

*Saturday,
7th September, 1918*

ABSTRACT OF THE PROCEEDINGS
OF THE
Council of the Governor General of India,
LAWS AND REGULATIONS

Vol. LVII

April 1919 - March 1920

ABSTRACT OF PROCEEDINGS
OF
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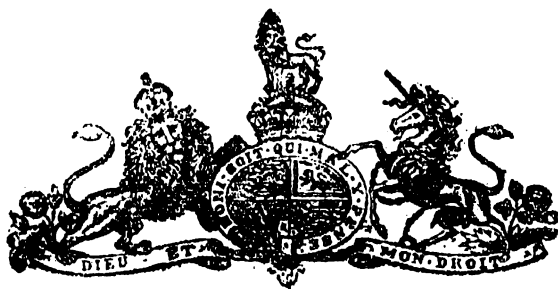


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GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER
THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915
(5 & 6 Geo. V. Ch. 61).

THE Council met at the Council Chamber, Viceregal Lodge, Simla, on
Saturday, the 7th September, 1918.

PRESENT :

HIS Excellency BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.C.B.E.,
Viceroy and Governor General, *presiding*, and 51 Members, of whom were
45 Additional Members.

RESOLUTION ON REFORM PROPOSALS—(contd.).

The Hon'ble Mr. V. J. Patel:—" May it please your Excellency, I regret I am unable to support this Resolution in the form in which it appears on the agenda. Speaking for myself, I say I have not the slightest objection to the appointment of a Committee consisting of all the non-official Members to consider the Reforms Report, though I must say I do not anticipate much good out of the deliberations of that Committee. But with regard to that part of the Resolution in which the Hon'ble mover puts in a claim that the Constitutional Reforms contained in the Report constitute a definite advance towards the realisation of responsible government in India, I join issue with him. And my reasons are these. It is only very recently, last week, that the two national organisations of this country, I mean the Indian National Congress and the Muslim League, met in Bombay, held joint deliberations, and came to certain unanimous conclusions in regard to the Reform proposals. In the resolutions that they passed at their sittings, they in no unequivocal terms held that the Reforms, though they constitute an advance—not a definite advance—as the Hon'ble mover has stated in the Resolution, an advance on the present conditions in some directions—not an advance towards the progressive realisation of responsible government as is stated in the Resolution. That is the verdict of the National Congress and the Muslim League. They go further and say that the Reforms taken as a whole are disappointing and unsatisfactory. In the face of this verdict of the Indian people, Hindus and Mussalmans, Parsis and Christians, I fail to understand how, standing here as the representative of the people, I can conscientiously assent to a proposition which says in effect, or rather in express terms, that the Reforms constitute a definite advance towards the progressive realisation of responsible government. Your Excellency, the main object, as I understand, of the Resolution is the appointment of a Committee, and I submit it is for that Committee who will sit to deliberate upon the Reform proposals to say whether the Reforms as a whole constitute a definite advance towards the progressive realisation of responsible government. If we are going to appoint a Committee, it is no use for this Council first to pronounce a verdict that the Reforms constitute a definite advance towards the progressive realisation of responsible government, and

11 A.M.

[*Mr. V. J. Patel.*]

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then ask that Committee to make recommendations. It may be that the Committee to be appointed might so frame its recommendations that no one who reads them would be justified in saying that the Reforms constitute a definite advance. It may be that the Committee might agree that the Reforms do constitute a definite advance, but I certainly think that to ask the Committee to consider the Reform proposals and express their opinions thereon after the pronouncement of this Council that the Reform proposals constitute a definite advance, is to begin at the wrong end. Your Excellency, it is said that much will depend on the two Committees that the authors of the Report have suggested, one regarding the Transferred and the Reserved Subjects, and the other regarding the franchise, constituencies and the rest of it. It may be that those Committees might recommend that all subjects in the Provinces, except one or two, namely, law, justice and police, may be handed over to the Legislature. It may be that the Committee might recommend that only a few, and a very few subjects, shall be transferred to the Legislature. It may be, your Excellency, that that Committee might recommend that the Muhammadans in particular Provinces shall not have a separate electorate, or it may be that they might agree with the recommendations of the Muslim League and the Indian National Congress and say that the agreement arrived at in Lucknow shall be observed, and the Muhammadans shall have their separate representation as agreed to. So, I say, before this Council pronounces a verdict on the question whether the Reforms as a whole constitute a definite advance towards the progressive realisation of responsible government or not, I would ask the Hon'ble Members of this Council earnestly to wait and see what those Committees recommend. I would ask the Hon'ble mover also to consider whether it is wise at this stage to commit this Council to any particular view. Speaking for myself, your Excellency, I am entirely at one with the resolutions of the Indian National Congress and the Indian Muslim League, and I know that there are several Hon'ble Members in this Council who share the same view. Yesterday we heard our friends Mr. Khaparde, Mr. Chanda, Mr. Shukul and Pundit Madan Mohan Malaviya: all these gentlemen share the view which the Congress and the League have expressed, and whatever differences of opinion there may be among the Congress leaders, I would most respectfully ask the Hon'ble Members not to hurry, but to wait at least till the decisions of the two Committees to be appointed are published.

"It may be contended that if that is my view, how was it that the Indian National Congress and the Moslem League did not wait, and how was it that they expressed so clearly and so explicitly that the Reforms are unsatisfactory and disappointing? My Lord, as to that, my reply to your Excellency is that the Congress and the Moslem League thought that there were several essentials which the country expected would be granted by the Reforms, but as those essentials did not find place in the recommendations they, on a consideration of the whole Report, came to the conclusion that the Reforms were on the whole disappointing and unsatisfactory. The first and foremost of these essentials, your Excellency, is fiscal autonomy, fiscal freedom. I say, and I say with all the force that I can command, that no Reforms are worth having unless they are accompanied by fiscal autonomy. Your Excellency, the Constitutional Reforms, even if they had gone much further than they have done, are to my mind not worth much. The authors of the Report have recognised the necessity and the urgency of powers in the Indian Legislature to regulate the Indian tariff, but at the same time, when it comes to a question of recommendations, they leave the whole question to be settled by the Imperial Conference which is to meet after the war. Speaking for myself I say that I regard the denial of fiscal autonomy to India as the very denial of responsible government itself.

"Secondly, the country certainly expected, and with due deference I say they expected from the very terms of the announcement of the 20th of August, 1917, that the introduction of responsible government would take place simultaneously both in the Provinces and in the Government of India. Unfortunately, however, we find that, so far as the Government of India is concerned,

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[*Mr. V. J. Patel; The President; Mr. Srinivasa Sastri.*]

the Report not only says that the power of the Government of India will remain indisputable, but the authors also fail to include among the functions of the Commission to be appointed twelve years hence the question of transferring the powers from the Government of India to the Indian Legislature.

"The third point, your Excellency, to which I should like to invite the attention of this Council is the question of the time-limit for the introduction of responsible government in their country. I have read the Report more than once, and I have no hesitation in saying.....

His Excellency the President:—"Order, order. The Hon'ble Member has been speaking beyond the time limit allowed. He must bring his remarks to a close."

The Hon'ble Mr. V. J. Patel:—"In concluding my observations, your Excellency, I should like to submit that it would be much better if the two parts of the Resolution are put to vote separately. There are Hon'ble Members in this Council who feel that the Reforms as a whole are not a distinct advance. There are others, on the other hand, who feel that the Reforms constitute a definite advance. In these circumstances, it would be much better if the two parts of the Resolution are put separately to the Council, and if your Excellency permits me, I would propose an amendment that the words beginning with 'and' in the second line and ending with the word 'India' in the third line be dropped. I formally propose, therefore, that the words.....

His Excellency the President:—"The Hon'ble Member is not in order in moving an amendment because he has not given notice."

The Hon'ble Mr. V. J. Patel:—"I said with your Excellency's permission."

His Excellency the President:—"Well, it has not my permission at the present moment."

The Hon'ble Mr. Srinivasa Sastri:—"My Lord, my 11-17 A.M.
Hon'ble friend Mr. Patel has recognised, I am glad to think, the distinction between the Resolution we are considering and the main Resolution passed by the Indian National Congress and the Moslem League. As one who participated in the meetings in Bombay last week Mr. Patel is rightly unable to associate himself with the subject-matter of this Resolution. I hope this will be remembered clearly by the country in general. The Hon'ble Mr. Banerjee, who is responsible for the terms of this Resolution, and some others who act with him in this matter, believed—and events have proved our belief to be fully justified—that the National Congress and the Moslem League would adopt such Resolutions. We are, therefore, perfectly free and unembarrassed unlike the Hon'ble Mr. Patel, and we can discuss the present Resolution on its merits; and if we think it meets the needs of the case we can give our unqualified adherence to it. This is precisely why, my Lord, some of us thought it necessary to keep away from this Session of the National Congress and the Moslem League. I hope the Hon'ble Mr. Patel and those who are associated with him will not hereafter talk of the possibility of an agreement and blame us for not accepting their invitation and coming into the organization which they have conducted so as to lead to the Resolutions from which he is unable to separate himself now.

"Then, with regard to the Committee of non-officials to consider these Reforms, he says this Committee will be bound by the terms of the first part of the Resolution. I think the Hon'ble Mr. Banerjee made it clear that that Committee should be so bound. It is our intention that the Committee of non-officials to be appointed should not go beyond the terms of this Resolution, that they should not, for instance, attack the announcement of August 1917 and proceed to tear up by the roots the very basis on which the Reforms Report is based. It is necessary that the Committee should have a direction from this Council. Does the Hon'ble Mr. Patel recognise the supreme character of this occasion? After 30 or 35 years of constant agitation a great programme of Reform is laid before the country on the highest authority. The Members of the Government of India, the Members of the

[*Mr Srinivasu Sastri.*]

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Council of the Secretary of State, the members of the delegation that came out with the Secretary of State have all signified their assent to the general tenor and policy of the Reforms. This Imperial Council, dealing with national affairs, meets for the first time to consider this subject. Would it not be a futile procedure, would it not be almost puerile for this Council to appoint a Committee without anything like a general direction as to the lines on which the report of the Committee should be laid? Have we not read the Resolution on the Reforms Report? Is it reasonable to expect that we should consign the entire consideration of the Report to a Committee of ourselves? I think it is perfectly right, it is the only proper course for us to give a general direction, and ask that the Committee to be appointed should observe that direction in any specific recommendations that it makes.

"With regard to the three points that my Hon'ble friend brought up as disabling him from associating himself with this Resolution, I will speak only with reference to the last one—the time-limit. Now the time-limit, I must grant, has an attraction for those of us in India who have watched Indian affairs and the slow way in which they develop from progress to progress. We know that there is too much delay in the proceedings of the Imperial Government, as far as they affect the claims of India. The question of time-limit therefore is one of great attraction to us. I wish it were possible to pin down the authorities to a definite time-table. But we have also got to recognise that in this matter the final voice rests with the Imperial Parliament of Great Britain and Ireland. I doubt very much whether the Imperial Parliament could be brought to assign a time-table programme of legislation to the question of reforms. Will they say that on such and such a day such and such a step shall be taken? I fear it is practically impossible to expect that a time-table piece of legislation will be undertaken by Parliament. But still I must say that I recognise that the distinguished authors of the Report with which we are dealing have gone as far as they possibly can to get Parliament to consent to something very near a time-table legislation. They have recommended that the future steps in the progress of our constitution should depend on the reports made by commissions to be appointed by Parliament itself. Now these commissions are to be appointed at stated intervals. It is not to be expected in the ordinary course of human nature that, when after an interval of twelve years a commission is appointed, it will not result in the making of a definite stage of advance. Every time this commission meets, it is bound to make recommendations in the direction of advance, and I do not think that we should be so impatient as to say that before the 3rd or 4th twelve-yearly commission reports, all constitutional advance in India should have been completed. It is, I take it, perfectly possible for the 2nd twelve-yearly commission or the 3rd twelve-yearly commission, at the longest, to report that the fabric of responsible government might be completed throughout India. It is perfectly possible, I say; but there are ups and downs in Constitutional progress; there are vicissitudes attendant on national movements, and it is impossible now to demand that within 25 or 30 years the whole thing should be done by an Act of Parliament to be enacted in the course of the next year. I am one of those who would rest content with this position, that the twelve-yearly commissions should determine the pace at which we should proceed and set down definitely the precise lines on which we should advance. I hope that that arrangement will so work out as to meet all that the Hon'ble Mr. Patel and others desire.

"Having dealt with the Hon'ble Mr. Patel at this length, I must proceed to discuss two points raised by the Hon'ble Mr. Khaparde yesterday. The first position he took up was rather a legal point. In my opinion, he was rather overnice when he dealt with the terms of the August declaration and divided it into two clear halves, the first half having the authority of the Imperial Cabinet, and the second resting on the purely personal or individual authority of the Secretary of State for India. Now as a plain layman not knowing the subtleties of law, I must say it took my breath away as I heard him speak. I doubt whether he was really in earnest or, as he very often is, merely indulging in a joke.....

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The Hon'ble Mr. G. S. Khaparde:—"No; I was in earnest."

The Hon'ble Mr. Srinivasa Sastri:—"My Hon'ble friend says he was in earnest. Then I must say he seems ignorant of the way in which Secretaries usually write. He must have read many proceedings of the Government of India. In the Government of India, Secretaries are the officers who draft and who sign letters. They often say 'I am to ask, etc.' Does it mean that the Secretary in his own individual authority puts a question to the party concerned, or that he does so on behalf of his Government? The personal pronoun occurs very often, for instance in answers given from the opposite benches. Does it mean that the Members of the Executive Council do not answer for the Government of India but for their own individual selves? But it may be said a Secretary writing as the representative of the Government uses the expression 'I am to add.' In this document, however, the Secretary of State employs the expression 'I would add.' I do not know whether that ought to make any difference as to the way we should interpret it. Sticklers for constitutional propriety though we be, we may allow such an august personage as Mr. Montagu some latitude in the use of such simple things as the auxiliary verbs of the English language. The words 'I would add' then, I take it, mean 'I am to add.' It is not the individual opinion of the Secretary of State that he wishes to palm off under the authority of the Imperial Cabinet. Really speaking, if we were to accept the Hon'ble Mr. Khaparde's argument, we should be attributing to the Secretary of State for India a subterfuge, in that he was smuggling into an important State document which the people of India regard as a great Charter a personal opinion of his own unsanctioned and unapproved by the Imperial Cabinet in whose name he was speaking.

"The next thing to which my Hon'ble friend referred yesterday was the question of electorates. Now, I must say that when I read the Reforms Report in the first instance, it did seem to be that the Report laid too much insistence on the necessity of preparing and training these electorates as a step preliminary to the introduction of responsible government. It seemed to me that though it might be scientific from a constitutional analyst's point of view, it was entirely unhistorical; for whether in England or elsewhere the proper training and the full preparation of electorates has gone on side by side with, and in some cases painfully behind, constitutional development.

"In India, however, we are asked to follow a somewhat different course. But apart from that, a man who criticises the proposal must not proceed on the assumption that there are at the present moment in India fully developed electorates which can be made to sustain such a vast edifice as responsible government for the benefit of the people and by the people. My Hon'ble friend argued 'there are the District Boards, there are the Municipalities, there are Chambers of Commerce, there are Universities of learning in India.' To be sure these are there. But does my Hon'ble friend remember that responsible government rests everywhere in the world on primary, popular, large, direct electorates, and that such do not exist so far as the Government of India is concerned. The Report lays very special emphasis on that aspect. It is the creation of such electorates that the Report deals with, and when we remember that, it is idle to say in reply to it that we already have the Universities. The Universities cannot sustain a system of responsible government. The people at large must be able to hold the members of the Legislative Council and the ministers who govern the country responsible for their conduct. The primary electorates must be placed in direct contact with those that make laws, and those who under their authority administer the laws so made. The preparation of such electorates is, as the Report lays down, sure to be a process of slow and deliberate growth, and it is no real answer to say that we already have some electorates in being in India.

"My Lord, after dealing with these debating points, I must now go on to deal with the main question....."

[*The President: Mr. Srinivasa Sastri; Mr. K. V. Rangaswamy Ayyangar.*] [7TH SEPTEMBER, 1918.]

His Excellency the President:—"I am afraid your time-limit is coming to a close."

The Hon'ble Mr. Srinivasa Sastri:—"Then I will make only one observation. I am in entire agreement with the Hon'ble Mr. Surendra Nath Banerjea's speech. His speech yesterday elicited just and spontaneous applause from the Council, and I fully share in the sentiments that dictated that applause. I must, however, say one thing, that I dissociate myself from that part of the Hon'ble Member's speech in which he seemed to deprecate the institution of a Council of State. It appears to me, my Lord, that radical opinion in England might tolerate the abolition of the second house, but every other shade of political opinion and the practice of every other federal State in the British Empire justifies the creation of a second house. The Council of State as at present foreshadowed may not be such a second house as we desiderate. It will have to be stripped of some of the extraordinary powers now attaching to it; its composition will have to be somewhat changed; but a second house, I think, there ought to be, and since the Council of State is intended to be a half-way house to the creation of the final upper chamber in the constitution of the Indian Empire, I am bound at this stage respectfully to dissociate myself from the deprecatory opinion to which the Hon'ble Mr. Banerjea gave expression in his speech yesterday."

The Hon'ble Mr. K. V. Rangaswamy Ayyangar:—"My Lord, I have not expressed any opinion till now about the Reforms Scheme, nor did I associate myself intimately either with the Congress or with the two extreme minorities, and so I can express my opinions without any fetter. It is not possible to make any useful observations on the Resolution before this Hon'ble Council without giving the greatest possible weight to the clear presentment of the position and policy of the Government in regard to the Reform Scheme made by your Excellency on the opening day of this Session. On the one hand, the Hon'ble mover wants us to go into Committee and make recommendations on the various proposals contained in the Report. On the other hand, my Lord, your Excellency has in definite and unmistakable terms told us the inutility of recommendations and criticisms that fall outside the line up to which the Reform proposals go. The object of the Resolution in this Council is to ask the Government to do a thing which the Government can alone do, or to refrain from doing a thing which the Government cannot otherwise be prevented from doing. This Resolution does not ask the Government to do anything which the Government alone can do. There is nothing that prevents non-official Members from making their own recommendations if they choose to do so. The 19 Hon'ble Members did not move a resolution in this Council to appoint them to make recommendations by way of reform. I see no reason why such an attempt as the one before us should be treated as different from the action of the 19 Members memorandum. On the one hand, the sanction for moving the Resolution and the vote of the Council while they certainly will add prestige and dignity to the whole move, are legally or anywise unnecessary to carry out the prayer. On the other hand, a hostile vote by the majority cannot prevent the Hon'ble non-official Members or as many of them as are willing from co-operating and making recommendations. Any Resolution carried in this Council cannot compel non-official Members to act in the way the Resolution asks for, and this has been evidenced by two of my colleagues declining to be constituted in the Committee in the prayer portion of the Resolution as to what should be the course if several or a majority of them declined to act. Considered from this point of view, therefore, I have no hesitation in owning that the Resolution is of an extraordinary character and impracticable. It seems to me therefore that the best use that can be made of the opportunity so sagaciously furnished by the Hon'ble Mr. Surendra Nath Banerjea is to convey to your Excellency in Council our humble but sincere view of these proposals. While, on the one hand, there does not seem to be any probability of radical modifications being made in the scheme as the intentions of the authorities stand at present, there is, on the other hand, the unconcealable fact that the country as a whole has considered and expressed its deliberate convictions that the scheme

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calls for radical modifications without which it could not in the honest opinion of the Indian public constitute any step in advance. Whilst these labours have no doubt been prompted by a genuine desire to further the interests of this country, my Lord, there is no doubt that so far as the scheme itself is concerned, it has come upon the whole country as a disappointment. The reason is simple and lies on the very surface if only we make no mistake in mutually understanding the point of view of the authors of the scheme and that of the people.

"The point of view of the authors is no doubt that they stand on the announcement of August 20th, and the point of view of the people is what led to the announcement of August 20th. I take it that the announcement of August 20th is the answer to our petitions or call them demands. Our demands are formulated only to remedy the grievances of the different classes and interests. Men of brains and letters have had no opportunity for the display of it and for doing research work

"As a matter of fact there is no general value for men of this pursuit except that they can serve in the Government which provides for a very small percentage and for which a special University training is required and for which course alone there is market value. It is to be admitted that the duty of the Government is to provide scope for the intelligentsia of the land. I need not mention the causes that led to the decay and extinction of the warrior classes which fortunately is resuscitated on account of the exigencies of the war, and I see under the sympathetic handling of His Excellency the Commander-in-Chief a liberal policy is being adopted. I need not mention how commercial men and industrial classes have been handled, and need not recapitulate the deplorable policy of the Government that has been adopted in the matter of Indian industries by giving a protection against them till now. The duty of the Government is to protect our interests or at least not to adopt a protective policy to our rival interests. There may be at least an open competition and no partiality or prejudice adopted. Then the great classes of labourers even when they offer willingly for service have not got a field to do so, and the duty of the Government here also is to find a market-value and a scope for labour. Their appalling poverty exhibits itself in periodical famines, not to speak of their daily sufferings. All these considerations made us agitate for a responsible government. Not only this; vast interests like those of the raiyatwari landholders and those of the great zemindari houses many of whom are languishing for want of opportunities and responsibility adequate with their wealth, called for a measure of liberal treatment which they eminently deserve. For one thing, my Lord, if at the present day a third of the territories of India had not been under Native sovereignty, but if most of these Indian princes have been mere zemindars without administrative power, would it have been a case of triumph to the British cause now either in military or civil emergencies, we have had to face since the outbreak of the war? This has been well acknowledged by your Excellency of the magnificent services rendered by the ruling nobles. Similarly, if some of these zemindari houses should be invested with administrative functions, would not then the wealth and influence they possess be harnessed to the wider interests of the country, and might not they have taken their place as responsible administrators of their own tracts? I am only throwing out these ideas as ways and means of easing the burden, financial and administrative, of the Indian Government and of creating openings for the fine spirit of service which distinguishes many of the scions of the noble houses of India. Then we have the grievances of the smaller Zamindars and the encroachment of the Government in their water rights, and of the raiyatwari landholder whose property is said to be not his own and who is liable to periodical settlements, and enhancements. It is to remedy such grievances that we wanted reforms. Again, the devying of the cesses on the agricultural classes alone, and the unbridled levy of the land tax made us ask for a popular control of the Government and it was to remedy all these and satisfy us that the announcement of August 20th was

[*Mr. K. V. Rangaswamy Ayyangar; the President.*]

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made, and if that announcement should restrict the scope of the Reforms we wanted, though it may not be out of court to question the same, we should say what we wanted is not this but something else. The Reform Scheme may be based on any announcement, but it should be primarily on the principle that the Government is for the people. So far as recognising in English educated men capacity and good-will towards Government or in other words providing employments for the educated loyalists and in so far as the scheme perfects the local self-government scheme that was inaugurated by Lord Ripon whose name is gratefully remembered and so far as giving a popular control in the matter of education, sanitation, etc., our thanks are due to the Government, and the names of the illustrious authors of this Report will for a long time to come be sounded and resounded with gratefulness throughout the shores and valleys of this vast Continent. But it may not claim to be a step in self-government or responsible government inasmuch as no hand of the people can set right the grievances I have set forth. It may be that the hands are tied by the announcement of August 20th, but what we ask is, whether the scheme satisfies us or not. My humble opinion is that it does not.

"The people had expected, if not a substantial measure of reform on the lines of the demands of the Congress and the Muslim League, a scheme that would have liberalised the existing legislative machinery, endowed it with greater and more effective powers of administrative control, securing it the right to safeguard our fiscal interests as those of an absolutely autonomous self-governing country. Such, however, has not been the case. The authors of the Report in the first place rejected without seeking to modify the scheme of the two great political bodies of the country, and in the second place, they gave no thought whatsoever to the evolutionary development of the existing constitution, which has been the cause of a rapid political development, but took upon themselves the task of discharging a new mission, namely, that of commencing to train the people for responsible government. The native rulers who conduct the praiseworthy Government are quite fit to govern themselves. Without test or contest we should not be condemned. And in the tentative scheme put forward by them we find in many respects we lose more than we gain.

"As regards the scheme proper what Indians cannot but ask for and obtain, is an effective foot-hold in the Central Government of India itself and complete provincial autonomy in provincial affairs as may be consistent with the maintenance of the authority of the Government both in Imperial and in Provincial matters.....

His Excellency the President :—"I regret the Hon'ble Member is approaching his time-limit. Will he bring his remarks to a conclusion?"

The Hon'ble Mr. Rangaswamy Ayyangar :—"It is one thing, my Lord, both for purposes of veto and for purposes of affirmative legislation for the Executive Government to retain whatever power they want to retain, for without such provision Government must come to a standstill. But let this power be retained avowedly and as a matter of executive responsibility by the executive Government of India only and not in its name and on its behalf by or through new institutions which are adjuncts to the executive wearing the appearance of a semi-popular assembly. If substantial powers had been given for the popular assembly, retaining whatever powers had to be retained for affirmative legislation for the executive Government itself, the people of India would have recognised the justice of such an arrangement and would have been overcome with a sense of gratitude.

"As regards the Provinces, for the first time in the history of India it brings into existence a diarchical system of government fraught with new conflicts and oppositions though here is a distinct advance on the existing system. Here also had the executive retained what it wanted as a matter of executive necessity and established complete provincial autonomy, there would have been a chorus of gratitude from end to end. But, my Lord, it is in vain we look for any of these. Nor is the proposed scheme calculated to relieve the economic distress of India which has been the real and underlying object of all our demands for political reforms all these years. The popular

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[*Mr. K. V. Ranganamby Ayyangar; Sir William Vincent; The President; Mr. M. A. Jinnah.*]

control vouchsafed in this scheme in no way improves the economic condition of the great Indian communities such as the Zemindars, the ryots, the tenants, the smaller landholders, the Indian commercial men, the labourers and the industrial classes. Again, it does not secure the primary rights of British citizenship.....

The Hon'ble Sir William Vincent:—"My Lord, I rise to a point of order. I really cannot hear the Hon'ble Member when he reads so fast."

His Excellency the President:—"I must ask the Hon'ble Member to take his seat."

The Hon'ble Mr. M. A. Jinnah:—"My Lord, I regret very much that my friend Mr. Sastri should have struck an unpleasant note as to the difference between him and Mr. Patel. I think this is not the place where we can defend, justify or impeach the position of the secedors from the Congress. The question before us is the Resolution. My Lord, in the first place, I have no hesitation in saying that we appreciate that there has been an earnest attempt on the part of your Excellency and Mr. Montagu, the Secretary of State for India, to inaugurate a system of responsible government in this country.... 11-40 A.M.

His Excellency the President:—"I am sure the Council are very anxious to hear the Hon'ble Member; perhaps he will speak up a little louder."

The Hon'ble Mr. M. A. Jinnah:—"I am sorry, my Lord. I will repeat what I said, that I have no hesitation in saying that we appreciate the earnest attempt on the part of your Excellency and the Secretary of State, Mr. Montagu, to inaugurate a system of responsible government in this country. Secondly, I think, my Lord, that it did not require the eloquence of my friend Mr. Banerjee, nor the abilities of Mr. Sastri to impress upon this Council, or upon anybody outside this Council who has taken the trouble to read the Report carefully, to come to the conclusion that there is a distinct advance on the present system of the constitution of the Government; but that is not the question. We recognise that there is an advance, but that is not the question. Nobody disputes that responsible government is to be established in India by successive stages, or, in other words, progressive realisation of responsible government. That undoubtedly implies instalments and stages, but, my Lord, as your Lordship said in your speech only a few days ago, what was promised in that announcement was 'a substantial step.' If I may quote it, my Lord, this is how your Lordship put it:—

'What I wish to emphasize is this. 'Substantial steps' were promised. In my own heart I am confident that 'substantial steps' are provided in our proposals. We have not kept back something like hucksterers in the market, something which we would be prepared to give as a result of pressure. Everything has been placed on the table for all men to see.'

"Now, my Lord, with the utmost deference, with the utmost respect for your Excellency's opinion, I beg to submit that 'a substantial step' has not been given in these proposals, and I shall illustrate what I mean at once. In the Provincial Governments, my Lord, undoubtedly there is an advance, but what do we find? We find this, that whether we really get a substantial step in the Provinces or whether we do not will depend entirely on the Committee which will decide the Transferred and the Reserved Subjects, and eventually whether those recommendations will be accepted or not. Now I say, my Lord, without going into details, because I have limited time, of 15 minutes under the rules, that there are Provinces in India to-day which are quite competent to manage the entire Provincial Government. But without going into reasons, what we say is this, that, as you are trying an experiment, and since you say, that we are going through transitional stages, we are prepared, while not agreeing with the reasons given in the Report, but as a matter of compromise, that in some Provinces all subjects should be transferred at once except the police and justice; and they are quite competent, I make bold to say, to manage them.

"Then again with regard to the Provinces, there is a feature in the proposals, which to my mind is a most objectionable feature, and that, my Lord, you

[*Mr. M. A. Jinnah; Sir George Lowndes; The President.*]

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will find in clause 43 of the Report. Even assuming, my Lord, that the proposals were accepted and that substantial departments or subjects were transferred under clause 43, such enormous powers are given to the Governor that, in my opinion, it will be injurious and prejudicial to the objects in view. Now see what the Governor can do under clause 43 ?.....

The Hon'ble Sir George Lowndes :—“ My Lord, I think the Hon'ble Member is wrong ; clause 43 of the Report deals with Baluchistan and the North-West Frontier Provinces.”

His Excellency the President :—“ I think the Hon'ble Member is referring to clause 43 in the Summary. I think it would be more convenient if he referred to the Report because we laid particular stress on the fact that the Summary was not to be regarded as in any way authoritative. It is the Report which is the authoritative statement.”

The Hon'ble Mr. M. A. Jinnah :—“ My Lord, my point is one that does not require any reference to the paragraphs ; it is this that any Member of the Executive Council is to have the right to challenge the whole or any part of a Bill on its introduction, or any amendment when moved, when he thinks it trenches on the reserved field of legislation. The Governor is to have the choice then either of allowing the Bill to proceed in the Legislative Council, or of certifying the Bill, clause, or amendment. If he certifies the Bill, clause, or amendment, the Governor may either decline to allow it to be discussed, or suggest to the Legislative Council an amended Bill or clause, and so on. Therefore, my Lord, any Member of the Executive Council can get up and say that a particular Bill or clause in that Bill impinges or entrenches on a Reserved Subject, and the Governor in his full discretion can decline to have the Bill discussed, or allow any clause of it to be discussed either. That to my mind is a most objectionable feature so far as the Provincial Governments are concerned and should not be allowed.

“ Then, my Lord, going further into details, I do not accept the proposition that, in order to achieve progressive realisation of responsible government, you must confine the advance such as is foreshadowed to the Provinces. Where do you find *that* in the announcement of the 20th August ? Why must you confine it to the Provinces, and why should the Government of India be left untouched ? And yet this is how the formula is laid down by the authors of the Report. My Lord, with very great respect I must say again that I see no justification in the announcement to say that the Provinces should form the units, and that for the present we must confine ourselves to the progressive realisation of responsible government in the Provinces. The position of the Government of India under the proposals will be as defined in formula 3 of the Report, I will read it.

‘ The Government of India must remain wholly responsible to Parliament and saving such responsibility, its authority, in essential matters, must remain indisputable pending experience of the effect of the changes now to be introduced in the Provinces. In the meantime the Indian Legislative Council should be enlarged and made more representative and its opportunities of influencing Government increased.’

Therefore, so far as the Government of India is concerned, you leave the Government of India in this position. That we the elected Members in the Government of India shall have nothing else but ‘ opportunities of influencing the Government.’ Now, my Lord, we have been influencing the Government since 1892 ; we have been influencing the Government since 1909 (the Minto Morley Reforms), and you are leaving us in practically the same position and at the same stage as we have been in ever since 1892. What difference is there ? Of course I shall be told that we have an elected majority ; I shall be told that, so far as a private Member's Bill is concerned, we can carry it through the Assembly, and take it to the State Council, and in case of differences of opinion between the Chambers, it will be settled by means of ‘ Joint Session.’

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[*Mr. H. A. Jinnah.*]

Here, again, the Governor General in Council will have the power to certify and that means that the certificate will prevail against the will of the representatives. Now, my Lord, this is the very thing you deprecate in your Report, namely, that which you call the bane of the Minto-Morley Reforms. And what is that bane? It is that you leave the elected Members in the position of irresponsible critics. How are you changing that position by this scheme of yours? They will remain irresponsible critics under this constitution, because by the certificate of the Governor General in Council you can do as you please. You can carry any measure that you desire, notwithstanding the unanimous opposition of the Assembly or the elected Members in the Council of State. Is that so, or is that not so? If that is so, do we not remain in the same position of irresponsible critics? You will find under your scheme that a Government Bill can be run through on a certificate. You will also find that on a certificate even a private Member's Bill can be thrown out or altered as the Government wish. But over and above that you have got the veto as far as a private Member's Bill is concerned.

"Now, my Lord, may I know why the Government of India is to remain so sacred and not to be touched? Is there no department in the Government of India which could be brought under the control of the vote of the Legislature, and why not? Why, I ask, should there not be simultaneous advance? I am prepared, my Lord, to concede this proposition for the present that the Government of India are certainly responsible for the peace, order and the safety of the country. I am prepared to concede this also, that they should keep under their own control those departments which are essential for the carrying out of the primary functions of the Government. But, my Lord, is there no department in the Government of India which ought to be brought under the control of the vote of the Legislature? My Lord, in the first instance, my submission is that, barring the Reserved Subjects, in which I include the peace, tranquillity and safety of the country, other departments should be left to the vote of the Legislature. I am prepared to accept and I do accept the bicameral system which is laid down in the Report, and I hope that the day may come, as the distinguished authors of the Report themselves say, when it will become the real revising chamber. I have no doubt, my Lord, that "responsible government" in this country is bound to come, it must come. It is only a question of time. At present the difference between you and us is a question of speed; there is no other question. We say that your proposals do not go far enough. You want to proceed slowly; we want to go faster. But I say, my Lord, whenever that day does come it can only be a federation of India, and in a country so vast, with such a population as we have, I firmly believe that it will be necessary to have a revising chamber. Now what will happen, my Lord, if my suggestions are accepted. Shortly put, in the case of the Reserved Subjects you will have complete administrative control, and with regard to affirmative legislation, you can run through any measure, whereas Transferred Subjects will come under the vote of the Legislature. Remember you have the Council of State, if there is a difference of opinion between the two Houses, you have at once 'Joint Session.' My Lord, I have carefully worked out the figures and have taken a little trouble to think over the problem. What will be the position? Will the position be so rash, so irresponsible, if you leave certain departments to the vote of the Legislature? Certainly not, because to begin with you have out of the 100 Members in the Assembly 67 elected and you have 21 elected in the State Council. In the Joint Sessions there will be a majority of 26 elected Members, and without meaning any offence to anybody, even among the elected Members sometimes, my Lord, there are differences of opinion; and out of those 26 I deduct 14, some of them representing special interests; the European members I do not count. Therefore, in the Joint Sessions you will have a majority really of 12 elected Members. If those 12 Members, my Lord, cannot be won over by the Government of India with regard to the departments which do not touch the primary functions of the Government, namely, peace, tranquillity and safety of the country and Reserved Subjects such as Army, Navy, Foreign policy and

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ruling princes, and if the vote decides against the Government in matters other than Reserved Subjects then I say, my Lord, that it should be so, and the Bill of the Legislature should prevail over the executive in those matters at least.....

His Excellency the President:—"The Hon'ble Member has exceeded his time-limit."

The Hon'ble Mr. M. A. Jinnah:—"My Lord, I have nothing more to say except this, that for the sake of the glorious day which will form the brightest chapter in the history of Great Britain and of India, namely, the day when the responsible government is established in this country, might you not view the question at present in a generous and large spirit, and might we not hope that, notwithstanding your expression of opinion, you will still be prepared to consider the suggestions and modifications that we propose which will give satisfaction to the people and make the experiment a real success."

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The Hon'ble Dr. Tej Bahadur Sapru:—"My Lord, I rise to support the Resolution which was moved yesterday in such eloquent terms by my distinguished friend and colleague, the Hon'ble Mr. Surendra Nath Banerjea. My Lord, we all listened to his great speech with admiration, and on an ordinary occasion I should have contented myself by simply saying that I associated myself whole-heartedly with those sentiments to which he gave utterance. But I think the occasion requires that even a humble and insignificant worker in the public cause like myself should venture to put forward his views on this momentous issue which is before the Council and before the country.

"My Lord, what is it that Mr. Banerjea wanted us to do when he moved this Resolution? In the first part of the Resolution the Hon'ble Mr. Banerjea invited this Council to thank your Excellency and the Secretary of State for India for the Reforms proposals. In the second part he invited the Council to recognise those proposals as a genuine effort and a definite advance towards the progressive realisation of responsible government in India, and in the third part he recommended the appointment of a Committee consisting of all the non-official Members of this Council to consider the Reforms Report and make recommendations to the Government of India. Now, my Lord, in these days when in some quarters it is considered a sign of weakness or a mark of declining faith in the strength of our cause to thank the Viceroy or the Secretary of State, I hope I may be permitted to express in unqualified terms my thanks to your Excellency and the Secretary of State, for I recognise that you have rendered signal service to the country by recommending the proposals which are before us. My Lord, it has been very seldom in my life that I have found myself in a position to thank the authorities I therefore readily avail myself of the opportunity of thanking your Excellency and the Secretary of State for the proposals which you have put forward in this Report.

"Now, my Lord, coming to the second part of the Resolution which asks us to recognise that your proposals are a genuine effort and constitute a definite advance towards the progressive realisation of responsible government in India, I cannot shut my eyes to the fact that even in this Council during the last two days there have been voices of dissent. My Hon'ble friend Mr. Patel has frankly told us this morning that there has been considerable dissatisfaction and disappointment with the Reforms proposals. I believe more or less the same sentiments were uttered yesterday by my Hon'ble friend Mr. Khaparde. My Hon'ble friend Mr. Jinnah has said that, while he recognises that the present proposals constitute an advance upon the present system of government, he joins issue with those who say that they constitute a definite advance towards the progressive realisation of responsible government in India.....

The Hon'ble Mr. M. A. Jinnah:—"No, I did not say that. I said they are not as substantial steps as were promised."

The Hon'ble Dr. Tej Bahadur Sapru:—"I stand corrected, and I shall now say that they do not in his opinion constitute substantial steps

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towards the progressive realisation of responsible government in India. Now, my Lord, with the utmost possible deference to my Hon'ble colleague I heartily dissociate myself from that view. I do maintain and I have no hesitation in saying it frankly, that in my humble judgment they are a genuine effort and they do constitute a definite advance towards responsible government in India.

"My Lord, my Hon'ble friend Mr. Khaparde indulged in the self-imposed task of interpreting the announcement of the 20th August, 1917 yesterday. I have no doubt that upon the interpretation of that announcement will depend the attitude of each one of us. I have also tried in my own humble way to interpret that announcement; but I have resisted the temptation of following the method of interpretation of that famous Sergeant-at-law whom Dickens has immortalised in one of his novels. My Lord, if the document has got to be interpreted, as it must be interpreted by every one of us, let it be interpreted entirely as a whole, one part of it with the other, and not in bits or in separate pieces. My Lord, according to my humble interpretation, that announcement, which I take to be the test and touchstone of the proposals before us, means two things. In the first place, there is a definite pledge given by the British Government, not by Mr. Montagu in his personal capacity, that the goal and aim of British policy in India in the future is to be responsible government. In the next place, that announcement tells us that that goal is to be reached, by successive stages, and at the same time it assures us that the first step which will be taken towards the realisation of that goal will be a substantial step. Therefore the question which arises before us is, as the Hon'ble Mr. Jinnah very properly put it, whether the step which is proposed to be taken by the Government in England with reference to India is a substantial step or not.

"Now, that question, I submit, can best be answered if we bear in mind the leading features of the Reforms Scheme. If I was to summarise the leading features of the Reforms Scheme, I would put them in this way. So far as local self-government is concerned, we are to get complete power. So far as provincial self-government is concerned, we are to get partial power; and so far as the Government of India is concerned, our sphere of influence is to be enlarged.

"Now, my Lord, so far as the provisions relating to local self-government are concerned, I do not know whether I am right in interpreting my friend the Hon'ble Mr. Patel as saying that even those provisions have caused disappointment and dissatisfaction in the country. Well, I will leave them on one side and I will go to the provisions regarding provincial government. What do you find there? So far as the legislative machinery is concerned, it is going to be overhauled completely. We are to have in our Provincial Councils a considerably enlarged number of members with a substantial elected majority, the representation being based, I hope, on a wide basis. Along with that we have the important fact that there are to be Standing Committees which will give us or many of us an insight into the actual working of the various departments of the Government. Then, my Lord, along with that there are certain departments which it is proposed to transfer to the popular Government, and which will be under the control of Ministers who will be selected not from outside the Council but from among the elected members of the Council.

"Now, my Lord, it has been asked in certain quarters 'All this may be perfectly true, but where do you find responsibility? There is no element of responsibility to be found there.' My Lord, with the utmost possible deference to critics of that kind, I will say that that is not the right point of view. There is an element of responsibility provided there. Although the Ministers will not be directly responsible to the Legislative Assembly, yet they will owe responsibility to the electorate, and even the Legislative Assembly may visit its displeasure upon them either by refusing supplies or by moving a Resolution when it wants to express its dissatisfaction with their conduct. So that there is an element of responsibility to be found there.

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" My Lord, I am not oblivious of certain defects and imperfections in the scheme. I do not wish to minimise them, and I do not think it is the intention of the distinguished authors or of the Government to overlook them. If, however, this scheme is not infallible, that is no ground for our saying that we are dissatisfied with it as a whole. For instance, if I was candid I would say that I am not satisfied with the provisions regarding the Grand Committee; nor am I satisfied with the provisions regarding the adjustment of the finances between the transferred Government and the reserved Government. That seems to me to be the weakest part of the whole scheme. But I do not propose to go into these matters of detail at the present moment. Perhaps the proper time for me to raise these questions will be when the Committee which it is proposed to appoint meets to consider the various details of the scheme.

" Now, my Lord, coming to the Government of India, what do you find. Instead of a small Council like the present, elected not directly but indirectly out of a very limited area, you are going to have a Council of 100 Members, of whom 67 will be elected. My Lord, if this is not a substantial majority, I fail to see what it can be, though speaking for myself I should like the majority to be greater, and an element of responsibility introduced therein as in the Provinces.

" But, my Lord, it has been said ' Oh, yes. What you give with one hand you take away with the other, because you provide for the appointment of a Council of State.' My Lord, so far as the Council of State is concerned, my sentiments are precisely the same as those of my Hon'ble friend Mr. Sastri. A study of the constitution of the various Colonies and Dominions has convinced me that it is a general feature of the colonial system of government, and I cannot forget that the very first article of the constitution of the National Congress is that we want a steady change in the administration of the government by bringing it into line with the colonial system of self-government. If that be so, why should we object to the establishment of a Council of State? My Lord, comparing the constitution of the Council of State which you propose with the constitution of the Senate in Canada, I am compelled to admit that the constitution of the proposed Council is certainly more liberal than that of the Senate in Canada. But I should not be understood to say that I am satisfied with all the provisions regarding the Council of State to be found in the Report. I should certainly like the elective element to be larger. I should certainly like to have a clearer definition of the powers of the Council of State, and I should certainly like its sphere to be narrowed. But, my Lord, while I do maintain these views I am not prepared to condemn the proposal with regard to the Council of State.

" My Lord, leaving aside the Government of India, I shall just refer to one or two points and then conclude my speech. Objection has been taken to the many checks and counter-checks that have been provided in the constitution. My Lord, I am not afraid of these checks and counter-checks, because whatever constitution you study you will find the same sorts of checks and counter-checks; it is not the checks and the counter-checks that matter, it is the spirit in which the whole constitution is worked which matters. My Hon'ble friend Mr. Patel in the course of his speech referred to certain honoured names, and said that men like Pandit Madan Mohan Malaviya and others had expressed their dissatisfaction and disappointment with certain features of the scheme. They are honoured names in our national life, and I respect them, but at the same time, my Lord, I cannot shut my eyes to the fact that there are other equally honoured names among us who have given their whole-hearted approval of this scheme. I cannot forget, my Lord, that this scheme has received the approval of such a stout champion of the popular cause as the Hon'ble Sir Sankaran Nair. Office may have imposed certain restraints on him, but it has not cooled the ardour of his younger days in the advancement of the national cause. Nor do I forget that it has received the support of a distinguished colleague of ours who only last year was in this chamber, I refer to the Hon'ble Mr. Bhupendra Nath Basu. Nor can I shut my eyes to the fact that it has received the support of one whom I look upon as one of the makers of modern educated India, I

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mean our distinguished friend, Mr. Surendra Nath Banerjea. Nor can I forget the fact that it has received the support of such a stout-hearted champion as Sir Dinshaw Wacha. If these gentlemen are not patriots but traitors to the cause, I am willing, my Lord, to stand in the same dock with them."

The Hon'ble Khan Zulfikar Ali Khar :—"My Lord, I rise to give my hearty support to the Resolution which was moved yesterday, in this Council by my Hon'ble friend Mr. Surendra Nath Banerjea with such force of eloquence and convincing argument. I also wish to associate myself with the remarks which he made concerning the distinguished authors of the Report who have certainly produced a work breathing a spirit of far-seeing statesmanship. Now, my Lord, after hearing the speeches in this Council, it seems to me that it is no longer a question as to whether the Reforms Scheme is good or bad. The question of questions is this, whether the scheme outlined satisfies the aspirations of the people. Opinion on this point is divided, as it always is on such momentous questions. But there is no denying the fact that the vast majority of the people accept it as meeting the aspirations of the people. I wish to associate myself cordially with those who accept the scheme as a substantial advance in the direction of the realisation of self-governing institutions in this country. After reading the Report it may appear to some people that the reforms are hedged round with too many safeguards. It may be so, but when we keep in view the conditions which prevail in India and which no statesman can ever overlook, we must admit that no responsible statesman or government can ever afford to indulge in a policy of adventure, especially when the happiness of millions is concerned. The late Mr. Gladstone once said that the principle of Toryism was distrust of the people qualified by fear, and that the principle of liberalism was trust of the people qualified by prudence. Now, my Lord, I do not think there is any sensible man in the whole of India who denies that the present scheme is not conceived in a spirit of liberal statesmanship. If that is admitted, then it follows that a responsible statesman must also exercise prudence, and if the scheme is hedged round with so many safeguards, it is no wonder according to the dictum of that great statesman that responsible statesmen should always do that. It has been said by so many speakers in this Council that the Report fails to provide a time-limit within which responsible government would be given to India. Now, my Lord, it is very difficult to provide a time-limit for an experiment of the nature which is going to be tried in this country. The Report says that after ten years there will be another Commission appointed to look into the working of the scheme and if it is found that satisfaction has been given and that administration has not suffered on account of the many interests involved in this country, then another step will be taken, certainly in advance of the one which is now being taken. Studying the history of India and the political conditions in this country, I can safely say that the British policy in India has always been characterised by giving liberal institutions to this country. It is for us to give strength to that policy of the British Government. We have to show by our work, co-ordination and sympathy that we are able to mould the destinies of our own people. It must be kept in view that success has to be achieved, and no Government, however liberal, can confer it on anybody.

"The Hon'ble Mr. Patel in his speech said that the Congress and the Moslem League meetings held in Bombay passed certain Resolutions and expressed dissatisfaction with the Report. Now, my Lord, we cannot forget that assembly of those wise men constituted the ultra radicals of this country, and a vast majority of the moderates were not at all represented, and they kept scrupulously aloof from the Congress and the Moslem League. Can it therefore be said that those people who passed those resolutions in Bombay represent the opinion of the country?"

"My Lord, history affords very few instances of voluntary surrender of power, especially by a Government which is so strong and which is guided by instincts of justice and fair-play, in a country like India. When we see that

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spirit on the part of the Government to surrender its own power, is it wise for us, or is it even expedient to spurn the hand which is offered to us in friendship and comradeship? I cannot imagine that any responsible man who wishes well to his country and is a real patriot can ever imagine that he can gain or the country can gain anything by refusing to accept the friendship offered. Under these circumstances and guided by the spirit, I heartily support the Resolution moved by my Hon'ble friend."

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The Hon'ble Rao Bahadur B. N. Sarma:—"May it please your Excellency. It is to be deeply regretted that the differences and the controversy raging outside this Council Chamber should have been introduced here and with some warmth. I do not mean to pursue the controversy, nor is this the place to take up the challenge that was thrown by the previous speaker as to the representative character of the Moslem League and the National Congress recently held in Bombay. But at the same time, my Lord, it must be said that the Hon'ble Mr. Patel was a little too unduly pessimistic and orthodox in his interpretation of the Congress Resolutions and the Congress League Scheme. Nothing that I have heard in the Congress, either in the Subjects Committee or outside it, or here, has induced me personally to change any of the views that I have expressed in a memorandum which I published some little time ago. It may be that for corporate action we surrender some of our views so long as that surrender is not dangerous, and it cannot be said that we cannot express our views in this assembly independently of any resolution that may have been passed either in the Congress or elsewhere. And I am only sorry that Mr. Sastri should have ventured upon his defence with regard to the Congress, for I fail to see whether there is much difference between him and the Resolutions passed at the Congress with regard to the Government of India, if we are to judge from the speeches he delivered some little time before the Congress held its sittings in Bombay.

"But to pass from the subject. I said that I adhere to the statements made in my memorandum and in so doing I adhere to the remarks made by me therein pertinent to the first part of the Resolution. Few persons, my Lord, will grudge the praise justly due to your Excellency and to Mr. Montagu for the deep and earnest attention which has been bestowed by you upon a difficult and intricate problem, for your deep and sympathetic insight into the difficulties of a struggling people, and for the lofty, noble and generous sentiments expressed in lucid, clear and eloquent terms throughout the pages of that historic document. We are grateful to you, my Lord, for initiating the first stages of responsible government by making proposals which would transfer Parliamentary control within a limited sphere to the people of India.

"I shall now pass on to the substantive portion of the Resolution before I deal with the second part of the preamble. I cannot help regretting that the European non-official Members of this assembly should have taken up the attitude they did yesterday. The Hon'ble Mr. Ironside said that your Excellency and Mr. Montagu and your advisers ignored or have not paid due attention to British interests. There is little justification for such a charge. If by taking a statesmanlike view of things and in trying to perpetuate the union of India with the rest of the British Empire, you have made proposals which might temporarily weaken, though I do not believe they would, the prestige, and the monopoly and the vested interests of a small section of the people, surely no objection can be taken to such a course. The greatest service possible has been rendered by your Lordship and Mr. Montagu in trying to cement the union between the various sections of the Empire. But has the charge made any basis or any justification in the actual facts of the case? What are true British interests? If the promotion of the permanent union of Great Britain and India be true British interest, then the only way is along the lines which you have proposed. And even taking a more narrow view, I must humbly submit that no portion of British interests, vested

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British interests, have been sacrificed in any shape or manner whatsoever. Now so much has been said both in this Council and outside about British interests, that it is necessary to analyse the position a little; what do we find? About 174 million pounds have been invested by the British public in India in the Sterling Loan, and 48 million pounds in the Rupee Debt. That debt under your constitution has been made a first charge on the revenue. The Railways on which this money has been largely spent are to be under the direct control of the Government of India. Is there, then, any sacrifice of British interests? May I also state, my Lord, that India has contributed freely £100 millions; and has lent £76 millions to the British Exchequer, and it is proposed that another £45 millions should be added. The balance cannot therefore be against India in this respect.

"Let me proceed a little further into those interests which are said to have been sacrificed? We find that in the direction, supervision and clerical work in various factories and industries there were in 1911 only 10,000 Europeans and Anglo-Indians employed, but under the new constitution with a prosperous and contented India, I feel sure that 100,000 will find employment on an even more lucrative basis than at present. Then what is the total European capital employed here, out of a total of only Rs. 85 crores the paid up capital of joint stock companies? Take the tea, jute, coal, gold and banking industries (excluding the exchange banks) and it does not work out at more than Rs. 25 crores even assuming that almost the whole paid up capital is European. No legislation can be passed affecting them without the Governor's and Governor General's consent, and the higher administration will remain chiefly European. To say therefore that the British interests are very large or have been sacrificed is not an accurate statement. Then the Hon'ble Mr. Hogg, for whom we have the highest respect, has chosen to take what I cannot help thinking is a wrong view. He said that the attempt to constitute a Committee would be either futile or mischievous. The Resolutions, if practically unanimous and opposed to the views of the Anglo-Indian community might be futile because the Government would be prone to pay little attention to them, but I cannot see how they can be mischievous. Perhaps they would be, if acted upon by the Government. I would give greater credit to the Hon'ble Mr. Hogg and the Hon'ble Mr. Ironside than they are disposed to give themselves for their ability, for their knowledge, and for their eloquence in inducing the other members of the Committee to take their view of the matter if that view be based essentially upon reason, good sense and unselfishness. I have tried to work in many Committees and feel no doubt that these two Hon'ble Members, if they only change their mind and join the Committee would be able to influence many of us if they only take the right line.

"Then, my Lord, to come to the second part of the preamble of the Resolution. While admitting that we should be grateful for what has been done, are the people satisfied that the proposals would meet the real situation? I readily grant that your Lordship has to take into account the prejudice, ignorance and interests of vast masses of men both in India and in Great Britain; and nothing that I or any of us may say in this Council, or outside of it should be taken as evincing an unfriendly attitude, or as calculated to weaken your hands or the hands of Mr. Montagu, because we recognise in you two friends and we believe that you will do all you can for us. But let us say in all frankness that the proposals do not go far enough to meet the real situation of the Empire or of India. I fail to see why, the army being under your control, the financing of the army being under your control, the maintenance of law and order being under your control, it is impossible for you to part with a little portion of the power in respect of the commercial and industrial subjects with which you have to deal in the various departments of the Government of India. It is absolutely impossible for us to reconcile ourselves to those proposals, either as based on reason, sound common sense or as being consistent with the future prosperity of this country.

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"Then, my Lord, a good deal of what has been said with regard to the Provincial Governments would depend upon the interpretation of paragraph 212. You have said :—

'It (the Government of India) should be enabled under this power to intervene in any province for the protection and enforcement of the interests for which it is responsible ; to legislate on any provincial matter in respect of which uniformity of legislation is desirable either for the whole of India or for any two or more provinces ; and to pass legislation which may be adopted either *simpliciter* or with modifications by any province which may wish to make use of it.'

This provides the overriding power of the Government of India in matters of legislation. If by this is meant that the Government of India is to have the overriding power of legislation by means of the certificated procedure, even with regard to Transferred Subjects, then I may humbly submit that the powers granted under the proposals are merely illusory. But I put a different interpretation on those words, and think that these proposals were made with regard to the Reserved Subjects either in the Government of India or in the Provinces, and putting that interpretation upon that passage in paragraph 212, it cannot be denied that the proposals mark a distinct advance upon the existing condition of things. It will however be a trifle premature to be unduly eulogistic in this matter until we know what the two Committees will say. It may be that they will whittle down the proposals to almost nothing, and we may have to express grave dissatisfaction, but there is no necessity for anticipating it. We have to take the proposals in the Report as they are, and if carried out in a loyal spirit they do represent a distinct advance on the present constitution. But it is another question whether it is a substantial advance. Substantial it is not, if the test be whether it will meet the existing situation or enable the people to work out their destiny. I most respectfully submit that the Congress was right to that extent in its criticism. But if it is regarded as the only thing which could be done by you having regard to the prejudices and interests concerned, then we must confess that it is a distinct advance. I hope that your Lordship and Mr Montagu will see your way still to modify your proposals with regard to the Government of India, to give some power there, so that the Reform proposals may be received throughout the country with deep satisfaction, and that we may embark upon a career of usefulness to India as well as to the Empire content with the prospect of becoming a fully self-governing people before long."

12-48 P.M.

The Hon'ble Sir Dinshaw Wacha :—"My Lord, the Resolution proposed by my valued and esteemed friend, Mr. Surendra Nath Banerjee, seemed to me to be so innocuous in simplicity and candour that I determined yesterday when he moved it that I should not have to utter a single word on the subject ; but considering the number of speakers who have spoken on the subject, and having been advised that, perhaps, my silence might be misconstrued on this occasion, I embrace this opportunity to speak a few words, and those words will be very few indeed. I may say, in the first place, then, that certainly and emphatically the Reforms Scheme is a substantial advance towards progressive self-government. My Lord, I have been a student of the politics of the world, including India, for the last 50 years, and so far as the politics of India are concerned, I say this, that we have emerged from the darkness of 1861, when the Legislative Councils were first instituted in the Presidencies, to something like twilight in 1892, when they were expanded ; and from that twilight to something like dawn, I may say, 1909, when the Morley-Minto Reforms were introduced, to the break of day at this present stage. These are the four stages of Indian politics, and those who have studied Indian politics in the way I have done cannot but come to this conclusion that the progress has been steady though slow in the direction of rudimentary self-government. From the beginning there has been progress and no mistake. It has been slow. It may be said to have been as slow as the tortoise. I admit it. Then again that progress has been accompanied by many mistakes. I will admit that too.

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But I do say this that for the last 50 years the policy of the British Government in India has been to go from good to better and thence to best. I have not the least doubt in my own mind that the best will surely be reached in the fulness of time. I am quite sure that, when all the passion and prejudice of the hour have disappeared, and when the whole subject of the scheme of reform is taken into consideration, candidly, calmly and dispassionately, the country at large will receive it with the greatest gratitude. In fact, I may say that, so far as our leading organs of public opinion on both sides are concerned, there is only one sentiment about it, namely, that the distinguished authors have done their best and that they have exercised a wise statesmanship in its preparation. It is in my opinion unique. I say unique deliberately, and for this reason: that never in the history of Constitutions all over the world has a Reform Scheme of the character we are now discussing been known. It almost wholly differs from all the existing Constitutions in the world. It is a new one in all respects. India itself has been so unique in many respects, in politics, in sociology, and in other ways that the statesmen who have so sagaciously framed it had no compass and no chart to guide them. They took into their impartial consideration the opinions of all the different recognised individuals and bodies in the country, opinions of all shades, of the highest and the lowest, of the officials and of the non-officials—and verily the opinions so collected made up quite a mountain in itself—and recorded their conclusion that if they were to go forward with a scheme of self-government suited to the existing conditions of the country, this scheme, as now put forward, was the most feasible for the transitional period. And I do repeat, my Lord, that when serenity is restored in this country, as I think it will be six or twelve months hence, that is, when Parliament has passed this scheme more or less in its present shape, possibly with some modifications which are necessary—and I of course admit they are necessary, (and I have said as much in my own memorandum)—and when all is said and done, it will be acknowledged with gratitude, with cordial gratitude, with everlasting gratitude, that the two exalted officers of the Indian State who have framed this scheme have deserved well of the country.

"The Hon'ble Mr. Jinnah observed that the only objection he found to the Scheme was that it did not go far enough. Others, sharing his opinions, have said the same thing that they want a speedier realisation of responsible self-government than, of course, what the Government themselves have deemed expedient for the transitional period. Now, my Lord, in politics, there are views and views. Some want to go forward too fast, some want to go too slow. I always prefer that in politics, particularly in India, we should hasten slowly. 'Hasten slowly' is my motto; but I will not give my own motto. I appeal to my Hon'ble friends Mr. Jinnah and others to remember the two lines of Tennyson which say that while the hills are always there going too slow, you may require the whip and while going too fast you may require the brake. India is a country where the brake is necessary, and, I think, if the Government proceed in this matter with caution and prudence they would be wise. The brake is necessary at this transitional stage.

"Having said so much, my Lord, I will conclude my remarks once more by saying that the Reform Scheme is conceived in the best spirit of liberty, and that future historians at least will regard it as a monumental piece of constitutional legislation. Constitutions are not made in a day. Constitutions grow. Even in old England the constitution has grown. You, gentlemen, opposite the inheritors of that constitution, must know that that constitution has progressed during the last six hundred years and more. India, compared to England, as far as constitutional government on Western model is concerned, is a babe, a political babe, and many of the political babes are still lisping in what may be called baby politics. Therefore, I say, this is a piece of monumental legislation full of beneficent potentialities, which future historians will regard as one of the brightest pages in the annals of Indian liberty.

"With these words, I cordially support the Resolution."

[*Sir William Vincent.*]

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12-55 P.M.

The Hon'ble Sir William Vincent:—"My Lord, I should like in the first place to congratulate the Council and the Hon'ble mover on the tone which has pervaded the whole of this discussion. There has been no suggestion throughout the debate that the Report is not the result of unbiassed and earnest endeavour to solve a very difficult problem. Such suggestions have, however, been made outside this Council. There is no suggestion that the scheme ought to be rejected or that it cannot even be discussed. Such suggestions have also been made outside this Council. There has also been an absence of acrimony, an absence of attacks upon Government, attacks upon the authors of the Report, attacks upon those responsible for supporting it, of attempts to impute dishonest motives to men who have spent their lives in the indefatigable pursuit of political progress.

"My Lord, these attacks are the despair of all of us, who earnestly do seek the advance of this country. May we hope that the same tone of moderation which has pervaded the discussion in this Council will in future be maintained outside it.

"I do not propose to detain the Council at any great length with an examination of the detailed proposals in the Report. It would be premature to do so as we have submitted those proposals to the opinion of the country. We have also invited official opinion on them, and here I should like to pause to say that the Hon'ble mover was in error in supposing that the officials have had a chance of expressing their views on these proposals. I understood him to say that the officials have had their say, and that it is now time that the non-officials had theirs. My Lord, the officials in this country have not yet had their say on these proposals; they are now having it; they are examining the Report and the opinions of Local Governments are awaited.

"There are one or two general points relating to the proposal to which I must advert; but before I do so, I should like to answer the arguments put forward by the Hon'ble Mr. Hogg and the Hon'ble Mr. Ironside yesterday. I understood these Hon'ble Members to express disapproval of this Resolution for the following reasons. They anticipated that no useful result could be obtained from a Committee as the Members of that Committee clearly would hold divergent views. They further said—at any rate I think the Hon'ble Mr. Hogg said—that he was not authorised by his constituency to express any views on the scheme and the Hon'ble Mr. Ironside added that he had had no time to examine the question and made the further and much more serious allegation that the European commercial interests had been ignored in the Report.

"Well, my Lord, as to the Committee serving a useful purpose, I wish to place before the Council the position of Government. We had promised full opportunities for the discussion of this Report. We were then asked by a leading and influential member of this Council to afford non-official Members of the Council that opportunity. The Resolution is not a Government one. We did not suggest it. But the motion having been supported by a large number of Members of the Council, would it have been reasonable for the Government to refuse to afford that opportunity in the face of their declared policy? I submit that there can be but one answer to such a question.

"My Lord, we cannot force and do not desire to force any man to attend this Committee if he does not wish to do so. At the same time I may say that it will in the opinion of Government be a matter for great regret if the representatives of European commercial interests in this country are unable to attend and put their views and their difficulties before their Indian colleagues. I think, my Lord, that much good might result from such friendly discussion. We were told yesterday by the Hon'ble Mr. Ironside that the European commercial community appreciated the fact that in the future they would have to co-operate very largely with Indians in public affairs. I understood him also to say that he had had no great difficulty in such co-operation in the past. In these circumstances, my Lord, surely it is a matter for great regret that the first opportunity which is offered to the members of the European commercial community to co-operate with their Indian colleagues should not be utilized.

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"The Hon'ble Mr. Ironside then said that he had had no time to examine the Report owing to the preoccupations of his business. Well, my Lord, the time for examination of the Report has necessarily been somewhat short, because if the scheme is to be successful, time is of the essence. But if the Report itself has been published for two months only, surely the question of the political development of this country and future administrative changes has been in the minds of everyone for many months. The whole question has indeed been before the public since August the 20th of last year. As to the allegation that European commercial interests are ignored in the Report....."

The Hon'ble Mr. Ironside :—"I said, practically ignored."

The Hon'ble Sir William Vincent :—"My Lord, when I served as a Judge, I was always told that the word 'practically' concealed a fraud. Either interests are ignored or they are not ignored. However, let us take the modified expression, as the Hon'ble Member prefers it. I say (and an examination of the Report will bear me out in this) that the benefits conferred by the British community in the development of the commerce and industry of this country, the magnitude of their interests, the need for securing adequate representation of those interests, and the necessity for retaining power in the hands of the Executive Government for their preservation are apparent throughout the Report. It is neither the intention of the authors nor of the Government of India in any way to sacrifice, depreciate or ignore those great interests.

"My Lord, there are two general lines of attack on the Report. The first is that the announcement of the 20th August is not sacrosanct. We heard, if I may say so, a variant of this in the Hon'ble Mr. Khaparde's suggestion yesterday. That variant has been so thoroughly demolished by the Hon'ble Mr. Sastri that it is scarcely worth my while dealing with it at all. But the general allegation that the announcement itself is not binding, is of a more serious character; and as I look upon Mr. Khaparde's attack as a subtle method of endeavouring to make out that it is not binding I ought perhaps to explain the position in regard to it. My Lord, it took the Hon'ble Member a year to think of this ingenious suggestion. The Secretary of State was out here; and no suggestion of this kind was made. The announcement was made on the 20th August 1917; yet it is not until September 1918 that this ingenious interpretation emanated from the subtle brain of the Hon'ble Member. As to the value of the announcement the position of the Moderate community, or an important section of the community, is very clearly laid down in a manifesto which I will read to the Council. I think it is by my Hon'ble colleague Sir Dinshaw Wacha.

"That announcement is binding not only on the Secretary of State and on the Viceroy, but also on all other subjects of His Majesty, Indian as well as British."

"My Lord, these are the views of at least one important section of the community. Speaking for the Government I may say our position is that we are all servants of the King, and on us the announcement—and not only the announcement but the limitations which it places on us—are strictly binding. If we fail in any way to give effect to the undertakings which are contained in it, we are guilty of disloyalty. Similarly, if we disregard the limitations that are placed on us, we are equally guilty of a breach of trust. My Lord, I have little more to say on the announcement except that it was hailed with acclamation all over this country. Is it consistent with loyalty or honesty now to turn and attack that very announcement which the country hailed with such enthusiasm a year ago?"

"My Lord, the second line of attack is that this Report has not fulfilled the promise made in the announcement, that it does not propose any real advance, that too much is left to the Committees and so on. The answer to the last point is very simple though much is left and necessarily left to the Committees the broad principles on which the advance is to be carried out

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are expressly laid down in the Report itself. Speaking for myself, I maintain that it does constitute a very real and substantial advance towards responsible government. There are details in the Scheme on which I daresay officials as well as non-officials have divergent views. But the general principles not only represent a great advance, but, my Lord, they offer in my opinion, the most hopeful chance of success in the direction of political progress. I believe myself also that much may be done by the united effort of the Government and non-officials in this country, not only to secure the speedy enactment of the measures which are necessary to give effect to these proposals, but also to achieve successful results in carrying them into effect later. I have heard it said that the services, and particularly the service to which I have the honour to belong, will not co-operate loyally in giving effect to these proposals. My Lord, I should like to assure this Council that any such conduct would be contrary to the traditions of the service, and to the spirit which has actuated it for many years. I confidently believe that the service to which I belong and all other services will loyally and whole-heartedly endeavour to make these proposals a success and will co-operate gladly and willingly with their Indian colleagues in carrying them out.

"I have said what may be done by united effort. On the other hand, my Lord, I believe that any refusal to accept the basic principles which have been laid down in the announcement and in the Report, any attempt to belittle the realisation of those principles in the manner proposed will not only create disunion among non-officials and officials, as well as amongst non-official themselves, but also weaken the support that this country may afford to those responsible in the United Kingdom for carrying those measures into effect, strengthen the hands of our opponents and seriously jeopardise the whole course of political progress in this country for many years to come. There are those, not in this Council I hope, who think that something may be done by way of bargaining.

"Your Lordship has very carefully explained that the Report was not framed with any such idea. It is an idea which is not only entirely unworthy of any responsible Member of this Council, but is also fraught, in my judgment, with very grave danger. If there are any who honestly in their heart of hearts realise that these proposals are a great and adequate political advance, that they constitute a real step towards the end which they have in view, and yet hesitate to support them in the idea that something more may be obtained by making extravagant demands which they do not expect to be accepted, then I would earnestly ask them to renounce that idea as unworthy and certain to prejudice our chances of success in the United Kingdom, where the people are not familiar with this practice of bargaining and are certain to misunderstand it. There are others, my Lord, I believe, who think that in some way they may secure further concessions through the efforts of the American Government at the peace conference. I would ask of them to dismiss that from their minds. The public feeling aroused in the United Kingdom when Sir Subramania Iyer's letter to President Wilson was published is, I think, a useful lesson on that subject. My Lord, I wish now to place some important considerations that have weighed with the Government in accepting the general principles of the scheme, and I do this in the hope that Honourable Members remembering their responsibility and that of Government may bear them in mind and realise our position in this matter. We have on the one hand an ignorant population, and an electorate the capacity of which is entirely unknown. We have also unfortunately definite evidence of acute racial and religious feeling and of great bitterness at times between class and class. There is a large body of conservative opinion both in this country and in the United Kingdom which regards the whole idea of these political changes with apprehension at least; and we know that English public opinion as a whole is averse to any of these constitutional changes, particularly such changes as might possibly endanger the constitution of the British Empire. We know that the English nation believes and rightly believes that it is a trustee for the welfare of India. We know also that there are many who think that the real opinion in this country has been

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obscured owing to the lack of political education among the masses, their inarticulateness, their want of organisation. We know too that there is great and real anxiety about the safeguarding of British interests, the welfare of the services, the efficiency of the army and the maintenance of the position of India as an integral part of this Empire. Rightly or wrongly, too, there are many who fear that the interests of the masses, the backward communities and the welfare of the minorities will be endangered by any sudden transfer of power and that this would merely mean the substitution of an oligarchy for a bureaucracy. My Lord, it may be said that these fears are groundless. I am not here to justify them, but the fact remains that they undoubtedly exist, and they have in many cases, I fear, been intensified by wild utterances by extremists in the press and elsewhere. Now, these are the facts which I want the non-official Members of this Council to weigh and ponder in their future deliberations. In such circumstances with these difficulties before them, would it not be wise of them to consider these proposals from the point of view of Government, to realise the magnitude of the interests involved and the moral obligation of the Government not only to the country but also to the Empire as a whole, to make allowances for the fears and opinions of others, and to examine the Reform proposals in the same spirit by which the authors of the Report were guided? No one can accuse either your Excellency or Mr. Montagu of want of sympathy with the ideals to which many in this country aspire, and yet you, after a careful examination of the whole subject, patient, long laborious toil, considering every aspect, and the responsibilities which attached to them and to the Government, have clearly propounded the limits up to which you are prepared to go and this is a fact which the Council should remember. Further, I maintain myself that the interests of political progress in this country also indicate the necessity for caution and for a moderate and reasoned expression of opinion. I honestly believe that the changes proposed in this Report represent the maximum to which public opinion in the United Kingdom will possibly go....."

The Hon'ble Mr. Srinivasa Sastri:—"Is that the opinion of the Hon'ble Member personally or of the Government?"

The Hon'ble Sir William Vincent:—"I am speaking for myself. I have no authority to speak for Government on this point. My further belief is that extravagant demands on the part of Members of this Council may simply lead to rejection of the proposals which have now been put forward. My Lord, if the responsibilities of the Government are great in this matter, the responsibilities of the Members of the Council though of a different character, are perhaps little less. Their considered opinion must carry very great weight; and it would, in my opinion, be lamentable if in their desire to obtain more than is now proposed they should cast away the substance, in grasping at the shadow and jeopardise that which is now offered. My Lord, I venture to remind the Council of the old fable of the Sybilline Books.

"I now turn to another aspect of the matter. One of the most important points, mentioned by Muhammadan members of the Council relates to the question of communal representation. I refer in particular to the speech of the Hon'ble Mr. Asad Ali and the Hon'ble Mr. Abdur Rahim, who addressed the Council on that point. It has been suggested that the Report in some way neglects the interests of Muhammadans. My Lord, I do not read the Report in that way, and I am quite sure that it was not the intention of the authors that such an interpretation should be placed upon it. There are theoretical objections undoubtedly to communal representation. I suppose that every student of this subject will recognise them. On the other hand, we have to face existing facts and conditions and to remember the solemn undertakings of at least two Viceroys and one Secretary of State. I am quite sure that it was not the intention of the authors, and it is not the intention of the Government of India in any way to depart from these undertakings, and the Muhammadans of this Council may rest assured that as the Government has in the past always kept faith

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with them, so too will it in the future and that as in the past every effort will be made to meet all reasonable demands.

"As to the representation of landlords to which I think Mr. Shukul referred, that is a question which is specifically referred, with the question of communal and special electorates, to the franchise committee for examination. But I must demur to the suggestion of the Hon'ble Member that the landlords' representatives ought to be put into the Council as guardians of the ryots. That I understand was the position which the Hon'ble Member took up. My Lord, of necessity the interests of landlord and tenant frequently must clash and it would be unreasonable to trust the interests of ryots to members of a community whose interests are certainly not identical with theirs.

"My own personal experience in this country has been that whenever measures are proposed for the protection of the ryot, it has always been the landlords who have opposed them. I may instance the Bengal Tenancy Act as a striking example of this.....

The Hon'ble Sir Gangadhar Chitnavis :—"Not everywhere. The case is different in the Central Provinces."

The Hon'ble Sir William Vincent :—"In the province from which I come at least this is the case. I am speaking of my own experience only. Indeed I believe that since the Reformed Councils have been introduced, no general measure for the effective protection of the tenant against the landlord except on one occasion has been passed in that province. So much, my Lord, for making the landlords the sole guardians of the tenants as the Hon'ble Member suggests.

"My Lord, I must now pass on quickly to a question of great importance, the proposed changes in the Government of India. It has been said that the Government of India is left as autocratic as ever, and that the Members of this Council will be left in the same position of irresponsibility,—I hope I am citing the words correctly,—as at present....."

The Hon'ble Mr. M. A. Jinnah :—"Irresponsible critics."

The Hon'ble Sir William Vincent :—"Very well. That attitude does perhaps correctly describe my Hon'ble friend's attitude....."

The Hon'ble Mr. M. A. Jinnah :—"In this Council, yes."

The Hon'ble Sir William Vincent :—"My Lord, the facts were accurately summed up in your Excellency's speech and it really comes to this, that while the necessity for retaining the indisputable authority of the Government of India in essential matters is retained the position of that Government, *vis-a-vis*, the representatives of the electorate will be largely changed. I have always accepted the position that the authority of the Government of India must be maintained unimpaired as one of the fundamental principles of the Reforms, and it was in this belief that I signed the Despatch with which that document was despatched to the India Office.

"I should like here to draw the attention of the Council to what Sir Narayan Chandavarkar says on this subject, as it seems to me to support the views which I hold. He said :—

'We must not lose sight of the cardinal principle accepted by all statesmen who have had to do with constitution-making and preparing the way for full realisation of responsible government, that a strong central Government is an essential part of such Government for the stability and security of the Empire.'

"But, my Lord, to say the Report makes no change in the position of the popular representatives towards the Government of India is to shut one's eyes to obvious facts. The influence of Parliament in this country will be directly enhanced by placing the salary of the Secretary of State on the Civil Estimates, and by the appointment of a Select Committee of the House of Commons to which, I think, your Excellency referred. The non-official majority in the

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Legislative Council will be largely increased and it cannot but exercise a very great influence on the Government. Indeed, under the new system it may well be said that the Government of India will be subject to pressure from two sides, from the democratic influences of Parliament and from the Council on this side. The Additional Indian Member will furnish a further opportunity for the representation of Indian views. Further, the appointment of Standing Committees of the Council is an important step. As to legislation there will be a non-official majority in the Assembly, and it is idle to say that the Council of State will be used constantly for overriding the authority of the elected members of the Assembly in an unreasonable manner, for any such abuse of power will bring its own punishment.

"There is another aspect of this matter also, my Lord, to which I should like to draw the attention of Council. The decentralization which is proposed in the Report obviously involves a large increase in the power of the Provincial Governments and a diminution in the power of the Government of India. Now if you deprive the Government of India of a great deal of its authority and transfer that power to the Local Governments, and at the same time give largely increased powers of control to the popular representatives, you are *pro tanto* giving the popular representatives great authority over matters which are at present controlled by the Government of India.....

His Excellency the President:—"The Hon'ble Member has exceeded his time."

The Hon'ble Sir William Vincent:—"Would you like me to stop, my Lord?"

His Excellency the President:—"Yes, you may finish quickly."

The Hon'ble Sir William Vincent:—"Very well, my Lord, I will just finish this point. I believe that any intention at the present juncture to transfer to an untried administration great matters of Imperial as well as Provincial importance on which the welfare of the Army, the security of this country and the position of India in the Empire depend, I say that any attempt to transfer those powers to popular representatives whose capacity is unknown would cause great anxiety in this country, and would in all probability evoke great opposition in the United Kingdom. I should like also to say that the proposals of your Excellency go further than the proposals made by the late Mr. Gokhale in this respect two years ago. Mr. Gokhale was no political opportunist, my Lord, and in making his proposal he had regard not only to the requirements of the country, but to the political capacity of his fellow countrymen. Speaking for myself also I may say that I hope that so long as the British Army guards this country from external aggression and internal commotion, so long will the maintenance of authority in the Executive Government in matters essential and in regard to Imperial interests be preserved, though this power will have to be and will be exercised with reasonable care and only when the necessity of the case demands.

"My Lord, I understand that Mr. Patel wishes to divide the Resolution into two parts. In view of the remarks of Pandit Malaviya that it was immaterial to him whether the first part of the Resolution is accepted or not, and the entirely different views taken by the Hon'ble Mr. Patel to-day, I hope your Excellency will meet Mr. Patel in his request and allow the Resolution to be divided. We shall then see whether in the opinion of this Council the first portion is in fact as immaterial as the Hon'ble Pandit alleges."

The Hon'ble Mr. Surendra Nath Banerjea:—"My Lord, 1.30 P.M.
it is now half-past one and we have been sitting here for nearly two and a half hours. I am sure it is not necessary for me to make a long speech in reply.

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"But, my Lord, I feel that I ought to congratulate the Council upon the tone, the temper and the spirit of moderation which has characterised our debate this morning and yesterday.

"Notwithstanding the excitement which prevails outside and in which some of us share, not a harsh word has been allowed to mar the serenity of our discussions. I hope and trust that the temper which has been displayed by the Members of the Imperial Legislative Council will affect the temper of our people outside and introduce the leaven of moderation and self-restraint into the public discussions that are taking place in connection with the Reform proposals. My Lord, it must be highly gratifying to your Excellency and to Mr. Montagu to have noticed that there is practically absolute unanimity of opinion in favour of the view that the Reform proposals mark a distinct advance upon the existing state of things, and not only that, but there is an overwhelming consensus of opinion in this Council that they represent a definite stage towards the progressive realisation of responsible government.

"My Lord, the Hon'ble Mr. Jinnah, in a speech to the tone and temper of which I have no exception to take, observed that no eloquent speeches were needed, and he mentioned my speech and that of my Hon'ble friend Mr. Sastri, to convince this Council or the outside public, of this fact. I think I quote his words.....

The Hon'ble Mr. M. A. Jinnah:—"May I rise to a point of order. I said this, either the Members in this Council, or any body who has taken the trouble to read the Report."

The Hon'ble Mr. Surendra Nath Banerjee:—"Or anybody outside this Council, I have got down the words and unless the Hon'ble Member withdraws, I stick to those words. I am permitted to hold then that Mr. Jinnah made the observation that no eloquent speeches were needed to convince the outside public that these Reform proposals mark a distinct advance upon the existing state of things. I think eloquent speeches *were* needed for the purpose. If the recollection of my friend will carry him back to the early days of July, soon after the promulgation of the Reform Scheme, he may be able perhaps to remember that many distinguished persons in the Madras Presidency including Mrs. Besant, Mr. Vijayaraghavachariar and Sir Subramania Iyer declared in their speeches and writings that the Reform proposals were unacceptable, undiscussable, unworthy of the traditions of the British Government. And this note was sounded, repeated, re-echoed in conferences, in public meetings of the party which held these opinions. Let my Hon'ble friend read the proceedings of the Madras Provincial Conference which even Mrs. Besant was unable to control. Let him read the proceedings of the Bengal Provincial Conference in which the excitement ran so high as almost to lead to a pugilistic encounter. Let him read the proceedings of the Akola Conference, and he will find that there was a party.—I use the word 'was' deliberately because that party has now changed its front—there was a party that held that these proposals were unacceptable, disappointing, unsatisfactory—the vocabulary of the English language was put into requisition for the purpose of condemning the scheme. I am not going to name anybody or any party. I say there was a party; let any one whom the cap fits take it up. There was a party and that party condemned the scheme, and used the words I have mentioned. They said the scheme was unacceptable, inadequate, disappointing, and unless substantially and materially modified would not in any way satisfy the legitimate aspirations of the people of India. Therefore eloquent speeches were needed and I take credit to myself and others who have been acting with me that it was these eloquent speeches and the firm attitude of those who welcome this scheme that

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brought about this change of front. That change of front has not yet been complete. They are moving in the right direction, but it takes long for a party to confess its own mistakes. Repentance will come in due time, but it is a question not of days or hours, but of weeks, months, and it may be a whole year, but I feel confident that the note which has been sounded to-day in this Council representing the scheme as marking a distinct and definite stage towards the progressive realisation of responsible government will be taken up by the country, echoed, re-echoed until it becomes the settled conviction of the saner portion of the great Indian community. My Lord, Mr. Patel introduced Congress politics into our deliberations. I never uttered a single word about the Congress-League scheme, and if I have to refer to his observations and to reply to them, the responsibility lies upon him and not upon me. I am bound to say that many of those who built up the Congress and suffered for the Congress, were conspicuous by their absence from this special session of the Congress. I was one of them. To me it was a great wrench, for my Lord, I have been present at every meeting of the Congress, save one since 1886. I have sacrificed ease, comfort, pecuniary considerations for the sake of the Congress. That institution has been cemented with my lifeblood and bears testimony to my life work. To me therefore it was a great wrench, to have been absent from the Congress but after all the Congress is a means to an end. It is an organisation for the attainment of self-government within the Empire. Self-government is the end; the Congress is the means, and if those who now govern the Congress tried to wreck the scheme, as I thought they would, I felt it was our clear duty to abstain from the Congress in order to save the scheme. We felt that it was not right and proper that our names should be used as having supported resolutions which were calculated to wreck the scheme. We thought it proper that it should not appear before the British public that it was the united voice of India that disapproved and condemned the scheme. And therefore we absented ourselves from the Congress in order to save the scheme and the interests of self-government. I hope my Hon'ble friend will be satisfied with this explanation.....

The Hon'ble Mr. V. J. Patel:—"And now are you going to join?"

His Excellency the President:—"Order! Order! If the Hon'ble Member wishes to interrupt, he must stand up."

The Hon'ble Mr. Surendra Nath Banerjee:—"But, my Lord, as the question has been put may I reply? If a rational view prevails, there is no reason why we should not all unite on a common platform in the interests of the Motherland. But let us pass on."

"My Lord, I deeply deplore the attitude of some of my European friends who have declined to join the Committee. I hope and trust that they will reconsider their decision. I think both the Hon'ble Mr. Hogg and the Hon'ble Mr. Ironside said that they had not received any mandate from their constituencies, but the question of mandate does not now arise at all. Join the Committee, see what the proposals are, and then you might consult your constituencies as to whether you should support them or not. Why not join the Committee? That does not depend on the mandate of any constituency. After all the mandates of constituencies are instructions, they are not positive injunctions imposed upon the person elected, imposed upon his conscience and judgment. I do hope and pray therefore that they will reconsider their decision and give us the benefit of their advice in regard to the grave matters which will come under our discussion."

"My Lord, one word more and I am done. I once again desire to associate myself with the observations which have fallen from many of my friends regarding an expansion of the Reform proposals in connection with the Government of India. The authority of the Central Government must be preserved; I quite agree."

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"That was the observation of my friend Sir Narayan Chandravarkar. But is it not possible to maintain such control and at the same time to introduce the first beginnings of responsible government into the machinery of the Government of India ?....."

The Hon'ble Sir George Lowndes :—" They are there already."

The Hon'ble Mr. Surendra Nath Banerjee :—" I do not see it. I am obtuse enough not to perceive that there is anything of the kind in the proposals regarding the Government of India, and I feel that my friends who have spoken to-day are similarly situated. Despite all that has been said, despite a careful perusal of the proposals, we are practically unanimous in the opinion that nothing like even the beginnings of a progressive realisation of responsible government are to be found in the proposals affecting the Government of India. That is our view. We may be right or we may be wrong, but, my Lord, the united voice of the educated community counts for something, and I appeal to your Excellency to bear in mind the opinion that we entertain with regard to this matter and see whether it is not possible even now to introduce modifications in regard to the Government of India which may have the effect of satisfying educated public opinion and adding to the liberalisation of that Government. That is my appeal to your Excellency, and I trust it will be an appeal to which your Excellency will extend an indulgent and sympathetic hearing."

" With these observations I desire to place my Resolution before the Council, and I hope that it will be unanimously carried."

His Excellency the President :—" I propose under the Rules to divide this Resolution into two parts. The first Resolution on which the Council will have to vote is : ' This Council thanks His Excellency the Viceroy and the Secretary of State for India for the Reforms Proposals and recognises them as a genuine effort and a definite advance towards the progressive realisation of responsible government in India.'

The second part then will follow : ' This Council recommends to the Governor General in Council that a Committee consisting of all the non-official Members of this Council be appointed to consider the Reforms Report and make recommendations to the Government of India.'

His Excellency the President then put the first part of the Resolution and the Council divided as follows.

Ayes—46.

His Excellency the Commander-in-Chief.
The Hon'ble Sir Claude Hill.
The Hon'ble Sir Sankaran Nair.
The Hon'ble Sir George Lowndes.
The Hon'ble Sir George Barnes.
The Hon'ble Sir W. Vincent.
The Hon'ble Sir R. Gillan.
The Hon'ble Sir Fazulbhoj Currimbhoy.
The Hon'ble Sir Gangadhar Chitnavis.
The Hon'ble Sir Verney Lovett.
The Hon'ble Dr. T. B. Sapru.
The Hon'ble Raja Sir Rampal Singh.
The Hon'ble Colonel S. L. Aplin.
The Hon'ble Major-General W. R. Edwards.
The Hon'ble Mr. G. B. H. Fell.
The Hon'ble Mr. G. R. Clarke.

Noes—2.

The Hon'ble Mr. V. J. Patel.
The Hon'ble Mr. R. Ayyangar.

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[*The President.*]**Ayes—46.****Noes—2.**

The Hon'ble Sir Hamilton Grant.
 The Hon'ble Mr. F. C. Rose.
 The Hon'ble Mr. S. R. Hignell.
 The Hon'ble Mr. C. E. Low.
 The Hon'ble Sir Edward MacLagan.
 The Hon'ble Mr. H. Sharp.
 The Hon'ble Mr. R. A. Mant.
 The Hon'ble Mr. H. F. Howard.
 The Hon'ble Major-General A. H. Bingley.
 The Hon'ble Mr. A. P. Muddiman.
 The Hon'ble Mr. A. R. Loftus-Tottenham.
 The Hon'ble Mr. S. Sastri.
 The Hon'ble Mr. M. N. Hogg.
 The Hon'ble Sir Dinshaw Wacha.
 The Hon'ble Mr. W. A. Ironside.
 The Hon'ble Maharaja Sir M. C. Nandi of
 Kasimbazar,
 The Hon'ble Mr. F. J. Monahan.
 The Hon'ble Mr. S. N. Banerjee.
 The Hon'ble Raja of Kanika.
 The Hon'ble Mr. E. H. C. Walsh.
 The Hon'ble Khan Zulfikar Ali Khan.
 The Hon'ble Sir John Donald.
 The Hon'ble Mr. W. J. Reid.
 The Hon'ble Sardar Sundar Singh.
 The Hon'ble Khan Bahadur Mian Muham-
 mad Shafi.
 The Hon'ble Mr. P. J. Fagan.
 The Hon'ble Pandit B. D. Shukul.
 The Hon'ble Mr. F. S. A. Slocock.
 The Hon'ble Mr. C. A. Kincaid.
 The Hon'ble Mir Asad Ali, Khan Bahadur.

The first part of the Resolution was therefore accepted.

His Excellency the President then put the second part of the Resolution and the Council divided as follows:—

Ayes—48.**Noes—2.**

The Hon'ble Mr. A. R. Loftus-Tottenham.
 The Hon'ble Mr. S. Sastri.
 The Hon'ble Sir Dinshaw Wacha.
 The Hon'ble Maharaja of Kasimbazar.
 The Hon'ble Mr. F. J. Monahan.
 The Hon'ble Mr. S. N. Banerjee.
 The Hon'ble Raja of Kanika.
 The Hon'ble Mr. E. H. C. Walsh.
 The Hon'ble Khan Zulfikar Ali Khan.
 The Hon'ble Sir John Donald.
 The Hon'ble Mr. W. J. Reid.
 The Hon'ble Sardar Sundar Singh.
 The Hon'ble Khan Bahadur Mian Muhammad
 Shafi.
 The Hon'ble Mr. P. J. Fagan.
 The Hon'ble Pandit B. D. Shukul.
 The Hon'ble Mr. F. S. A. Slocock.
 The Hon'ble Mr. G. S. Khaparde.
 The Hon'ble Mr. V. J. Patel.
 The Hon'ble Mr. C. A. Kincaid.
 The Hon'ble Mir Asad Ali, Khan Bahadur.
 The Hon'ble Mr. B. N. Sarma.
 The Hon'ble Mr. R. Ayyangar.
 His Excellency the Commander-in-Chief.

The Hon'ble Mr. M. N. Hogg.
 The Hon'ble Mr. W. A. Ironside.

[*The President.*]

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Ayes—48.**Noes—2.**

The Hon'ble Sir Claude Hill.
 The Hon'ble Sir Sankaran Nair.
 The Hon'ble Sir George Lowndes.
 The Hon'ble Sir George Barnes.
 The Hon'ble Sir William Vincent.
 The Hon'ble Sir Robert Gillan.
 The Hon'ble Sir Fazalbhoy Currimbhoy.
 The Hon'ble Sir Gangadhar Chitnavis.
 The Hon'ble Sir Verney Lovett.
 The Hon'ble Dr. T. B. Sapru.
 The Hon'ble Raja Sir Rampal Singh.
 The Hon'ble Colonel S. L. Aplin.
 The Hon'ble Major-General W. R. Edwards.
 The Hon'ble Mr. G. B. H. Fell.
 The Hon'ble Mr. G. R. Clarke.
 The Hon'ble Sir Hamilton Grant.
 The Hon'ble Mr. F. C. Rose.
 The Hon'ble Mr. S. R. Hignell.
 The Hon'ble Mr. C. E. Low.
 The Hon'ble Sir Edward MacLagan.
 The Hon'ble Mr. H. Sharp.
 The Hon'ble Mr. R. A. Mant.
 The Hon'ble Mr. H. F. Howard.
 The Hon'ble Major-General A. H. Bingley.
 The Hon'ble Mr. A. P. Muddiman.

His Excellency the President:—"I must correct the voting figures for the last division, because one Hon'ble Member, I now discover, insisted on voting for both sides, and his vote was only counted on the No side; so the figures will now be 46 and 2.

The figures of the next division are 48 Ayes and 2 Noes.

The Resolution is therefore accepted.

The Council will now adjourn to Monday the 9th at 11 A.M."

A. P. MUDDIMAN,

SIMLA;

Secretary to the Government of India,

The 13th September, 1918. }

Legislative Department.