me. If I sit mum, the President will not know what is passing in my mind. He has got to give a ruling as to whether there is a Bill or not. The Governor General has gone through the operation of giving sanction to the introduction of this Bill, but that is not a sanction as contemplated by law, because it contravenes the fundamental principles upon which the Government of India ought to be conducted, because the Government of India for 150 years have said that there should be no interference with religion and they have always repeatedly said so. The Governor General knows exactly the circumstances, the condition and the limitations under which he is exercising the discretion vested in him by law, but that discretion ought to be in consonance with the general principles of the British Government, and one of those principles is religious neutrality. The Governor General having transgressed that, the sanction that he gave, although it is said sanction, is not a sanction in law and I therefore, respectfully invite you to hold that this Bill is not in order. When a thing is stated in a particular form, it is not properly appreciated. It has been like that from the beginning of time and I respectfully invite you to consider in an impartial manner, in a judicial manner and in a just manner whether my contention is correct or not. That being the nature of the Bill, I say that it ought not to have been brought before the Legislature at all, but, unfortunately, as it has come, I would ask this Legislature not to have anything to do with this. Now, who wants this measure? This is rather interesting. Who are the gentlemen who have signed the Statement of Objects and Reasons; They are Mr. M. C. Rajah, Mr. C. S. Ranga Iyer, Mr. Eajaram Pandian, Mr. S. C. Mitra, Mr. G. P. Singh, a group which is pro-Gandhi, which is always after reform, whether it is going to be useful to the community or not. I am not using the word in any offensive sense. I have got the highest regard for these gentlemen. These people say that this measure is universally demanded.

I happen to have heard, unfortunately I have not had the pleasure of meeting him, of a gentleman of the name of Mr. R. Srinivasan in Madras, who belongs to the depressed classes. He is a graduate, I believe. He is also a Vakil of the Madras High Court, I do not know, I believe he had had something to do with learning law under my friend, Sir C. P. Ramaswami Aiyar. Therefore, I say, he is an enrolled Vakil of the Madras High Court. He knows something about law and he knows what he is talking about, and, being an educated man and occupying the

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position that he does among the depressed classes in the Madras Presidency, I suppose his voice is entitled to be heard equally with my friend, Mr. Rajah. Before I proceed with that, I will tell you one thing. I have got the highest regard for Mr. Rajah and that regard is reciprocated by him, if I may say so without any conceit, I have accepted him as the Secretary of my Party and we have been getting on very nicely, without any friction whatsoever. From that you may have some idea of the regard I have for him.

Sir Muhammad Yakub: Will you invite him to dinner?

Raja Bahadur G. Krishnamachariar: I do not believe in that very very old fashioned way of thinking which believes that unless you sit down with a man to dinner, you are not his friend. I know the saying that if you want to reach an Englishman's heart, you must go through his stomach. We are not Englishmen. We are Indians, and, from time immemorial, we have been accustomed to eating separately, but working together in all other respects.

Mr. B. V. Jadhav: May I remind my Honourable friend of the *shloka* :

*Dadati pratigrinhati guhyamakhathi prichchhati
Bhunkte bhofayat chaiva shadvidham pritilakshanam.*

Raja Bahadur G. Krishnamachariar: Sir, the Vedas said,—well, 1
3 P.M. will not now go to the Vedas, I will go to a poet by the name of Pope who said:

3 P.M.

"A little learning is a dangerous thing.
Drink deep, or taste not the Pierian spring."

Certain gentlemen, as I said, know just enough to misunderstand and cull passages from out of their context and they unfortunately have the habit of saying various things. I do not say a word about my friend, Mr. Jadhav, who is a very learned man, very learned indeed, but that is the general position and it is impossible to go on with what little I have to say,—useless or useful, having sense or no sense, if these things go on. Therefore, I say in regard to what my friend, Mr. Rajah, and others say in this Statement of Objects and Reasons, namely:

"There is at present a great wave of feeling throughout India for the removal of the disabilities of these Depressed Classes which, in the interest of humanity and general welfare, advantage should be taken of by the State. It is, therefore, desirable that a general law should be passed prohibiting the recognition of any rights, or disabilities arising out of the usage regarding untouchability, either in Civil or Criminal Courts."

I say it is not a custom, it is not a usage, it is based on solid Shastric directions. This brings me to the question whether there are Shastric grounds. But I will not trouble this House with quotations from the Shastras which evidently operate upon the minds of certain of my friends here like the red rag to the bull.

Mr. C. S. Ranga Iyer: Quotations from Burke or Pope are an improvement.

Raja Bahadur G. Krishnamachariar: It is a matter of taste after all. Then the trouble about us is that this House takes upon itself the duty, the right, the privilege of interpreting what we consider to be our ancient sacred law. When I say that any provision is against the provisions of the sacred law and when I am challenged that there is no such law and when I begin to quote that law, they are all disgusted. They say: "We

know your arguments already". One gentleman actually said in another connection: "Can we not take the speech as read?" That, Sir, is not the sort of responsibility with which Honourable gentlemen, who come to this House, should approach these questions. You may or may not agree with me, but when you want to talk on what I consider to be the principles of my sacred religion, I am at least entitled, as a matter of courtesy, to a respectful hearing. Pull me to pieces if you like, but the mentality that was exhibited especially on the last occasion when my Honourable friend, Pandit Sen, was speaking, when the remark was interjected: "Can we not take the speech as read" is very much to be regretted, and such a remark is one that no one outside, who has got any sense of responsibility, would give utterance to, and I do not see any reason why people who feel bored when they come here with the ostensible idea of discharging a duty—and one of the duties being that this House being seized of this Bill should give a patient hearing to what we have to say when we say that it is against the Shastras, and so on—I do not see any reason why people who feel bored should give expression to that in a most offensive manner; I do not, of course, in the least mind people being bored. Now I want just to refer to this fact that when Mr. Gandhi was in Madras, His Holiness Shankaracharya of Puri—who is as good a man certainly as Mr. Gandhi—sent him a challenge saying: "You say that there is no reference to untouchability in the Shastras. Will you come and have a discussion with me?" His Holiness Shankaracharya got a reply saying: "If you like, we shall have a private discussion over the matter, but I do not like to appear in public". Shankaracharya said: "This is not a private matter, it is no question of a marriage, I want the people to be satisfied that your public statement repeated over and over again that untouchability is not provided for in the Shastras should either be proved by you or I should be able to convince you that my position is correct."

Mr. C. S. Ranga Iyer: But has not the Mahatma the right of choosing his platform and his opponents?

Raja Bahadur G. Krishnamachariar: Of course, but I have never yet been able to find out whether he chose any platform although every time he said that there was no provision in the Shastras, every time there was a challenge that there is a provision in the Shastras. Four years ago, when he went to Madras, he challenged the Pandits of Kumbakonam—a very bad place—and the Pandits took up the challenge, but he said he had no time in Kumbakonam. Well, it costs only Rs. 2-4-0 from Kumbakonam to Madras, and several of these gentlemen went to Madras, for three days they were waiting, but Mr. Gandhi had no time. Demonstrations were taking place in Gandhi Park and Tilak Ghat. However, the Pandits had about five minutes discussion at which Mr. Gandhi said in effect: "I do not care about your Shastras. What I consider to be Hinduism is the correct idea of Hinduism and, therefore, you may walk out." I have newspaper extracts, Sir, to prove that. Now, there is this challenge. The trouble is that Mr. Gandhi is compelled, by a peculiar combination of circumstances, to change and change. At first he said: "We will have Swaraj in a year". Then there was non-co-operation. Then there was the unfortunate programme by which at least 20,000 to 30,000 students in the Madras Presidency were weaned away from their studies and from their homes and who are now strolling in the streets for want of employment! Now, he pretends to have abandoned politics and has taken to this religious propaganda in reference to which his own friend, Mr. Jammadas Dwarkadas, says: "It is all stunt, don't believe it", and, lastly, he has

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now adopted the practice of collecting money from poor boys. He has even got from a misguided girl in Malabar her diamond jewellery and necklace. (A Voice: "In Malabar?") Yes, in Malabar, at a meeting there, a girl of the name of Kaumudy, evidently born of a high-class Nayar family, took out her jewellery studded with precious stones and presented that to him. Now, Mr. Gandhi thinks that he is going to remove untouchability by collecting funds in this manner! By all means, if there are fools enough to pay money, let them do so, and I have got the authority of Professor Marshall for saying that mankind is generally foolish in all its affairs, and it is no concern of mine. I am only afraid of what the British Government may be thinking. On the one hand we go and cry before them that there is ruin and distress, and so on. On the other hand, the British Government might say, "Look, what is going on there. Purses of Rs. 10,000, of Rs. 20,000 and more are pouring in for Mr. Gandhi!" What becomes of our position when we go before the Madras Government asking for remission of land revenue? They might say: "Where did it all come out from for Mr. Gandhi?" To resume, I say, for Mr. Gandhi to come forward and challenge that there is no authority in the Hindu Shastras in respect of untouchability is to say a thing with his tongue in his cheek, because he never studied the Shastras, he never cared to study the Shastras, he did not and does not care for Hinduism, his Hinduism is not the Hinduism as it is observed today. It is, in fact, stated by Mr. Gandhi in a book by Gray and Parekh that "The Hinduism that I follow is not the Hinduism that common people follow; it is something which brings into relation my God and my soul." I do not know of any such Hinduism in the world. I know the Sanatan Dharma which follows the Vedas and the Shastras as traditionally interpreted and I say this with all the sense of responsibility. I have the highest regard for Mr. Gandhi. He has got the courage of his convictions to such an extent that today he will say one thing and tomorrow he will say quite a different thing and he will justify both. A man who talks like that is no doubt a singularly courageous man, because he is not an ordinary man like myself who has the misfortune of appearing in the cartoons of the *Hindustan Times*. He, as I said, is a big man whom the whole world is watching. His every action and every movement is being watched by a horde of reporters and the news that he sat in the chair at 12 hours and 14 minutes flashes across from one end of the country to the other. Such a man does want an extraordinary mental courage to change his opinion as one changes his clothes and then be able to justify everything or forget the whole thing and never bother his head about the previous opinions when they are challenged by the people. Of course, when I talk about Mr. Gandhi I talk about him with all the respect that I feel for him. But I have got to speak about him, because, were it not for him, all these things would not have come up. My friend, Mr. M. C. Rajah, had the honour of being a member of the Indian Committee which was attached to the Statutory Commission and he has recorded a note of dissent there. He has given a catalogue of the disabilities that his community is labouring under. I have no objection to that; he has got every right to do that. But I happen to remember—and I am saying this subject to correction—that he never said anything about the abolition of untouchability or the temple entry. That was a matter of later growth when Mr. Gandhi thought . . .

Rao Bahadur M. C. Rajah: I have mentioned that fact in the report. The Honourable Member has not read it carefully.

Raja Bahadur G. Krishnamachariar: You need not have added the rider. Being an old man, I am likely to forget. If I was quite as young as Mr. Rajah is, I suppose I should have remembered it. That is why I said that I was speaking subject to correction. I always speak subject to correction. So, if he did refer about the temple entry, all honour to him. Sir, there is a gentleman of the name of Mr. Srinivasan and he gave rather an uncomfortable half an hour to Mr. Gandhi in publishing his manifesto in the Madras dailies. Mr. Gandhi wanted to raise the status, at least according to his light, by calling these gentlemen Harijans. That is a very insulting term to use, if you will pardon me to say so. A Harijan is a man who is devoted to God. Are we not devoted to God? Are not all the Members of the Assembly devoted to God? Why should they not be called Harijans? Sir, they are calling them Harijans out of mere spite and malice. They think that by doing so the red will become white or the white will become black. Sir, Mr. Gandhi is not my friend. (*An Honourable Member:* "Is he your enemy?") This is a strange logic and is a mentality of some Honourable Members. If a man is not my friend, he is my enemy! The contrary does not follow. He is not my friend, because I have not been acquainted with him. That does not show that he is my enemy. There are so many people in India who are not my friends, but surely they are not my enemies on that account. Mr. Srinivasan said: "Leave our politics to ourselves" and that settles the whole affair. He says:

"Temple entry not urgent; it is the economic position which troubles us; co-operate with us; depressed classes community was not consulted when you chose to call them Harijans; large sections of the people resent the name Harijan."

Rao Bahadur M. C. Rajah: Will you please read Mr. Gandhi's reply?

Raja Bahadur G. Krishnamachariar: I do not care what Mr. Gandhi says, but I care a great deal what the depressed classes themselves say. Mr. Gandhi gives a reply today which, I am perfectly sure, will be changed the day after tomorrow. So, I am not concerned with that sort of a gentleman who is always changing. (*Interruptions.*) I do not wish to be interrupted, because I have no time, otherwise I should have been only too glad to discuss this matter. Besides, this is not a debating club. You must remember that it is an honourable Legislative Assembly where we are concerned with the making of laws. Mr. Srinivasan says that a large number of the depressed classes resent the word "Harijan", but the word "Harijan" has come to stay. It sticks. If my friend, Mr. Rajah, is quite happy over that word, I shall make a present of it to him. From tomorrow I shall call him Harijan Rajah and not Mr. Rajah. I hope it will satisfy him. But the fact of the matter is that an equally respectable gentleman like Mr. Srinivasan told Mr. Gandhi that the name of "Harijan" is not wanted by his community and he also told him that the temple entry was not urgent. He says in effect: "Give us education and improve our economic condition." I have said once before in this House and I repeat it that years and years ago—this was in the year 1880 or 1881 when I was in the college, when perhaps you were not born, Sir,—there was a gentleman named Peter Paul Pillai. He belonged to the depressed classes. Afterwards he became a Christian and thereby he was enabled to go to England and got himself called to the Bar. When he came back to India, he did not practise, but dedicated his whole life to the service of his community. If anybody has the curiosity to refer to the series of articles that he wrote to the *Hindu* in those days, he will find him saying that the question of the depressed classes was not a social question, but an economic one. When different communities are put equally in the economic scale, the social

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question adjusts itself completely. If my friends think that because there is a law passed by this Legislative Assembly that there shall not be any more untouchability and, therefore, the untouchability will cease to exist, they are greatly mistaken and misguided. By all means raise their economic status. I am not merely preaching this, but I challenge anybody either on this side of the House or on any side of the House, who have shed crocodile tears of sympathy for these depressed classes, to stand up and say that they have done as much for the depressed classes as I have done or my fellow landlords have done for whom Mr. Rajah used the word "cunning" in his speech and Mr. Jadhav used the words "hated Brahmin".

Sir, the Brahmin landlords of Southern India have done a lot for these depressed classes. I am not acquainted with other places. It will probably be called egotism if I recited all that has been done for the depressed classes. You may take it generally that the 150 people who are working under me are housed, some of them much better than the places that are allotted to us as Members of the Legislative Assembly in some of those places which look like barracks, and my working classes live much more comfortably, and I challenge any one to go to them and tell them that you are going to abolish untouchability and that they can rub shoulders with the Brahmins and that they could do whatever they like with the Brahmins. I want any of these gentlemen to go to the villages and after preaching these doctrines to come back full and entire. I want the House to believe me, and, if they do not believe me, to test it for themselves that the heart of the depressed classes is perfectly sound in the district. Certain gentlemen who think they have a grievance because of the sort of education that is imparted to them, it is these people that talk of untouchability. Even they know full well that with the improvement in the economic condition of the depressed classes their social disabilities will disappear. I am perfectly sure, inspite of the enthusiasm of my friend, Mr. Rajah, for this Bill, he too knows in his heart of hearts that the most important thing that should be done for the uplift of his community is to improve their economic condition. With the permission of the House I should like to go back to the speech of my friend, Mr. Rajah, at the time when the Temple Entry Bill was being discussed. I am not going to talk about the Temple Entry Bill now, but he said at that time a lot of things about the position of the depressed classes according to the investigation that he made into their condition. There were certain remarkable statements to which I should like to refer on the floor of the House, principally because he referred to instance after instance and said that it was strange that the Raja Bahadur made his statements when the facts were quite different. I think in justice to myself I ought to refer to some of those statements and show that my friend, Mr. Rajah, was all right in his enthusiasm, but if he should stick to truth, it would be much better. I was using the language of the law which we used to repeat whenever an inconvenient position turns out in the course of argument in a case and I said that as far as human memory goes none of these depressed classes were allowed to enter any temple. It is rather unfortunate that in all the researches made by my Honourable friend, Mr. Rajah, he referred to three particular instances for they all go against him. They are important, that is perfectly true. I do not deny the truth of it, but my only complaint is that he did not make a full statement regarding those cases and it is that which affects his position. Now, there was a saint by name Tirupanalwar among the Vaishnavas of the South Indian community. I am sorry I have to trouble the House, but I shall be as brief as possible with the story. The story goes that one day

when a wandering minstrel belonging to the depressed classes—my Honourable friends must have seen them with a little bit of a musical instrument something like a *Tambura*—was walking along the field on the other side of the Cauvery in front of Srirangam Temple, he heard the cries of a baby. The baby was not born to him and no one knows to this day to whom the baby was born. A baby was found and he took hold of it and made a present of it to his wife who has been hankering after a child for a long time and so she was *kush*. This is how it happened. No one knows how the baby imbibed all the philosophical learning that he undoubtedly possessed. But I can just make a guess. According to what I have been taught in the *Bhagavat Gita* that where you begin a good thing and your life ends, in the next life you start from the place where you left and you go on in this way in order to attain salvation. In the *Bhagavat Gita* it is said:

“*Tatra tam buddhi samyogam labhaté paurvadehikam,
Yakate cha tatám bhuyah samsiddhau kurunandana.*”

That is to say, a man takes the thread at the point where he left it and then he continues his efforts and eventually he obtains salvation. Except on this principle it is impossible for any one to explain how he imbibed all those abstruse Vedantic doctrines. What did he do? Anybody who has visited Srirangam will appreciate this. It is surrounded on both sides by the river Cauvery of which one branch is called Coleroon, and this boy was on the southern side of Cauvery and facing the huge tower of Srirangam Temple and singing the praises of the Lord. He was doing so until he was about 30 years of age. Then one day, as we believe it, God gave orders, and my Honourable friend, Mr. Rajah, also accepts it, God gave orders to the temple priests that they must go to the other side of the Cauvery and bring that devotee to the temple. Of course God's orders in those days were believed in great faith though we do not do so nowadays. When God's orders were communicated to the devotee, he said: “All right, gentlemen, I have no doubt I have committed great sin in my previous birth and so I am born in the family in which I am. Now you are going to ask me to commit a more heinous sin by asking me to go to the temple. Please tell your God that I am not going to come to the temple. He can give me salvation from the place where I am and I shall be satisfied.” After a great deal of trouble in which there was much going and coming, because the devotee would not agree, God gave orders to an ascetic named Loka Sarangu Muni that he should go and bring that devotee on his shoulders. When the ascetic called on the devotee and communicated to him God's orders, he said: “All right, you Brahmins were formerly going to lead me walking to the temple, but now you are asking me to commit a much more heinous sin. No, I am not going to follow you”. Then the ascetic followed Mr. Gandhi's principle and said: “Either you get on my shoulders, or I will fast unto death here”. Then the story goes that the saint Loka Sarangu Muni took the devotee on his shoulders to the temple as far as he could be brought and God exhibited his presence and accepted him as his devotee and then there is a difference in the story. According to one version he became what Muhammadans call *Fanah*, he immediately disappeared into the image of God, and the other version is that he lived for some time and recited those ten verses which begin as my friend, Mr. Rajah, quoted with “*amalan adhipiran*”. These ten verses comprise within themselves the Vedantic doctrines according to Visishtadwaic school. I agree that his image is worshipped to this day in all the temples and no temple is sacred except with the presence among others of the image of Tirupan Alwar. Now, Sir, two things are established, in the first place

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you do not know his parentage, in the second place you know exactly that he was brought up by a depressed class man and God gave orders, finding his devotion and appreciating it, that he should be brought on the shoulders of the most holy ascetic available at the time in the place. I say that if God gives me orders that my friend, Mr. Rajah, should be carried by me on my shoulders to the temple of Sri Ranganadhu at Srirangam, I am perfectly prepared to take him to the *sanctum sanctorum*. I say this on the floor of the House. I will do that most cheerfully. If a man is extraordinarily devoted to God and if God shows His mercy to him—there is no touchability or untouchability before God Almighty, everybody is equal in his eyes—if God orders me I shall certainly carry him on my shoulders to the temple. In the *Bhagavat Gita*, Lord Sri Krishna says: "No one is my friend, no one is my enemy, all are equal in my eyes".

An Honourable Member: How will God tell you now?

Raja Bahadur G. Krishnamachariar: According to my friend, Mr. Rajah, in the case of Tirupan Alwar, God Almighty said so and we all believed it. Similarly it may be done now. Then in that way he will say. My Honourable friend, Mr. Rajah, quoted the well known instance of a man named Nandan, who belonged to the depressed classes, the pariah community. There was a call within him. He was such a great devotee of God that although he belonged to the depressed classes, and was cultivating his master's fields very loyally his heart was set upon visiting the famous shrine of Chidambaram. Although repeatedly requested, his master would not give him leave to go to Chidambaram and eventually the master yielded to his request upon the condition that the pariah Nandan would return back to the master after visiting Chidambaram in about a week's time. Nandan simply said: "You allow me to go now and who knows whether any one will return after once seeing the Lord Natesa at Chidambaram". And then what did he do? He sat at the end of the town, would not bathe in the temple tank, but would bathe elsewhere. Before any Brahmin ever got up, he was there with his *bibhuti* and all that sort of thing, singing praises of God. That went on for some time and then the same story here, as with the Alwar, and after a good deal of protest the man was taken in. I want Rao Bahadur Rajah to note this. God Almighty, Sri Natesa, said: "Light a fire in front of my *sanctum sanctorum*". The fire was lit and it was burning like anything and the order was: "Ask Nandan to walk on the fire".

Rao Bahadur M. C. Rajah: That was the Brahmin interpretation.

Raja Bahadur G. Krishnamachariar: The Brahmin, of course is cunning and is able to weave any story he likes, but unfortunately the Brahmin does not benefit anything by it. See the inscription in the temple. But it is God's greatness that he is proving. And how is this greatness proved? He said: "Ask Nandan to walk on the fire". And Nandan said: "What more do I want? There is God's order in my presence". And so he walked. He walked on to the other side and was seen dressed as a holy Brahmin with *rudraksha* on his neck and with the *bibhuti* and all those caste marks on his head and taking a *mala* and counting the beads. Now, Sir, Nandan immediately disappeared into the *sanctum sanctorum* and nobody knew where he was gone. I again challenge Rao Bahadur Rajah that if God Almighty says that, I am prepared to carry him on my back to the fire.

Mr. C. S. Ranga Iyer: Does the Honourable Member seriously stipulate that every member of the depressed classes should walk on fire or go through that test before he is elevated to the status which Mr. Rajah mentioned?

Raja Bahadur G. Krishnamachariar: My Honourable friend has entirely misunderstood me. Exceptions prove the general rule and these two or three instances that he cited are exceptions to the general rule of how untouchable persons were treated; and if you regard that as a precedent that the same treatment should be meted out to you, I say follow their example and do as they did and you will be entitled to greater respect. But if you do not want to put it at that height, then do not refer to it. I adore that man, because it was God's order. You may not believe it, but I believe it and if you also get God's order, I will prostrate myself before you without caring what caste you belong to.

Now, Sir, my Honourable friend, Mr. Ranga Iyer, asked me about Sri Ramanujachari. As it is always said, it is not a Brahmin's trick. It is what happens today if you go to Mysore and inquire.

Mr. Amar Nath Dutt: Is not Mr. Ranga Iyer also a Brahmin?

Raja Bahadur G. Krishnamachariar: He has got two or three capacities, but at present I am speaking of him as one who supports Mr. Gandhi. Sir, in the temple of Melkote there is a custom today that the depressed classes are allowed not to the *sanctum sanctorum*, but up to a certain point inside the temple and far inside than ever any ordinary Sudra is allowed, for three days in the year. Sri Ramanuja was being persecuted by the Jains and he went to Mysore, conquered the Jains and established Vaishnavism and he was allowed to build a temple and dig a tank on the top of the hill where the temple is situated. The depressed classes of that place gave him a great deal of help in digging that tank and in remembrance of that Sri Ramanuja said that notwithstanding the sanctity of the temple they should be allowed to get in for three days in the year.

Rao Bahadur M. C. Rajah: Without going through the fire?

Raja Bahadur G. Krishnamachariar: Yes, the fire comes later, because, when they go through the fire, they become one with God. Well, for three days in the year they are allowed to go and worship God from a point to which they were not allowed to go during the ordinary days. But what happens? Immediately the third day expires a purification ceremony on a large scale is performed. All those ceremonies that are performed in order to bring Godhead again to its proper place are being celebrated today; and, if you look at the Mysore Government Budget, you will find the item of purification ceremony in connection with this Melkote temple. That is the story of Ramanuja. The temple would be sacrilegious, but, out of gratitude for what has been done for the benefit of the country, he risked that sanctity being disturbed for the nonce, because you can always purify a sacrilege like that, and that is what he has laid down. That is not what our friends want. They say that they want whatever rights of entry we have and they are entitled to do the sort of thing that we do. That is the position I object to; and consequently these instances that he has given have by a stroke of misfortune acted against him and are not at all in his favour.

Then, Sir, he made an extraordinary statement about which I wrote to him directly I saw it and asked for a reply. He has not yet done so but I

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daresay he is investigating it. He said that the temples in Southern India belonged to the depressed classes and the cunning Brahmins,—that is the word he used,—have somehow or other deprived the depressed classes of all the temples and taken possession of them. Now, Sir, Brahmins never ruled the country. I was told of the numerous misdeeds that the Brahmin has committed from time immemorial, by my Honourable friend, Mr. Jadhav. Now, I will tell you a little thing as to what the Brahmin did. It is admitted that the Vedas are the most sacred writings amongst the Hindus and they are referred to as authorities even by Mr. Gandhi. Even those reformers who want to support their reforms wish to support their ideas by the Vedas so that it is universally respected. Now, in the days when the Vedas came into existence and we had the guardianship of the Vedas, it was perfectly open to us to say that we wrote the Vedas. But not one Brahmin dared to get up and say that he wrote the Vedas; and it was a grand opportunity that he lost of glorifying himself as the author of the one book which is regarded as a great authority. That, Sir, is the wiliness of the Brahmins. These things have been showered upon our heads not now, but from the time of Hiranyakashipu and from the time of Kansa. Those gentlemen are gone and we are still living, and these other gentlemen also will go, but we will still go on living. We mean to live and we will live; and consequently it is rather futile to make us believe at this hour of the day that all these temples belonged to the depressed classes.

I do not want to tire the House, but if you want, I can give you another story. (*Cries of "Go on."*) That story relates to the building of the Srirangam Temple. There were no depressed classes there. A small portion of it was brought by Vibhishana; and, after that, Arjun went on a pious pilgrimage and built what is called the Arjun Mandap; and, then, king after king added to it, the last being the Naik Kings of Madura: they put it into shape and they were then the lieutenants of the Emperors of Vijayanagarum. That is what is recorded in the temple records; but my Honourable friend, Mr. Rajah, says otherwise. I will tell him this: there are certain matters connected with this question of untouchability which are passing away which will never hereafter exist and which today do not exist. If he and those friends who have asked him to support this measure will only turn their minds towards other things, they would be doing a lot of good to their community. I can give a practical instance. Mr. Gandhi has been collecting this money: there is a village near Conjeevaram wherefrom a man wrote to the newspapers: "We have built temples for the depressed classes: we only want Rs. 200 to finally consecrate it and finish the business. But we have not got the money; will you kindly send us Rs. 200 out of the collections you are making for the Harijans?" There was no reply. The money is not coming. It is not a question of any real consciousness or eagerness of worshipping in a temple: the whole attempt, if you will see it, is to bring the Brahmin down, and what is the result? The Brahmin will never go down; as I said he will live for hundreds and thousands of years; and these gentlemen who boast of the civilisation that India has been enjoying, notwithstanding the fact that the Sumerian, the Egyptian, the Assyrian and all other civilisations of the old world have gone without any recognition whatsoever, all that redounds to the credit of the Brahmin who founded this system. You may not want it and you may despise him; but his work is there and it is upon that work that you are glorifying yourselves—not upon what

you did. Therefore, I would ask my friends by all means to discuss the disabilities to which the depressed classes are subject; I have no objection; as I said I shall be the first man to do it—I am not merely talking about it, but I have done it and any one who goes to my village can get ocular proof of it; but to call the Brahmin all sorts of names is neither here nor there, and the already disrupted Hindu community will be more disrupted by all this internecine warfare, when we have got a common ideal to attain.

There is only one point and a very important point to which I would refer—that those gentlemen who quote certain authorities as saying that there is no difference between a Brahmin and a Sudra according to the holy books and that we have forgotten it and that we are imposing our own wicked doctrine on these people are mistaken: I shall give some more authorities to them: it is stated in the Bhagavata and other Puranas:

“Vishnur nityam vidyathathamrandyas thasmat gnanannityarupam varenyam;

Prapnyam gnanam Brahmanat Kshatriyat va Vaishyacakudradhapi nichadhabhikshanam.”

That is the Vedantic side: there are two different standpoints: one is what they call the *sharira*—connected with the body—that is to say, born in this birth; and the other is the *manasik* which concerns the mind. The soul is not born; it does not die; and it is these two different things which are treated in the Shastras in two different places. As I said, a little learning unfortunately makes these gentlemen confound one with the other. What do the words I have quoted mean? If a Sudra is a devotee of God, he is considered a Brahmin and the Brahmin or Kshatriya or Vaisya is a Sudra if he is not a devotee of God. But that has nothing to do with the social arrangement. You cannot recite that verse and say “Now you see I am a devotee of God and, therefore, you and I are one—come along: we will intermarry”. That is not it. This is an injunction connected with the Vedantic side of Hinduism which has not got anything to do with the social structure. I will go further:

“Chandalam Api Vrittastham tam Devah Brahmanam Viduh.”

“Even if a Chandala acts according to the rules of his own class or community, the angels regard him as a Brahmin.”

That does not mean that directly he follows even the path of devotion, as Tiruppanalwar did, he is entitled to go and say to the Brahmin “I want to marry your daughter. Will you give her to me in marriage.” That is not it. If you act according to the injunctions relating to your caste you are doing a good thing. I go still further. This is what is stated in our sacred books:

*“Bhaktirashta vidhahyesha yasmin mlechhepi varthathe
Thasmaidheyam thathograhayam saccha pujoyo yathahayaham.”*

The great Rishi who wrote that says, there are eight kinds of *bhakti* or devotion which might exist even among the Mlechhas, and you know what penalty our Shastras prescribe for coming into contact with Mlechhas. These very Shastras lay down that there are eight different kinds of devotion to God Almighty: what does it say? Knowledge should

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be given to him: you can take knowledge from him and he is to be respected as much as I am myself respected, says the Guru. Another and more important thing is:

*"Prapyem gnanam Brahmanat Kshatriyat va
Vaisyaccherdradhipi nichadhabhikshanam."*

"You can obtain knowledge: if you cannot get it from a Brahmin, go to a Kshatriya; if you cannot get it from a Kshatriya, go to a Vaisya, if you cannot get it from a Vaisya, go to a Sudra; if you cannot get it from a Sudra, go even to a Chandala."

These are the doctrines that are held on the Vedantic side, and they have got absolutely nothing to do with the social side and no one can say on the strength of it: "Come and sit down with me and we shall interdine and intermarry". These things are connected with the Vedantic side of things. It is not possible according to the belief that we have that a man who is born in one caste can ever in this life belong to another caste; and who is my authority for it? Mr. Gandhi. In the year 1925, he says:

"It is possible for a Sudra to become a Vaisya; but, in order to perform the duty of a Vaisya, he does not need the label of a Vaisya."

Perfectly right: this was in his pre-prophet days—

"He who performs the duties of a Brahmin will easily become one in the next incarnation; but the translocation of one *varna* into another in the present incarnation must result in a great deal of fraud."

These are not my words: these are Mr. Gandhi's words—

"The only consequence would be the obliteration of *varna*. I see no reason to justify its destruction. It may be a hindrance to material ambition. I must be excused from applying material considerations to an institution based upon religious considerations."

So that, I have got the authority of Mr. Gandhi for the proposition that if a man is born in a certain *varna* he cannot in this life transfer himself to another *varna*; and yet these reformers think

Mr. B. V. Jadhav: Was this said after the Lakshmi marriage?

Raja Bahadur G. Krishnamachariar: There you are: that is my complaint. I am glad, my friend, Mr. Jadhav, put this question: Mr. Gandhi is never sure of his position, for the simple reason that he never studied that position: to say that Varnashrama is

Mr. B. V. Jadhav: Then why are you wasting time by quoting him and telling us what he said long ago?

Raja Bahadur G. Krishnamachariar: Thanks for the courtesy. I thought he was a *mahatma* to all of you people: but the reason for my quoting him is that I have got to deal with him: I have got very great regard for him: but those gentlemen who have been goaded to do this thing in this Assembly, when it is drawing its last breath (Laughter), I say they are doing it at the behest of a gentleman who has absolutely no regard for our Shastras and, therefore, no one should rely upon him. Rely upon

your own merits and say what you want and what you do not want. What is it that they want? If you take clause 2 in this Bill, you will see it says this:

“Notwithstanding anything contained in any existing enactment, regulation or order and notwithstanding any custom or usage or interpretation of law, no penalty, disadvantage or disability shall be imposed upon, or any discrimination made or recognised against, any subject of the State on the ground that such person belongs to an untouchable caste or class among Hindus,”

and so on. That is to say, they want free access to public roads, to public institutions and to public wells. I do not know about other provinces, but in my province there is legal provision for this, and that is my contention. There has been legal provision, and still these gentlemen are under this disability—why? Because in one of those intervals when Mr. Gandhi saw through the right thing he said that this thing does not help him on account of any legislative enactment and he suggested a change of heart. Sir, in my own lifetime I have seen things which no one expected thirty years ago would happen today. In another 15 years everything will come, and, therefore, why force these things through the throat of the community and thus lose a very great chance of all our uniting together and pulling together to obtain our goal? That is the blame that has been laid at the doors of Mr. Gandhi by no less a person than Sir Nripendra Nath Sircar. I am a very small man, but Sir Nripendra Nath Sircar will in a few months be a very great man, greater than what he is already. He says that these things tend to disturb the Hindu society, and, so, for God's sake, for the sake of the country, for the sake of all things that we hold dear, do not do that sort of thing, and to this I add my humble voice not to do anything which is likely to bring about disruption in the Hindu society at the present time.

Sir, I have done. I have got a great deal to say, but I do not think I shall be justified in keeping the House very long. But there is only one thing to which I should like to refer. I am not able to read this . . .

An Honourable Member: Is it small type? Do you want spectacles?

Raja Bahadur G. Krishnamachariar: I do not want the spectacles, I have a little trouble in my eyes. What I want to place before this House is that, in 1932, in answer to the challenge of Mr. Gandhi that there is no provision in the Shastras for untouchability, a gentleman of the name of Srijut Dhannulal Sharma, General Secretary of the Sanatan Dharma Sabha in Calcutta, addressed a letter to Mr. Gandhi after referring to his previous letter where he quoted the Shastras and he relied upon the Shastris. One of the Shastris was a certain Mahamahopadhyaya Pramatha Nath Tarkabhushan—it is a very good name—he is a Professor of Sanskrit in the Sanskrit College in Calcutta, I believe. Well, Sir, to his misfortune at a previous stage of his life he edited a book called “Hemadri”, which is held in great veneration in Bengal as it is an epitome of Dharma Shastras. In that book, edited by him, he has written a commentary, and when it came to a question of untouchability,—it is rather interesting reading—he gives a 10 ft. or 20 ft. or 30 ft. distance up to which the depressed classes could go, and the sort of purification that one should get through in order to get rid of the pollution that attaches to the man who is doing a religious work at the time when a member of the depressed classes comes near him. That gentleman, I mean this Sanskrit Professor,

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by some transformation—I cannot understand how—says or at least Mr. Gandhi says—he supports him in his present statement that there is no provision in the Shastras for untouchability.

There is only one question that I may address to my friend, Mr. Rajah, if I may. I hope he is not angry with me

Rao Bahadur M. C. Rajah: No, no, I am not angry with you at all.

Raja Bahadur G. Krishnamachariar: I believe, on a former occasion, he said, he had no objection to the Bill being circulated for opinion. I hope he still holds the same view

Rao Bahadur M. C. Rajah: Yes:

Raja Bahadur G. Krishnamachariar: In these circumstances, Sir, I do not think I shall be justified in going much further into the principles of the Bill which I have not touched very fully, and I respectfully submit that my amendment to have the Bill circulated and opinions obtained thereon will be passed by this House.

Mr. President (The Honourable Sir Shanmukham Chetty): Further amendment moved:

“That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st August, 1934.”

Mr. H. M. Joshi (Nominated Non-Official): Sir, the question may now be put.

Mr. C. S. Ranga Iyer: Sir, the Leader of the Centre Party has spoken as I expected he would. He represents not the grasshoppers, I admit; but he represents not the silent cattle either. I think, Sir, for purposes of literary accuracy, instead of relying on his memory, I should place the actual quotation from Edmund Burke on record:

“Because half a dozen grasshoppers under a fern make the field ring with their importunate cries, while thousands of great cattle, reposed beneath the shadow of the British oak, chew their cud and are silent, pray do not imagine that those who make the noise are the only inhabitants of the field.”

Sir, I can only say that from the continued noise that the Honourable gentleman had made in this House, the House should not consider that he is the only inhabitant of this House. (Laughter.) Unfortunately, I have only three minutes before me, and it is very difficult in those three minutes to meet the arguments that the Honourable Member made at such length. But he repeatedly used a phrase “change of heart” made classical by Mahatma Gandhi on another occasion. Though he attacked the Mahatma with an enthusiasm probably worthy of another cause, he at any rate copied his favourite phrase “change of heart”, and if by legislation or propaganda we can bring about a change of heart so necessary in not only Brahminic die-hards, but orthodox caste Hindus who are opposed to the elevation of the depressed classes, if by legislation we can bring about that salutary state of things, at any rate our legislative effort would not have gone in vain. I do not put the Leader of the Centre Party under the category of a die-hard. He is associated with die-hards, and also with untouchables—only he did not disclose the many phases of that association. . .

Mr. Amar Nath Dutt: His secretary is an untouchable.

Mr. C. S. Ranga Iyer: I was going presently to refer to the face that is visible to us. He is so closely associated with the Rajah of the Harijans as he would probably like to describe Mr. M. C. Rajah. Sir, he very vehemently objected to Mahatma Gandhi using the word "Harijan" for the depressed classes

Raja Bahadur G. Krishnamachariar: It was Mr. Srinivasan.

Mr. C. S. Ranga Iyer: It may be Mr. Srinivasan who objected to this word who was not so familiar to this House until today. Probably it is my fault that I did not read Mr. Srinivasan's effusions, but as he shared Mr. Srinivasan's lack of enthusiasm for the phrase "Harijan", I can only say that he does not live up to his Vedic knowledge, for surely even the depressed classes are the children of the Vedas. Why then deny them their rights, as we have denied, through centuries of tyranny, of which caste Hindus should be ashamed? Why deny them their right to walk erect in the Hindu household, in the Hindu society? It is all very well for my friend, the Raja Bahadur, to quote Sir Nripendra Nath Sircar, but from a Brahminic point of view, Sir Nripendra Nath Sircar had himself sat at the feet of untouchables, he associated with untouchables here and abroad, for, Sir, as Bernard Shaw humorously said while in Bombay, even he, as an European, was an untouchable. (Laughter.) . . .

(It being Four of the Clock.)

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. Mr. B. Das.

Mr. C. S. Ranga Iyer: On a point of order, Sir. I hope I can resume my speech later.

Mr. President (The Honourable Sir Shanmukham Chetty): Oh, yes.

MOTION FOR ADJOURNMENT.

SIGNING OF THE INDO-JAPANESE COMMERCIAL TREATY IN LONDON,

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I move that the House do now adjourn.

I wish to raise an important issue by this adjournment motion, namely, "the proposal of the Government of India that the Indo-Japanese commercial treaty shall be signed in London, which will reduce the constitutional status of India to that of a subordinate branch of the British Administration and dishonour the Fiscal Autonomy Convention".

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

In September last, when it was announced that the Japanese Delegation would visit India, it was heralded that India had been conceded a new right and that our delegates, headed by Sir Joseph Bore and his colleagues Sir Frank Noyce and Sir Fazl-i-Husain, were negotiating as equals with the Japanese Delegation and that India had achieved a new status. But when the Indo-Japanese agreement was published in the papers and it was

[Mr. B. Das.]

mentioned that the treaty would be signed in London, those of us, who had built high hopes that since the fiscal autonomy convention India has a definite right to negotiate commercial treaties as the dominions, have been disillusioned. I will just quote a few lines from that fiscal autonomy convention which was first enunciated in the report of the Joint Select Committee on the Government of India Bill of 1919:

"Whatever be the right fiscal policy for India for the needs of her consumers as well as her manufacturers, it is quite clear that she should have the same liberty to consider her interests as Great Britain, Australia, New Zealand, Canada and South Africa. In the opinion of the Committee, therefore, the Secretary of State should as far as possible avoid interference on this subject when the Government of India and its legislature are in agreement, and they think that his intervention when it does take place should be limited to safeguarding the international obligations of the Empire or any fiscal arrangements within the Empire to which His Majesty's Government is a party."

I consider that the negotiations with Japan were a purely domestic matter of commercial and fiscal policy of India with the Government of Japan and the Japanese people. I do not understand how international obligations of the British Empire are at stake so that the British Foreign Office should reserve to itself the right to sign the treaty. Not only India has been perturbed, but I find that Japan also has been perturbed over it. In a Japanese paper, the *Osaka Mainichi* we find:

"Foreign Office officials are perturbed as to the capacity in which Minister Sawada should be sent. To limit his authority only in exchanging initials on the provisional agreement and that he be replaced by someone else in the formal signing has scarcely a precedent in the annals of Japanese diplomacy."

If we are perturbed at an inspired message through the Associated Press that our delegates will only have the honour of initialling this Indo-Japanese convention, we find that the Japanese Foreign Office also was perturbed, because the Japanese Foreign Office took the Japanese people into their confidence, and they knew these things in August and September, whereas we had no knowledge until my Honourable friends condescended to enlighten us on the subject. Also that paper published a letter which the British Foreign Office wrote to the Japanese Government:

"The British Government must say that it is still in a position to assume full responsibilities in India's foreign relations, though it has ceased to exercise control upon India's financial policy by the terms of the Financial Autonomy agreement."

I believe the translation is wrong; it should be fiscal policy. The letter further says:

"Nevertheless it cannot escape the responsibility of examining such an agreement as a whole from the view point of its effect upon India's international relations."

I think while the negotiations were going on, Sir Joseph Bore was in constant touch by wire with the Secretary of State and so the British Government knew what was happening in India, and probably at every step the three Indian delegates received their instructions from the British Government. So, what is the necessity of sending this agreement to London where some representative of the British Government will sign this treaty? I wish to point out that His Excellency the Governor General exercises certain powers of the Crown in this country; so also his Executive Councillors. I do not say that any non-official should sign the treaty. I maintain that these Executive Councillors of the Government of India, who participated and negotiated and very successfully concluded these negotiations—over which I have elsewhere expressed my congratulations

and I take this occasion to congratulate the Government of India and am glad to find that they have not been side-tracked by the wails of the Bombay millowners, but they have concluded a very fair treaty in certain matters with the Japanese delegation—should receive plenipotentiary powers from the Crown and sign the treaty here, and why they should not do so is beyond my comprehension. I think on previous occasions Indian representatives have been allowed to sign such treaties and such international conventions

The Honourable Sir Joseph Bhore (Member for Commerce and Railways): Can you give me an instance?

Mr. B. Das: The Treaty of Versailles.

The Honourable Sir Joseph Bhore: On behalf of India as a separate international entity?

Mr. B. Das: As a unit member of the British Commonwealth of Nations.

Mr. S. C. Sen (Bengal National Chamber of Commerce: Indian Commerce): The Secretary of State and the Maharaja of Bikaner signed that treaty on behalf of India as a separate entity.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhamadan Rural): As a self-governing dominion.

Mr. B. Das: I want to confine this debate entirely to this commercial treaty. I can point out dozens of instances where India signed the treaty, for instance, the Locarno Pact, the Kellogg Pact, where the representatives of India signed on behalf of India. My Honourable friend, the Member for Industries and Labour, sends representatives to the International Postal Conference and this year he has sent three representatives to Egypt. Does not that confer plenipotentiary powers to Indian representatives to sign these treaties? I wish to remind the Honourable the Commerce Member of the Resolutions of the 1923 Imperial Conference to which India was a partner and where she was given equal status with the dominions and where it was said:

"Bilateral treaty imposing obligations on one part of the Empire should be signed by a representative of the Government of that part."

This treaty only concerns India and Japan. Why should not a representative of the Government of India sign this treaty? I ask the Honourable the Commerce Member one question. Have they approached the British Government to confer on them plenipotentiary powers which the Governor General enjoys to a certain extent, and have they asked the British Government to give them that power, so that the treaty should be signed here and not "initialled"? I was referring to the embarrassment which the Japanese Foreign Office and the Japanese people underwent when they found that the British Foreign Office were reserving to themselves certain rights. I will just refer to one or two further sentences from that paper as to what was agitating the Japanese mind. With reference to the Indo-Japanese agreement at Simla, it writes:

"An opinion prevails in well informed circles that the Foreign Office is in a very embarrassing position."

—and it further says:

"The Japanese Foreign Office is also obliged not to delegate full power to Minister Sawada owing to the attitude of the British Foreign Office."

[Mr. B. Das.]

I would like to know whether the Japanese delegate had full power, and the spokesman of the Government ought to enlighten us as to whether they were also given full power under the Fiscal Autonomy Convention and whether they had the full right to negotiate any commercial treaty with Japan. Did they take instructions from the British Government at every stage, and if they did, did they ask the British Government to give them power to conclude this treaty here and not to send it back to England so that the British Foreign Office may change it as they like?

Mr. Deputy President (Mr. Abdul Matin Chaudhury): The Honourable Member has got only one minute more.

Mr. B. Das: Sir, since the Imperial War Conference and the subsequent Imperial Economic Conferences, India has got complete autonomy in fiscal matters. In the 1923 Imperial Economic Conference, this was completely conceded, and since then things went wrong in the Imperial Economic Conference of 1926,—the famous Baldwin Conference,—where some of the rights conceded in 1923 were limited. If these limitations were placed, it is the fault of the Government of India for not having stood up for their rights and for our rights. The impression in the people's mind is that India has got the full right. This is clear from the appointments of Trade Commissioners in different parts of Europe. I trust that the Government spokesman will satisfy this House that India has the right to conclude this treaty and that they have asked the British Government to delegate to the Government of India powers to conclude this treaty.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): This motion is an acid test of the Government of India's attitude towards the rights of Indians. It may not be a motion to criticise the Government of India or it may not be a motion to censure the Government of India, but it will be a motion of censure if the Government of India do not agree with the view of this House that a Treaty like that which is being negotiated with the Japanese Government, which is not a matter of international importance, ought to be signed in India by the representatives of India. My only contention is that by conventions, by declarations, by statements, the Government of India and the Secretary of State have declared that in self-governing countries such treaties which are only commercial treaties, such agreements which are only fiscal agreements, ought to be signed by those Governments as their own agreements, as their own treaties, and that they shall have no international importance. My friend, Mr. Das, has referred to an authority and I should also like to refer to it. This principle was accepted by the Secretary of State on behalf of His Majesty's Government in his despatch of June 30th, 1931. If it is not a matter of international importance, my contention is that there is no reason why we should not press in this House that the Government of India should sign this treaty on behalf of India, and if the Government of India fails to sign that treaty, then I submit that it will be a motion indeed for censure.

Sir, there are two questions which I have to put to my Honourable friends on the other side. The first is: Are the Government of India or the Home Government prepared to say that by the Fiscal agreement the British Government has not ceased to exercise control upon India's financial position? The other question is: are the Government of India prepared to scrap the present agreement with the Japanese people, if the

British Government refuse to ratify this trade agreement between Britain and Japan? My submission is that certainly the Government of India can sign this treaty on India's behalf and the Home Government cannot question it. Sir, we also find on reading the papers these days that there is a great demonstration going on in England, urging on the British people that along with them the dominions also should give up all their former treaties with Japan, because Japan is irreconcilable and has been dumping goods indiscriminately. Therefore, if the British people say that they ought to give up all their agreements, will the Indian Government come to the conclusion that they also should give up all their agreements with Japan, or, at least, will the Government of India come forward and say: "All right, we are also prepared to give up this agreement?" That is my direct question which I put to the Benches on the other side; and I say that when once the right of Fiscal autonomy has been conceded to the Governor General in Council, it would be a dereliction of duty, it would be against the conscience of the Indian Government if the Government of India did not stand up for the rights of the Indian people and did not ask that it was within the compass of the rights conferred by the British Government that India should sign this agreement and should sign it alone.

Sir, the other day when His Excellency the Viceroy was making a speech in Calcutta at a meeting of the Associated Chambers of Commerce, these were the words which His Excellency uttered in connection with the Indo-Japanese negotiations—and, I am sure, that they are quite such words as would support our case that India has the right to sign this treaty alone and independently of Great Britain, and not as a vassal of the British Government. Sir, His Excellency said:

"I venture to express the hope that the final agreement will generally be regarded as a settlement, fair and equitable to all parties and interests concerned. In a year that has been remarkable in more ways than one in the commercial history of India, no event has greater significance than the negotiation by India's own representatives and in India of an agreement governing her relations with an important foreign Power."

Sir, to say that the real signatures will be made only when the Treaty is sent to England, and when the Secretary of State or the British Government alone may do the final signing, is a very unique way of entering into an agreement by India with a foreign Power. If this agreement is to be a bilateral agreement, if it is to be a binding agreement, and if India is to be bound by this agreement, as His Excellency said in his speech, it ought to be signed and discussed by "India's own representatives and in India". Now, Sir, I may refer to my friend, Mr. Das's interview printed in papers here in India quoting from the reply of the British Foreign Office to Japan on August 2, 1933. It says at one place:

"The British Government does not expect that the details of the trade agreement which will be reached between the Government of India and Japan through negotiations will suffer any modification in London. Nevertheless, it cannot escape the responsibility of examining such an agreement as a whole from the view point of the effect upon India's international relations, etc."

Sir, if this Treaty has any international effect, if this treaty has any international bearing, I would submit that it might then be left to the British Government to sign or refuse to sign; but my submission is that the whole proceeding has been carried on in India with the Japanese Delegation and the treaty has no international effect. When they came here,

[Mr. Muhammad Azhar Ali.]

it was reported that they did not come with their credentials, but ultimately they got them. Now, can a foreign Power present its credentials to a country without knowing that that country has no right to sign or to agree to an agreement? My submission is that the Japanese Delegation presented their credentials to the Indian Government knowing that India had the full right to sign that agreement. Sir, I support the motion.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I rise to oppose this motion. (*Mr. B. Das*: "Hear, hear")—and I am glad, my friend, Mr. B. Das, has given me a very enthusiastic reception. Sir, right at the outset I may say I care a dam, I care two dams (*A Voice*: "Not three"?) for the opinion of the Japanese newspapers. I hear a whisper "Order, order". Sir, if one will refer to the Webster's Dictionary—which is with me here, as I suspected some one would rise to a point of order—he will understand the meaning of the word "dam"—which exactly points out the utter insignificance with which I propose to treat a Japanese Press opinion in regard to matters on which we have a right to arrive at an independent opinion.

Mr. Deputy President (Mr. Abdul Matin Chaudhury): "Damn" is not a parliamentary expression.

Mr. C. S. Ranga Iyer: Sir, "dam", according to Webster, is a former copper coin, and later, money of account, of India, reckoned variously at from one-fortieth to one-thousandth of a rupee".

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): I may tell my Honourable friend that the pronunciation is "Dham" and not "damn".

Mr. C. S. Ranga Iyer: Well, I do not propose to sit at the feet of a member of the Democratic Party to learn lessons in pronouncing words in the English language, much less at the feet of the gentleman who interrupted me. Well, Sir, the Japanese newspapers have a grievance, I know, that this treaty has not been signed in India. But this grievance has not been adequately expressed in the manner in which it has been expressed in the Japanese Press, in the Indian Press. I admit the members of the Democratic Party are better readers of newspaper editorials than myself, but we have not had any information on this matter in the absence of the Leader of the Democratic Party on this historic occasion as to what the Indian newspapers think about it. After the statement that the Honourable the Commerce Member gave yesterday on this identical matter I could not imagine that in this House we would have been treated to another adjournment motion wasting our time absolutely.

Mr. Deputy President (Mr. Abdul Matin Chaudhury): Order, order. When an adjournment motion has been allowed by the President, it means that it is not wasting the time of the House to discuss it.

Mr. C. S. Ranga Iyer: Well, Sir, I am entitled to have my own opinion about the constant moving of adjournment motions on matters unworthy of an adjournment motion; and if the President were in the Chair, I am sure, he would agree with me that adjournment motions must not be unworthy of the cause. This adjournment motion is unworthy of the subject

after the explanation, as I was saying, of the Honourable the Commerce Member. And what is that explanation? The Treaty that was signed or is to be signed has not, and is not going, to alter by a comma or a syllable the agreement that has been reached in this country. Instead of expressing gratitude to the Honourable the Commerce Member for changing the venue of discussions from London to India on a matter that concerns India so fundamentally, here we are taking up our stand on an adjournment motion on a matter which is merely *the quintessence of technicality*, if I may say so, by way of concession if at all that concession can be made. I refuse to make even that concession, for, on technical grounds, until the constitution is changed

Mr. N. M. Joshi (Nominated Non-official): What is the technical ground?

Mr. C. S. Ranga Iyer: Mr. Joshi wants to know what is the technical ground. The answer to it is that he has sat all these years in London at the Round Table Conferences in vain. The constitution has not yet been changed.

Mr. N. M. Joshi: Let us have the enlightenment.

Mr. C. S. Ranga Iyer: He ought to have known what is the technical ground as a constitutional expert. The explanation is merely this that we are precluded by the constitution as it stands at present as explained by the Honourable the Commerce Member, not that I like the constitution as it stands at present,

Mr. N. M. Joshi: When did he explain that?

Mr. C. S. Ranga Iyer: The Honourable Member says, when did he explain it? I wish he were present in the House when the explanation was given or he reads the official reports. I am not going to educate him as to what happens in his absence. He stated very clearly how, until the constitution is changed, this position has been held that India is not entitled to sign. After that, what more explanation can we get from the Government? What better coercion can we bring about by an adjournment motion? We can merely sit up till 6 o'clock and make, as Mr. Azhar Ali has made on behalf of his Party, a mountain of a mole hill. Probably my talented friend from Lucknow would have rather liked the mountain to come to India and not see Japan to go to the mountain. I can understand the Japanese people being hurt. Sir, Mr. Das' photo has appeared among a crowd of Japanese and journalists in a friendly newspaper which likes to publish the photos of its favourites. But if Mr. Das had only looked up the comments of the Japanese newspapers about the conversations being held in India, he would have found that they did not welcome the holding of conversations in India. If he had further gone about that business, he would have known that they preferred having a conversation in a self-governing country like England, but I am not here to quote Japanese newspapers. I wish he had quoted some Indian newspaper on this matter, not that it would have made very much difference in my attitude with regard to this debate. We must be grateful to the Honourable the Commerce Member for having translated to India the scene of discussion especially when a die-hard Tory Imperialist Government with a cosmopolitan make-up is installed in Whitehall. I could have understood if such a thing had happened when the Socialists were in power. I know what a tremendous

[Mr. C. S. Ranga Iyer.]

opposition the present National Government in England have had to meet from its own die-hards and to what extent these die-hards objected to the conversations being held in India. One could have quoted the *Morning Post* and its observations to show that it resented these discussions being held in India. Here we are seeking an adjournment motion on a question when the reality has been achieved by us and only the shadow remains to be secured. We will get that also because coming events cast their shadows before. The very fact that the conversations took place in India is proof positive that under the self-governing Federal Government the setting up of which is irresistible, India will also have the right of putting the signature to a Treaty that it creates.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Bural): Are you sure about it?

Mr. C. S. Ranga Iyer: My Honourable friend asks "Are you sure about it?" He ought to have consulted the leaders of his Party who are all minstrels of pessimism.

Mr. Lalchand Navalrai: I want to know what other Party leaders have got to say.

Mr. C. S. Ranga Iyer: Well, I would ask him to "wait and see". (Laughter.) I am not a minstrel of pessimism as our friends the Democrats seem to be. I am not a minstrel of pessimism today on this particular motion, because I am confident that,—as the Honourable the Commerce Member has so subtly stated, until the Constitution is changed, you cannot have that right—I am confident that as the Constitution is being changed, you can aspire for that right. If Mr. Das by this motion only means a mere aspiration for that right, then he would let us go before it is 5 o'clock instead of dragging it on to a weary

Mr. Lalchand Navalrai: My Honourable friend could have gone away.

Mr. C. S. Ranga Iyer: I hope the Honourable gentleman will not be treated to the same reception that he has given to me when I have a time-limit to face. Well, Sir, lastly I have only to say this

Mr. N. M. Joshi: Explain your constitutional difficulties.

Mr. C. S. Ranga Iyer: I can only say that the constitutional difficulties are all his. I understand the constitutional difficulties. The Constitution, as it stands at present, unfortunately does not give us the sovereign right of a Colonial—leave alone an independent—nation.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muhammadan): This is a slave country.

Mr. C. S. Ranga Iyer: That is it. Mr. Joshi is answered by a Democrat who not long ago belonged to my Party and what he said needs no repetition. He says that India is a slave country. If that is the interpretation of the Constitution, why protest against the badge of slavery in a censure motion? Better walk out; resign from the Legislature; join hands with

more sensational groups outside. But if my business is as a constitutionalist in a constitutional House to interpret the Constitution, then all I can say is this that I do not propose to put the cart before the horse. The horses are there and the cart is getting ready. Why be impatient? Our protests here will not make any difference to the existing Constitution. This is not a Sovereign House; this is not an independent nation and it has never had the authority before of conducting such a negotiation here. Nobody would be more pleased, I suppose, than Sir Joseph Bore if instead of Sir Samuel Hoare he put his own signature to it. Who knows whether he did not wish for it? But the question is: Are you going to fight for the shadow having got the substance, the substance being that the Government of India had a right of coming to a decision with the Government and the representatives of Japan and having come to that decision, that decision is not going to be altered by Whitehall? Having got that, I will not fight for the shadow and I hope the House will reject without mercy this frivolous motion. (Applause.)

Mr. S. C. Mitra: Mr. Deputy President, I regret that we have no other procedure open in this House to discuss such an important question without having recourse to a motion for adjournment which is a motion of censure upon the Government. I certainly agree with the last speaker that there is much to congratulate the Government of India and the Honourable the Commerce Member for what he has done. India, for the first time, has got the substance in such matters of negotiating fully all the details about this commercial treaty. I agree with my Honourable friend, Mr. Das, as to why we should not have complete power including the semblance of it not only the substance of it. My Honourable friend, Mr. Das, has made it clear that there is no international obligation of the Empire involved in this particular question. So it would have been fair for the British Government to empower the Government of India not only to negotiate the terms of this commercial treaty, but also to sign it. I cannot account why the Honourable the Commerce Member made a very sad mistake when he said that India never signed on her own account any treaty, contracted not only on a commercial question but on bigger and higher issues. When the Honourable the Commerce Member contested the position, I sent for books from the Library and I find in the Versailles Treaty the signatures of Mr. Montagu and the Maharaja of Bikaner. If the Honourable the Commerce Member wants to satisfy himself, I can hand over this book to him. Further, I find that in 1921-22, on the Conference of Limitation of Armaments, the Right Honourable Sastri, a Member of the Privy Council, signed for India. So really it is not a novel thing that India on her own rights should sign these international treaties. As a matter of fact, there was a time just after the war when, owing to pressure of circumstances, the British Government was almost on the point of accepting India as one of the self-governing members of the British Commonwealth of Nations. We have receded from that political position for reasons well known to Members of this House and we feel that every day we are far from advancing in the stages of acquiring larger powers. We are going back.

Mr. S. C. Sen: What about Ottawa?

Mr. S. C. Mitra: My friend reminds me that even during the Ottawa Pact the Indian representatives went there and signed on our behalf.

The Honourable Sir Joseph Bore: It was not an international treaty.

Mr. S. C. Mitra: I accept that it was not an international agreement, but I think the other two treaties to which I referred were of much more importance and India was accepted as an independent unit then. So far as I remember, only self-governing countries were accepted as members of the League of Nations, and referring to some of the Articles of the League of Nations, I find, it is distinctly provided in Article I, paragraph 2, that only self-governing countries will be entitled to become members of the League of Nations. Otherwise the whole thing becomes a farce. So, I say, if they want to be consistent with their own position in the international world, Great Britain should see its way to give India her proper position. Further, in this particular case, the fiscal autonomy convention having once been conceded, I claim that on constitutional points Government will not stand on these mere formalities, particularly when no international obligation is involved. It has been said and I know there are others who hold the same view that on mere sentimental grounds, we should not complain. But I submit that on these matters of national self-respect, sentiment plays a very important part. I do not say that like the Irish Republic on the mere question of the right of secession we should claim not to accept the oath of allegiance. I can understand those formalities, but here is a matter where England will lose nothing, but she will help India to realise her own position at least as a self-respecting nation that she cannot only negotiate her own commercial treaty, but also she can sign for herself. This age of tutelage should gradually cease and we must make some progress gradually. It is conceded even by the bureaucrats that we should gradually advance towards full dominion status, at least His Excellency the Viceroy admitted it, though the Secretary of State is not willing to concede that position. Even from that consideration, I think that the time has now come when England should not stand on mere formalities, and that, where no vital question is involved, India should be given complete power to negotiate and sign for herself. Sir, I think Mr. Das has done a service to the House in bringing forward this motion for our consideration, and when the question was raised, there was no objection from any Member of the House.

Mr. S. C. Sen: Much less from Mr. Rangw Iyer.

Mr. S. C. Mitra: I think this is a very important matter and we should express our views on the same. With these words, I support the motion.

The Honourable Sir Joseph Bore: Sir, I have not very much to say on this motion, but I intervene at this early stage, because I would ask the Honourable the Mover to allow second and possibly wiser thoughts to prevail and withdraw his motion after he hears what I have to say. The point has been raised about the Treaty of Versailles. That is the only exception that I know of. India is not an International Unit and India has never been treated as an independent unit in the comity of Nations. If the case of my Honourable friends opposite is that the Constitution itself should be changed, that is a perfectly logical position to take, but my point is that so long as the Constitution exists, as it is at present, we cannot get away from the consequences of that Constitution.

Now Sir, may I begin by repudiating the suggestion in this motion that the Government of India made any proposal such as they are said to have made. Coming to my Honourable friend's motion itself, I confess that the actual terms in which it is couched are unintelligible to me. He says firstly that the signing of the Indo-Japanese commercial treaty will reduce the constitutional status of India to that of a subordinate branch of the British administration, and, secondly, that the signing of the treaty in

London will dishonour the fiscal autonomy convention. Now, Sir, let me take the first of these points. The signing of the treaty in London will and can do absolutely nothing towards reducing India's constitutional status. That status,—it must be clear, I hope, to everybody,—is part and parcel of the Constitution today under which, I say again here, it is impossible for the Government of India to enter into a treaty with a foreign Government. It is only His Majesty's Government that can do it on behalf of the Government of India. That position, I say, Sir, arises out of the Constitution as it exists today, and the mere signing of the treaty in London or in India cannot alter that position, nor can anything that we say here alter that position.

Now, I come to the second point, namely, that the signing of the treaty dishonours the fiscal autonomy convention. Personally I cannot see any connection between the two whatsoever. The integrity of the fiscal autonomy convention is not going to be in any way jeopardised or affected by the signing of the treaty in India or in London. My Honourable friend, Mr. Das, is, as pointed out by my Honourable friend, Mr. Ranga Iyer, straining after a shadow when we already have the substance in our hands. What was of importance was that the negotiation of this treaty should be in the hands of the representatives of the Government of India and that it should be left to them. I can assure this House that it was so left and the fiscal autonomy convention was honoured in the spirit and in the letter. My Honourable friend has suggested that the negotiations were over-shadowed or influenced by suggestion from Whitehall. Sir, let me again assure him that there is no vestige of truth in that suggestion whatsoever. I am glad to take this opportunity of repudiating that with all the emphasis that I can. The conclusions which will now be embodied in the treaty were ours and ours alone, arrived at by the Government of India as being in their unfettered judgment in the best interests of this country. I cannot surely be more definite or precise than that. The treaty which will be initialled by the representatives of the Government of Japan and the Government of India will be signed in London by representatives of His Majesty's Government and of the Government of Japan; but the signing of that treaty will not alter by one jot or tittle the substance of the agreement. Now, Sir, I would like to take this opportunity of making a public acknowledgment, a public acknowledgment of the fact that during the whole course of these negotiations we were fully assured of the fullest help and assistance of His Majesty's Government and we knew that that help and assistance would not be withheld should the occasion ever arise for them; and I can assure this House that that fact was a matter of the utmost value and importance to us. People, I fear, are inclined not to look at this matter in its proper bearings. The signing of the treaty, as I have pointed out, is a normal procedure flowing from the Constitution as it exists today.

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

But, Sir, what is of profound importance and of value to us is a fact which has been almost entirely ignored in this country. I use the word "almost", because one or two speakers in this House have referred to it and you, Sir, made special reference to it in a speech which you delivered in Simla. For the first time in our history we have, through our own representatives and on our own soil at our discretion, entered into an agreement with the representatives of a foreign country. That, Sir, marks a definite epoch in our history and I would ask this House whether it is for that that they have moved this motion in order to censure the Government of India. *Cries of "Withdraw, withdraw".*

Mr. B. Das: Sir

Mr. President (The Honourable Sir Shanmukham Chetty): Is there any provision for withdrawing an adjournment motion.

Several Honourable Members: It was allowed once.

Mr. C. S. Ranga Iyer: Sir, if I may make a statement upon your statement, it is the House of Commons practice that when adjournment motions are moved and an Honourable Member wants to withdraw that adjournment motion, he can do so with the consent of the House. But, of course, I cannot say that the House of Commons practice applies on all fours to this House. In regard to an adjournment motion in the House of Commons matters are arranged under the rules, in a different way from here. Apart from that and in view of a precedent which I recollect, I think the Honourable Member may be permitted to withdraw the motion. Besides, those who initiate a motion have also the right, I think, from a common sense point of view, of withdrawing it, provided they have the consent of the House.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, this motion of adjournment is meant for two purposes. The first purpose is to censure Government and the second is to get a proper answer from Government. If a satisfactory answer comes from Government, there is no necessity to censure Government and it may not be necessary to divide the House if the House is convinced that there is no need to do it and still pass a kind of censure on Government. So even if there is no provision, a precedent may be created now and we may start a convention by which this may be done.

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair finds there is a precedent for withdrawing an adjournment motion. Does the Honourable Member, Mr. Das, ask the leave of the House to withdraw the motion?

Mr. B. Das: Sir, I want to make a statement

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member cannot make a speech in withdrawing.

Mr. B. Das: On a point of explanation, Sir. In my speech I never meant to say that the Government of India have not done the right thing throughout these negotiations. I believe the Honourable the Commerce Member did not pay sufficient attention to my speech. What I asked them was to ask the British Government to confer on these three gentlemen—all Members of the Government of India—plenipotentiary powers to sign the treaty. That is all I wanted to say on this motion, and as I find that my Honourable friend, Mr. Ranga Iyer, does not appreciate the very momentous issues I have raised and he is so anxious that I should withdraw this motion, I hope Government will bear in mind what I urged on them and, therefore, I beg leave of the House to withdraw this motion.

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

The Assembly then adjourned till Eleven of the Clock on Friday, the 26th January, 1934.