

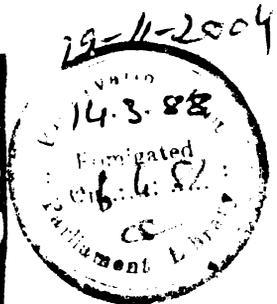
Wednesday, 13th February, 1935

THE
COUNCIL OF STATE DEBATES

VOLUME I, 1935

(11th February to 17th April, 1935)

NINTH SESSION
OF THE
THIRD COUNCIL OF STATE, 1935



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COUNCIL OF STATE.

Wednesday, 13th February, 1935.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

MOTION *RE* REPORT OF THE JOINT COMMITTEE ON INDIAN CONSTITUTIONAL REFORM—*contd.*

THE HONOURABLE THE PRESIDENT : The debate will now resume.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN (West Punjab : Muhammadan) : Sir, at the very commencement of my speech I consider it my duty to express my sincerest gratitude to the Honourable the Leader of the Opposition and his colleagues for realizing that while they are not prepared to accept the Joint Parliamentary Committee Report, on one important scheme, namely, the Communal Award, their attitude will be that of neutrality. Sir, we are grateful, particularly when such a Motion is moved by the Honourable Rai Bahadur Lala Ram Saran Das, who holds a very high position in the Punjab. As a matter of fact, I must make my position clear so far as my amendment is concerned. It was not because, as my Honourable friend Mr. Sapru remarked yesterday, the Muhammadans welcome it or I welcome it. There is no question of welcoming the Communal Award. When I sent in my amendment I thought that the Joint Parliamentary Committee's Report could be divided into three parts—one, the Communal Award, which must form the basis of any constitution which may be passed ; secondly, provincial autonomy ; and thirdly, the scheme at the centre. That is why, while I can understand a person who votes for rejection of the Report not to take into consideration the Communal Award, I cannot understand how a man who desires to express an opinion on the merits of the Report can avoid bringing in the Communal Award ? I also realize that on this question there is a difference of opinion between certain sections of my countrymen, the Hindus and the Muhammadans and those Hindus who are of nationalist views. That is why, Sir, having regard to this feeling, I would request you very kindly when putting this amendment to the vote to put it in two separate parts, because it is quite possible that some gentlemen may be ready to support the second and third parts of my amendment, but they may not be able to support the first part. I am sure that this attitude of neutrality which the Opposition Party has decided to adopt in relation to the Communal Award is really a very good gesture which we—and I think I am speaking on behalf of the Muhammadan Members here—very much appreciate. So far as the first part of the amendment is concerned, I do not content myself by saying that I accept the Communal Award, but I go a step further and say to accept it until the time when a better substitute is mutually agreed upon. It will be needless, Sir, to go into a detailed history of the Communal Award, but I shall sum it up in a very few words. I submit that several attempts were made for five or six years and all possible formulæ were invented, discussed and finally rejected. I would not say who was responsible for that, but the fact remains that we could not

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come to any settlement. On the other hand, we had to participate in the preparation of a scheme for India and therefore unless we had devised some means of settling this question it was impossible to proceed any further. That is why, Sir, this most thankless task was entrusted to the Prime Minister, and it would be the height of ingratitude if I do not express my sincerest thanks to the Prime Minister for very kindly undertaking this most unpleasant task and giving a decision which was very just and fair. I am sure, Sir, that for a person who does not belong to any of these communities it was impossible to arrive at a different decision. Sir, we the Hindus and Muhammadans and other minorities can sit together and we can find an alternative scheme, but if the matter is entrusted to an outside agency, it is impossible for that agency to give any other award except what is contained in the Communal Award. Then, Sir, several suggestions have been made. One of my Honourable friends speaking yesterday said, "Why not accept the Communal Award as given by the Prime Minister plus joint electorates"? Well, there are several suggestions which are worth considering and we are still making efforts to arrive at a mutual settlement, and I am sure the majority community will appreciate that we are not pressing this question because we want to bring religion into politics, but it is just to safeguard the interests of a community which is a substantial community in India and which has got its own culture, its own civilization and its own traditions. Now, Sir, I am sure that this Communal Award, the first part of my amendment, will be unanimously adopted and at least I hope that nobody would vote against it. As a matter of fact, since the last six months, there has been a great change in the outlook of the country towards this question. The main political group in the country have already realized that it is sheer waste of time to agitate against the Communal Award. Instead of entering into such useless agitation they are seriously thinking of coming to a settlement with the other communities and giving them an assurance that their interests will be safeguarded in the new constitution.

Now, Sir, coming to the second part of my amendment, namely, the scheme of provincial autonomy, I would submit that it is quite possible that some of my friends will consider that I have been a little indiscreet in using this phrase of "distinct" advance. Well, Sir, I do not claim to be a politician. I am a simple zemindar belonging to a martial race and I do not know how much to conceal and how much to express. I have just tried to frame an amendment which should be the embodiment of my own opinion about the Joint Parliamentary Report. I am sure, Sir, that nobody who has studied this Report would deny that as far as the scheme of provincial autonomy is concerned, it is a distinct advance on the present constitution.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern Non-Muhammadan) : Question ?

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : My friend says that he questions the statement. Now, Sir, may I ask him through you whether this widening of the franchise, the removal of the official bloc and the nominated Members, the transferring of all departments to the charge of representatives of the people, whether all this is not an advance on the present constitution ?

THE HONOURABLE MR. P. N. SAPRU : For the widening of the franchise and the elimination of the official bloc you do not want a new Government

of India Act, and I think you can also transfer subjects without a new Government of India Act.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: Sir, I never argued that a particular Act was required to do all these things. My proposition is that the proposals contained in the Joint Parliamentary Report are a distinct advance on the present situation, and I have given reasons for that. The first is, as I have already said, the widening of the franchise and the removal of the official bloc; the second the transfer of all departments to the charge of ministers who will be elected representatives of the people; and thirdly, the provinces have been placed outside the control of the centre. So naturally, Sir, these are the advantages of the new scheme which we cannot deny unless we have got a biased mind.

THE HONOURABLE MR. P. N. SAPRU: The less of the control of the Governor General—

THE HONOURABLE THE PRESIDENT: Order, order. You have had your say. You must let the Honourable Member address the House.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: I do not mind his interruptions, Sir.

Yesterday when the Honourable Mr. Sapru was speaking, his main criticism was against two parts of the provincial scheme. One was the safeguards, and the other the Governor's power to suspend the constitution in case of a breakdown. As regards safeguards, While I must confess that I do not consider that all the safeguards are necessary, at the same time, I must admit, that taking into consideration the present uncertain atmosphere in the country, certain safeguards for the Governor and certain special powers are absolutely essential. As far as the other objection is concerned, namely, to the Governor's power to suspend the constitution in the case of a breakdown, I do not think, Sir, there is anybody here who would suggest that when a constitution breaks down and there is anarchy, then the Governor should not be empowered to suspend the constitution. I am sure, Sir, that no one would use the safeguards unless it becomes absolutely unavoidable, and if we have got a strong Government, if our prime minister or our ministers are able to carry a thumping majority with them, I am sure no Governor will dare interfere with its work.

Just one word more about the safeguards. In any constitutional government, Sir, certain restrictions are necessary to make parliamentary government a success. While in Great Britain some of these safeguards have no other sanction behind them than the sanction of continuous custom over a long period, in a country like India, where we are introducing new responsibility, unless some convention is developed, there is no option but to put into the statute a few safeguards, which I am sure will be removed when certain conventions have developed. But, Sir, when speaking about provincial autonomy there are two points which to my mind are most objectionable. One is that, while they have transferred law and order, they are keeping to themselves this Intelligence Department, etc., and depriving the minister of being able to modify the police rules. Sir, I have tried to analyse and think out why this exception has been made while transferring law and order to the charge of a minister, and I have come to the conclusion that it is nothing but due to mistrust. Now what are they keeping back, and why are they keeping it back? So that information concerning certain agitation in the country should be

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confined to the Governor and should not be communicated to the minister so that the source of that information may not be revealed to an Indian minister? I wonder, Sir, if this object will be fulfilled when in the police we will have half a dozen responsible officers out of whom at least two-thirds will be Indians who will be knowing that information which will be communicated to the Governor and which is sought to be kept from the minister. Now, what will be the condition of the minister? The Governor will call him and tell him that he has received certain information which he is not prepared to reveal to him and on the basis of that information it will be essential that a certain piece of legislation should be passed by the legislature. The minister will have not only to face his own party but also to face the opposition, and naturally, Sir, when he tells them that he himself does not know why this legislation is necessary, how is it possible for him to get that legislation passed? Therefore, Sir, I hope that this objectionable feature will be removed from the Bill before it is finally passed.

The second is the question of second chambers. Sir, I luckily belong to a province where they have got no second chamber, but I am here to take an interest not only in matters which relate to my own province but to other provinces as well and I have been having conversations with my friends from various provinces and I have come to the conclusion that no province wants a second chamber, possibly with the exception of the United Provinces and Bihar, where probably the landlords are very anxious that their interests should be safeguarded against the tenants. Well, Sir, I have no such fear in my province because the relations of landlords in the Punjab with their tenants are fortunately very cordial and we have no fear that if the representatives of the tenants come to the legislature they will deprive us of our rights. But, Sir, may I request these great talukdars and landlords in the United Provinces and Bihar that instead of trying to invent a safeguard for them in the way of a second chamber, the best thing would be to have their relations with their tenants placed on a more friendly footing.

Sir, the idea of second chambers appears to me like a double brake. When the Governor has so many special powers, and when there are so many safeguards, then why have second chambers also? The best thing would be to give up one or the other. Either have special powers or second chambers. Of course, the latter will be very expensive, and will also make the machinery which is already slow, still slower. I hope that this idea of second chambers in the provinces will be abandoned.

Coming to the third part of my amendment which relates to the central scheme, the first point of importance is the substitution of indirect for direct election. Here I have no intention of giving any reasons, because it is an open secret that the Government of India are also of opinion that the form of election should be direct. I heard the other day the Honourable the Home Member remarking in the lower House that even the Secretary of State agreed with the Government of India on this particular matter. This leads to a very disappointing conclusion. Although constitutionally speaking the Parliament has the last word on all matters concerning India, why has this old principle of trusting the man on the spot been shelved in this particular matter? Naturally, it is the Government of India who know what is more suitable for India. If we go a step further, the Secretary of State may be in a position to know enough about Indian affairs because it is his portfolio. But to leave this matter to the choice of the elected Members of Parliament whose voters in their constituencies know nothing about India practically—at least 95 per cent. of them, I claim, do not know what is India like except of course

they know about Indian tea—to leave it to these people to decide what form of electorate is suitable for this country is most objectionable. Therefore I hope that the British Government will yet realize that to act against the wishes of the Government of India, against the united demand of British India and against the advice of the Secretary of State will not be a wise course. I find that there is a conspiracy to deprive the central Government in India of its representative character. For, what will be the representative character of those who will take part in the central Legislature? In the Punjab, I think 84 seats have been allotted to Muhammadans, and they will be required to elect 14 members to come to the lower House, which means that anybody who is able to obtain six votes can come and sit here and take part in—what subjects?—such important subjects as defence, the army, the finances, the foreign policy, important commercial matters, and the like. The result will be that those people will just be the nominees of the provincial Governors instead of being representatives of the people.

Coming now to the main scheme at the centre, the so-called federation, I personally am not at all opposed to an all-India federation. On the other hand, I welcome it. That is why I have worded my amendment as follows :

“ With respect to the scheme of central government this House is definitely of opinion that it is retrograde and a setback to the progress of the country towards the realization of the ultimate goal of responsible government and therefore that either the federation should be confined for the present to British India alone and the method of election to the lower House should be direct instead of indirect or that the conditions laid down by the Indian States for their entry in the proposed scheme of federation should be radically changed, etc. ”.

Sir, I am anxious to have the Indian States represented in this House, but not under the conditions which have been laid down now. With your permission, Sir, I will just relate a few of these conditions. The first is that the representatives of Indian States will be nominated by their rulers. They may nominate anybody. If you see in the Act the disqualifications for members of the lower House from British India, you will see that one important clause is that no officer who is serving under the Government will be eligible to become a member of either House—

THE HONOURABLE THE PRESIDENT : Some of the States have no councils of their own. What are they to do? The ruler must nominate in that case.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : I beg to submit, Sir, that it is not enough for them to say that because they have no councils, they cannot help nominating somebody. They can have councils in their States. Who can stop them from having councils of their own? Some of them have councils, although in most cases, they are just nominal. But, Sir, are they anxious to come into the federation or not? If they are, then certainly it is possible for them to have councils in their own States, if we tell them that that is the only condition upon which they can enter the federation. If they are not anxious, if they are being dragged into the federation, if they are being forced to come into the federation, what is the object? Sir, what I was saying is that the representatives of British India, whether elected or nominated, must not be officials who are serving under the Government. Why not have the same disqualification with regard to representatives of Indian States as well? For having such a disqualification, I would submit that it is not necessary for them to have a council. To make my point more clear I would submit that in most of the Indian States we have lent officers,

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and their number has been considerably increased during the last four or five years. Is there anything in this Bill to stop the princes from sending those people, who are lent officers as their representatives in the lower and upper Houses? If not, what is the consequence? We will have the official bloc under another name. Who will be those officers? Most of them will be Indian Civil Service officers; a considerable number of them will belong to the Political Department. Some of them will belong to the Army Department. Can anybody imagine that when they are nominated and when they are sitting in this Legislature, they will have any freedom of vote, any freedom of choice?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House): Why not here?

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: Because even now they have not freedom of choice. I was reading only yesterday the proceedings of the Federal Structure Committee where Sir Tej Bahadur Sapru said that when he was in the Executive Council during Lord Reading's time he had to issue orders to all the official members to vote on a particular side and they had no option but to so vote. You were present in that Committee, Sir?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Are you free?

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: Certainly I am

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Not as your constituency wishes you to vote?

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: My constituency consists of the taxpayers, of people whose country India is and who want the Government to be in accordance with their wishes and whose interests are to be safeguarded by any Government, whether it be a representative elected body or a nominated body. But there is no use saying that the official bloc have any option in regard to voting on any matter. Suppose a vote is taken on my amendment, could anybody imagine or believe that His Excellency the Commander-in-Chief would walk into the same lobby and say, "I reject the Joint Parliamentary Committee Report"? Is that possible? Is any official member free to do that? The late Sir Muhammad Shafi, who also sat in the Federal Structure Committee, said that as a Member of the Executive Council he always issued orders to members how to vote on a particular measure. It is possible that that procedure may have been changed since, but it was there, and it is bound to be there. And certainly it is not unreasonable. I do not challenge or criticise it. It is perfectly right and legitimate that officials of the Government should not oppose the Government. But the point is, what is the use of having a legislature which will consist of a large number of officials who will owe allegiance—to whom? It will be a double allegiance, allegiance to the ruler who nominates them and allegiance to the Government to which they really belong and who has sent them to serve in a particular State for a particular period. Sir, this is the kind of federation we object to. Therefore, there is no use telling us that there is a certain school of thought that is opposed to federation. We are not opposed to it. It is really these impossible conditions which have been laid down with regard to the States in the proposed constitution that we object to. Then the question is, what modifications should be made in the conditions to

enable the States to enter the federation? Naturally, nobody can expect me in such a short time as I have at my disposal to enter into all the details, but as a charge is always brought against those who oppose any scheme of Government's that they have no alternative to suggest and only criticise, therefore with your permission I will just lay down some fundamental conditions upon which I am sure a large number of us would welcome Indian States coming into the federation. The first is the bringing of the State administrations to the same level as we have in British India. That is the most essential condition. Now, Sir, whether it is possible or not—

THE HONOURABLE THE PRESIDENT : How is that compatible with the claims of sovereignty?

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : I will answer that I will read out a passage from the most authentic book so far written on the Indian States, where it is laid down that this undefined paramountcy has also the power to force the princes to adopt a popular method of government in their States. I quote from the Butler Committee Report, page 28, where they deal with the point as to when the paramount power can interfere in the internal affairs of Indian States. They say, while discussing cases of misrule :

“ If that were due not to mis-government but to a widespread popular demand for change, the paramount power would be bound to maintain the rights, privileges and dignity of the princes, but it would also be bound to suggest such measures as would satisfy this demand without eliminating the princes ”.

Now, Sir, that is absolutely clear.

THE HONOURABLE THE PRESIDENT : That is an expression of the views of the Butler Committee, but it is not the view which is now taken by the Princes' Chamber.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : Well, Sir, naturally I cannot guarantee what views the princes may have at one particular time. Their views change so rapidly that it is impossible for us to follow them more closely than I am doing! The policy which they have hitherto very strictly observed of “ mutual abstention ” in each other's affairs has now been given up. Their view has changed. But what right have States in whose internal affairs we cannot interfere to come and take part in matters which concern British India alone? And here, Sir, with your permission, I will just read an extract from your own speech made in the Federal Structure Committee. You said, Sir,

“ It is true that the States would not allow us to interfere with the internal autonomy of their administrations. It is perfectly right and legitimate that British Indians should resent the interference of princes in matters purely domestic affecting British India ”.

THE HONOURABLE THE PRESIDENT : That is quite a different proposition.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : This was the opinion expressed by you and what we are doing now in bringing this amendment is to reiterate the opinion of one whom nobody can call irresponsible, nobody can call an extremist, whose large experience of constitutional institutions in India must be a guarantee that whatever he says is just.

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Then, Sir, what are the other conditions upon which we are prepared to ask the princes to come and join us. One was a condition laid down by the princes themselves, a condition precedent that paramountcy should be defined. On that point I quite understand why the princes are anxious that paramountcy should be defined. I also realize the difficulties of the Political Department and the Government of India or of anybody attempting to define paramountcy. I am not here charging the Political Department with having misused paramountcy. No, Sir, I am only concerned with the fact that the interpretation put upon paramountcy has differed widely in the past, and until a universal and uniform interpretation of paramountcy is given no prince can feel sure what paramountcy implies for him. And it is proposed that such people should sit and deliberate with us whose sovereigns do not know the extent and manner in which the paramount power can interfere in their internal affairs. So, Sir, it is one of the most important conditions that this paramountcy should be defined.

Then, Sir, I would here, with your permission, just read out a few sentences from the same passage in the Report of the Butler Committee. While defining how far the paramount power has the right to interfere in the internal administration they say :

“ No such case has so far arisen ”—that is, no attempt has been made by the subjects of Indian States to have a representative organization—“ and in particular if the advice given by His Excellency Lord Irwin to the princes, and accepted in principle by their Chamber, is adopted in regard to a fixed privy purse, security of tenure in the public services and an independent judiciary then there will be no need for the paramount power to interfere ”.

Now, Sir, is it possible for all the princes to bring their administration up to the same level as we have in British India ? It is quite possible for some of the States ; it is impossible for others. Supposing there is a State with an income of Rs. 3 or Rs. 4 lakhs or say Rs. 10 lakhs and there are a large number of them whose rulers can join the Chamber of Princes by virtue of their being rulers of particular States and whose income is about Rs. 10 lakhs a year. Would you expect a State with an income of Rs. 10 lakhs maintaining an army, maintaining a police force, maintaining their own judiciary, maintaining their own educational establishment, and all the nation-building departments ? Do you think they will be able to have efficient administration ? While our High Court Judges are drawing Rs. 4,000 and Rs. 5,000 a month, there are States where the Chief Justice of the High Court is not drawing more than Rs. 300 a month, while his powers will be exactly the same as those of the Chief Justice of the Punjab ; that is, they could sentence a man to death and order forfeiture of property. I do not blame those princes, because it is impossible for them to do otherwise. It is for them to realize that the time has come when they should bring their administration to the same level as in British India. They can do so only if they put themselves into different groups. The bigger States, for instance, Hyderabad, Mysore, Travancore, Kashmir, Gwalior, etc., have sufficient money to carry on their administration. Why should not the smaller States group themselves into one province ? Say, for instance all the States in Rajputana, form one province and mutually agree to transfer a few of their departments, reserving to them their privy purse, ceremonial and law and order and other special subjects, but surrender willingly to such confederation education, health, sanitation, and other nation-building departments and make a contribution to this mutual fund ? This is not an entirely new scheme. Such a proposal, the Butler Committee Report says, was already considered by the States in Kathiawar. They thought that in order

to have an independent judiciary there ought to be one High Court for all the Indian States in Kathiawar. There is no doubt that these are radical changes, but, Sir, is it not a radical change that there should be federation for the whole of India. If we are prepared to bring about this radical change, why not bring about the smaller changes as well? When I say this, I may assure you that I am one of those people who have a very great admiration for the Indian princes, because they are maintaining the high and noble traditions of very great dynasties and India can rightly feel proud of them. As a matter of fact if somebody comes from outside and wants to see real India, he has still to go to an Indian State to see what real India is. I am strongly opposed to those people who want to see the dignity or the position of the princes being damaged even in the slightest degree. On the other hand I am giving this advice simply because this is the only way in which they can bring themselves on to a level with British India and maintain their dignity and position. If they want an all-India federation this is the proper way and not by somebody suddenly waking up one fine morning and making a speech at the Round Table Conference that he is ready to make sacrifices and join the federation? What are those sacrifices that they are making?—that they will nominate their men to go to the Assembly and Council of State to become ministers of the Cabinet; and if in the lower House out of 250 members from British India they can just manage to get a group of 50 members, they can certainly have all the Cabinet seats to themselves, and if by any miracle there is a dissolution, what happens? Those poor opposition members will go to their constituencies, fight the election and come back with a thumping majority to face whom? To face the same 104 men sitting tight in their seats absolutely unaffected by the dissolution or anything else. Sir, would any serious thinking man call it a federation or consider it a scheme worth having? Sir, we are threatened that this Bill which is before the House has passed the second reading and is going to be enacted; are you going to accept it or not and if you now oppose federation, the whole Bill may be withdrawn. Now, Sir, I am not talking with any heat or prejudice, but as a matter of fact I want to consider this thing carefully. Is it possible to have a British India federation? Here, if you would allow me, I would just quote Mr. Ramsay Macdonald's own words. When speaking in the House of Commons he said this could be done. He said:

“ I have come to the conclusion that if British India alone came into the confederation or the question had to be considered by us, we should have had, by hook or by crook to devise some means of giving some responsibility to the central Government ”.

These are the words of the Prime Minister which were quoted by you, Sir, in the Round Table Conference in the Federal Structure Committee and you took this passage from the Prime Minister's speech in the House of Commons. Why tell us then, “ If you throw away this all-India federation, there will be no central responsibility? ” Why not have a purely British India federation with responsibility at the centre—confining it to British India for the present? May I ask one question? What would happen if the princes decide not to join the federation even on the terms now offered to them? I am not aware that the princes have yet made their decision that they are prepared to come into the federation on these conditions. If they say “ No ”, what will happen? Will provincial autonomy be withdrawn? Shall we be left with the Montagu-Chelmsford Reform scheme? No, Sir. Certainly some methods will have to be devised to give us provincial autonomy and some form of government at the centre. Why not give us that form of government without inviting all this unpleasantness and criticism in the country, and if the Government of India are afraid of the extremist section taking possession of

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these Houses and abusing the powers, there are plenty of safeguards which they can have. Defence will not be under the control of ministers. There will be special powers vested in the Governor General and then I would not mind even if they maintain an official bloc. I certainly do not mind, I would prefer the official bloc to the representatives of Indian States nominated by the rulers because, after all, what are these gentlemen who are sitting on the opposite side now? They have a long service, they have had a most brilliant educational career, they have great love and affection for the country in which they have spent 20 or more years, in which they have made friends with people and they have really begun to consider themselves as one of us. So, Sir, would it not be extremely foolish on our part to give up the friendship of those whose faithfulness has already been tried and to invite absolutely unknown strangers. I would certainly prefer the maintenance of an official and even nominated bloc in preference to the nominated representatives of Indian States.

Before I conclude, with your permission, Sir, I will just say one or two words about the amendment which has been moved by my Honourable friend, Mr. Yamin Khan. As a matter of fact, I have no particular objection to the first portion of that amendment. He says, as we all say, that this scheme is unsatisfactory. It is only a question of using a few more adjectives or a few less. But the fact remains that he is not satisfied with the Joint Parliamentary Committee's Report. But he does not stop there. He goes a step further. He says, if this Act is passed what shall we do? We will give it a trial. Well, I am not one of those who refuse to give it a trial. On the other hand, even without the Honourable Mr. Yamin Khan's expressing it, we all know that if he is invited by the Government of India to come and take an oath and take his seat in the House he will not refuse. If I can persuade my constituency to return me unopposed as they have done now without incurring any expenditure, certainly I would not deprive myself of the pleasure of enjoying the hospitality of the Honourable Members of His Excellency's Council and our generous President. We will certainly come, we will be delighted to come, we will come here and we will eat and talk and do everything. But that is not the question, Sir. My objection to the Honourable Mr. Yamin Khan's amendment is similar to what it must have been if somebody from the opposition had said, "If this Act is passed we are not going to work it". I say, why talk about a thing six months or a year in advance? We do not know what is going to happen, what modifications are going to take place, whether there are any modifications or not. This amendment would have been quite relevant, I submit, if the Bill had been passed and the Government of India had asked us to give an opinion as to whether we are prepared to work it, to give it a trial, or not. Then most probably I would join hands with the Honourable Mr. Yamin Khan and say, "Yes, I am prepared to give it a trial, whatever its worth". But, Sir, who has asked us this question? I do not think the Secretary of State has asked us.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: The question has been asked.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: Well, Sir, I am not aware of it and I shall feel extremely grateful to the Honourable the Leader of the House if he will tell us when he was asked, unless he has been asked by the Government of India through some confidential document. But as far as the Motion before the House is concerned, it is that the Joint Parliamentary Committee Report be taken into consideration. And what is the

Joint Parliamentary Committee Report? It is something that may be simply brushed aside by Parliament. We have been asked to give an opinion as to what we shall do about a document which has no legal value, which may be set aside by Parliament, which has already been put aside because the Bill has been introduced. This is a very important question because it will determine as to how I am going to vote on the Honourable Mr. Yamin Khan's amendment if the Honourable the Leader of the House will tell us that we have been asked by the Secretary of State that if this Joint Parliamentary Committee Report is embodied in an Act, what are you going to do?

THE HONOURABLE NAWAB MALIK SIR MOHAMAD HAYAT KHAN NOON: The Bill is based on the Joint Parliamentary Committee's Report.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: Sir, just reprinting certain portions of the Report and putting it in the Bill is not what we call an Act which has been passed. You know, Sir, my Honourable friend has been here for some time while I have been here for only two days, but he must know that the Bill is not considered to be passed unless it has passed the third reading. So it carries no value.

Now, Sir, I would submit in conclusion and I am very grateful to you, Sir, for having given me this opportunity of addressing this House at considerable length. I am very grateful indeed—I would now conclude by making one appeal to the Government, and I may assure you that it comes from the bottom of my heart. They should not be afraid of introducing responsibility at the centre. I can assure them that the Congress can do them no harm whatsoever. What was the Congress before 1920, Sir, may I ask? What was the position of Congress? Did anybody talk about the Congress in the villages? After all 90 per cent. of the population are in rural parts and only 10 per cent. in the towns. Nobody knew what Congress was. It is only since 1920 that Congress has become prominent. Probably 80 per cent. of the people even now in my province have no sympathy with Congress. Various people have said, and my friend the Honourable representative of the Chamber of Commerce from Bombay and the Honourable Sir Phiroze Sethna, also said that the present situation is due to the utterances of the Congress. Sir, I would submit that it is not due to the utterances of the Congress: it is due to the utterances of the Liberal Federation, because when the Congress people are saying anything against the Government people know they are enemies of the Government, they are anti-British, they are against the constitution, they are civil disobedience *wallahs*, and so they do not attach much importance to their utterances—they think they are prejudiced. But when Liberals get up and start abusing the Government, probably in more violent language than the Congress do and that is not followed by any action, then the people naturally say, "This Government must be an awful Government because the Liberals who are their best friends are abusing them right and left". It is their propaganda which is really creating the agitation in the country. I can assure you, Sir, that it is not only the Congress or the Liberals that Government have to take into consideration. The main safeguard lies in the goodwill which still a large number of people have for the Government, and above all those martial races, those zemindar classes, whose faithfulness and devotion to their Sovereign is absolutely unshakable. They, Sir, will not be carried away by any amount of political propaganda. We have been faithful under most trying circumstances and I can assure the Government that our feelings and sentiments will be proved to be the same when really a time for trial comes. But please do not mistrust us. Do not turn a deaf ear to all that we say and only listen to the die-hards in England because

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we have a better claim on your judgment than the Churchills should have. After all, we are not forgetful of the great good which English people have done to our country in the way of development, in the way of education, in the way of turning India into a sort of all-India unit, for otherwise we would probably have been more disunited. We are grateful for all this. We are alive to it. We have full knowledge of it. Then do not mistrust us, and instead of beating a retreat and calling in new forces to fight your battles remain firm. I can assure you that you have a much better chance of success with us than these nominees of the Indian States. And what will you be doing by forcing this scheme? Just making an all-India federation impossible by bringing together the representatives of the Indian States and of British India under the present conditions. It is, really speaking, doing a thing which would make it impossible at any time to give the people of India a real all-India federation, while those who object to the scheme have always had in their minds that a time will come soon when there will be an all-India federation in the real sense of the word. (Applause.)

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I rise on a point of personal explanation. The attitude of the Progressive Party is that if the Raja Sahib will refrain from expressing any opinion, we shall do the same. We do not say that we have no views on the Communal Award. All that we say is that having regard to all the factors involved, it is not expedient to express any opinion. The Raja Sahib wants us to express an opinion and if he puts it to the vote we shall have to vote against the amendment as by remaining neutral we shall be enabling him to express an opinion.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : On a point of order, Sir. May I know if this is a personal explanation or a reply to my speech? Because, I would request that if it is in the form of a reply to my speech, I should be given the right to answer my Honourable friend.

12 NOON.

THE HONOURABLE THE PRESIDENT : You said in your speech that the Progressive Party had promised to be neutral, and therefore, I think this explanation is relevant.

THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ (East Bengal : Muhammadan) : Sir, the Government of India Bill, now under the consideration is the lengthiest Bill ever considered either by the British Parliament or the Indian Legislature. The Bill enters too much into details. I would have been happy had the Bill been a short one and the details might have been filled up partly by the regulations made by the Secretary of State under the Act or by the Indian Legislature. Parliament is too clumsy a body for purposes of legislation. In fact, the Indian Legislature, however inefficient the people may call it, is certainly more expeditious than the British Parliament.

Now coming to provincial autonomy, I have no hesitation in maintaining that the present Bill is a great improvement on the Montford Reforms. In this Bill we find that the franchise has been increased : the official bloc has been removed : the dyarchy has been changed into unitary government : law and order has been transferred to the minister, but in spite of all this there

is still an unpleasant feature and that is the powers of the Governors. The Governor has got powers under four different categories :

- (1) Governor in his discretion ;
- (2) Governor in his own individual judgment ;
- (3) Governor acting in his own responsibility ; and
- (4) Governor acting under the Instrument of Instructions.

The powers reserved for the Governor are so great that we cannot call the provinces really autonomous, but one would admit that we are now on the highway to reach autonomy. The most important factor is the goodwill of the people without which no constitution would work.

I also take objection to the establishment of a second chamber in Bengal. The United Provinces wanted the second chamber, because that province still possesses aristocracy under the name of barons of Oudh and lords of Agra, but Bengal has not got a landed aristocracy in sufficient numbers so as to constitute an upper House. The second chamber is being thrust upon us without our demand and without our consent. I take this opportunity to press that the blessings of the second chamber may be reserved only for those provinces who desired to have it. Punjab in this case is more fortunate than we are in Bengal. The second chamber has not been given to the Punjab and I see no justification why it should be forced on Bengal.

Now coming to the Muslim representation in Bengal, I take serious exception. The Hindus of Bengal complain that they were very unfairly treated in their representation in local Councils. In fact, the persons who should complain most are the Mussalmans. The Hindus in Bengal are in a minority, and they remain in a minority, but the Mussalmans have an absolute majority. We are 54 per cent. yet we are given only 48·25 per cent. seats, in other words our majority has been reduced to a minority. I am in favour of giving weightage but not to the extent that the majority may be reduced to a minority or even to equality. Mussalmans are very generous : they are willing to give if they can afford to give. The high caste Hindus can possibly have no complaint against us. In fact, if they have any complaint, perhaps it is only against the Poona Pact to which we were not a party. It is purely a domestic question between the high class Hindus and the depressed classes. They have willingly consented to give them this generous offer for which they themselves are to blame. I do not understand the logical position of the Hindus. They have accepted the Poona Pact which is given under the Communal Award, and therefore the very acceptance of the Poona Pact indicates the acceptance of the Communal Award. The Mussalmans repeatedly attempted to settle the communal question among themselves, the Hindus never agreed to apply their mind seriously to this question. They always told us, " Let us fight together and forget our respective shares ", as Mr. B. B. Desai himself said, " Acquisition first : distribution afterwards ". May I ask the persons who hold this theory, why did they not tell it to the depressed classes instead of to the Mussalmans? What is the reason for this inconsistency ? I can assure you, Sir, that the Mussalmans have always been ready, we are now ready, we will always be ready in future, to come to any honourable compromise with our Hindu brethren with whom we earnestly desire to live with brotherly affection in this country if they only generously recognise our rights also.

Now coming to the central Legislature, I do not know whether we would be happier under the present Bill than we are under the existing Government of India Act. In the case of the Council of State I strongly protest that the principle of separate electorates has been disregarded. The position of the

[Khan Bahadur Syed Abdul Hafeez.]

Mussalmans in the future Council of State will be worse than it is at present. We neither have separate electorates as at present nor will we have one-third places reserved for the Mussalmans and our ratio will be very much disturbed by the representation of the Indian States. It is rather unfortunate that we have been discussing the question of Indian constitution for the last eight years. We had the Simon Commission and a series of Round Table Conferences and everybody had his own story to tell, as one has prescribed :

“ Khud pareshan karde man kasrate tãbir ha ”.

(Many recommendations and interpretations confused everybody.) It would have been much better had the Report of the Simon Commission been given effect to in the year 1927, and we would, by this time, have been ready for the fourth instalment of our reforms.

THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH (Bihar and Orissa : Non-Muhammadan) : Sir, if I rise to speak on this Motion I do so with full responsibility. I thank the Government for giving this opportunity to express our views on this very important question. The Report deals with various subjects and it is not possible for any committee to satisfy all sections and shades of opinion either in India or in England. In discussing the Report I will have to deal with the merits on the one side and with the defects on the other. I will first deal with the merits of the Report.

In doing so I must admit that the Joint Parliamentary Committee has removed a great stumbling block in the present Legislature by their proposal to do away with the official nominated bloc. It has further improved the present constitution by doing away with dyarchy and by proposing to administer the provinces by the Governor with the help of elected ministers only. The Report has also done a very great service by widening the franchise to a very great extent which in itself will help in the rousing of mass political consciousness. On the whole, therefore, there is no denying the fact that the constitution proposed in the Joint Parliamentary Committee Report is a distinct improvement in some respects on the present one. But, Sir, at the same time, I cannot overlook the glaring defects in the Report for which it is neither satisfactory nor adequate as the people of this country expected. The people of India expected that the Joint Parliamentary Committee will at least recommend the inclusion of a preamble in the future constitution, reiterating the ultimate goal of India to be dominion status, with equal powers and rights like other dominions. But unfortunately, the absence of such a declaration has wounded the feelings of a very large section of the people of India who desires to see India enjoying equal status and rights, like the other dominions, by remaining within the British Empire. I know that the Secretary of State has made a declaration to that effect in the House of Commons the other day, and I admit that it has greatly allayed the apprehensions of the people, yet it must be admitted that this pledge of an individual Secretary of State cannot have the same force and sanctity as the preamble to an Act, when passed by both Houses of Parliament. Sir, I for one, cannot think of total independence, which brings in its train the question of strife, quarrels, feuds and bloodshed, which we bitterly experienced before the advent of British rule in this country. In my opinion, if the Report has recommended any safeguards for British subjects it is only due to our tall talk about expropriation and repudiation of all debts and obligations. No man with sanity, no man with fairness and justice, can ask the Englishmen to clear out of the country, where they have invested so much of their capital and holdings. Such wild talks like repudiation of

debts, expropriation and independence, are responsible for the insertion of the word "safeguard" in the constitution. It is up to us now to remove the stigma of those safeguards, not by wild talks but by our *bona fide* actions and constructive work for the benefit of our motherland within the sphere of the future constitution. We will have to strain every nerve to remove those safeguards, not by agitating against and rejecting the Report but by winning the confidence of our English brethren by our future actions.

Then, Sir, I have heard various criticisms against the special powers of the Governors and the Governor General. I must frankly admit that these powers also have found their place in the Report and in the future constitution due to our own fault. Under the present constitution we had the right of voting down the salaries of ministers and let us dispassionately examine how we have utilized that power. It is an open secret that this power was utilized in every province to break up the ministries and wreck the constitution. I think no constitution can ever tolerate constant change in the ministries without rhyme or reason. Naturally, in order to meet such contingencies the Governors and the Governor General have been invested with certain wide powers, making them more or less like dictators. I admit that the powers given are very wide and that they have practically made them like so many dictators but we must, at the same time, try to understand the point of view of the other side, which prompted them to propose such powers. It is obvious that they have proposed such powers only to meet future contingencies of which we were the makers in the past. I am not one of those to criticise the Report for criticism sake. If I criticise it, I do it when I find that the Report has ignored the real demands of the people. One such demand, as I said before, was the absence of the inclusion of the preamble, reiterating that the ultimate goal of the present constitution is to give India full dominion status within the Empire.

I next come to another of the important demands of the people which was the demand for religious safeguards. In this connection, Sir, I admit that I belong to the orthodox section of that great community living in India for the last thousands of centuries, viz., the Hindu community, and I do not feel ashamed, rather I feel proud to call myself an orthodox Hindu. I therefore deplore that in spite of the united demand of the orthodox section of all the great religious communities living in India, insisting for the incorporation of religious safeguards, it has not found a place either in the Report or in the proposed Government of India Bill. Sir, the orthodox section of the Hindus, Muslims, Jains and other great communities have got some apprehensions, whether rightly or wrongly, that in the absence of any such religious safeguards the future legislatures may pass legislation affecting religious and socio-religious matters. I think if this feeling has been engendered in the minds of the people it is because of the passing of drastic social legislation, like those of the Sarda Act and the Intercaste Marriage Act. If this feeling of uneasiness has been created in the minds of the people, it is due to the introduction of social and religious legislation like the Hindu Marriage Dissolution Bill, the anti-Untouchability Bill and the Temple Entry Bill, etc. Sir, I think it was the duty of the Government to provide for some religious safeguards by which the legislatures would have been precluded from interfering with religious and socio-religious matters.

The next thing which the Report has ignored is the safeguards of the landholders and their proper representation in the different legislatures. India is a country where the landholders were the real guardians of the people and they were the real custodians of law and order in the past. I will go even further than that and say that the landholders were the main pillars on which

[Raja Raghunandan Prasad Singh.]

British rule in India was established. I only regret that no consideration has been shown to them in regard to adequate representation either in the provincial or in the future federal legislatures. Sir; I am glad that special concessions have been given to commerce and industry but it would have given me greater satisfaction if the Joint Committee would have shown the same consideration to the landholders. I think I will not be far from the truth if I say that it was the educated landholders who saved the provincial constitutions from wreckage in the different provinces in the past and the future will show that His Majesty's Government will have to rely on the landholders for saving the future constitution. I would therefore request the Government to press for the claim of the landholders for proportionate representation in all the legislatures as the representation given to them in the Report or the proposed Bill is very inadequate and ineffective. I do not want to dilate much on the landholders' grievances and demands as my friend, the Honourable Maharajadhiraja of Darbhanga has already spoken so ably yesterday on that question.

I have got one more point to bring to the Government's notice and I have done. If the Indian population could be classified then more or less they could be divided into three categories. First comes the unscrupulous professional agitators who can never be satisfied by any advancement in the constitution, because agitation is their living and more or less their birthright. Second comes the class of politically-minded intelligentsia who are constitutionalists and who must desire adequate advancement in the future constitution of this country until full dominion status is achieved. Third comes the great bulk of the population of India, namely, the agriculturists who are not vocal, but are silent sufferers. What I regret most is the suggestion in the Report for the levy of a tax on agricultural income. Even at present the agriculturists are half starved and if in the future constitution their income on agricultural produce is taxed, as proposed in the Report, then I am afraid the discontent amongst the peasantry of India will increase abnormally, and it will be just like giving a handle to the professional agitators to foment troubles which will neither be beneficial to Government nor to the masses, and which will also stand in the way of the politically-minded class to work the constitution. I would, therefore, request the Government to remove at least these defects in the proposed constitution and take steps to frame the future constitution in such a way as will relieve the burden of taxation on the peasantry of India, will satisfy the landholding and commercial classes of India who are really the pillars of the State, will remedy the causes of unemployment amongst the middle classes and will satisfy, even partially, the politically-minded class who are prepared to work the constitution.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Before I commence my remarks on the Joint Parliamentary Committee Report I should like to thank you, Sir, for accommodating this side of the House in the regulation of this debate. We cannot be forgetful of efforts which the Honourable the Leader of the House made to bring about the happy result.

Sir, we have heard more than a dozen speakers already. The debate was started by my Honourable colleague Sir Phiroze Sethna, who was himself a mover of one of the amendments. The Leader of the Opposition who had another amendment to his credit was the third speaker, and Raja Ghazanfar Ali Khan, although he kept us in suspense the whole of yesterday, took compassion on us this morning, and told us the reasons for bringing forward

his amendment. But our Honourable colleague, Mr. Yamin Khan, who is not present in his seat at the moment, has been keeping the good things he has to say till the last minute, and I think it is rather unjust on the House that the mover of an amendment of such a categorical nature as his, which has had no replica either in the Assembly or elsewhere where this Report has been debated, should keep back his reasons for bringing that amendment. The Honourable Member was a distinguished member of the other place formerly and I believe he was the leader of one of the parties too. He was a Member of the Assembly when the Assembly passed a notable Resolution rejecting the White Paper. His sense of constitutional propriety was not sufficiently awakened then to bring forward a Resolution of this nature, but coming on the Government ticket and having no people's constituency to answer he can be as irresponsible as he likes and he can serve his constituency, the Government benches, as much as he pleases. But he has absolutely no right to pledge India to any line of action. As my Honourable friend Raja Ghazanfar Ali Khan has pointed out, it was out of place to say whether the constitution will be worked or not worked. No one has so far either in the Legislature or in the press or on the platform stated that it will not be worked. It is a sort of gratuitous service which was not really required. The Raja Sahib has rightly pointed out the question of working the constitution will arise when the constitution has been forged. We cannot promise to work a thing which is non-existent. Parliament having sovereign powers has absolute right to change the Bill out of recognition and therefore the pledge that India will work it is futile. But I am very thankful for the small mercy which he has shown ; he has not told us that this constitution will be worked with goodwill. After all, that is the main criterion by which we can judge. When a man is sent to jail he is under prison discipline. He has to work. Is that work with his pleasure, with his goodwill ? He will have to work like a slave. There are still even in this House people like my Honourable friend (Mr. Kidwai) whose motto is that he is here not because he believes in this Council but because he keeps out undesirables from coming in. It is in this spirit that the Congress has come in, and others may come in the new constitution to keep out undesirables who sing to the tune set by the Treasury benches. Mr. Yamin Khan says that it will be worked, it will be given a fair trial in working ; whether it will be a fair trial in working or an unfair trial in working does not rest with the legislatures, or the future members of the legislatures, but it rests primarily with the Governors who, if they are human enough and have sense of liberty, will allow this constitution to work. If they are not so, they will make the constitution impossible and they will have minions in their service.

I am very glad that the Honourable the Leader of the House has set us a very good example in introducing this official Motion with a short and precise speech. I am especially glad because he has not followed the precedent of the other place where there were quibblings, vituperations and bickerings going on between the Treasury and the non-official benches. We also have as far as possible I think followed that good example. After all, the occupants of the Treasury benches come in daily contact with Indian Members ; even the Executive Council consists of about half Indian Members. They cannot be as unmindful of our interests as the Czar of Whitehall can be, and some of the Members of Parliament have been ; sometimes they have fought as much as is in their power for the good of India. They may not have gone as far as we are going, but it is an open secret that they did try their level best to do something for the benefit of India, but they are as powerless as ourselves. Parliament is the supreme body and they are doing what they like irrespective of what the Government of India or the people of India think.

[Mr. Hossain Imam.]

Sir, the anxiety of the British Government of India to force this reform is pathetic. One can very well ask the reason why it is so anxious. India, at least the predominant portion of India, is not willing to have anything to do with this constitution. The Congress came to the Assembly on the special ticket of rejection of the White Paper. If the electorate is not supposed to know their own mind when they sent the Congress, I wonder who can know the mind of real India. If the Government of India is not supposed to know the mind of the Indian people who are the outside Englishmen, the Members of Parliament, to decide what is India's wish? Destiny has placed them over our heads to rule us, but they are not sufficiently alive to the realities of the situation to realize how far things have gone. They will have to take the consequences, as their forefathers did, during the reign of King George the Third. When Parnell demanded Home Rule for Ireland it was refused. It was not given when John Redmond demanded; but when the Sinn Feiners made the life of the "Black and Tan" impossible, when they had anarchy, the Commander-in-Chief of the Republican Army came over to England to conclude peace and the world knows the result. By giving it late Southern Ireland is almost out of the British Empire to all intents and purposes. If England delays the giving of reforms it will have to face the same consequences as they faced in Ireland; but if they are wise, if they adopt the method which their forefathers adopted in introducing the North American Act and the South African Act, they will be sure of keeping India in the Commonwealth of British Nations.

Sir, we are told that Englishmen and Parliament simply want to have good government in India and for this reason they have introduced all these safeguards. As my Honourable friend Mr. Basu pointed out yesterday, the main thing is not the constitution, but the personnel, I have rather a sad experience of that. My Honourable friend Raja Ghazanfar Ali Khan was very enthusiastic in his praise for the members of the services. I am rather sorry to tell him certain concrete facts, which will show how this service has disregarded the interest of the masses and sided with the classes. I will remind him of only last year. In two provinces, the United Provinces and the Punjab, debt legislation eminently in the interest of the masses passed by the legislatures were returned by the Governors for modification in the interest of the classes. These are the people who are there to serve the masses, to safeguard the masses from us, the intelligentsia, who are supposed to be bent on the ruin of the masses.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : That is the difference between the Leader and the Deputy Leader !

THE HONOURABLE MR. HOSSAIN IMAM : I am sorry, Sir, that some of the Members have pointed out that bad blood has been created by the Congress. I say, Sir, that bad blood has not been created by the Congress. The real instigators, the people who really brought this idea of a difference between man and man were those under His Excellency the Commander-in-Chief. When the Indian Army went to Flanders and saw the treatment which the Frenchmen gave to their own Colonial Army, they saw the equality which prevailed in Flanders and realized their own position, and felt that they were dirt beneath the feet of Tommies; it is they who inspired the Congress with all these ideas. It was those who went there, who went to fight for England's hearth and home, outside the home country, and saw how meanly they were treated, it is they who came back with all these ideas that were instrumental in creating the present position in the country.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : They were very well treated in France.

THE HONOURABLE MR. HOSSAIN IMAM : By the French ; not by the British. There was a great deal of difference between the treatment which Algerians received from the French and our men received from the British troops.

Now, Sir, I come to the basic reasons for India's dictum that this constitution is not acceptable. As I said, Sir, acceptability means that if the thing is accepted it is worked with a good will ; *if it is not acceptable and we are forced by circumstances to work it, it will be worked with a will to end it.*

My Honourable colleague, Sir Phiroze Sethna, has given many instances of economic exploitation which underly the present position. I will cite one or two more. The fact that legislation affecting the currency cannot be moved in the legislature without the previous sanction of the Governor General, and currency will not be a subject under the Finance Minister, makes it a potent instrument in the hands of the British Government to ruin Indian trade and commerce. By means of keeping the exchange high, they can bring to a standstill the Indian export trade. They can flood the country with their own goods and so economic exploitation can go on in spite of any legislation we can pass, simply by means of manipulating currency and exchange. In defence expenditure, Sir, the idea that the central Legislature should have no vote is not compatible with any sense of responsibility. We are there to bring money into the coffers of the Government but we have absolutely no voice as to how it should be spent. No limit has been placed on military expenditure. It is Rs. 46 crores this year, it may rise to Rs. 56 crores next year and the federal Government will have no power to prevent the increase. The federal Government has no power to lay down even the duties of the Army in India : these are laid down by the British authorities and as at present devised it does not only include the safety of India from aggressions of second and third class powers, but it includes the responsibility of imposing its will on the neighbouring powers including first class powers which may be on our boundaries. And its duties also extend to keeping in check and imposing its will on foreign countries. The Indian Army has to fight and safeguard our frontier from first class powers till such time as an army from the Empire may come into India. That, Sir, is clearly a duty which is more imperial in nature than Indian, and I have the highest authority for saying that

“ if a British army of this strength were not maintained in India, the British Government would have to maintain an army in Eastern waters to safeguard its imperial interests”. That is the opinion of one of the highest military authorities that we know in India.

Sir, the whole scheme is permeated with distrust of India's capacity to rule itself. The constitution of a Statutory Railway Board means nothing more or less than that it should be outside the purview of the legislature. Being under a statutory body who will have full powers to do what they like, the legislatures will be deprived of the rights which they now enjoy and therefore the present scheme is distinctly a setback. Not only this, Sir, but even the rates which we could now fix by Acts of the legislature will be outside its scope, and therefore everything can be manipulated in the interests of British trade by hook or by crook. *The result of this will be that while at the present moment we have about 45 per cent. of the total expenditure of the Government of India voted, in the new constitution there will not be even 15 per cent. of the expenditure subject to the vote. This is what we are told is an advance !*

[Mr. Hossain Imam.]

Now, Sir, I come to the statement of the Joint Parliamentary Committee which is perfectly true as far as it goes, though it does not mention the other essential counterpart of the same thing. I am referring, Sir, to paragraph 69 of the Joint Parliamentary Committee's Report, where they discuss the English and the dominion constitutions and state that all executive power rests with the Crown, and in a similar manner the transfer of the powers will be made to the Governors and the Governor General. This is a perfectly true statement of facts. But what it overlooks is the countervailing power that the English and the dominion constitutions possess, namely, the power of the purse. While all executive power is given to the monarch, because the purse strings are in the hands of the legislature they can impose their will on the Sovereign. That essential part of the contact, which makes two and two four, has not even been mentioned by the Joint Parliamentary Committee. It is the controlling power of the purse which has gained for England's Legislature all the powers that it now possesses. *If India had also been given that power, we would not have complained about the safeguards, because we would then have had a counter-check and effective safeguard against misuse of the safeguards.* But to deny the very basic principle of the English constitution and to force down our throats the other part of it and say that there is the precedent of England and the dominions is to throw dust in our eyes. Sir, half truths are worse than lies!

In the British Parliament and in the dominions there is no alien body of officials, who always look outside the country for support. The executive power rests with the Sovereign, and the people who have to carry it out have no one else to look forward to for support but to their Sovereign, and that Sovereign being under the control of the legislature by means of the power of the purse, so that ultimately everything comes under the control of the Parliament. Whereas in India we will have an alien body of members of the civil service, the police service, the military service and other classes of services who will owe no allegiance to the representatives of the people. The orders of the future ministers of the central and provincial Governments will have to be carried out by men who owe no allegiance to them, and whom the ministers cannot even degrade or punish for any acts of commission and omission. They will go scot-free, unpunished and yet we are told that we have to follow the dominion precedent. It is a slur on India to say that we cannot find out the trick which Government have played.

I now come to a definite example of the retrograde nature of the proposed constitution. The present Government of India Act, section 50, says—and there is a like provision for the Governor General—that in all matters coming before the Governor in Council, the rule of majority shall prevail, except in so far as the safety or tranquillity of India is concerned, where only the Governor or the Governor General can over-ride a majority of his Council, but in regard to other subjects, the rule of the majority will prevail. If there is a difference of opinion between an Executive Councillor and the Governor, the Indian Member has the deciding voice. I am giving the instance of my own province where there are only two Executive Councillors, one European and one Indian. Whenever there is a difference of opinion between the European Executive Councillor and the Governor, it is the Indian Member who settles the dispute. With whomsoever he agrees, he carries the day. That is a distinct advantage which we have under the present constitution, and which will be denied to us in the future constitution. There, all the ministers will be brought down to the same level of being nonentities..

The Governor is not to be bound by the Act to follow the advice of his ministers. That is to come in through the Instrument of Instructions. The Joint Parliamentary Committee has frankly admitted that placing it on the Statute-book would have far-reaching effects, but that if it is shoved into the Instrument of Instructions, it will not be so forcible. That, Sir, I regard as a distinct setback from the present constitution.

I now come to the safeguards. I am not going to discuss them in detail, because they have been very fully discussed by other Members. I will only say that I wish that there had been some sort of curb on the misuse of these safeguards. I know that where the Governor's individual responsibility is concerned, he is answerable to the Governor General, and the Governor General is in turn answerable to the Secretary of State. But we know the lack of knowledge of these higher authorities of the conditions in the provinces and in India respectively, and therefore we cannot have much trust that these safeguards will be of much good. The greatest safeguard against misuse would have been to make these safeguards usable only under certain conditions. But the conditions are not given. They are left hanging in the air. Whenever a question of special responsibility comes in, the Governor can disregard his ministers. I now give the instance of the services. I am not referring only to the all-India services which are to be retained by the Secretary of State but of all the services. They at the present moment owe allegiance to the Government of the province. Thereby, their allegiance is to the representatives of the people. The Joint Parliamentary Committee Report takes away that allegiance and asks them to owe allegiance to the Governor who is himself the symbol of a foreign rule. Thus, the allegiance of the services is being tampered with. They are distinctly asked not to look to their own Government as the superiors, but to look to the Governor and be independent of the representatives of the people. Government cannot expect us to be very thankful to them for this change. Now, Sir, as far as the all-India services, the Indian Civil Service and the Indian Police Service are concerned, the position is also worse than what it is at present. According to present plans, Government are bound in 1937 to call in a report on the working of the Indianization scheme and to reconsider if it is necessary to increase the pace of Indianization. The Joint Parliamentary Committee Report is even more retrograde than the White Paper which suggested, Sir, that after five years from the enactment of the Constitution Act, the position of the Indian Civil Service should be revised. The Joint Parliamentary Committee Report says that it should not be revised before five years after the coming into office of the first provincial Government, and of the central services not before five years after the federal Government comes into office. The Joint Parliamentary Committee does not make it compulsory that even after five years the position will be reviewed. It makes the position indefinite. It only fixes a minimum period within which the question cannot be looked into. This is especially anomalous when we know that the pay and emoluments of the services under the Governor General and the Governors have been revised with the exception of the all-India services which are under the Secretary of State, in which case no revision has so far been made. We have asked times out of number what the Government is going to do, but we have never received any reply as to what action the Government proposes to take. The Joint Parliamentary Committee puts a seal to by saying that you can make as much of an outcry as you like but we are not going to hear you and you will have to be content with the services highly paid as they are. I remember when somebody asked His Excellency the Commander-in-Chief about the lower standard of pay given to our own cadets in

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the Indian Army, he said that they were receiving the same pay and emoluments as British officers received at home. That is a good precedent, that Indians in India should receive the same salaries as Englishmen receive in their own country. We consequently expect that the same principle should be applied in the civil services of India. The basic rates of pay of the Indian Civil Service, the Indian Police Service, Indian Medical Service, and other services should not be higher than the figures which similar services command in England, over and above which they could get the present overseas allowances. But if the Government is not prepared to abide by the principles which have been laid down by them in the Military Department, it is idle for us to hope to convince them.

Now, Sir, I come to certain matters concerning my own province. I very much regret that so far as Bihar is concerned, the Joint Parliamentary Committee has been less liberal to us than the White Paper. In Appendix A of the White Paper (in reference to paragraph 18), it was proposed that Bihar would have 18 seats in the new Council of State. The Joint Parliamentary Committee has given us 16 only. And how anomalous the system of election to the new Council of State is, will be apparent when I tell you that there are only 30 members in the local upper Chamber who will elect the 16 members to the federal Council of State. Not even two full votes are required for election to the future federal Council of State. This system of indirect election through the local upper Chamber is also retrograde as compared with the White Paper, inasmuch as the latter proposed that the members of both the provincial Legislatures, the upper and lower, would vote together to send representatives to the federal upper House. Now the members of the provincial lower Chamber will have no voice in the election of the federal Council of State Members.

I come next to a particular trouble of ours, the excluded and partially-excluded areas. Unfortunately Bihar has got a large tract, almost a third of its area, which under the present Act is called a backward tract. That area is very thinly populated, and for the most part it is not caste Hindu or Muslim, but mainly consists of Christians and aboriginal communities. But these communities have through education advanced very considerably, so much so that I was happy to find in the Lady Hardinge College for Women that while there was no student from the advanced province of Bihar, there were two students from these so-called depressed backward tracts. That is their backwardness. In the matter of education they compare favourably with South Bihar, but still they are kept under perpetual minority control and not allowed to have their full say. It is very unfortunate that these so-called backward areas should always be excluded and not be allowed to take their proper place in the political life of the country.

I now come to federation. I very much regret that when they considered federation the Government did not consider it advisable to differentiate between States and States. There is no doubt there are States in India which have every right to stand on their own legs and to have a separate entity. Nobody can say that Mysore, Hyderabad, Kashmir, Baroda and Travancore do not compare favourably with the smaller provinces in British India. But that States which have absolutely no powers, to whom a Deputy Commissioner is more of an overlord than the Viceroy, should be recognized as units in the federation is essentially wrong. There are States which have not even criminal or judicial powers, where the revenue even is collected by British Government officers and divided up between these people who claim to be States. I refer to Rewa Kantha and Mahi Kantha States. And we

all know the Simla Hill States. These are the people who will federate and equals with the great provinces of British India and of great Indian State like Hyderabad and Kashmir. There ought to have been some sense of proportion in making this scheme of federation. The majority of States to all intents and purposes are no better than our zemindars in Bihar, the United Provinces and Bengal. And still they are recognized as sovereign States. The Honourable Raja Ghazanfar Ali Khan in discussing the Indian States has very pertinently said that one cannot say what their opinion may be in a day or two, but we know that the paramount power as such has absolute power to lay down everything for them. Their sovereignty not being recognized under international law, they have no existence except as under the orders and overlordship of the paramount power, which is at present Great Britain. Therefore the paramount power cannot say that it has no power to force any system on the States. The paramount power has taken upon itself the safety and continuance of these princes.

THE HONOURABLE THE PRESIDENT : What about the Treaties between them and the paramount power ?

THE HONOURABLE MR. HOSSAIN IMAM : As far as that goes, I should like to mention that there are differences between Indian States. I P. M. More than half the Indian States, if I remember aright, have no treaties with the British Government ; they have only *sanads*. Take, for example, Kashmir. It was a created State for Rs. 75 lakhs.

THE HONOURABLE THE PRESIDENT : A *sanad* has the same sanctity as a treaty.

THE HONOURABLE MR. HOSSAIN IMAM : The primary condition of a *sanad* is that the existence of the State is a subordinate one. It is a created thing and a created thing cannot have co-equal power with the creator. Sir, it is the duty of the paramount power as guardians of the rights of the people who are the ultimate sovereigns. International law recognizes the sovereignty of the people and as the paramount power has taken the place of the sovereignty of the peoples and overlordship over the princes they have a moral obligation to do the right thing by the people of the Indian States just as they have the moral obligation to give British Indians what British Indians are demanding. What they have done for British India already if they do even that much for the poor and down-trodden subjects of Indian States they would be doing but bare justice and duty which rests on their shoulders.

Sir, I now come to the vexed question of the Communal Award. Whatever its merits or demerits, we are not going to discuss that. It is nothing to be jubilant about. It is a thing which is shameful to all Indians, whether Hindu, Muhammadan or anybody else. We had to admit our inability to compose our differences which has forced us to ask a third party to come to our rescue ; and I know a Persian poem which says that going to hell is better than going to heaven with the help of your neighbour.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : You cannot go to heaven or hell !

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I say the thing is a *fait accompli* and no amount of agitation can have any effect on it. There is only one way of amending it—a way which is known to India—that is, by agreement. The Poona Pact amended the Communal Award, because the people

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who were concerned agreed to a change. In the same way the present Communal Award can be amended if the people of India are ready to compose their differences. There are people on this side of the House whose personal opinion, like my Honourable friend Mr. Sapru, might be different, but we as representatives of our constituencies are bound to be guided by what the constituency says. As the Honourable the Leader of the House pointed out we are not free lances. We are bound to follow the mandate of our own constituencies and therefore it would be better if no expression of opinion was made.

THE HONOURABLE NAWAB KHWAJA HABIBULLAH OF DACOA (Bengal : Nominated Non-Official) : In this matter what does your constituency say ?

THE HONOURABLE MR. HOSSAIN IMAM : My constituency says that I have to support the Communal Award as it is, although I feel ashamed of India's asking for the Communal Award, not of the mandate.

Now, Sir, in conclusion I should like to say one word more. Give us whatever constitution the British Government wish to force upon us, but do not expect us to acclaim it or to give up our right to ask for more ; and if you give it now you may satisfy us, but as days pass on, the demands of India will increase. What it would be pleased to receive now will not satisfy even the most backward section of Indian opinion in the future. A time like this will never come. If you take the opportunity, you can have peace, tranquillity and connections, but if you wait for the inevitable day when India has power not only to make demands but power to force demands, to take it out of your hands, no amount of concession on behalf of the British Government will move by an iota the course of events which will follow in the wake of the awakening and the power of India.

Sir, I conclude.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, reference has just been made to the verdict of the country that was given in the last Assembly election. I ask whether it is seriously contended that the ordinary voter in the country was aware of all the issues involved in the White Paper ? Did he know anything about the constitution that was outlined in the White Paper ? The fact is that if in spite of his blissful ignorance of all the important issues involved the ordinary voter in the country has returned a party which appealed to the country on the rejection of the White Paper, it was not because the voter was keen about the rejection of this White Paper, but simply because the voter welcomed the gesture of co-operation on the part of the party whose conduct for some years past had been of such disastrous consequences to the country. The voter welcomed this gesture on the part of the party which had frittered away its energies on destructive movements, movements which caused such enormous amount of suffering both to the people engaged in it and those outside, movements which had menaced the peace and prosperity of the country. The voter welcomed the party expressing its willingness to give up this sort of attitude and take to constitutional methods, the voter thought that it was a very good opportunity for the country to be rid of the menace of these movements. It is on this ground that the country supported the Congress Party and we welcome the Congress Party in the Legislature since we feel that there is now less danger of these disruptive movements menacing the peace and prosperity of the land.

Now, Sir, as regards the campaign against the White Paper, though this campaign had hardly any effect upon the voter in the country it cannot be denied that this had a very serious effect, a very powerful effect, in another direction. It is this campaign against the White Paper which is responsible for most of the defects that we now find in the scheme adumbrated by the Joint Select Committee. Sir, my Honourable friends who condemn the scheme of the Joint Committee on the ground that it has failed to carry out the suggestions made in the Joint Memorandum of the Indian Delegation forget that it is they that have to blame for the failure on the part of the Joint Select Committee to give effect to those recommendations. If this campaign had not been carried on against the White Paper, if those people who had participated in the deliberations in London for the making of this new constitution, if these people had not been repudiated and stigmatized as traitors, and as people who had no claim to any feeling of patriotism, if this had not been done, if they had not been disowned, and if, on the other hand, every political party in the country had combined and concentrated their efforts on seeing that the suggestions made by their representatives in London were given full effect to, the result would have been thoroughly different.

Sir, since the controversy about the Communal Award has been prolonged *ad nauseam* I would have preferred to omit all reference to this vexed question, but, Sir, since in the course of the discussion both today and yesterday much criticism was levelled against the Communal Award, I am forced, in spite of myself, to make some observations regarding this question. Sir, it was said that but for this Communal Award, but for the fact that it was announced at some psychological moment, the Unity Conference at Allahabad would have succeeded in deciding upon some mutual agreement. Sir, it was also stated by the same Honourable Member that if only this Award had not been announced, Moslems would have been left only with the Lucknow Pact. Sir, in pursuing this argument the Honourable Member tried even to reinforce his argument against the Communal Award by invoking the aid of the recommendations of the much abused Simon Commission. From the trend of his arguments it was perfectly patent that the suggestion was that if only the Lucknow Pact had not been disturbed, if only the Moslems had been left with the rights ceded to them under that Pact, they would have been coerced into some sort of an agreement, they would have been forced to come to terms with the majority community. But, Sir, it is hoping against hope to think so. My Honourable friends forget that long before the announcement of this Award, so long ago as 1929, the Moslem community had made clear the conditions on which alone they said they would be prepared to co-operate in the working of the constitution. Therefore, Sir, even if this Award had not been published it would not have been possible for anybody to have coerced the Moslem community into any agreement which was not honourable. But, Sir, granting for the moment that such a thing was possible, that the Moslem community felt itself so helpless that it would have been ready to accept any terms that might have been offered to it, is it the kind of agreement that we could conceivably encourage? Is it the kind of foundation for establishing nationalism in the country. An agreement forced upon minorities by sheer coercion, could such an agreement constitute a basis for laying the foundation for the building up of the Indian nation? Again, Sir, even this Communal Award, as was correctly remarked by the last Honourable speaker, is not one of which we are enamoured. We accept it because it is not possible to come to any settlement with the majority community. This Award falls very far short of our demands but we accept it because we feel that in the absence of this Award it is not possible to make any further progress. In

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accepting this Award we are making a sacrifice and we do it in order that we may be able to exercise the communal spectre which haunts us at every step and thwarts every attempt to take a step forward. So, Sir, we are ready, as we always have been, to enter into any reasonable and honourable understanding with the other communities in the land and we would welcome the day when it will be possible for us to come to a mutual understanding among ourselves without having to take what the outsiders give to us.

Now, Sir, as regards the scheme which is now under consideration, the whole question resolves into this. Does the scheme adumbrated in the Joint Parliamentary Committee Report mark an advance? Does it mean a substantial improvement upon the present state of affairs? Does it, in a word, put us on a path which leads to self-government, taking us nearer the goal than we are at present? Sir, to determine this question, we have to see how far responsibility has been conferred on the legislatures of the country. Given, it cannot be denied that a great deal of responsibility and power is given to the representatives of the people, though under certain conditions this transfer of power has been limited by special responsibilities and safeguards. But, Sir, let us take first the change that is proposed to be made in the provincial sphere. Here we find that complete autonomy has been conceded and the provinces have been freed from the shackles of dyarchy which had hitherto prevented them from developing on their own lines. Ministers will be directly responsible to the legislatures, the members of which will be elected representatives of the people. Henceforward, the main concern of the ministers will be to secure and maintain the support and co-operation of the members of the legislature who in their turn would have to keep satisfied their own electorates. Thus, Sir, it will become the bounden and primary duty of every member of the provincial Legislature to try to cater for the needs and requirements of the voters, to try and promote the welfare of the masses, to try and secure for them competence, comfort and happiness, for if he failed in this duty he would reap the fruits of failure when he would make an appeal for re-election. Therefore, Sir, there would be every possibility, every opportunity and every necessity to expand the nation-building departments, to increase and redouble all those activities which would go to ameliorate the condition of the people. Is it wise then, Sir, to kick away the opportunity that is offered, this great opportunity of service? True, Sir, there are safeguards and special responsibilities. But these safeguards and special responsibilities are not meant for ordinary occasions. They are not intended to constitute the normal feature of the working of the constitution. So long as the ministers are men of commonsense, men of experience, so long as they can conduct the administration of the country on sound lines, and so long as they would be fair and just, meting out equal treatment to all classes and communities, they need have no fear from the extraordinary powers of the Governor. Does it stand to reason that when the ministers are anxious to see that there is no breakdown of the administration, when they are anxious not to give an occasion to the Governor to use his special powers, the Governor, whose duty and whose sole aim should be to help in the working of the constitution and see that it is a success, that he will want only and without any justification interfere and would not allow real power to be exercised by the ministers? I think it does not stand to reason that when the ministers and the legislature are interested in the success of the constitution, the Governor would do anything to jeopardize the proper working of it. I do not mean to say that occasions will not arise when it will not be possible for both the parties to pull together. But those occasions will be few and far between.

and it is for those occasions that these safeguards are intended, so that, in case of a breakdown of the administration, in case of chaos and crisis, there may be somebody to save the situation, somebody who would be able to step in and say that this shall be and that shall not be. As regards central responsibility, it cannot be denied that the measure of progress conceded here is very much less, but to a great extent I think it is inevitable from the very nature of things. Defence, external relations, and so forth could not be transferred.

THE HONOURABLE MR. HOSSAIN IMAM : Not even partially ?

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR : They could be, but circumstanced as we are, it is not possible for us to assume charge of the defence of the country. Unless India is possessed of an efficient army, manned and officered mainly by Indians, quite as well-equipped as any other army in other countries, it will not be possible for India either to assume charge of defence or to attain complete self-government. My own feeling therefore is, that instead of merely asking for a greater measure of responsibility in this direction, it would behove us better or serve a more useful purpose if we press upon the Government the necessity for speeding up the Indianization of the army.

So much about the merits of the scheme. I will now say a few words about some of the defects which need to be corrected in the course of legislation in Parliament.

THE HONOURABLE MR. HOSSAIN IMAM : If they are not rectified, what will be your attitude ?

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR : I am one of those who have no particular love for second chambers. I admit that the second chamber at the centre does have some useful functions to perform. But I fail to see the justification for a second chamber in a province, where it is quite obvious that this chamber, besides becoming a stronghold for vested interests, would also entail an unduly heavy cost, which it would not be possible for the provinces just in the beginning to bear. Again, regarding the method of election to the federal Assembly I do not want to take much time over it and repeat the arguments already advanced. Almost every Member who has taken part in the debate has spoken about it or has taken strong objection to it. Sir, objection to the joint method of election is taken by the Joint Parliamentary Committee on the ground that direct elections would not be desirable in view of the large number of voters in the future constituencies. This objection does not hold water. You have got now a smaller number of seats in the central Legislature, so that the number of voters in each of the constituencies is very large, quite as large as the number of voters that you would have for each constituency under the reformed constitution since there the seats would be increased. If it is possible today for the candidates to appeal to the voters in the present constituencies covering such large areas, it must be equally possible for them to approach the voters when the area of the constituency is reduced. Again, Sir, indirect election takes away the means of contact between the representatives and the provincial voter. Again, Sir, we know that when provincial autonomy is introduced, centrifugal forces would be increasingly rampant and it will not be in the interests of the Indian nation, that at a time when these forces will have a tendency to increase, we should do things which would go to help this kind of tendency and deprive the people of the opportunity of taking an all-India view of questions. As regards the Council of State if indirect election to this

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Council has got to be maintained, I would suggest that candidates for the Council of State should not be confined to the members of the upper chamber in the provinces and that the selection should be made from a larger constituency and that even outsiders should have the right to stand for election.

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

The Council re-assembled after Lunch at Half Past Two of the Clock, the Honourable the President in the Chair.

THE HONOURABLE MR. MOHAMMAD YAMIN KHAN (United Provinces: Nominated Non-Official) : Sir, I have been criticized by my Honourable friend Mr. Hossain Imam for not having got up earlier to make my points clear to him and to give him my arguments in support of my amendment. I was surprised when I came to know of this. As you are aware, Sir, on the express request of the members of the Opposition my amendment was put fourth, although it stood first as regards giving of notice. But I agreed and gave place to the Honourable Rai Bahadur Lala Ram Saran Das, the Leader of the Opposition, to enable him to put his amendment first, and similarly two other amendments were moved before mine, and this was done at their own request.

THE HONOURABLE THE PRESIDENT : And I think that the Honourable Mr. Hossain Imam was also present at that time ?

THE HONOURABLE MR. MOHAMMAD YAMIN KHAN : Yes, Sir. And after that concession on my part his complaint as to my not getting up earlier caused me to wonder that that should have come from the Honourable Member in that manner.

THE HONOURABLE MR. HOSSAIN IMAM : On a point of personal explanation, Sir. I did not say he was wrong in moving his amendment but in withholding his speech for such a long time. The Motions were moved simply nominally and the speeches were made in support.

THE HONOURABLE MR. MOHAMMAD YAMIN KHAN : As my Honourable friend is aware, the moving of the amendment was also related to the request of his Party that they should be put to the vote first, and they should be allowed to speak first. All this had been conceded by me, who ought to have been the first to move my amendment, at their express request, and for them to come and attack me was not justifiable. However, in any case I do not know why he wanted me to speak early. My amendment as it stands is quite clear. My arguments are contained in the book which he has read carefully. The Report is comprehensive and gives all the reasons. Everybody who has studied the present constitution and who has read the Joint Parliamentary Committee Report can see for himself whether it is an advance on the present constitution or not. I can only quote the arguments of the Report itself. There is nothing new. I, on the other hand, wished to hear my Honourable friends as to why they wished to brush it aside and what the defects in the proposed constitution are, and why they thought it is not an advance on the existing position. But I am sorry to say that the speech which

I heard from the Leader of the Opposition threw no light on that. He quoted from the papers and he quoted the opinions of public men disapproving of the scheme proposed, each more or less saying the same thing, until you, Sir, called him to order and asked him to express his own opinions as it was the opinion of this House which was wanted. After that I heard nothing to throw any light on the alleged defects of this constitution. I have heard something from other members of his Party. The arguments of the Honourable Mr. Hossain Imam are the arguments which we have heard in other places. There was nothing new. He did not compare the proposed scheme with the present constitution except on one or two minor points which had been already dealt with by other members of his Party.

First, Sir, I will take certain objections which were raised by my old friend the Honourable Sir Phiroze Sethna. When he moved his amendment he gave very elaborately the defects which he thought existed in the new constitution. He said that all parties are against that, that all political parties in India are against the Report and they do not accept it. Sir, I have never said that all the parties accepted the Report. That is my Motion. In my amendment that is also embodied. He pointed out certain things. But points which are not acceptable to one party may be acceptable to other parties. There are certain points which are not acceptable to my friends the Liberal Party members; they are acceptable to the others. There is my friend who has said that it is the Communal Award that is not acceptable to them. I say that it is acceptable to the others. Which is the point that has been made that it is not acceptable to one and is not acceptable to the whole of India? There is not a single point here in the whole constitution. My Honourable friend Raja Ghazanfar Ali Khan has said that there should be no second chambers in the provinces. Certainly it is not going to be given to him. May I ask what business has he got to speak on behalf of the United Provinces? He gave a lecture about what the landlords should do and he concluded by saying that there will be no necessity for second chambers. It is a fact that members of the provincial Council and provincial committee members who sat with the Simon Commission and Members of the United Provinces Legislative Council, one and all have said that there should be a second chamber. It was the voice not of the big landlords of the United Provinces or the talukdars of Oudh, whom my Honourable friend Mr. Mehrotra has got the privilege to represent in this House. They were not the only people. It was the voice of the United Provinces Council that agreed to this. Nobody has ever risen in the United Provinces to say that they do not want a second chamber. It is the unanimous voice of one province that they want a second chamber.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : I am prepared to have a referendum on that point.

THE HONOURABLE MR. MOHAMMAD YAMIN KHAN : His own revered father also accepted that. He never raised a voice against a second chamber. I take it that it was acceded to for the last five or six years. It may not be—

THE HONOURABLE MR. P. N. SAPRU : It is wrong to say that he ever accepted second chambers.

THE HONOURABLE MR. MOHAMMAD YAMIN KHAN : Is it or is it not a fact that before this Joint Parliamentary Report came in, there was not a

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single dissentient voice on this point in the whole of the United Provinces, not a single speech in the provincial Council, neither on the deliberations on the White Paper, neither on the deliberations on the Simon Committee's Report, neither on the question when it was allowed when the first Round Table Conference met? In all these opportunities which had been given to this House, to the Assembly, to the provincial Councils, never has a voice been raised against this point.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: May I ask one question if the Honourable Member will give way? Is there one elected member from the United Provinces in the lower House who, while they were discussing this point for three days, has said that he wants a second chamber. Is it not a fact—

THE HONOURABLE THE PRESIDENT: I think we are going out of our way. Will you (to the Honourable Mr. Mohammad Yamin Khan) please resume your speech?

THE HONOURABLE MR. MOHAMMAD YAMIN KHAN: My Honourable friend wants me to enter into these controversies. If my Honourable friend wants to know, he may read the debates and he will find not a single member from the United Provinces got up and said that he does not want it. These are the points that we have come to know in the Joint Committee's Report. While one point satisfies one, it does not satisfy others. There are some people who may say that this point is acceptable to them and the rest is not acceptable. As I have myself said, the Report does not satisfy all political parties; certainly it falls far below the demands which Indians have been putting before the British Parliament. I never said that it is a perfect scheme or that it is a scheme for which we have been looking forward. It has got its own defects; every constitution has got its own defects and it is only experience which shows us where the defects lie and those defects are remedied after our deliberations and experience which we get by working the constitution. We have not to forget three points in this question. The first is what we demand, the second is what we deserve and the third is what those people who have got the power to give us are willing to give us. First of all, everybody thinks that he is the most capable person and wants what is not considered by others to be deserving. We have to see our own defects first. If we remove our own defects then we can put up a united demand before the country which has got the power to give that it is this thing which will satisfy us and nothing else. India tried, Indians tried, many times to come to a decision between themselves. They never came to any agreement. There was this challenge. Once a challenge was put to Indians and my late revered friend Pandit Motilal Nehru took up the challenge and he said he could produce a constitution. He did produce a report. But may I ask whether it was accepted by the people of India? When that report which intended to give Indians a great advance in the constitution came out it was condemned from all sides, from all quarters, from all provinces, and by all communities. There was nobody except Pandit Motilal Nehru's small party that supported the Nehru Report.

THE HONOURABLE MR. G. S. KHAPARDE (Berar Representative): Question?

THE HONOURABLE MR. MOHAMMAD YAMIN KHAN: If my friend will read the debate of the other House, he will find it.

THE HONOURABLE MR. G. S. KHAPARDE : Question again ?

THE HONOURABLE MR. MOHAMMAD YAMIN KHAN : My late friend Pandit Motilal Nehru had to take refuge by saying that he was not asking for the acceptance of his report and he was heckled from all sides. That was the result of the Nehru Report. We have found that every advance, every effort that was made to come to a settlement between the communities themselves was not acceptable to one or the other ; and the result was that not only in India but in England Indians made a poor show and they gave to the British public and to His Majesty's Government an idea of their capacity.

THE HONOURABLE MR. G. S. KHAPARDE : Question again ?

THE HONOURABLE MR. MOHAMMAD YAMIN KHAN : That was by their not agreeing on certain questions which related between communities and communities. They made a very poor show and they showed that it was for His Majesty's Government only to come to the rescue, and the Prime Minister had to give this decision which he was not quite happy to give but was forced to give because for two years Indians did not come to any conclusion among themselves. That was the chief thing which led to this hopeless condition and whatever defects there are in this Report I attribute simply to our own differences.

THE HONOURABLE MR. HOSSAIN IMAM : May I point out that the Report of the Joint Delegation is there, which no party in India has repudiated yet.

THE HONOURABLE MR. MOHAMMAD YAMIN KHAN : I will come to that point if my friend will have the patience to listen to me as I had the patience to listen to him. If that had not been, Sir, the result would have been absolutely different. Now after making that show in England for two years, even when Mahatma Gandhi was asked to come to the rescue, it was considered that Mahatma Gandhi as the spokesman of the Congress and as leading the great agitation in this country, would be able to persuade all the communities to come to one point, but what did Mahatma Gandhi do in England ? We all know. He failed hopelessly. He failed and he admitted his helplessness and he said that he was speaking not on behalf of the Congress but on his own behalf. Well, when he went there, when he was asked to join in the deliberations of the Round Table Conference it was not in the capacity of a resident of his native town but as Mahatma Gandhi, the leader of a movement, of a party in India, and if he goes there and he says that he can speak only on behalf of himself, yet here, whenever he speaks he speaks on behalf of the whole of India, when he is leading an agitation or making a demand he speaks on behalf of India, when he is asked to speak on behalf of those whom he represents he says : " No, no, I do not represent them, I can speak only on my own behalf ". But that was a hopeless position, that the leader who is the foremost leader of India fails there and makes a poor impression. What impression was created in the minds of the British public ? The impression he created was this, that nobody is prepared to take up the responsibility. People are prepared to agitate, to demand, but no one is prepared to take the responsibility whenever there is a question of running a risk of losing popularity. People can become popular by stirring up excitement but how many people are there who would be willing to take the risk of being unpopular in the country simply because they want to do the right thing. That is the

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chief criterion by which the outsider can judge the capacity of a country. The question is not whether we are ready to make a demand but are we ready to shoulder the responsibility? That, Sir, is the point which has led to these difficulties and I can blame nobody for these defects but ourselves first. Still, the time is not very far, when a nation begins to see its own defects, for constitutional defects to be removed. It is for us to take a lesson from this Report as it has emerged from the Joint Parliamentary Committee. If we cannot take this lesson even after this Report, then we shall never take it, and we shall be always fit only to be governed by others and will never be fit to govern ourselves. Certainly there are some matters which we can say are not according to our demands. My friend, the Honourable Sir Phiroze Sethna, has pointed out one relating to commercial questions very eloquently. I quite agree with him, Sir, on many matters and I think fiscal autonomy and freedom as far as our commerce is concerned are the chief things in which we must have full powers. But I have again to see whether it is possible or not to do it because although I agree with him in his conclusions I do not agree on the point on which he bases it. He bases it on one point which struck me. He said that when young Mr. Churchill said that instead of 25 per cent. the duty on British piecegoods should be reduced to 12½ per cent. he was upholding something which was going to be against the interests of India. Well, Sir, I wonder if the Honourable Sir Phiroze Sethna was speaking on behalf of India or on behalf of the millowners of Bombay. If I, as a consumer, can gain by the reduction in duty from 25 per cent. to 12½ per cent. I shall certainly welcome it because the goods which I am accustomed to buy will become 12½ per cent. cheaper for me and if the Honourable Sir Phiroze Sethna wants that by a heavy duty the price should be kept at such a high percentage as to give him a good margin of profit on the products which the Bombay millowners are putting on the market, well then he speaks only on behalf of a handful of people and not for the whole of India. I will welcome the day when the duty on British piecegoods will be reduced from 25 to 12½ per cent. because that can only be done when the expenditure of the Government of India is reduced to such an extent that the income which is derived from this high tariff can be relinquished. That will be a day very welcome to India. It may not be welcome to my Honourable friend, Sir Phiroze Sethna, because he will not find the margin and the high profits which he is getting today on his output. But here, Sir, the consumers in India are far more in number than the producers, and the consumers, the people whose purchasing power has gone down so low that they cannot afford to purchase the costlier thing for even a pice extra means something to them. All this, Sir, I do not advocate and I agree with my Honourable friend, Sir Phiroze Sethna, on the point that we have to tackle the question of Japan. I do not mean the cheap goods which Japan is marketing in this country because they are not the goods. They are only the things which attract the people's sight and they are not cheaper in the long run. But the whole wealth of India is being drained to Japan, and poor people simply because they cannot afford to buy costlier goods are tempted to purchase these goods which have got no value really and British piecegoods especially and other goods, ties and other articles, which are coming and taking away the wealth of India which ought to have been kept in India, that will be welcome if any means are devised to stop this drain of the country's wealth, and that can only be done, Sir, when we have fiscal autonomy.

My Honourable friend, Sir Phiroze Sethna, has attacked the ministers on certain points. He said that the ministers will be servile and anybody who

wants to keep his ministry will be willing to abide by the decision of the Governors. You, Sir, very rightly put in a remark that he was paying a very poor compliment to the ministers of his own country and to the capacity of his own countrymen. If my Honourable friend, Sir Phiroze Sethna, thinks that the people who will be returned on the votes of the people of the country, that the minister who will be enjoying the highest confidence of the legislature, will want to retain his position somehow or other, at any cost, then I think the country has not advanced far enough to get responsible government. But I do not share his view. I say that in this country, the man who will enjoy the confidence of the majority in the legislature, will be a man of sterling qualities. He will certainly tender his resignation the next day to the Governor if he finds that the Governor is going against the wishes of the majority. In my own province, once the ministers did not agree with a certain suggestion made by the Governor, and both the Ministers, Pandit Jagat Narain and Mr. Chintamani, tendered their resignation the next day to the Governor. They said that they could not see eye to eye with the Governor and therefore they had better resign from their posts. The prestige of the minister will always come forward to make his conduct above board. Who will be the ministers? It is given in paragraph 85, page 47 of the Report. The White Paper proposes that the Instrument of Instructions should ask the Governor to select his ministers in consultation with the person who in his judgment is likely to command the largest following in the legislature. The man who commands the largest following in the legislature is bound to be taken up as the minister. It will not be an act of favouritism. Anybody cannot come forward and take charge of the ministry unless he can command the confidence of the majority of the House. The minister can exist only as long as he can enjoy the confidence of the majority. If a man can command the majority by playing this trick, then it is hopeless for the country. It is only condemning ourselves by alluding to it in this manner. I think the minister will never enjoy confidence unless he is above board. At the present moment, the minister is not the man who enjoys the greatest confidence of the elected Members of the House in the provincial Legislature. It is a great advance on the present constitution that the minister in the proposed constitution will be the man who will enjoy the greatest confidence of the elected members. Nowadays, a minister can exist, not by the majority of the elected members, but by the support of the nominated members and the Government bloc. My Honourable friend, Mr. Hossain Imam, wanted to know what is my reason for saying that the proposed constitution is a great advance. I have given him this one instance, that the minister will be the real representative of the elected people of the country.

THE HONOURABLE MR. HOSSAIN IMAM: Is he not now?

THE HONOURABLE MR. MOHAMMAD YAMIN KHAN: I have just pointed out that under the present constitution, he need not enjoy the confidence of the majority of the elected members. He may have the confidence of a minority, but if that minority *plus* the nominated bloc brings in a majority, he can keep his ministry.

THE HONOURABLE MR. HOSSAIN IMAM: You can reject the demand for his salary now, which we cannot do under the future constitution.

THE HONOURABLE MR. MOHAMMAD YAMIN KHAN: That is my argument. I am saying that it is an advance on the present constitution.

(At this stage, the Honourable Mr. P. N. Saprú rose to interrupt.)

THE HONOURABLE THE PRESIDENT: Order, order. Let the Honourable Member address the House. Will the Honourable Member please proceed ?

THE HONOURABLE MR. MOHAMMAD YAMIN KHAN: What is the advance ? I will give another illustration. At present we have got dyarchy in the provinces, and dyarchy had been opposed from the very beginning of the present constitution. I have heard speeches for the last 14 years not only in the legislatures but on the platforms outside also saying that dyarchy was not suitable for India and that there should be no reserved subjects in the provinces. That had been the demand since 1921. I find that the Joint Parliamentary Committee have accepted this, and dyarchy is being removed. There will be no executive councillor, there will be no two parts of the Government in the provinces. All responsibility will be on the ministers. Even law and order will be under the charge of the minister. I will deal with the question which my Honourable friend Raja Ghazanfar Ali Khan put about the Intelligence Department. But as far as it goes, law and order, the police, the budget, finance, everything will be in the hands of the ministers who will be the elected representatives of the people. That is a great advance which we are going to have. It has been said that certain powers are reserved to the Governor. I have never said that this is a perfect scheme. But I say that it is an advance on the present constitution. That is my position. Instead of having two sides in the provincial Government, the Governor consulting his executive councillor on certain subjects and the minister on certain other subjects, though there have been certain Governors who have had joint meetings of the executive councillors and the ministers on many matters ; they wanted the opinion of the ministers too ; whom they consulted on most important questions, but that was not obligatory on the Governor ; other Governors did not like to do so—but under the proposed constitution, it will be all ministers elected by the people, and nobody else will be there. It is also laid down in the Joint Parliamentary Committee's Report that the minister should either be an elected man or that he must seek election within a short time. He cannot be a nominated member. He cannot be a person who can come in without election. This is a great advance. Up to now, the Finance Member in the provinces has had full power. He can make the budget as he liked. He can give as much to the transferred subject as he can spare. The ministers may be grumbling that they have not got a sufficient amount, but this will not be so in the future. The whole power will be in the hands of the ministers and the ministers alone. There is one point which my friend and many Members of this House will like and that is the idea that it will not be a ministry of one party or one religion alone. That is a great advance as the country stands today—not perhaps as we would like India to be. This ministry of all communities will safeguard the interests of the minorities in the provinces.

THE HONOURABLE THE PRESIDENT: I think you have sufficiently emphasized that point about ministers. Will you proceed with others ?

THE HONOURABLE MR. MOHAMMAD YAMIN KHAN: The Honourable Raja Ghazanfar Ali Khan said that he objected to only one of the reserved powers of the Governors, he does not object to all.

THE HONOURABLE RAJA GAZANFAR ALI KHAN: I never said that.

THE HONOURABLE MR. MOHAMMAD YAMIN KHAN: My Honourable friend has referred to only one in his amendment and in his speech, therefore I take it he only objects to one and not the other responsibilities and special powers put on the Governors. I am dealing with his case as he put it, and the power in question relates to the Intelligence Branch of the police. Sir, the minister may enjoy the confidence of his people and province and if he enjoys the confidence of the Governor as well there is nothing to bar the Governor from confiding in him also. The power given to the Governor is that he may not disclose the information if he does not wish, but it does not bar him from doing so if he so wishes. (*An Honourable Member*: "Will the Governor appoint him if he has no confidence in him?") The Governor is bound to take the minister who commands the confidence of the majority in the House, whether he likes it or not or put any confidence in him or not. Even if terrorists captured the seats in Bengal, for instance, the Governor will have to accept their choice. But in the case of such a person he would certainly like to know what he is doing privately to further the aims of his party. He will have to know about each and everybody with whom he comes in contact, and clearly he cannot supply these people with the information which is collected for him. That must remain confidential, because if the confidence were betrayed nobody would ever again come forward with information in this country. In my experience of 20 years at the Bar I know that the police have got clues in many cases because the informer is protected and the source is not disclosed. Many murderers and dacoits have been brought to justice simply because the informer has known that his confidence would be respected. In this country, as well as in others, it is essential that such confidence should be respected. The minister though he is the head of his party may be betrayed by his best friend and clearly the source of such information cannot be passed on to the minister. As long as India stands where it does today, and it is very disheartening to me that my country should be in that unhappy position, you cannot have it otherwise, and we must abide by conditions as they are for the benefit of the people at large and not for the benefit of a few. Therefore my friend's objection that this special power is based on the mistrust of the Governor is not correct, and it is essential for the safety of the country.

THE HONOURABLE THE PRESIDENT: I have allowed you 45 minutes. Will you please bring your remarks to a close now.

THE HONOURABLE MR. MOHAMMAD YAMIN KHAN: My Honourable friend Raja Ghazanfar Ali Khan made another point with which I do not agree regarding federation. As a matter of fact, I was not myself enamoured of an all-India federation, but I found that all political parties in India accepted it and wanted it. This cry against it should have been raised at that time when the first Round Table Conference met, and if it had been I should have been the first to support it. In fact I criticized it in the other House when it was proposed, but that was not the voice of the whole of India and all parties accepted the principle. Therefore the sole question now is the conditions on which the Indian States can come in. My Honourable friend says that they should not be represented by the nominees of the rulers. But, Sir, it is not for us to dictate to the States how they should send their representatives to the legislatures. It is for them to decide how best they can send them. I shall welcome the day when the people have responsibility in the States and when the representatives of the States will be returned by

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the people of the States. That day is to come. But this is the foundation which we are laying. If the Report is accepted and federation comes in the manner proposed, after a certain time we are bound to make progress, including the Indian States, which are not able to progress now. The only way in which we can have advance in Indian States is through creating a public opinion in the States and then by coming up to the level of British India. Certain States will be ready, others will not be ready to come in. It is laying down the foundation for a great progress. I think it is an advance over the present constitution. I wholeheartedly support my Honourable friend Raja Ghazanfar Ali Khan and if I had the choice I would much prefer at the present stage the official bloc, that I would much prefer an advanced and cultured official bloc to the bloc which will take its place from the Indian States. That is not a good substitute, but that is inevitable. It was the cry of the people of India that the official bloc should be abolished and it is going to be done away with. There was no other way to accommodate the representatives of States. You have to please not only the provinces, the communities and every State. I wish to quote here, if you will allow me, only one passage from Pandit Motilal Nehru ?

THE HONOURABLE THE PRESIDENT : I have to bring to the notice of the Honourable Member that there are five other Members to speak today and I want to close this part of the debate if possible today.

THE HONOURABLE MR. MOHAMMAD YAMIN KHAN : I am closing. Only for the information of the House I shall very briefly quote one passage to show what was the demand that was put up on behalf of the Swaraj Party in 1925 by the late Pandit Motilal Nehru in the Legislative Assembly when he moved the Motion on the Muddiman Committee's Report. I find that the Joint Parliamentary Committee Report does not fall far short of the demands which were put. I will not quote, but I will give for the information of Honourable Members who want to read the reference. It is at page 854 and the date is the 7th September, 1925. Honourable Members will find that the Joint Committee's Report is very much according to the demands which had been put by him, and therefore I think it is a great advance on the present constitution, because it is in accordance with the demands of the people of India and the people of India will welcome it and work it. Therefore I commend my amendment.

THE HONOURABLE DIWAN BAHADUR SIR RAMUNNI MENON (Madras : Nominated Non-Official) : Sir, it is with some diffidence that I rise to say a few words—and I assure you, Sir, that I shall not take up much time—in support of a measure which has been received with varying degrees of disapprobation by the political groups of my countrymen. My apology is that on this momentous question the reactions of the country at large can only be ascertained and properly assessed if responsible people who are not engaged in active politics also give clear expression to their considered opinions. I thought I heard a plaintive note in the Honourable Sir Phiroze Sethna's speech yesterday when he suggested that he was rather weary of the praise that was being lavished on the Joint Committee Report. I do not think that the utterances of public men in this country could have contributed to that feeling and I do not anticipate that in anything that I might say in the course of my remarks I shall put a strain on him or on any other Member of this Honourable House.

I frankly admit that the scheme of reforms adumbrated in the Joint Committee Report and embodied in the Government of India Bill now before Parliament falls far short of Indian expectations; but our disappointment should not deter us from giving that dispassionate consideration to the scheme on its merits which it deserves. We should consider whether the scheme as a whole is suited to the facts and conditions of Indian life and whether it is adequate to India's needs at the present day. We may agree to the scheme; we may not. But few will deny that the structure of government which the best statesmen of Great Britain, and may I add the best statesmen of India in their own way, have built up is a constitutional masterpiece and displays masterliness of design and consummate craftsmanship. It will go down to posterity as a landmark not only in the history of the Indian constitution but in the constitutional history of the world. Doubtless there are features in it on which there have been very sharp differences of opinion; doubtless also there are features which Indians would like to see omitted or altered; but I submit, Sir, that the scheme should be taken as a whole before we give our final judgment upon it. Very many features of this scheme have been made the subject of various amendments and criticism has been directed to them in the speeches. I shall confine my remarks to two or three of these points.

The first point that I propose to take up is the question of federation and the accession of the Indian princes. I realize that this is a subject on which one must speak with restraint and with becoming decorum. I am sorry to say that I have sometimes heard sentiments expressed, though I readily admit that these sentiments have not been expressed in this Council, which would lead one to suppose that British Indians thought it was a very great condescension on their part to allow the Indian princes to come into the federation. I do not know very much about Indian States, though I claim some acquaintance with some of the States in the south. But I know that it is most dangerous to generalize about Indian States. Questions were raised in the morning's speeches about the government, and the administration of Indian States. I do not pretend to be able to express any opinion on that matter, but, knowing the South Indian States as I do, I can challenge anyone to say that they are not on a footing of absolute equality with British India not only in their administrative efficiency but in the principles of administration which they follow. I will take one instance. There are two States in the South, Cochin and Travancore. I believe these two States occupy the first two places among the States and provinces of India in regard to literacy. There are other features also in which they could show an equal predominance. But that is not our point now. I think it will be to the mutual advantage of both the Indian States and British India if the Indian States come into the federation, and I really hope that no effort will be spared in bringing about the federation. I hope that the idea of the federation will be proceeded with and not suspended even for a short while. It was suggested that the members from the Indian States should be nominated. I do not care whether they are nominated or whether they are elected by popular suffrage in the States. I can assure Honourable Members that the representatives who may come from the States will be able to hold their own with the other members who may be elected into the Assembly or the Council of State.

The next point that I wish to touch upon, Sir, is the question of second chambers. This, I notice has aroused a considerable amount of hostile criticism. I cannot understand why. Evidently the Joint Parliamentary Committee's Report has left the matter to be decided by local opinion. Personally I think they should have taken a stronger line in the matter. The chief objection, as far as I have been able to understand, against second chambers

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is that they will form the stronghold of vested interests and privilege and as such will impede progressive legislation calculated to benefit the masses. Now, I would like to ask, Sir, whether there are not second chambers in other countries in the world. I believe that in almost every democratic country there is a second chamber. Under the new constitution, provinces will practically enjoy autonomy in most of the matters that touch the daily life of the people. Therefore, if in a self-governing country a second chamber is considered necessary, I should have thought that a similar institution was equally necessary in a self-governing province in this country. The idea that the second chamber would be the stronghold of propertied people and wealth seems to me to rest on a fallacious assumption. There is nothing in the constitution which prescribes that only wealthy people should be elected into the second chamber. They may as well be elected into the lower, first chamber, and I am not aware that there is any casual connection between wealth and conservatism. Are there not, have there not been, men of wealth and rank in the Liberal and Radical groups in England and in other countries? Have there not been and are there not men of wealth in the Congress ranks? Have these people been associated with reactionary ideas? I suppose not. I fail to see therefore why the second chambers in India alone should be associated with the extreme conservatism and reactionism which is supposed to stand in the way of progressive legislation. I believe, Sir, there are very strong reasons in favour of second chambers. The function of the second chambers has been clearly set out in the Joint Parliamentary Committee's Report. A second chamber has no equal powers with the first, at any rate a provincial second chamber has not. That is made perfectly clear. Its function is to delay legislation and it is given powers of revision and delay for this purpose. I consider such a provision is absolutely essential in the interests of good legislation. I do not know what the experience of Members of this Council coming from other provinces is, but I believe I am expressing the feeling of the presidency of Madras, at least of very important sections in that presidency, when I say that the existence of a second chamber would have avoided the acrimonious controversies to which certain recent legislative enactments in that province led. I therefore consider, Sir, that the recommendation of the Joint Parliamentary Committee in regard to second chambers is absolutely sound. I am only sorry that they did not prescribe a second chamber for all provinces in India.

The other point that I should like to take up, Sir, is in regard to the method of election to the federal Assembly. I take it for granted that all parties are agreed that the federal Council could be properly elected by the method of indirect election from the provincial Councils. Now, with regard to the method of indirect election, I know that official opinion, political opinion and public sentiment in India are all against it. In face of this overwhelming authority and opinion I feel it will be the height of temerity on my part to say a word in favour of it. Nevertheless, may I venture to say in all humility, Sir, that logic, administrative convenience, and expediency force on us the conclusion that indirect election is the right method to adopt in regard to the election to the federal Assembly? One of the essential features of a democratic system of government is an electorate which will provide ample facilities for the candidate and member to come into touch with his constituency. Even as the constituencies are at present it must be a very difficult task for the member to come in contact with his constituents and as the constituencies grow in size it will be absurd to think that the members can ever come in contact with their constituents. We are therefore driven to the necessity, we must face the fact, that sooner or later we shall have to resort to some

method of indirect election. Whether it should be by a system of group election or by an existing Assembly or Council or by an Electoral College, these are all matters of detail. My point at the moment is that it can only be some form of indirect election. I venture to say, Sir, that if democracy had originated in a large country like India or China, the relation between adult suffrage and representation would have been adjusted by some method other than direct election. Well, we have to face then in India this fact, and we had better face it today rather than later, that some form of indirect election is the only possible method. It is clearly an administrative convenience to make use of an existing constituency, a comparatively small body like a provincial Assembly or a provincial Council, to serve as a constituency for election to the federal Assembly. And lastly, Sir, expediency dictates it. I know that, at present, voters enjoy the privilege of directly electing their representatives to the Assembly. But if we have to give up that system sooner or later, it would be much better to abandon it now, when the system has not taken such a deep root in the sentiments of the people than later when sentiment will have grown round this practice and invested it with a power which it would be very difficult to resist. For these reasons, Sir, I heartily support the method of indirect election recommended in the Joint Parliamentary Committee Report, a method to which I am sorry to see that almost everybody who has spoken has objected.

Now, Sir, I do not wish to traverse the other points that have been raised in the amendments, but I wish to make one or two general observations before I conclude. I quite admit that there are parts in the scheme to which serious objection could be taken and has been taken. But we have to take the scheme as a whole. We must also consider the circumstances under which the scheme has been put forward. It is the only scheme which has received the assent of the parties whose assent is essential, and it represents the largest measure of agreement among all the parties concerned. That does make the scheme worthy of consideration. There are also features in it which make it attractive from our point of view. For the first time in the history of India, by bringing together the two divergent elements of Indian polity, namely, the Indian States and British India, under a single constitutional framework, the scheme imparts a political and national unity to all India. An India constituted on this basis cannot fail to command enhanced prestige in the international world. Another attractive feature is this. It provides a democratic form of government which in my honest opinion is the best suited to the present conditions of India. And further, Sir, it gives ample opportunities to us to prosecute those national activities which are so essential for the economic and social progress of India and for the prosperity and contentment of her people. And further, Sir, the scheme has been sponsored by the best British statesmen, some of whom have given of their best to this country, and whose love for India is beyond dispute. They offer the scheme to us in the most friendly spirit. I think, Sir, it will be very unbecoming on the part of this Council if it does not accept with grace the proffered hand of fellowship and reciprocate the feelings of friendliness and goodwill with which the offer is made. I therefore commend to this Council the amendment moved by the Honourable Mr. Mohammad Yamin Khan.

THE HONOURABLE RAJA CHARANJIT SINGH (Punjab : Nominated Non-Official) : Sir, the Report of the Joint Committee on Indian Constitutional Reforms is one of the most important documents, if not the most important, which this Council has been called upon to take into consideration. It is the outcome of years of discussions and deliberations. Since this Report was circulated the Government of India Bill embodying the recommendations

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of the Committee has also been published. General opinion seems to be divided out here as well as in England. While some say that it goes too far, others are of opinion that it does not go far enough. But all are agreed that it introduces changes of a far-reaching character. It undoubtedly means the close of one era, and the beginning of another.

Now the question is what should we do about it, what should the country do about it? It is the privilege and duty of this House as the Senate of India to give a lead in this matter.

It is a great pity that in some respects the recommendations of the Joint Memorandum, and of the Government of India have not been accepted—for instance, direct elections to the federal Legislature. Still it is not too late to try and secure some changes before the Bill is passed by Parliament. I have great faith in the sense of justice and fairness of the British people. In any case it must not be forgotten that whatever is finally decided upon, it cannot be for any long period of time. The Joint Committee themselves say this in terms which are quite explicit. Whatever defects are found in its working can be remedied in the light of actual experience.

It must be a source of satisfaction that His Majesty's Secretary of State for India has remedied or rather explained what on the face of it appeared a great defect, and which India as a whole felt very deeply. I mean the omission of the words "dominion status". The inclusion of these words would have gone a long way to satisfy this country. However as the Right Honourable the Secretary of State has pointed out the previous Reforms Bill is not going to be repealed, its preamble stands and all the pledges given by Government in the past, are again declared irrevocable. I am one of those who sincerely believe in the British connection, and as such I am very glad this has been done.

As regards religious neutrality and landholders, my Honourable friend the Maharaja of Darbhanga has fully dealt with it and I only wish to say that I fully agree with him in what he has said.

I am entirely in favour of the second chambers. Wherever democratic countries have tried the single chamber system, almost always has the second chamber been restored. I only wish they had been modelled on the lines of the upper House which has grown up with and forms an integral part of the British constitution. If England with all her experience considers it useful, I see no reason why it should be otherwise in the case of India.

As regards federation, there is no doubt it is a great advance. This is the only way in which India can be one entity and not remain divided in separate air-tight compartments. The Indian States I am glad have accepted the principle underlying this scheme. British Indian politicians have all along been asking for it. Whatever differences there might be about detail they cannot be unsurmountable, and should not be allowed to stand in its way. Of course there cannot be, there must not be, any reservations which would cut at the very root of federation.

There appears to be a suspicion in the minds of some Honourable Members that the State bloc would be working against the interests of British India. But I do not think there is any justification for this assumption. The British Indian representatives will be about double the number. Moreover in a federal legislature, interests would be common and no one bloc would be able to sacrifice the interests of the other without injuring itself.

I am definitely of opinion, that the new reform scheme is a great advance, and it will do no good to reject the Motion before the House. As my Honourable friend Sir Phiroze Sethna said yesterday we ought to take what we can, and strive for more.

THE HONOURABLE MR. G. S. KHAPARDE (Berar Representative) : I speak rather late in this debate because I have not much to say, but what little I have to say I wish to say. When this matter came before us first in the shape of the White Paper, Honourable Members may remember that I said that it was as mentioned in a parable how a vegetarian invited his vegetarian friends to dinner. Then he thought better of it and invited Bukararians, that is to say, meat-eaters to his dinner. But before he had thought of doing this he had ordered *khidgeree* for the vegetarians and so now he ordered that some meat should be put into the *khidgeree*; so that the *khidgeree* was neither *khidgeree* nor a *pulao*, and everybody rejected it. That is what has happened in this case. It began as an ordinary inquiry conducted occasionally by Government to see how things were going. Then Sir John Simon came out with some of his friends and people were examined by them. But there is one "but" about it and that "but" was that the witnesses before Sir John Simon and those that went ultimately to England were not elected representatives. They were selected persons, all of them. So the public as a whole was not represented in those inquiries, though it is probable that most of the people sent would have been sent in any case. However we are not sitting in judgment on the past but on what is proposed to be done in the future, and therefore I humbly submit a few words of what I call advice. That is perhaps presumptuous of me but I will do it.

Now, when you are going to a place which lies in the east, even on the railways, sometimes you have to begin the journey by going to the west and then take a turn and ultimately reach your destination. In politics also the same thing happens. You wish to reach a particular goal but occasionally you have got to make small deviations in different directions. Therefore one ought not to be very particular about setting a course as the crow flies, as they say. We are not crows and cannot fly direct to the goal we have in view. We have to go zig-zag. And in this particular piece of legislation which we are considering there are these zig-zags, and because of them some of my Honourable friends have been led to object to it very strongly. Others say that they approve of it very strongly. I myself think that strong feelings are out of place. When you want to reach a particular point from the spot where you are standing, you are apt to draw a "B" line to that point. Well, different persons will draw different lines. Some people may prefer one way and some another, and the best way is the way which appears best to your individual judgment. It does not mean the best to the judgment of others. But the ultimate question is, does it reach the desired point? If it does, it does not much matter how the goal is reached. That is a matter of detail which can be omitted altogether. A point however is that in going a particular way we should see whether others have gone that way before us.

In this case I have read all these papers, though they are rather heavy reading, and what has struck me is that no one has gone further back than the present generation or at any rate the present civilization. That I think is a serious defect. We should have taken into consideration what has gone before, and more especially we should have taken into consideration what has gone before in India itself, and no body took the trouble to find that out. I have tried to do so. You know that the monarchy in ancient India was an elective institution, though it afterwards became hereditary. And what did

[Mr. G. S. Khaparde.]

they do in those ancient times? Well you know that King Dasaratha when he became old convened a large assembly of all his people and told them he was not able to go on and so he wanted to put his son Rama on the throne. Well, I looked to find out how that assembly was convened and what its constitution was and found that it was very different to what obtains now. The King sent out word to all his kingdom that all the traders and merchants, the Kshatriyas or fighting men, the learned men, in fact the various professions into which men were divided, should each under their own guilds convene meetings whereat delegates representing the various classes and professions should be elected to be sent to Ajodhya, the capital city of his kingdom, for a further joint assembly before whom the King desired to place his proposition. In that way every class and profession elected their own delegates who assembled in Ajodhya, and to those delegates Rama was presented and King Dasaratha said, "I have served you for long; I have become old; you can now take my son in my place or anybody you like". Well, they selected Rama. That is of course a long story. And what happened when the Pandavas conquered in the battle of Kurukshetra? Delhi is a place mentioned in that connection. Even then the same procedure was followed.

THE HONOURABLE THE PRESIDENT: This is all very interesting but I would like the Honourable Member to speak to the amendments.

THE HONOURABLE MR. G. S. KHAPARDE: Well, I just wanted to point out that if this system had been adopted the persons examined before

4 P.M. Sir John Simon and in England would have been more representative than they were, not that they were unrepresentative altogether. Anyhow, after Sir John Simon brought out his report which was a very good report, it was suddenly changed and made into a different thing altogether, and the idea of a federation came into being. And now it is on the way to becoming a confederation. That was certainly changing the direction in which we had been going before and it has become a more difficult and troublesome business. However, the thing is that we know that Parliament is omnipotent and nobody in British India or in the British Commonwealth can resist it. Parliament have chosen a particular procedure; we have no jurisdiction over them. There are features in the Report which we do not like. I also do not like them. What is the procedure to be adopted to get over those things? When a big river is flowing on you, it is no good to fight against the stream. If you do, you get carried away. You meet a dead wall and you strike your head against the wall. You may break your head but you will never break the wall. This being the current of Parliament, flowing from that place, no matter what you do you will never get across it. The easier way, the political way, the right way, is to take a curve. Come in and take it as it comes. This is following the ordinary prudence of the traveller, it is not following the prudence of the philosopher or a politician or the soldier. Parliament having decreed, the Privy Council having approved, no matter what we say, nothing will prevail. The wiser course is to accept it as it stands. Things which are not to your satisfaction may be left for another day; whatever cannot be done today we shall attempt tomorrow. Do not be in a hurry. After all a nation lives much longer than an individual. We are all passing away, but we shall leave something behind on which others coming after us may stand. This is patronized by Parliament; it is patronized by the whole of the British Government. The wisest course is to give way, to let the water flow for some time. Water cannot be always impassable, nor can it be always too deep.

You wait your time and then cross it by bridge or by boats. It is no good fighting at this moment and at this point. You ought to wait for another place and another time and put a bridge of boats or build a *pukka* bridge. My advice to this Council in which I have been sitting for the last 18 years is that they ought to give in now with good grace, without making bones about it, without using hard words. This will pass, whether you will or not. Even if you unanimously reject it it will pass all the same. Therefore my advice is, "Allow this whole thing to pass as it is without taking the trouble to alter anything. If there is anything wrong, wait till the next opportunity and rectify it". At present the wisest course appears to be to sit quiet and let this flood of water pass away. That is my advice to my Council and I do not want to say much. So I put it briefly.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay : Nominated Non-Official) : Sir, I shall be very brief at this late hour and omit several points that I intended to touch upon, in deference to your wishes. I should however like to refer to one upon which considerable stress has been laid, namely, the omission of the term "dominion status" from the Report of the Joint Select Committee. That omission has been fully and frankly explained, I believe satisfactorily, by Sir Samuel Hoare in the House of Commons the other day. And yesterday again the Attorney General stated during the course of discussion that "dominion status" was a term that was not capable of a precise definition, but that it grew stage by stage, from precedent to precedent, through the actual operation of conditions as they arose from time to time. It is understood that dominion status does not mean separation or independence from the British Empire. It is equivalent to being an integral part of the Commonwealth of the British Empire. If however the Act of 1919 is to be repealed, the Secretary of State further said its preamble will remain intact. Should the preamble be thus kept intact, it will be relegated to some hole or corner and a future Secretary of State who may go rummaging amongst old records would find himself at a loss, as what to make of it. It would appear to him as a head without the trunk ; an isolated statement unconnected with any matter. Under these circumstances, I beg to suggest a way out of the difficulty. That is, that when the new Act is placed upon the statute and is published, the preamble of the Act of 1919 may be printed as a foreword on the frontispiece stating in a footnote the reasons why it happened to be thus printed. If that were done, the historian of the future and posterity will be able to see that the new Constitution Act was based upon the preamble of the Act of 1919. It is a suggestion which may or may not be practical. I place it before the House for what it may be worth.

Then, Sir, in the House of Commons on the 10th December, 1934 considerable discussion took place with regard to the way in which our public services have been administered by our ministers, especially in the departments of medicine and health. I do not want to quote it in full. It was stated that in several instances some of the ministers had not acted in the best interests of the country, and appointments had been made not upon merit but upon communal influence. Further that pressure from the Councils has resulted in the creation of ill-equipped medical schools that are turning out inefficient men who do great harm. It is to be hoped that under the new constitution we shall have men of integrity, of ability, without communal bias, who will place their services to the country before self and thus overcome the defects existing at present. And only recently the President of a provincial Council had some scathing reflections to make in this connection as well.

[Khan Bahadur Dr. Sir Nasarvanji Choksy.]

I do not want to enter into constitutional questions, already discussed threadbare. I believe, however, that injustice has been done to Indians in connection with the Indian Medical Service in the Joint Committee's Report. It is stated therein that the Secretary of State does not recruit for the civil branch. That is but a half truth, inasmuch as this service consists of men drafted from those selected by the Secretary of State after a short spell of military duty. In the new Bill itself however it is stated that it will be recruited by the Secretary of State. When the Lee Commission fixed the ratio of two Europeans to one Indian officer, it was on the ground of providing treatment for the families of European officers, and secondly, as a military reserve. The number of European officers is gradually declining as there were only 2,193 on 1st January, 1933 against 1,227 Indians in the central services. I therefore do not see why the same ratio should be adhered to now after fourteen years. Some change should now be made having regard to existing circumstances. As regards the war reserve, I am convinced, Sir, neither the War Office nor the Secretary of State have learnt from past experience. The experience of the then war reserve was very bitter in the Great War. It was the Indians who volunteered from India who saved the situation and I should say that the proper war reserve should be from the Army in India Reserve of Officers.

In conclusion, Sir, I am convinced that in spite of its inherent defects, in spite of numerous disadvantages attached to it and in spite of all checks and counter-checks the Report is a great advance upon the present constitution.

I agree with Sir Tej Bahadur Sapru when he says that the new Act based upon the Report is not unworkable and that it is not unlikely that it will be worked by those who are at present loudest in their condemnation of it.

Well, Sir, all that I can say, after all the vehement discussion, is that the time is not far distant when those who are now bitterly opposing the Report will say of it, "With all thy faults, I love thee still"!

THE HONOURABLE SIR DAVID DEVADOSS (Nominated Indian Christians): Sir, at a recent meeting of the Indian Christians in Madras, both Catholic and Protestant, the Joint Committee Report as well as the Bill were considered and they accepted the proposals in both and suggested a few modifications. Sir, in the first place it was felt that a second chamber in Madras was unnecessary. Second chambers are necessary where the legislature is a sovereign legislature, that is to say, a legislature which could pass legislation which might affect injuriously a large number of people. But where the Governor's powers are so extensive as to prevent or disallow or veto objectionable legislation, it is not necessary that there should be a second chamber whose sole purpose is delay or revision. Sir, the question is not merely one of delay. The question is one of finance. Who is to pay the piper? That is one point. The second point that they urged was (I may mention that I was not a member) the second point was that Indian Christians had not a sufficient representation in the Councils. Sir, that has been the cry for a long time. Considering the importance of the community, their education, their enlightenment and their mode of life and other things, they have not been given what is their due. Sir, without vanity we may say that we Indian Christians try to interpret the west to the east and to make the west understand the east. Sir, that being their position it is rather unfortunate that

they should be left in the cold. But, Sir, with all that, they are prepared to work the reforms and they ask for more, like *Oliver Twist*. So far as the reforms are concerned, I am sure that they are certainly an advance over what is now obtaining. What was the position before the Montagu-Chelmsford Reforms? The Governor was the President of the Council and though we had the right of interpellation very little was done, but after the reforms of 1919-20 came into force the Councils were enlarged and we had more powers and ministers were appointed who were and are in charge of the transferred subjects. Now, Sir, under the present reforms—I am speaking of provincial autonomy—ministers are to be in charge of subjects including law and order, and this is a very great advance and we should not complain if the Governor is given a few powers, exercisable no doubt in cases of emergency or where he thinks it is necessary he should exercise them. Sir, there is a Latin proverb, "Hasten slowly". It is not an easy thing to frame a constitution for a large sub-continent like India with all our differences of caste, colour, creed and other things. Therefore, the Joint Parliamentary Committee's Report, in my opinion, if I may express my opinion in all humility, is an admirable document, a document showing the greatest insight into the condition of things here and at the same time looking at everything from a statesman's point of view. No doubt, there are a few things with which we quarrel, but then nothing human is perfect. One of these things is the second chamber in Madras, which ought to be done away with, as well as in other provinces which have not asked for it. Of course, this has evidently been done to please some people who believe in second chambers and believe that they are going to save the situation. If the second chamber also takes the same view as the lower chamber, what shall we do? We must depend on the Governor.

Then, Sir, with regard to indirect election, I am not going to repeat all the arguments against it. In the first place, it is most unsatisfactory that persons should be made to represent other persons with whom they never come in contact. That is a thing which should be avoided. But of course it may be expedient for the time being to have this kind of indirect election to the central Legislature, but ultimately it will have to go.

With regard to a number of other things, a good deal has been said and I am not going to take up the time of the House by repeating them. One thing I must submit with all the emphasis at my command. Sir, the people are overtaxed. I am speaking especially with regard to Madras. It is well known that the land tax is pressing very heavily upon Madras. We are paying nearly Rs. 10 crores as land tax whereas other provinces—Bengal, for instance, one of the richest provinces in India, only pays Rs. 3 crores. Well, I do not think our burden should be increased. Madras is paying a very heavy tax and probably, Sir, you might have heard or seen in the papers that owing to the present state of affairs things are looking very bad indeed. Agriculture is suffering a good deal. What I therefore submit is that the new reforms, however desirable they may be, should not impose heavy additional taxation. The remedy lies in cutting down expenditure. So many people, want so many different provinces. Sind wants to be a separate province. Orissa wants to be a separate province. My suggestion is, to pay the services less, as they do in Ceylon and other places, like Mysore and Travancore, for instance. If Orissa wants to be a separate province, let it pay for it and not let the central Government pay for a luxury it wants to have. What I submit is that for the sake of these people the central Government ought not to tax provinces which are heavily taxed. It is well known that Andhra wants to be a separate province, Kerala wants a separate province and somebody may want a separate Kanarese province. Well, by all means let them

[Sir David Devadoss.]

have them, but pay the Governor Rs. 3,000, the ministers Rs. 2,000 each and the judges Rs. 1,000 each. Do not let them compare themselves with provinces like Madras and Bengal.

Then, there is one other thing, Sir, which I mentioned some time ago and which I consider to be very important. Either in the Act itself or in the rules which are going to be framed under the Act, there must be a clear statement that no community should have more than a certain percentage of appointments in every cadre. Otherwise, Sir, no ministry will be stable. Everybody will say, "I want an appointment for my son or my nephew", and no ministry will ever be stable because it has to depend on the goodwill of the constituency. Whereas if a statutory provision is made that no community should have more than a certain percentage of appointments in every cadre then if the cadre is full nobody will come and say, "Give me an appointment". I submit, Sir, as I mentioned three or four years ago when we were considering the Simon Report, that this is very essential. Whatever may be the community, it does not matter what percentage you give. You may make it 90 per cent. But so long as you do not limit the number in every cadre no ministry will be stable for any length of time. Therefore, I feel very strongly on this point and if our Government could make a proper representation about it to the Home authorities and get the thing set down in some form or other, not necessarily in the Act but in the rules which are going to be framed under the Act, I think it would be doing much good to the country.

Then with regard to a number of other subjects, Sir, it would be repeating the arguments of the Honourable Members if I mention them. I will only say one word about federation. A good deal has been said about it. There are always two sides to a question. But, Sir, it will be a glorious day if the whole of India could work together as one body or as one government. Students of history know the difficulties with which Washington and his contemporaries had to contend in order to bring about a federation of the States then. There were only about 13 States, and yet what great difficulty they had. Though the language was the same, religion was the same, the people belonged to the same nation, yet, with all that, it was difficult to bring about a federation of the 13 States. How do we stand? We are divided in so many ways. There are so many languages, so many religions, and even so many different not merely nationalities but races inhabiting this country. The Dravidians belong to a more ancient stock than the Aryans. Probably they came long, long before the Aryans and settled down in South India, five or six thousand years ago. Our history dates back to three or four millenniums before the Christian era. I am not going to take up the time of the Council by going into all that. What I say is, that with all this diversity it is not possible to have one electoral roll. So, the Communal Award must stand. Why? It is on account of the present state of things. We cannot quarrel over that. Let us grow out of it if we can. By working the reforms, let us show that we will sink all our differences. Then we can be one. The Communal Award simply allows people to come into the Councils. It does not divide people from people. Otherwise, there will be no chance for minorities. If there is only one electoral roll, the majority will always elect their own people, and the other people will be unrepresented. This Award is only to help the different people to come into the Council. After coming in they will not work as Muhammadans or Hindus or Christians or Parsees. They will divide on questions of tariff or taxation or things like that. I do not think Muhammadans are going to be taxed one way, the Hindus another way or the Parsees in a third way or the Europeans in a fourth way. I do not

think that such questions would ever be decided on questions of religion or race or nationality. Therefore, this Communal Award is only an expediency for the time being, and I hope we shall grow out of it. Let us not quarrel about it. Let us accept the proposed reforms as they are. They are a great advance upon the present state of things. We shall be able to do much if we only do it in the proper way. I think we may accept them, no doubt with a few things altered. If you can get them altered, well and good; if you cannot alter them, let us work them as best we can.

With these remarks, Sir, I have much pleasure in supporting the acceptance of the Report.

THE HONOURABLE THE PRESIDENT: The Honourable Rai Bahadur Lala Mathura Prasad Mehrotra.

I must point out that I propose to adjourn the House at 4-45 P.M. this evening as I have to preside at a meeting of the Empire Parliamentary Association. I may also mention to the Honourable Member that five members of his Party have already spoken at considerable length and threshed out the whole question. I will allow the Honourable Member to speak, but I will request him to finish his arguments by 4-45 P.M. this evening, so that tomorrow morning I may call upon the Leader of the House to wind up the debate. I may also state that we have got only tomorrow before us, and I propose strictly to enforce the time limit rule tomorrow except in the case of Mr. Chari. Will you now proceed?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadan): Sir, before I proceed to the merits or demerits of the question before us, I would like to explain and clear up the position of my Party with regard to the remarks made by my Honourable friend Mr. Yamin Khan. He said on the floor of the House that it was on account of the request from this Party that he delayed his speech to a late hour this afternoon. Sir, the Party never requested him to delay his speech. What was said to him yesterday was that all amendments will be moved and the Leader of the Opposition will also have a right to move his amendment and the speeches will be made afterwards.

THE HONOURABLE MR. MOHAMMAD YAMIN KHAN: May I ask if the Honourable Member was present in the room of the President when this arrangement was made?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I was not present in the room, but the Leader of the Party came——

THE HONOURABLE THE PRESIDENT: We need not have a discussion on this question. I have already informed the Council that the arrangement was arrived at in my presence and with my consent.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I leave it at that, Sir. What I wanted to say was that it was not on account of that arrangement. I made a request to the Honourable Member this morning and told him that the Party has asked me to speak after him, and he told me expressly that he would not speak till the Motion was going to be put, by which he desired that no speakers from the Opposition might come after him. That is what he told me.

THE HONOURABLE THE PRESIDENT: But half a dozen speakers from the Opposition have already spoken afterwards.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: With due respect to you, Sir, they all had their say before my friend spoke, and I am the last man perhaps to speak after him.

THE HONOURABLE MR. MOHAMMAD YAMIN KHAN: Does my Honourable friend know that Mr. Hossain Imam specifically told me this morning that he wanted to speak before I did?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: However, I will leave that point.

Sir, I support the official amendment of the Opposition Party moved by my Honourable friend Rai Bahadur Lala Ram Saran Das. The other amendments I regard as half-hearted and halting. Some of them, especially the amendment of my Honourable friend Mr. Yamin Khan, is most unsatisfactory and was also criticized by my Honourable friend Raja Ghazanfar Ali Khan. We would have thought of supporting parts 2 and 3 of the amendment of the Honourable Raja Ghazanfar Ali Khan had he brought his amendment on the text of the amendment of Mr. Jinnah, but as there is some difference in the wording, I regret I am not prepared even to vote for that part after the amendment of our Party has been disposed of. Sir, I quite realize that in one or two matters, there is a certain improvement in the recommendations of the Joint Parliamentary Committee. But taking the scheme as a whole, we find that it is not only unsatisfactory but retrograde in many respects. I may remind the House of the words of John Stuart Mill who said that

“When the object is to raise the permanent condition of the people, small means do not merely produce small effects; they produce no effect at all”.

When the country expects the fulfilment of the pledges given by the British Government so many times, for dominion status, we find that after so much labour spent by the Simon Commission and so many Round Table Conferences and Joint Parliamentary Committees that nothing has been done to satisfy the aspirations of the country. Hence, we cannot be satisfied with this Report. The scheme as a whole is so unsatisfactory that the words of Dr. Besant hold good today. She said:

“The scheme is unworthy of England to offer and of India to accept”.

With every stage through which it has passed since then it has become worse and worse. The White Paper was certainly better than the Joint Parliamentary Committee Report, and at the time the White Paper was discussed, though we expressed our dissatisfaction, we were of opinion that the Government was committed and would support tooth and nail the scheme framed in the White Paper and would try to make improvements in the light of the recommendations made by the Indian members of the Joint Parliamentary Committee. But being pressed hard by the Die-hards in England, the Government has made changes to please them against the wishes of Indians and has made a black scheme still blacker. Sir, the underlying principle of the whole scheme is that no ultimate goal is fixed for India and there is nothing but implicit distrust of Indians, the idea of infallibility in Englishmen and vesting of absolute control of Indian affairs in the hands of the Secretary of State for India. That in a nutshell is the whole scheme laid down in the Joint Parliamentary Committee's Report. Dominion status, about which

there had been so much talk, was not even mentioned, in spite of questions being repeatedly asked in the House of Commons about the pledge given in this behalf. On the other hand several speakers in the debate expressed the opinion that dominion status for India is of a different kind from that found in the Statute of Westminster. So that in spite of the pledges it is clear the Government feels shy of fulfilling them and there is something which prevents them from putting the words "dominion status" in the preamble of this Act or to fix stages through which the constitution of India will evolve itself to that status.

Sir, some speakers have expressed the doubt that if we do not accept this scheme the result will be that reforms will be delayed. I humbly submit that it is better to delay reforms for a few years than to accept the scheme as it is, because we shall be spending less during those years and England meanwhile will not be able to say to other foreign countries that they have given self-government to the country on the one hand, while on the other hand India will not rest quiet and will go on agitating for reforms. Therefore my friends who say that whatever has been given in this Report should be accepted are in the wrong. They should not accept piecemeal transfer of power. It should be substantial and not a shadow of self-government, self-government in reality.

Sir, some of the speakers here have said that this scheme represents an improvement on the existing position. Though the time is very short I will try to show that it is not an improvement; it is altogether a retrograde step as compared with the present position. So far as central responsibility is concerned, we find that the Governor General has been given unlimited powers and is fully made an autocrat. Eighty-one per cent. of the revenues of the Government of India will be non-votable. Out of the remaining 19 per cent. the ministers will have to carry on the administration and improve the nation-building departments. What will they be able to do may be judged from this. At present there are three Indian Members in the Executive Council and as far as I know they can discuss all matters in the Council. But under the proposed scheme the Governor General will have his own financial adviser, an advocate general and one other adviser, who may be selected from out of the ministers or not, and he will carry on the administration of the reserved departments. The ministers may or may not be consulted. That means virtually the establishment of dyarchy at the centre, which has been so much discredited in the provinces. The Railway Board will have seven members, of whom three will be appointed by the Governor General, with the chairman as well as the executive officer and financial adviser to the Board. The ministers have no say in any of these appointments. The Legislature will have no power to make any change in the constitution of the Railway Board or in railway administration without the sanction and recommendation of the Governor General. Therefore any question of improvement of railways in India will be entirely out of the control of the ministers and will be dealt with by the Governor General. So far as the army and defence is concerned, that will be entirely in the hands of the Governor General. There is absolutely no likelihood of Indianization of the army being speeded up through the legislature. It will remain always at the sweet will of the Governor General. Then as regards currency and exchange, that again is a question which cannot be dealt with by the ministers or the legislature except with the previous sanction or recommendation of the Governor General. Then again, Sir, so far as commerce is concerned, the Governor General will have the right to say whether any Act is a discriminating Act or not and this point was thoroughly discussed by my Honourable friend Sir Phiroze Sethna. I only wanted to touch on it. Thus we find that all important things in the centre will be beyond

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

the purview of the popular ministers. They will not be under the control of the legislature. This is the form of central Government that we are going to have.

Sir, we all know that there will be indirect election to the central Legislature; and that has been criticized by many Members. It was also opposed by men like Lord Reading, Lord Lothian and Mr. Isaac Foot in the debates in England and I was glad to hear that the Government of India was also against this method of election. So far as the services are concerned, the ministers will have no control. They will be appointed by the Secretary of State and controlled by him. They have gone so far as to make Indian Civil Service men eligible for appointments as Chief Justices. They have also said that the Medical Council recently established here will have no right to control the medical practitioners of foreign countries and they can always approach the Privy Council or the Governor General if they find the Medical Council is in any way against them. So, from all points of view we find that reservations and safeguards have been made against India and the position of the legislature is illusory and shadowy. May I ask my Honourable friend, is it self-government or dictatorship by an oligarchy? I would never call it self-government.

Now, Sir, from the central Government I will come to the provinces about which my friends have said that so much improvement has been made. What do we find there? It is said there is provincial autonomy, but the Governor in the provinces will have almost as much powers as the Governor General in the centre. Power to make Ordinances for three months has been given to the Governors. This was never given to the Governor under the present constitution. May I ask my Honourable friends whether it is a step forward or a step backward? Governors can stop legislation in the Councils at any time they like if they consider it undesirable. I do not think it is a power given under the present constitution. The Governor there also has his financial adviser, who will be absolutely separate from the ministers. The Governor will also have the right to appoint an advocate general, a similar right is given to the Governor General. May I ask my friends whether it is a step forward or a step backward? The dyarchy which my Honourable friend Mr. Yamin Khan hated so much is there.

THE HONOURABLE MR. MOHAMMAD YAMIN KHAN: I did not hate it so much as the Liberals did!

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I am glad he has changed his view! So it will be found in the provinces as well as in the central Government with full vengeance.

THE HONOURABLE THE PRESIDENT: How long more are you likely to take?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: If you permit me, half an hour more, Sir.

THE HONOURABLE THE PRESIDENT: Order, order. The Council will now adjourn.

The Council then adjourned till Eleven of the Clock on Thursday, the 14th February, 1935.