

10th July, 1923

THE
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

VOL. III

PART VI

(2nd to 12th July, 1923.)

THIRD SESSION
OF THE
LEGISLATIVE ASSEMBLY, 1923

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LEGISLATIVE ASSEMBLY.

The President.

The Honourable Sir FREDERICK WHYTE, Kt.

Deputy President.

° Sir JAMSETJEE JEEJEEBHOY, BART., K.C.S.I., M.L.A.

Panel of Chairmen.

° Maulvi ABUL KASEM, M.L.A.

° Sardar Bahadur GAJJAN SINGH, M.L.A.

° Mr. N. M. SAMARTH, M.L.A.

° Colonel Sir HENRY STANYON, Kt., C.I.E., V.D., M.L.A.

Secretary.

° Mr. L. GRAHAM, M.L.A., I.C.S.

Assistants of the Secretary.

Mr. W. T. M. WRIGHT, I.C.S.

Mr. S. C. GUPTA, BAR.-AT-LAW.

Mr. G. H. SPENCE, I.C.S.

Marshal.

Captain SURAJ SINGH, Bahadur, I.O.M.

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LEGISLATIVE ASSEMBLY.

Tuesday, 10th July, 1923.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

MEMBERS SWORN.

Mr. Eric Cecil Anson, M.L.A. (Finance Department : Nominated Official) ; Mr. Probodh Chandra Chatarji, M.L.A. (Bengal : Nominated Official).

QUESTIONS AND ANSWERS.

SUBORDINATE HOSPITAL STAFF.

176. *Mr. B. Venkatapatiraju : Will the Government be pleased to state the necessity of employing 12,065 subordinate Indian personnel in 1922-23, referred to at page 78, staff of Hospitals in the final estimates of expenditure on military services for the year 1923-24, and how 6,916 are found sufficient for 1923-24 at a saving of over 10 lakhs ?

Mr. E. Burdon : 12,066 Indian officers, Indian other ranks and followers (the figure 12,065 is a typographical error) is the establishment of the Indian Hospital Corps and this number is considered necessary for the efficient staffing of the British and Indian station hospitals in India, and for the maintenance of a certain reserve to complete field medical units on mobilisation.

The revision of this establishment is under consideration, but so far no reduction has been made, and the same strength has been budgetted for in 1923-24 as in 1922-23. The apparent discrepancy is explained by the fact that provision for 5,150 members of the Indian Hospital Corps, who are not specifically attached to any individual hospital but are maintained as a reserve to field medical units on mobilisation, has, under the system of cost accounting, been transferred to 'Head I—Maintenance of the Standing Army.' The details of this provision, viz., 19 Indian officers, 4,639 Indian other ranks and 492 followers, will be found at page 22 of the 'Final estimates of expenditure on military services.'

REDUCTION OF RAILWAY STAFF.

177. *Mr. B. Venkatapatiraju : In view of non-justification for large increase in administrative and clerical staff of the Railways referred to

in the Inchcape Committee report what steps were taken for the reduction of staff and if so, how many Europeans, Anglo-Indians and Indians were removed and at what amount of saving ?

The Honourable Mr. C. A. Innes : I hope to include in next year's Budget memorandum information of this kind.

Mr. S. C. Shahani : Will Government be pleased to state if in each case of retrenchment of subordinates they make careful preliminary inquiries as to their utility ?

The Honourable Mr. C. A. Innes : I have no doubt that their agents make those inquiries.

RAILWAY RENEWALS.

178. ***Mr. B. Venkatapatiraju :** (1) What amount was finally sanctioned for renewals on Railways, as judicious repairs instead of renewals were recommended by the Inchcape Committee ?

(2) Whether Programme for renewals is strictly limited to actual commitments and if so, what was the amount ?

Mr. G. G. Sim : The provision for Programme Revenue expenditure was cut down to Rs. 9 crores for 1923-24 as recommended by the Inchcape Committee and renewals were in the cases recommended by that Committee limited as far as possible to actual commitments pending re-examination of the question of the necessity for other renewals.

Mr. B. Venkatapatiraju : What was the amount ?

Mr. G. G. Sim : 9 crores is the amount in the Budget.

EMPLOYMENT OF INDIAN CIVIL SERVICE CANDIDATES.

179. ***Mr. J. N. Basu :** (a) Will the Government be pleased to state how many appointments are to be given to those candidates who stood below the first nine at the last Civil Service Examination held at Allahabad ?

(b) If so, in what way any and how many of them are to be distributed in each province ?

The Honourable Sir Malcolm Hailey : No decision has yet been reached in the matter.

FAILURE OF ALLIANCE BANK : CORRESPONDENCE RELATING TO.

180. ***Mr. W. M. Hussanally :** (a) Has the attention of Government been drawn to the report of the proceedings in the Bombay High Court, *in re* injunction against the Imperial Bank of India restraining the said Bank from paying 50 per cent. of the debts of the Alliance Bank published in the *Pioneer* of June 27 ?

(b) Was there any correspondence between the Indian Merchants' Chamber of Bombay and the Government upon the subject ?

(c) If so, did the Government lead that Chamber to understand directly or indirectly that the Government were not concerned with the offer of the Imperial Bank to pay half the deposits of the defunct Bank, or that it was the Imperial Bank itself who took the initiative in the matter without the intervention of Government ?

(d) Will the Government be pleased to lay on the table the correspondence between them and the Chamber ?

The Honourable Sir Basil Blackett : The answers to parts (a) and (b) are in the affirmative.

As regards part (c), the arrangements between Government and the Imperial Bank by which the latter were put in a position to take action were not referred to in Government's letter to the Chamber. I would refer the Honourable Member to the reply which I have already given to the question asked by Mr. Manmohandas Ramji.

As regards part (d), the correspondence has already been published.

Mr. K. G. Neogy : Is the Honourable Member aware that in his judgment the learned Chief Justice of the Bombay High Court has observed that Mr. McWatters in his reply to the Chamber used language which cannot be easily reconciled with what is now revealed ?

The Honourable Sir Basil Blackett : If the Honourable Member will wait for the day when the question on the paper on this point is answered, he will receive his answer.

ADVANCE BY IMPERIAL BANK TO ALLIANCE BANK.

181. ***Mr. W. M. Hussanally :** (a) Is it a fact that Mr. McWatters interviewed Sir Robert Aitkin and Sir Bernard Hunter on April 27 at Bombay, on behalf of the Government of India and requested those gentlemen on behalf of the Imperial Bank to advance 50 per cent. of the debt due to depositors of the Alliance Bank, as stated by Sir Robert Aitkin in his affidavit ?

(b) If so, had he authority of the Government to do so ?

The Honourable Sir Basil Blackett : (a) and (b). Yes.

GOVERNMENT AUTHORITY FOR ADVANCE BY IMPERIAL BANK.

182. ***Mr. W. M. Hussanally :** (a) Is it a fact as stated by Sir Robert Aitkin in his affidavit that subsequently he received two letters from the Government authorising the Governors of the Imperial Bank to pay 50 per cent. of the amounts standing at credit of the depositors in the Alliance Bank, the Government guaranteeing to make good to the Imperial Bank any loss incurred by the Bank in making such payments and further authorising the Bank to hold as security for such payments so much of the Government balance as might be necessary to meet outstandings due to the Bank in this respect ?

(b) Will the Government please lay on the table the correspondence between the Imperial Bank and themselves on the subject and also the correspondence between them and the Alliance Bank ?

(c) Are Government prepared to extend similar help to other private Banks in the country which are under liquidation like the Trust of India Limited and the Oudh Bank or any other Bank that may hereafter go into liquidation ?

The Honourable Sir Basil Blackett : (a) The answer to the first part is in the affirmative.

(b) There has been no correspondence between the Imperial Bank and Government other than the two letters referred to by Sir Robert Aitken and there has been no correspondence between Government and the Alliance Bank.

(c) In regard to the last part of the question Government cannot give any general undertaking of the character in question.

REGIMENTAL FUNDS WITH ALLIANCE BANK.

183. *Mr. W. M. Hussanally : (a) Has the attention of the Government been drawn to the paragraph in the *Pioneer* of June 27 announcing as an Army Instruction that in the case of regimental funds which were in deposit with the Alliance Bank at the time when it went into liquidation, the Imperial Bank were prepared to allow overdrafts to officers in whose names accounts stood at the Alliance Bank up to the total amounts at their credit with the Alliance Bank ?

(b) Has the Government of India authorized such an announcement ?

(c) Has the Imperial Bank consented to make such payments in full ?

(d) If so, did the Government move the Bank in that respect ?

(e) If so, will the Government state reasons for allowing preference to regimental funds over private depositors ?

(f) Have Government hypothecated public revenues in this case also ?

(g) Will Government be pleased to place on the table correspondence relating to this matter ?

The Honourable Sir Basil Blackett : (a) to (d) : Yes.

(e) The regimental funds are fully covered by deposits of Government paper held as security by the Military Accounts Officers. The payments referred to have been authorised pending realisation of these securities.

(f) The answer is in the negative.

(g) There has been no correspondence on this matter.

Mr. S. C. Shahani : Will Government be pleased to state if such Army Instructions would be in keeping with the Indian Constitution even in its transitional stage and secondly if these Army instructions are not an encroachment on the powers of the Assembly ?

The Honourable Sir Basil Blackett : I think the answer to the first part of the question is in the affirmative and to the second part in the negative, but I should like to have notice in order to make quite sure.

REGIMENTAL FUNDS DEPOSITED WITH ALLIANCE BANK.

184. *Mr. W. M. Hussanally : Why were regimental funds deposited with the Alliance Bank in preference to the Imperial Bank especially at stations where a branch of the Imperial Bank does exist ?

The Honourable Sir Basil Blackett : The deposit of regimental funds against the security of Government paper is a practice of long standing dating from a period when the Presidency Banks had few branches at important Military Stations, and the Imperial Bank of India had not yet come into existence.

Mr. W. M. Hussanally : Supplementary questions, Sir. I have given private notice to the Honourable Sir Basil Blackett.

Mr. President : Supplementary questions arise out of the question on the paper. A question by private notice is presumed to be a question which stands on its own merits. Questions by private notice must come at the end of question time.

Mr. W. M. Hussanally : I have finished my questions, and therefore

Mr. President : If the questions which the Honourable Member proposes to ask are supplementary, he is entitled to ask them.

Mr. W. M. Hussanally : Yes, Sir, they are. What are the terms of the agreement between Government and the Imperial Bank ? Do Government pay any.....

Mr. President : That does not arise out of the question on the paper.

DEATH OF CHELLA MUTU IN MALAYA.

185. ***Mr. K. B. L. Agnihotri :** (a) Has the attention of the Government been drawn to the death of one Chella Mutu, an Indian garden coolie in Malaya ?

(b) Will the Government be pleased to give the circumstances under which he lost his life ?

(c) Is it a fact that his death was due to kicks administered by one Mrs. Athorne, the wife of the Manager of the garden, for having pulled out some ferns along with the weeds ? If the answer be in the affirmative, will the Government please state as to what action has been taken against the offender ?

(d) Has she been prosecuted for having caused his death ; if not, why not ?

(e) What compensation has been paid to the widow of the deceased and by whom was the amount fixed ?

(f) What steps has the Government of India taken to bring the offender to justice ?

Mr. M. S. D. Butler : (a) to (f). The Government have seen accounts of this matter in the press and are making inquiries from the Government of the Federated Malay States.

Mr. S. C. Shabani : Will the Government be pleased to state if they will take early steps to punish those police officers who have made the default in not having proceedings instituted against Mrs. Athorne ?

Mr. M. S. D. Butler : I have said that the Government are making inquiries from the Government of the Federated Malay States under whose orders these officers are working.

Mr. K. Ahmed : Will the Government of India expedite the matter of inquiry so far as it is in their power ?

Mr. M. S. D. Butler : The Government of India have no authority over the Government of the Federated Malay States. On receipt of the reply to the inquiries which they have made they will consider what action will be suitable.

Mr. K. Ahmed : Will they expedite the matter of the inquiry ?

The Honourable Sir Malcolm Hailey : Expedition must come from the other end.

Mr. K. Ahmed : It comes from both ends.

EXTENSION OF CANTONMENT ACT TO BHAGUR VILLAGE:

†186. *Mr. N. M. Joshi : (a) Will Government be pleased to state whether it is a fact that on the 8th of January 1919, a notification was published in Bhagur, a village near the Deolali Camp in the District of Nasik, to the effect that the inhabitants and traders of Bhagur, Shingne and the proprietors of bungalows in Nasik Bhagur and Dhondi Roads will henceforth be considered as inhabitants in the jurisdiction of Deolali Cantonment and they will be guided by the rules and regulations of the said Cantonment ?

(b) If the answer to (a) be in the affirmative, will Government be pleased to explain the reason for this extension of the Cantonment Act to the Bhagur village ?

(c) Will they be further pleased to lay on the table the rule or rules, as the case may be, under which the Cantonment Act was extended to the Bhagur village ?

(d) Will they, also, be pleased to state whether any previous notice was given to the people of Bhagur to the effect that the Cantonment Act was going to be extended to their village before the Act was actually applied ? If not, why not ?

PROTEST AGAINST CANTONMENT ACT AT BHAGUR.

†187. *Mr. N. M. Joshi : Will Government be pleased to state whether it is a fact that from the time when the Cantonment Act was extended to the Bhagur village, the people of that place have sent a number of petitions and memorials to every constituted authority such as the Cantonment Magistrate of Deolali, the President of the Cantonment Committee, the Collector of Nasik, the Commissioner of the Central Division of the Bombay Presidency, the Governor in Council of the Bombay Presidency, and His Excellency the Viceroy, strongly protesting against the extension of the Cantonment Act to Bhagur and praying for its immediate withdrawal ? If so, what steps have they or the authorities concerned taken in the matter of looking into the grievances of the Bhagur people ?

APPLICATION OF CANTONMENT ACT TO BHAGUR.

†188. *Mr. N. M. Joshi : (a) Will Government be pleased to state what were the taxes and duties that were levied on the people of Bhagur as a result of the application of the Cantonment Act to that village ?

(b) Will they be further pleased to state the amount that Government were able to collect from each tax and duty that was levied, from the time the Cantonment Act came into force in that village to the end of May 1923 ?

(c) Will they also state how much money out of the taxes collected so far has been spent upon the Bhagur village and its people and what has become of the remaining balance ?

TAXATION IN BHAGUR.

†189. *Mr. N. M. Joshi : Will Government be pleased to state whether, at the time of the application of the Cantonment Act to Bhagur, they had issued a list of articles that were going to be taxed under the Act and announced it in the village ? If not, why not ?

† For answer to this question—see answer below Question No. 198.

INCIDENCE OF TAXATION IN BHAGUR.

†190. *Mr. N. M. Joshi : Will Government be pleased to give the average incidence of local taxation per head in the village of Bhagur before the Cantonment Act was applied to it and the average incidence of taxation per head under the Cantonment Act in the same village after the said Act was applied to it ?

EXCLUSION OF BHAGUR FROM DEOLALI CANTONMENT.

†191. *Mr. N. M. Joshi : (a) Will Government be pleased to state whether it is a fact that the Government of Bombay recommended to the Government of India in the latter part of the year 1921 that the Bhagur village and certain bungalows on the Nasik and Dhondi Roads should be excluded from the limits of the Deolali Cantonment ? If so, when was this recommendation first received by the Government of India ?

(b) Will Government be further pleased to state whether they took any action regarding the recommendation of the Government of Bombay ? If so, what action did they take ? If not, why not ?

SUSPENSION OF TAXES AT BHAGUR.

†192. *Mr. N. M. Joshi : (a) Will Government be pleased to state whether they are aware that His Excellency the Governor of Bombay paid a visit to Deolali in August 1922 and received in deputation some of the leading citizens of Bhagur and, as result of His Excellency's intervention, some of the taxes and duties under the Cantonment Act were suspended from September 1922 pending the decision of the Government of India regarding this matter and the people of Bhagur were informed to that effect ?

(b) If so, what were the taxes and duties that were suspended ?

(c) Will Government be further pleased to state whether this suspension of the taxes and duties was brought about with the knowledge and consent of the Government of India ?

CANCELLATION OF SUSPENSION OF TAXES ORDER, BHAGUR.

†193. *Mr. N. M. Joshi : (a) Will Government be pleased to state whether it is a fact that the Cantonment Magistrate of Deolali in his notice of the 17th November 1922 intimated to the people of Bhagur that the suspension of taxation had been cancelled and the old taxes would be renewed from the 1st January 1923 ?

(b) If so, why was the suspension cancelled and under whose orders ? Was it cancelled with the knowledge and consent of the Government of Bombay and the Government of India ?

TAXATION AT BHAGUR.

†194. *Mr. N. M. Joshi : (a) Will Government be pleased to state whether they are aware that the Honourable Sir Ibrahim Rahimatoola, the then Member of the Government of Bombay, announced in the Bombay Legislative Council on the 20th of February 1923 that Government had decided to request the military authorities at Deolali to suspend the collection of taxation in Bhagur under the Cantonment Act pending the consideration of the matter by the Government of India ?

† For answer to this question—see answer below Question No. 198.

(b) If the answer to (a) be in the affirmative, will they be pleased to state whether the military authorities at Deolali acceded to the request of the Bombay Government? If not, why not?

(c) Will Government be further pleased to state whether the announcement of the Bombay Government referred to in (a) was made with the knowledge and consent of the Government of India? If so, and if the answer to (b) be in the negative, how is it that the military authorities at Deolali did not accede to the request of the Bombay Government?

HARTAL AT BHAGUR.

†195. *Mr. N. M. Joshi : Will Government be pleased to state whether they are aware that the people of Bhagur have been observing *hartal* from the 1st of January 1923 as a protest against the renewal of the suspended taxes?

GRIEVANCES OF BHAGUR.

†196. *Mr. N. M. Joshi : Will Government be pleased to state (a) when this matter of the agitation of the Bhagur people first came officially before the Government of India, (b) what efforts they have since then made to understand the grievances of the people of Bhagur and remove them, and (c) what steps they propose to take hereafter to remove the still unredressed grievances of the Bhagur people?

WITHDRAWAL OF CANTONMENT ACT FROM BHAGUR.

†197. *Mr. N. M. Joshi : Will Government be pleased to state whether they intend to withdraw the Cantonment Act from the limits of the Bhagur village? If so, when? If not, why not?

INCLUSION OF BHAGUR IN DEOLALI CANTONMENT.

198. *Mr. N. M. Joshi : Will Government be pleased to place on the table the whole correspondence that may have passed between the Government of India and the Government of Bombay, and, also, the Government of India and the military authorities, regarding the inclusion of Bhagur in the limits of the Deolali Cantonment area and the agitation of the Bhagur people for the exclusion of their village from the said area? If not, why not?

Mr. E. Burdon : Sir, I propose to answer questions 186 to 198 together, so far as it is possible for me to do so to-day.

The village of Bhagur was included in the Cantonment of Deolali in November 1918, by action taken in proper form under section 3 of the Cantonment Act, 1910, with the concurrence of the Government of Bombay. The reason for the action so taken was that the existing condition of the village and its immediate surroundings constituted a grave menace to the health of the troops in Deolali and it was agreed that the sanitary control considered necessary could best be secured by including the area in the Cantonment. For some considerable time past the inhabitants of Bhagur have been exerting pressure on both the civil and military authorities, with the object of having the area once more excluded from cantonment limits. They find the rigours of cantonment administration

† For answer to this question—see answer below Question No. 198.

irksome and they complained that the scale of cantonment taxation is, to their circumstances, oppressive.

A memorial which they presented on the subject was referred, in the first instance by the Government of India to the Government of Bombay. The latter made a very thorough re-examination of the case and on the 27th March 1923 reported that in their opinion a reasonable standard of sanitation could be secured in the village without retaining it within the cantonment area. They therefore recommended exclusion. After obtaining the opinion of the local military authorities on this proposal the Government of India on the 26th June decided to agree to it, on the understanding that the Government of Bombay would make themselves responsible to enforce, as a matter of civil administration, the sanitary arrangements which are necessary in order to safeguard the health of troops.

The Government of Bombay have accepted full responsibility for this and a notification excluding the village will be issued as soon as possible. In the meantime the collection of cantonment taxes has been stopped by executive orders. If after hearing these facts the Honourable Member still desires to receive information on the remaining points included in his questions which are not covered by the statement I have made, I shall be happy to obtain the information for him. But in order to do so, I shall have to make certain inquiries from the Southern Command and I should imagine that in the light of the announcement I have made the remaining points are no longer of practical importance.

Mr. N. M. Joshi : I am satisfied with the answer and I thank the Honourable Member on behalf of the people of Bhagur.

“INDIA OF TO-DAY” BY DR. RUSHBROOK-WILLIAMS.

199. ***Mr. N. M. Joshi :** (a) Will Government be pleased to state whether their attention has been drawn to a series of books published recently, called “India of To-day” ?

(b) Will they also state whether they help, in any way—monetary or otherwise, the preparation and publication of the books in the said series ?

(c) Are Government aware that the series of books mentioned above is edited by Dr. Rushbrook-Williams ?

(d) Is it permissible for any officer of the Government of India to undertake duties for private monetary gain without the sanction of the superior authorities ? If so, will the Government of India be pleased to state whether Dr. Williams is paid for his editorship and if the answer is in the affirmative, will they also be pleased to state whether they had given permission to Dr. Rushbrook-Williams to undertake the editorship of this series ?

(e) Will Government of India be further pleased to state whether Dr. Rushbrook-Williams is or is not responsible for the statements of opinions expressed in the books of this series ?

The Honourable Sir Malcolm Hailey : (a) Yes.

(b) The Advisory Publicity Committee recommended the publication of a series of brief well-written booklets dealing with subjects of current interest in India. The procedure followed is that when a subject is approved by the Advisory Publicity Committee, the Director,

Central Bureau of Information, engages to find an author who can write on it with authority, and the book, when ready, is made over to the Oxford University Press for printing and publication. Beyond this, neither the Government nor the Central Bureau of Information help in any way, monetarily or otherwise, in the preparation and publication of the books in the "India of To-day" series.

(c) Yes.

(d) Professor Rushbrook-Williams does not receive, directly or indirectly, any remuneration for editing the series. Therefore, the other parts of this question do not arise.

(e) No. The writers are responsible for the opinions expressed.

STATEMENTS IN "DEFENCE OF INDIA" BY DR. RUSHBROOK-WILLIAMS.

200. *Mr. N. M. Joshi : (a) Will Government be pleased to state whether their attention has been drawn to a book, called "Defence of India," belonging to the series called "India of To-day" and, also, to a statement in it made on page 91 to the effect that India will not be fitted for self-defence without British aid within three generations ?

(b) Has the attention of Government been also drawn to a suggestion made in the same book on page 94 that an investigation should be made to find out whether the amount of the total budget of the Government of India cannot be increased so that the proportion of the military expenditure to the total budget may appear smaller than it is to-day ?

(c) Will Government of India be pleased to state whether Dr. Rushbrook-Williams is responsible for the statements contained in (a) and (b) above ?

(d) Will Government be further pleased to state whether the author of the book mentioned in this question who has assumed the name of "Arthur Vincent" is or is not an officer of the Government of India ?

Mr. E. Burdon : (a) and (b). The Government of India have seen the book and the statements to which the Honourable Member refers.

(c) The answer is in the negative. A general editor is responsible for selecting authors and making arrangements with publishers, but is not responsible for individual opinions expressed by an author.

(d) The author of the book is an officer of the British Army serving in India.

Mr. N. M. Joshi : Can any officers of Government express opinions against the policy of this Assembly ?

The Honourable Sir Malcolm Hailey : I am an officer of Government and I am afraid I have offended in that direction more than once.

Mr. N. M. Joshi : May I ask whether the Members of the Advisory Committee had seen this book ?

The Honourable Sir Malcolm Hailey : To the best of my recollection, no. The Advisory Committee chooses subjects and suggests to the General Editor that he should find suitable authors for those subjects. As I have said, the General Editor, in accordance with the ordinary custom which prevails in such matters, is only responsible for the selection of the authors and details regarding publication and the like, not for individual opinions.

Mr. N. M. Joshi : I want to know whether the officers of Government can engage themselves in propaganda which is directed against the aspirations of this Assembly.

Mr. W. M. Hussanally : And I would add an officer outside this Assembly.

The Honourable Sir Malcolm Hailey : We discourage propaganda on the part of officers of Government. But I have glanced through this book and I cannot find anything in it in the nature of propaganda to which the Honourable Member refers.

Mr. N. M. Samarth : Supposing in the "India of To-day" series there is a publication which describes India of yesterday ?

Mr. President : The Honourable Member can answer his own hypothesis.

Mr. N. M. Joshi : May I ask whether Government in the Finance Department have considered the suggestion contained in B Part of 200, where the author of the book suggests to the Government of India that they should increase their civil expenses in order that the proportion of military expenditure should appear small ?

The Honourable Sir Basil Blackett : The answer, Sir, is in the negative, categorically.

STATUS OF POSTMEN.

201. **Mr. N. M. Joshi :** (1) Will Government be pleased to state the exact status of Postmen in the Postal Department ? Is it different to-day from what it was in 1906 ? If so, what is the difference and what are the reasons that led to make this difference ?

(2) (a) Will Government be pleased to state whether it is a fact that before the year 1906 the Postmen were considered, for all the purposes of salaries and increases in them, as servants holding rank just below that of the clerks of the Postal Department, while after that year, the Postmen came to be considered as servants holding rank just above that of the menials in the Postal Department thus creating a very great difference between the proportion of the salaries of the clerks and those of the Postmen ? If so, why was this difference made ?

(b) Will Government be further pleased to state the comparative proportion that existed before the year 1906 and after that year between the salaries of the Postal Clerks and the Postmen ?

Mr. G. E. Clarke : (1) There has been a considerable improvement in the position of postmen since 1906. Not only has their pay been substantially increased, but their prospects of advancement in the Department have also been very materially enhanced, inasmuch as all departmental branch postmasterships have now to be filled by promoted postmen and the clerical ranks of the Department are open to all postmen possessing the requisite qualifications.

(2) (a) There has been no change in the relative position of postmen in the organisation of the Department.

(b) In 1913-14 when the scales of pay were better than in 1906, the average pay of a clerk was Rs. 40.1 per mensem. As the result of the revision sanctioned in accordance with the recommendations of the Postal Committee, 1920, the average pay was increased to Rs. 75.5 or by 88 per cent. The increase in the average pay of postmen during the same period was from Rs. 10.7 to Rs. 21.3 or by 101 per cent.

INCREASE OF SALARIES OF POSTMEN AND MENIALS.

202. *Mr. N. M. Joshi : Will Government be pleased to state whether they are considering the necessity of increasing the salaries of Postmen and menials in the Postal Department ? If so, when are they likely to announce their decision ?

The Honourable Mr. A. C. Chatterjee : No such proposals are at present under consideration.

RESERVE POSTAL STAFF.

203. *Mr. N. M. Joshi : Will Government be pleased to state whether it is a fact that in the matter of keeping Reserve Staff, the Postal Department observes different proportion with regard to (i) clerks, (ii) postmen, and (iii) menials ? If so, what is the proportion of the percentage of Reserve Staff for the three classes of Postal servants referred to above and why has this difference been maintained ? Will Government be further pleased to state whether they intend to shortly remove this difference ? If not, why not ?

The Honourable Mr. A. C. Chatterjee : Yes. In the case of clerks the work of an absentee cannot be carried on except by a man who has been properly trained for a fairly long period and, in order to grant the working staff a sufficient amount of leave, it is necessary to maintain throughout the country a standing paid reserve equal to 17 per cent. of that staff. When a postman requires leave, there is usually a menial in the same Office who is fit to carry on his duties and there is very seldom any difficulty in finding a suitable outsider to fill the place of the menial. There are, however, several places where it is necessary to maintain a paid reserve of postmen and the percentage of the reserve on the working staff varies with the locality. There are also a few places where a 5 per cent. paid reserve of menials has been found to be essential and has accordingly been provided. Government see no reason for altering the arrangements described above.

HOUSE-RENT FOR POSTMEN IN POONA.

204. *Mr. N. M. Joshi : Will Government be pleased to state whether they are prepared to consider the question of granting house-rent allowance to the Postmen serving in Poona and Thana Districts, in view of the shortage of housing accommodation and high prices prevailing at these places ?

The Honourable Mr. A. C. Chatterjee : In accordance with the recommendations of the Postal Committee, 1920, the same scale of pay, viz., Rs. 27—45, was sanctioned for the postmen in Bombay, in the Poona head office and its town offices and in a number of post offices in the Thana District which are in the vicinity of Bombay ; and the necessary distinction in

favour of the men in Bombay was made in the shape of a house-rent allowance of Rs. 7 a month. The postmen in other portions of the Thana and Poona Districts were placed on a scale of either Rs. 20 rising to Rs. 32 or Rs. 18 rising to Rs. 24. At certain places in the Thana District where the grant of a house-rent allowance was considered essential, this has been sanctioned ; but it is not considered necessary to grant such allowances to postmen in all the offices of the Thana and Poona Districts.

Mr. S. C. Shahani : Will the Government be pleased to state whether, for similar reasons, they are prepared to consider the question of granting house-rent allowances to the postmen serving in Karachi ?

The Honourable Mr. A. C. Chatterjee : I do not think that question arises, Sir.

PENSIONED POSTMEN IN BOMBAY.

205. **Mr. N. M. Joshi :** Will Government be pleased to state the proportion of Postmen in the city of Bombay who have retired on pension during the last five years, to their total number and how many of them have enjoyed or are enjoying their pensions for more than a year ? How does this proportion compare with the similar proportion in the case of clerks ? If the proportion in the case of clerks is smaller, will Government be pleased to explain the reason ?

The Honourable Mr. A. C. Chatterjee : The number of postmen in the city of Bombay and the number who retired on pension during the last five years were :

				Number of Postmen.	Number that retired.
1918-19	..	..	..	897	4
1919-20	..	..	..	942	1
1920-21	..	..	..	956	0
1921-22	..	..	..	1,100	9
1922-23	..	..	..	993	14

It is impossible to say, without elaborate inquiry from Local Governments and Treasury Officers all over the country, how many of these men have enjoyed or are enjoying their pensions for more than a year. The class of men recruited as postmen, the kind of work they have to do, and their habits of life are so different from those of clerks employed in the Post Office that, in my opinion, no useful inferences can be drawn from a comparison of the figures relating to these two different types of employees.

Mr. N. M. Joshi : Does the Honourable Member think that the postmen are so different from clerks that the postmen should not live sufficiently long to get pensions ?

The Honourable Mr. A. C. Chatterjee : I do not think, Sir, that that inference arises from my answer.

RAILWAY CONCESSIONS TO BOY SCOUTS.

206. **Mr. N. M. Joshi :** (a) Will Government be pleased to place on the table the rule of rules, if any, prevailing on Indian Railways, which allows or allows Boy Scouts to travel at concession rates on Railways ?

(b) Will Government be pleased to state whether it is a fact that the Oudh and Rohilkhand Railway issue tickets at concession rates to the Indian Boy Scouts Association having its headquarters at Lucknow, while it has refused the same privilege to the Boy Scouts of the Seva Samiti Association of Allahabad ? If so, why has this distinction between the two Associations been made ?

(c) Do the Government propose to issue orders to the Railway authorities of the Oudh and Rohilkhand and other Railways to give the same privileges to the Seva Samiti Boy Scouts Association of Allahabad as are given to the Lucknow Association ? If not, why not ?

The Honourable Mr. C. A. Innes : (a) The rule is as follows :

“ On production of a certificate signed by the Scout Master, Boy Scouts in uniform, when in parties of not less than four, are allowed return tickets at a single fare of the class of carriage occupied.”

(b) Yes. The Railway has hitherto recognised only those Boy Scouts who are Members of Baden Powell Boy Scouts Association incorporated by Royal Charter.

(c) The Honourable Member's suggestion will be taken up with the Agent.

Mr. S. C. Shahani : Will the Government be pleased to state if they would be prepared to have a rule passed to enable cricketers, footballers, hockey or other players to travel at concession rates on Indian railways ?

The Honourable Mr. C. A. Innes : That is a matter for decision by the Agent concerned.

SALARIES OF ORDNANCE CORPS.

207. ***Mr. N. M. Joshi :** (1) Will Government be pleased to give the following information :

(a) Is it a fact that the revision of salaries of Indian clerks of the Indian Army Ordnance Corps was made one year after the revision of certain other Military Departments ? If so, why ?

(b) Is it also a fact that on account of this late revision in the case of Indian Army Ordnance Corps, the clerks of this Department have been losers both in pay and pension as compared with their compeers in other Military Departments ? And if so, how do they propose to make good the loss of the clerks of the Indian Army Ordnance Corps ?

(2) Will Government be pleased to state whether it is a fact that the increases sanctioned for Indian clerks in the Indian Army Ordnance Corps and the percentage of higher appointments are much smaller than those sanctioned for Military Accounts Department and certain other Military Departments ? If so, will Government explain the reasons for this difference ?

Mr. E. Burdon : (1) (a) Revised rates of pay for clerks of the I. A. O. C. were sanctioned with effect from the 1st April 1921. In the

case of certain other departments the corresponding dates were as follows :

M. W. S.	..	..	..	1st January 1921.
S. and T. Corps (temporary revision)	..		..	1st April 1920.
M. A. D.	..	..	..	1st April 1920.

The revision of the rates of pay of clerks of different Army Departments was taken up in turn as the cases came forward in proper form. It was impracticable to deal with all simultaneously and it was impracticable to adopt the same date for the introduction of new rates in all cases.

(b) Yes. Government do not propose to take any action of the kind suggested by the Honourable Member.

(2) The percentage of increase in pay sanctioned for clerks of the I. A. O. C. is the same as that sanctioned for the M. W. S. ; it is higher than that sanctioned for clerks of the S. and T. Corps and lower than that sanctioned for the Military Accounts Department. The percentage of higher appointments is lower than in the M. W. S., the S. and T., and the M. A. D.

The revision of pay and the distribution of posts varied with the requirements of each department.

MEMORIAL BY ALL-INDIA ARSENAL CLERKS' ASSOCIATION.

208. *Mr. N. M. Joshi : Will Government be pleased to state whether it is a fact that the All-India Arsenal Clerks' Association had sent a memorial demanding further increases or equality of treatment ? If so, will they be pleased to state whether they propose to accede to some extent to the demands made therein ?

Mr. E. Burdon : The memorial referred to has just been received. I am afraid I can hold out no hopes to the Honourable Member that any further increases of pay will be given.

CONVEYANCE ALLOWANCE FOR ORDNANCE CORPS.

209. *Mr. N. M. Joshi : (a) Will Government be pleased to state whether it is a fact that the clerks in the Indian Army Ordnance Corps who are compelled to live at a distance of over three miles from the centre of their work, are not given conveyance allowance while such clerks in the Military Accounts Department are given this allowance ? If so, what are the reasons for this difference ?

(b) Will Government be pleased to state whether they intend to extend this privilege of conveyance allowance enjoyed by the clerks in the Military Accounts Department to the clerks in the Indian Army Ordnance Corps ? If not, why not ?

Mr. E. Burdon : (a) and (b). The conveyance allowance to clerks in the Military Accounts Department is not given to those working in the central offices of Controllers of Military Accounts ; it is restricted to those who are attached to units and other formations in connection with the preparation of their pay or cost accounts and who accordingly have to work away from their parent offices. The arrangement is a

temporary one and the question of revising it is now under consideration.

POSTAL INSURANCE POLICIES.

210. *Dr. Nand Lal : (1) Will Government of India be pleased to state :

- (a) the number of public servants who have taken Postal Insurance Policies ;
- (b) the total amount for which they are insured ;
- (c) the net profit which the Government made during the last ten years ?

(2) Are the Government of India prepared to consider the advisability of distributing the net profit among the Insured ?

Mr. G. B. Clarke : (1) (a) 37,020.

(b) Rs. 5,77,25,867.

(c) Government do not make any profit from the Post Office Insurance Fund.

(2) This is being done since 1907 when the valuation of the Fund was first made.

Dr. Nand Lal : If the Government does not get any profit, what is the real object of maintaining this institution ?

Mr. G. B. Clarke : The real object, Sir, is for the benefit of Government servants.

AMALGAMATION OF NORTH-WEST FRONTIER PROVINCE AND PUNJAB JUDICIARY.

211. *Dr. Nand Lal : Will Government of India be pleased to state as to when the Judiciary of North-West Frontier Province shall be amalgamated with that of the Punjab ?

Mr. Denys Bray : As the Honourable Member is aware, the expediency of judicial amalgamation was one of the subsidiary terms of reference referred to the North-West Frontier Enquiry Committee. The Committee was as sharply divided over this question as over the main question of complete amalgamation. The whole subject, which is one of great complexity, is still under the consideration of Government.

Dr. Nand Lal : Will the Honourable Member be pleased to enlighten the Assembly as to the probable date ?

Mr. Denys Bray : I cannot inform the Honourable Member.

Dr. Nand Lal : Will the Honourable Member be kind enough to enlighten this Assembly whether this Session or next year ?

Mr. Denys Bray : I have already given the Honourable Member his answer.

Dr. Nand Lal : Cannot you oblige us by giving us a definite answer ?

Sir P. S. Sivaswamy Aiyer : May we know when the report of the Frontier Committee will be published ?

Mr. Denys Bray : I am afraid I cannot answer that question either. Government do not propose at present to publish the report.

Mr. N. M. Samarth : Is it a fact that Sir John Maffey in a recent speech at Peshawar stated that the report of the Frontier Committee will be soon published ?

Mr. Denys Bray : The fact is correct ; the statement was incorrect.

Sir Deva Prasad Sarvadhikary : Has the decision of the Government to withhold the publication of the Frontier Committee's Report anything to do with recent happenings on the Frontier ?

Mr. Denys Bray : Nothing at all, Sir. It has a great deal to do with the recent happenings in the Punjab and the recent great increase of Hindu-Moslem tension in Northern India.

Dr. Nand Lal : Will the Government of India be pleased to take steps towards the free issue of licenses for arms ?

Mr. President : Order, order. That question does not arise.

DISMISSAL OF WATERMEN ON NORTH-WESTERN RAILWAY.

212. **Dr. Nand Lal** : (1) Will Government of India be pleased to state as to whether it is true that the watermen on the North-Western Railway, specially on its Branch Lines, as for instance—

- (a) Lala Musa to Shorekot ;
- (b) Lala Musa to Kundian ;
- (c) Malakwal to Khewra ;
- (d) Malakwal to Behra ;

have been dismissed ?

(2) If the answer to this question be in affirmative then do Government of India propose to consider the advisability of directing the Railway Department to reinstate them or appoint new watermen in their places ?

(3) Is Government of India aware that this dismissal has caused a great inconvenience to the passengers—specially third and intermediate ones ?

The Honourable Mr. C. A. Innes : (1), (2) and (3). Government have no information. The matter is one which is within the competence of the Agent, North-Western Railway, and if any reductions in the numbers of watermen have been made Government are satisfied that the requirements of passengers have been carefully considered.

Dr. Nand Lal : Is the Government of India in receipt of any complaint in this connection ?

The Honourable Mr. C. A. Innes : Not that I am aware of, Sir.

Dr. Nand Lal : Is the Government of India contemplating taking action to fit a water reservoir in third class and intermediate class carriages for the convenience of passengers and to obviate the present difficulty ?

The Honourable Mr. C. A. Innes : I believe that question is under consideration.

Dr. Nand Lal : Can it be expected that the result of that consideration will be out very soon ?

The Honourable Mr. C. A. Innes : I can give no assurance on the subject.

DISMISSAL OF PEONS AND CLERKS.

213 ***Dr. Nand Lal** : Will the Government of India be pleased to state if it is true that many peons and clerks have been served with notice, that their services are no longer required, instead of bringing in reduction some of the fat salaried posts, or dispensing with the services of some very highly paid officers ?

The Honourable Sir Basil Blackett : The posts in the Government of India Secretariats which have been abolished in the course of retrenchment range from appointments of Secretary to the Government of India to posts of peon. There is no foundation for the suggestion that retrenchment has been limited to low-paid posts. Some such posts have of course come under reduction, but the Government of India have done, and are doing, their best to minimise the hardship caused to individuals who have been thrown out of employment.

Dr. Nand Lal : Will the Honourable the Finance Member be pleased to tell us how many posts carrying very high salaries have been brought under reduction ?

The Honourable Sir Basil Blackett : I think the answer that was given a week ago in answer to Sir Deva Prasad Sarvadhikary last week.

Dr. Nand Lal : Will you kindly repeat the same ?

The Honourable Sir Basil Blackett : The answer in question, as far as remember, ran to forty pages of print.

Dr. Nand Lal : Cannot you remember the gist of it, Sir.

Mr. President : Order, order.

SALE PROCEEDS OF RAILWAY TICKETS.

214. ***Dr. Nand Lal** : Will Government of India be pleased to state :
- (a) as to what has been the increase or decrease in the sale proceeds of the railway tickets, with effect from the date of the increase in the railway fares up to the end of May 1923 ?
 - (b) as to what has been the increase or decrease in income on account of increase in Post Card, letter postage and other postal charges ?

Mr. G. G. Sim : (a) The increases in fares were introduced by individual Railways on different dates during May, June and July 1922. An accurate estimate of the increase in the earnings from passenger traffic due to the enhanced fares cannot therefore be made from figures for the period mentioned.

The coaching earnings, however, of 14 of the most important railways for which figures are readily available were Rs. 40,83,84,294 from 3rd June 1922 to 2nd June 1923, against Rs. 37,43,56,352 for the

same period of 1921-22 which is an increase of Rs. 3,40,27,942 or 9.09 per cent.

(b) The total increase due for the financial year ending 31st March 1923 is not yet known, but from the returns received up to date it is estimated roughly at about 100 lakhs.

ENHANCEMENT OF TELEPHONE RATES IN LAHORE.

215. ***Dr. Nand Lal** : (1) Will Government of India be pleased to state as to how many old customers the Government Telegraph Department has lost by increasing the telephone rent charges in Lahore, the enhancement being from Rs. 150 to Rs. 250 per annum ?

(2) Will Government of India be pleased to state as to how much loss it (the Government Telegraph Department) has sustained, or how much monetary profit it has made, by enhancing the aforesaid telephone rental charges in Lahore ?

(3) Will Government of India be pleased to state as to how many new customers the Government Telegraph Department has secured, in connection with the telephone in Lahore, with effect from the date of the enhancement in rate ?

Mr. G. E. Clarke : During the 12 months from the date of revision of rates—

(1) 96 old subscribers gave up their connections.

(2) The revenue increased by Rs. 60,875.

(3) 111 new subscribers came on to the exchange and 13 were on the waiting list at the end of the year.

Dr. Nand Lal : May I ask the Honourable Member to enlighten this Assembly if the old customers would not have given up, then would there not have been a still greater increase in the revenue ?

Mr. G. E. Clarke : I do not think that question arises out of it.

Dr. Nand Lal : Is not the Honourable Member of this opinion, that there has been some appreciable decrease on account of some of the old customers having abandoned the instrument ?

Mr. G. E. Clarke : Sir, I beg to assure the Honourable Member that there is an increase, not a decrease.

Dr. Nand Lal : What I beg to ask is this, if the old customers had not abandoned the telephone would there not have been a still more appreciable increase in the revenue of Government ?

Mr. G. E. Clarke : I cannot say what are the inner workings of the mind of the old customers.

Captain E. V. Sassoon : Is it not a fact that as long as there is a waiting list it would not be possible to have the old customers as well as the new customers ?

Mr. G. E. Clarke : That is quite true.

DESPATCH OF SALT DUST FROM KHEWRA.

†216. **Dr. Nand Lal** : Is Government of India aware that—

(a) in the last two years disproportionately great quantity of salt dust was despatched or consigned from Khewra,

† For answer to this question—see answer below Question No. 218.

- (b) a number of representations, in connection with these grievances, were made to the Commissioner, Salt Department, Agra,
- (c) Salt Department was charging heavily for gunny bags in which the salt was despatched,
- (d) that a number of Salt Agents (salt licensees) and Salt Merchants suffered materially due to this salt dust having been sent to them and the heavy charges for gunny bags ?

REPRESENTATIONS OF MERCHANTS AND SALT LICENSEES.

*217. **Dr. Nand Lal** : (1) Will Government of India be pleased to state as to whether the Commissioner, Salt Department, has given some favourable response to the representation of the merchants and salt licensees ?

(2) If the Commissioner, Salt Department, has not given any favourable response as yet, will Government of India be pleased to state—

- (a) as to why these grievances of the public have not, till now, been adequately attended to by that department ;
- (b) as to what steps they propose to take in order to redress these grievances ?

SALT DUST.

218. **Dr. Nand Lal** : (1) Do the Government of India propose to direct the Salt Department to avoid mixing of salt dust with lump salt ?

(2) Will Government of India be pleased to state the rules in connection with the ratio of the dust salt with one maund of lump salt ?

The Honourable Sir Basil Blackett : With the Honourable Member's permission I will answer Nos. 216, 217 and 218 together.

The information asked for by the Honourable Member is being collected and will be furnished when available.

Dr. Nand Lal : May I ask the Honourable the Finance Member whether he will kindly take effective steps so that salt dust may not be mixed up with lump salt till the answer to my question is conveyed to me ?

The Honourable Sir Basil Blackett : I did not quite catch the question, but I may say in answer that no salt dust is being issued.

Dr. Nand Lal : Not wholly or solely, but part of the lump salt is mixed up with salt dust. That is what I mean. May I ask the Honourable the Finance Member if he will kindly enlighten me whether he will be kind enough to give me that undertaking.

Mr. President : Order, order. I think the Honourable Member had better wait for the information which is on its way to him.

PRICE OF SALT.

219. **Dr. Nand Lal** : (1) Will Government of India be pleased to state as to at what average rate the salt used to be sold, in market, to the consumers directly, by the salt merchants and salt licensees, namely, what was the retail sale price of salt per maund during last year ending with February, 1923.

† For answer to this question—see answer below Question No. 218.

(2) Will Government of India be pleased to state as to at what rate the salt is being sold, in market, to the consumers directly, by those shopkeepers who deal in salt, namely, what has been the retail price of salt per maund since April last and what is it actually in the current month?

The Honourable Sir Basil Blackett : The retail prices of salt in the various districts are published every fortnight in the Supplement to the *Gazette of India*. These prices vary considerably from province to province and from district to district on account of the incidence of railway freight and so on. It would, therefore, involve a great deal of difficulty to work out average prices for the whole of India at different periods for purposes of comparison. I would, however, invite the Honourable Member's attention to the statement made by me in this Assembly on the 4th instant in the course of which I gave figures showing the actual percentage increase in retail prices which has taken place in the various provinces.

Dr. Nand Lal : May I ask the Honourable the Finance Member to enlighten me whether the old system of salt licences is still in existence for all practical purposes? Has the monopoly in salt sales been abandoned or is it still in continuance?

The Honourable Sir Basil Blackett : I do not think that question arises, Sir.

Mr. S. C. Shahani : Will the Government be pleased to state if they will be pleased to ascertain whether it is true that in Sind a seer of salt which used to sell for one anna before the Finance Bill now sells for two annas?

The Honourable Sir Basil Blackett : If the Honourable Member will give me evidence on which he bases that statement, I shall be very ready to look into it.

Mr. S. C. Shahani : I am a zamindar myself and I have intimate contact with the cultivators of my own part. I have made enquiries there and find.....

Mr. President : The Honourable Member may ask a question and not give information.

SALES OF SALT.

220. **Dr. Nand Lal :** Will Government of India be pleased to state as to how much the decrease or increase, in the sale of salt from Khewra mines, has been since the first of March last up to the end of June 1923, when compared with the same period of last year, namely, from the 1st March 1922 to the end of June 1922?

The Honourable Sir Basil Blackett : I cannot give figures of sale during the period in question, but only of indents. During the 4 months March, April, May and June 1923, there was a decrease as compared with the previous year of 14,83,369 maunds. Total issues from Khewra during the year ending the 31st March 1923 were, however, 9½ lakhs of maunds in excess of the issues of 1921-22, and in the total issues of all the Northern India sources there was an excess of over 19 lakhs of maunds.

Dr. Nand Lal : May I ask the Honourable the Finance Member as to what the decrease relating to the former part of the question was due to or is due to ?

The Honourable Sir Basil Blackett : The increase in the earlier period.

CONSUMPTION OF SALT.

221. **Dr. Nand Lal** : Will Government of India be pleased to state as to how much the decrease or increase, in the consumption (retail sale to the consumers directly by those shopkeepers who deal in salt) of salt has been since the 1st of March last up to the end of June 1923, when compared with the same period of last year, namely, from the 1st March 1922 to the end of June 1922 ?

The Honourable Sir Basil Blackett : The Honourable Member is referred to the answer given by me on the 2nd instant to a similar question asked by Mr. J. N. Basu.

Dr. Nand Lal : Does the Honourable the Finance Member remember what answer was given ? Will he kindly enlighten us ?

The Honourable Sir Basil Blackett : Both I and he have eyes and I imagine we can read if we look at the debates.

UNSTARRED QUESTION AND ANSWER.

NEW SUPERIOR APPOINTMENTS ON RAILWAYS.

108. **Mr. N. M. Joshi** : Will Government kindly lay on the table a statement showing, for the State-worked and Company-worked State Railways, the new appointments in the Officers' grades since the 31st March 1914 and the scale of each such appointment ?

Mr. G. G. Sim : The State Railway Classified List, a copy of which is in the Library, will give the information regarding the State Railway Establishments. The Government of India have not got the information regarding the Company-worked lines.

THE INDIAN NATURALIZATION BILL.

The Honourable Sir Malcolm Hailey (Home Member) : Sir, I beg to lay on the table the report of the members of the Select Committee to which the Bill to consolidate and amend the law relating to the naturalization in British India of Aliens resident therein was referred.

THE INDIAN STAMP (AMENDMENT) BILL.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I beg to lay on the table the report of the Select Committee to which the Bill further to amend the Indian Stamp Act, 1899, was referred.

RESOLUTION RE CERTIFICATION BY GOVERNOR GENERAL.

AMENDMENT OF SECTION 67B OF THE GOVERNMENT OF INDIA ACT.

Mr. President : The Assembly will now resume the debate upon the Resolution moved by Dr. Nand Lal. The original question was :

“ This Assembly recommends to the Governor General in Council that he may be pleased to take necessary steps to get section 67B of the Government of India Act amended so as to provide that the Governor General shall not use his special emergency powers of certification under section 67B, to overrule the decision of the Indian Legislative Assembly ; ”

to which an amendment* has been moved, to leave out all the words after “ amended ” in order to insert the words as follows :

“ (1) The words ‘ or interests ’ occurring between the word ‘ tranquillity ’ and the words ‘ of British India ’ be deleted.

(2) The proviso be amended as follows :

(a) The word ‘ grave ’ be inserted before the word ‘ emergency ’, and

(b) the following be inserted after the word ‘ emergency ’ :

‘ such as foreign invasion, civil war or widespread internal commotion and in no other circumstances ’.”

The Assembly will observe that the amendment in Mr. Basu's name raises two issues and I propose to put them separately and therefore for the purposes of the debate now about to be resumed, the amendment to omit the word “ interests ” in section 67B is now the subject under discussion and the debate will be restricted to that subject.

Mr. Harchandrai Vishindas (Sind : Non-Muhammadian Rural) : Sir, I beg to support Mr. Basu's amendment in its first part, as you have been good enough to rule that these two parts will be separately debated. I might as well say that I believe Mr. Basu will drop the second part of his amendment, because he feels that the sense of the House is not in favour of the second part of the amendment ; and in supporting this amendment I may be permitted to make the following observations.

Sir, as you are aware I am one of those “ modern Hampdens ” to whom the Honourable the Home Member so playfully referred the other day, “ as having come back to the mother assembly without having received any scars of martyrdom on our bodies with the boast that we have inflicted a great blow upon Government by coming in unopposed at the re-election.” I may tell the Honourable the Home Member that I do not grudge him the pleasure of indulging in cheap sneers at my expense. The redoubtable knight of Government is quite welcome to break his lances of wit on my devoted head ; for after all it will be scarcely sportsmanlike on my part to grudge the members of the Government the pleasure and the solace of hiding their discomfiture by laughing to scorn, a gesture which can have only one interpretation, namely, a reflection upon and a disapproval of the action of Government. Government members are after all human beings ; they ought not to be angels and they are not : and even a character like Shylock said “ Hath not a Jew eyes ? Hath not a Jew organs, dimensions, passions and affections ? If you prick him, does he not bleed ? If you wrong him,

* By Mr. J. N. Basu.

[Mr. Harchandrai Vishindas.]

will he not be revenged ? ” And why should not Government members have the same possession ? But I can assure them that so far as I am concerned the Honourable Sir Malcolm Hailey’s shafts of jeers will have as much effect upon me as buck-shot can have upon rhinoceros. . . .

The Honourable Sir Malcolm Hailey (Home Member) : I did not pass that reflection upon the Honourable Member’s skin.

Mr. Harchandrai Vishindas : Upon whatever part of my body, whether it was the skin or nose or elsewhere, it was aimed at, it has glanced off. Now, Sir, I have received these gibes and jeers with the utmost composure and good humour. I can only say this much, that whatever view the Government members may take, resignation is a recognised form of protest and my constituency desired and recognised it as such and to mark their sense of appreciation and approval it returned me unopposed however much that may form part of Sir Malcolm Hailey’s derision.

Now, Sir, the next thing that I will say in this connection is that I expect and I solicit reciprocity from Sir Malcolm Hailey ; that he will also observe the same kind of composure and good humour when I proceed to expose the thorough hollowness of his arguments.

Sir Malcolm Hailey in his very able speech the other day, that is, Wednesday last, first of all said that he was aware that resentment had been felt at the exercise of this power of certification in this Assembly ; but he would not offer any opinion as to whether any such resentment had been excited outside the Assembly. Now, Sir, do I understand that the Honourable the Home Member, who, like Atlas ; bears upon his shoulders the burden of the great Indian Empire, is not aware of what is going on all round him ? Is he, who so assiduously preserves extracts from the proceedings of Congresses and Conferences of which we had a very elaborate presentation the other day, is he not aware of the opinions expressed in all the Indian newspapers on this subject ? I dare say he could not be unaware of the fact that there is scarcely an Indian-edited newspaper, whether of the co-operating or non-co-operating persuasion, whether moderate, liberal or extremist, and there is scarcely a politician who has not expressed his condemnation—and that in no uncertain terms—of this power of certification. Mrs. Besant, an erstwhile staunch supporter of Government, Sir Tej Bahadur Sapru, Mr. Chintamani, late Members of Government, not to mention other names, all these persons have expressed and declared themselves against the exercise of this power ; and there have been several associations who have sent memorials to Government to the same effect. But no greater proof of this can be had than the speeches of some non-co-operators who welcomed this power, not because they approved of it, but because they think that it verifies the prognostications they held out from the beginning that these reforms were a mere sham and that the moderates were simpletons and dupes and now they should join their ranks. I say, Sir, that all these circumstances go to show that public opinion, I mean Indian public opinion, not Anglo-Indian public opinion, has expressed itself in no uncertain terms against this power of certification.

That being the case the two illustrations that the Honourable Sir Malcolm Hailey gave, go by the board, in my opinion. He first of all cited the instance of the abolition of the Army Commission purchases. Now, this instance took place in 1871, more than half a century ago, and it shows how hard put to it must Sir Malcolm Hailey have been that he could not cite any more recent instances at all. But even then, I presume that it is not a parallel case; the purchase of Army Commissions was to my mind a kind of corrupt practice; and if the legislature refused to abolish this purchase, then the legislature's decision was a morally perverse one and there was no wonder that the royal warrant was invoked in order to effect its abolition; and although, as Sir Malcolm Hailey might tell us, there was a howl against the use of the royal prerogative at the time, I gather that public opinion in England must have been against this immoral practice. But public opinion I say has been entirely against the certification; therefore the two cases are not similar.

Then again he quoted the instance of President Cleveland's 301 instances of his exercise of the power of veto, and he followed that up by saying that according to Lord Bryce that was approved by the public. I say, Sir, that illustration also goes by the board, because here certification has not been approved by the public. But before we leave Lord Bryce, I had better quote a passage from him which shows how far the powers of self-government should be conferred upon a people. He says:

"The possession of political rights since it gives self-respect and imposes responsibility does of itself make men not to exercise those rights, so that citizens who enjoy liberty will be sure to value it and guard it."

After this Sir Malcolm Hailey proceeded very jubilantly and triumphantly to trace back the history of this power of certification, to give the opinions of members, Congresses and Conferences here and of the labour party in England, to show that almost all sections of opinion which could be respected were united in the introduction of these powers. I do not quarrel with that. Who disputes that? But is it any argument that because you have once started a scheme you must adhere to it through thick and thin to the end, although it should be found to be a failure? This is the first time I hear an argument like that. It is quite clear according to us—I know the Government will not agree with us—but according to us this power has been wrongly used; and once it has been wrongly used it is an occasion when we should review our position and make all efforts to see that these powers are not wrongly used in future.....

Mr. L. Graham (Secretary, Legislative Department): On a point of order, Sir; does the Honourable Member intend to reflect on the action of the Governor General?

Mr. Harchandrai Vishindas: If I am not entitled to reflect on the action of the Governor General, I will rub it in to his advisers. I say those who advised the exercise of these powers advised wrongly.....

The Honourable Sir Malcolm Hailey: Do you know who they are?

Mr. Harchandrai Vishindas: I can very easily imagine. I have got common sense and I could see meetings being held that day which prevented the Honourable the Home Member from being present in the Assembly to oppose Mr. Agarwalla's Bills, as he himself told us the other day. Sir,

[Mr. Harchandrai Vishindas.]

Colonel Wedgwood himself pointed in the passage which was quoted by my friend Mr. Samarth the other day, that the word "interests" is so very vague that it opens a wide door for the exercise of this power on all occasions, whether opportune or otherwise, and events have proved that such apprehensions are not unfounded, because we now see that for paltry things this power is being exercised. I do not propose to go into the question whether this doubling of the salt duty is right or wrong, because if I do so I shall be repeating what has been already said at great length both in this House and outside it, and it will really serve no useful purpose. Government will never be in accord with us. As the Punjabee proverb says: *Tūn ākhen main na mansān, bāzi tain jitti ke main.* "If you say and I do not accept, who scores the victory? you or I?" So there is no use going over that ground at all. But I will say this much that the doubling of the salt-tax was not at all called for. The other day, as you will remember, Sir, a question was put to Finance Department as to how far the 24 crores rupee loan that had been floated had been subscribed, and the Honourable Sir Basil Blackett replied that on the very first day 16 crores had been actually subscribed, that is two-thirds, and the Honourable Sir Malcolm Hailey with his usual smartness interposed an interjection "poor bankrupt India" by which he evidently meant that India is not poor.

The Honourable Sir Basil Blackett : Thanks to the doubling of the salt tax.

Mr. Harchandrai Vishindas : Now, Sir, 4 crores more or less to the Treasury will not make any difference. A past master of repartee like Sir Malcolm, who could ward off the onslaughts of the valiant Kabiruddin Ahmed on whispers and inspirations by referring him to the wireless department of the Government of India, will at once retort with the remark "Ah, but that is all due to the balanced budget."

Mr. President : The Honourable Member should understand that we are not now discussing the salt tax, nor are we on the Finance Bill.

Mr. Harchandrai Vishindas : Well, Sir I shall refrain from pursuing this point any further. What I was submitting was that this salt tax has given rise to the use of the power of certification, which, as I have said, is not at all justified, and I will stop short there.

Now, Sir, while supporting only Mr. Basu's amendment, I have to make this remark that the Honourable Sir Malcolm Hailey read out the other day several quotations to prove that several schools of thought both in India and England were in favour of the retention of some such powers. I quite agree with that remark, because I think that some such powers ought to be retained. Therefore I am not in favour of the sweeping proposition of my friend Dr. Nand Lal for the wholesale abolition of the powers of certification, but only for the deletion of the word "interests," and in this connection, as a matter of drafting, I would suggest that while you drop the words "or interests" the word "or" ought to be inserted between the words "safety" and "tranquillity." Well, I do not think by the withdrawal of this power the foundations of the Empire would be

shake in the least ; especially when in matters of finance in which the Legislative Assembly or the House of Commons are considered to be the custodians of the purse, I think it is desirable that in such cases no temptation should be given to the Governor General to interfere with this power.

Now, Sir, surely it cannot be said that this power should be exercised by the Government on each and every occasion when they are in a minority in the Assembly. The gravity of the occasion is the acid test. We say that this occasion was not so grave as to flout and disrespect the opinions so repeatedly expressed by this House. We are unfortunately under the sway of a Government who cannot be expected to uphold the rights of the Assembly. I daresay Mr. Montagu never contemplated the exercise of these powers on occasions like the one we are criticising, and if the present régime continues, I think that there will be many occasions for the exercise of this power, unless these powers are withdrawn, and the whole voice of the Assembly will be nugatory. Now, Sir, we are under the direction of men who exercise a great deal of influence ; although not on the surface of the Cabinet, still they exercise a great deal of influence upon the deliberations and the decisions of the present Government in England. These are those men whom Mr. Montagu in his speech on the second reading of the Bill in the House of Commons described thus :

“ Lord Sydenhams of the future would like to remain on their thrones untrammelled by control from above and undismayed by criticisms from below.”

These people are also described in his famous book “ Hope of Europe ” by Sir Phillip Gibbs in these terms :

“ There is one type of man in England who is hard in his Imperialism, reactionary against any effort of change or progress, disliking all aliens and a firm believer in resolute rule with machine guns and tanks. He was the defender of the Amritsar massacre. He is all for the shooting down of the unemployed if they make themselves annoying. He writes letters to the ‘ Morning Post ’ which is published exclusively for his class and ideas.”

Sir, one does not know for how long this Government will go on. When the reform proposals were on the tapis, if this class were in power they would have seen that these reforms and their authors were relegated to a place which it would be unparliamentary for me to mention. Hereafter, if the same state of things continues at the end of the statutory period of 10 years, I think the hands of the clock will be put backwards and not forward.

Now, Sir, I shall conclude by making a quotation for the benefit of those who are intoxicated with the lust of power engendered by the possession of machine guns and air forces, and that quotation is from Macaulay. He says :

“ The evils of submission are obviously greater than those of resistance. A time comes when fear itself begets a sort of courage and warns autocrats not to presume too far on the liberty, the patience and forbearance of the subjects.”

Mr. L. Graham : Sir, I will first deal with the personal matters which Mr. Harchandrai Vishindas has put before the House. The nature of his return to this House has, I think, in some way added interest to this debate. He has represented this House as his mother, and I say to him that I welcome an erring child back. We think that he has been very foolish,

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perhaps a little naughty ; we see no political significance in it at all. Mr. Harchandrai, to the best of my recollection, left this House a moderate, opposed to the salt tax, opposed to certification. He comes back to this House, so far as I can judge from his speech, a moderate opposed to the salt tax, opposed to certification. Mr. Harchandrai

12 noon.

next proceeds to say that many notable moderates have given voice to their disapproval of the certification of the salt tax. Sir, we are not here in this House to decide or even to suggest, or to debate the question, whether the salt tax was duly certified or not. The verdict on that point has been given in another place by a notable majority.

Mr. T. V. Seshagiri Ayyar (Madras : Nominated Non-Official) : Indians had no voice.

Mr. L. Graham : I believe certain representatives of this House were at home working very hard on that occasion. On the points relating particularly to Finance I have no doubt that the Finance Member will give an adequate reply. I will now turn to the debate, Sir, generally, and in the first place, I would venture to resurrect Mr. Basu in order to make one or two points against him, which my Honourable friend the Leader of this House omitted to make. I venture to say "resurrect", Sir, because the Honourable the Home Member, with his usual skill, slaughtered and buried Mr. Basu on the last occasion. I would hardly find it necessary to refer to Mr. Basu but for the fact that he so grievously misled my venerable friend Sir Deva Prasad Sarvadhikary. Mr. Basu, I might almost say, threw a bombshell into this House, which was filled with poisonous gases generated by the hasty workings of a confused mind. His mind was quite incapable of taking the very obvious differences between section 67 A and section 67 B of the Government of India Act. Now, Sir, that question was really adequately dealt with by the Home Member, but after all, Members have short memories and I do not know how many at the present moment have got copies of the Government of India Act with them. Section 67 A, as I said before, deals entirely with expenditure whereas section 67 B deals with legislation, and as is generally known, I hope, our Finance Bill is a measure of legislation by which we impose taxation. Mr. Basu said that under sub-section (8) of section 67A it was open to the Governor General to use his extraordinary powers and certify the Finance Bill. In view of the fact that some Members have not got copies of the Act with them, I think it necessary to read sub-section (8). It says :

"Notwithstanding anything in this section the Governor General shall have power, in cases of emergency, to authorise such expenditure as may, in his opinion, be necessary for the safety or tranquillity of British India."

You will mark that Mr. Basu has construed the words "authorise such expenditure" as equivalent to "pass such legislation".

Mr. J. N. Basu (Burma : Non-European) : Restoring.

The Honourable Sir Malcolm Hailey : Not restoring. That is sub-section (7).

Mr. L. Graham : The Governor General could certify under sub-section (8) if "to authorise such expenditure" meant "to pass such legislation." I was amazed that the House did not rise in horror at

Mr. Basu putting that proposal before it. I can only assure the House that had the Governor General taken such liberties with the interpretation of that section of the Government of India Act, there would have been nothing but rebellion in British India. The meaning is perfectly plain. Unfortunately, the matter is not at an end there. As I say, this poison generated by Mr. Basu has affected my friend Sir Deva Prasad Sarvadhikary. He comes before the House and says, "the Governor General's exceptional powers under section 67A are limited to cases where the safety or tranquillity of British India are affected. Why then should not his extraordinary powers under section 67B be limited in the same way?" Surely, this might seem a plausible proposition to any one who had not taken the trouble to consult the Act. What are the extraordinary powers under section 67A? They are two, and they are vested in two separate authorities. There is the extraordinary power vested in the Governor General in Council under sub-section (7) of section 67A. There is the extraordinary power vested in the Governor General under sub-section (8) of section 67A. On what occasions can the extraordinary power vested in the Governor General in Council be used? For, that is the power to which Sir Deva Prasad Sarvadhikary was referring when he said, "Your powers of restoration are to be exercised only where the safety or tranquillity of British India is concerned." Sir, I doubt if a more incorrect statement of law was ever made on the floor of this House. The power of restoring a grant which has been refused by this Assembly is vested in the Governor General in Council, and it can be used in the following circumstances, namely, in any case in which the Governor General in Council declares that he is satisfied that any Demand which has been refused by the Legislative Assembly is essential to the discharge of his responsibilities. If you are going to seek for an analogy between section 67A and section 67B, you will find the material for that analogy not in sub-section (8) but in sub-section (7). It would be quite justifiable, following that analogy, to contend that in section 67B, the Governor General should have power of certification whenever he found it essential to the discharge of his responsibilities, and in fact, that is the meaning of the words in section 67B. It says that "the Governor General may certify that the passage of the Bill is essential for the safety, tranquillity or interests of British India." In passing, Sir, I might be allowed to remind the House what is the true purpose of sub-section (8) of section 67A. Fortunately or unfortunately—I leave it to the House to decide which—this Assembly is not continuously in Session throughout the year. Were this Assembly to continue to be in Session throughout the year there would be no occasion for resort to sub-section (8). But it may arise, when this Assembly is not in session, that expenditure must be incurred. There are long intervals of time when this Assembly is not sitting and events may then occur which may affect the safety or tranquillity of British India. It is not possible to call a sudden meeting of the Assembly, and in those cases, the Governor General takes the place of the Assembly and authorises expenditure of money. It is very fit and proper that he should be allowed to take the place of the Assembly only in cases where the safety or tranquillity of British India is concerned. But, Sir, because in those particular cases a restricted power is vested in the Governor General, that affords no argument for saying that his powers under section 67B should be restricted in

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the same manner. The positions are entirely different. If you want an analogy, you must seek the position where the Assembly has refused a grant, not merely where the Assembly is not there to give a grant.

Now, Sir, I would like to turn—and I must apologise to the House for it—to a few hard facts of history. It is generally supposed that these words “ safety, tranquillity, or interests of British India or any part thereof ” are a haphazard collection of words strung together, a sort of omnibus collection of words, to give the Governor General power so that you may make sure that there is no loophole. Now, that is not so. This expression “ safety, tranquillity or interests ” is no new expression hurriedly strung together to make sure that the reforms should not be too effective. It is an expression which, Sir, has a history in the Government of India Act of 50 years. I do not know if members would be surprised to hear that the expression has its origin in the disputes between Warren Hastings and his Council. I think nobody wishes a position of that sort to be restored. Lord Cornwallis before he came to India stipulated that he should not be put in that sort of position. An Act was passed in 1786 and its provisions were re-enacted in 1793, and the important words which I would cite from those provisions are :

“ Be it enacted, that when and so often as any measure or question shall be proposed or agitated in the Supreme Council at Fort William in Bengal, or in either of the councils of Fort Saint George and Bombay, whereby the interests of the said united Company, or the *safety* ~~and~~ *tranquillity* of the British possessions in India, or in any part thereof, are or may, be essentially, etc., etc.”

That is the origin of the phrase. The phrase occurs, in the form in which we have it now, first in the Government of India Act, 1870, which provided :

“ Whenever any measure shall be proposed before the Governor General of India in Council, whereby the safety, tranquillity, or interests of the British possessions in India, or any part thereof, are or may be, in the judgment of the said Governor-General, essentially affected, ”

It was necessary for the Governor General and for the Provincial Governors *vis-a-vis* the Executive Councils to have special powers of overriding them because the Governor General and the Governors as the case might be were responsible to Parliament. So, when under the reforms a large elected popular majority entered the Legislature it became necessary to provide a measure of special authority by which the Governor General should be able to force his will in matters essential to the discharge of his duties. A recommendation was made in favour of the Governor General in Council originally in the Montagu-Chelmsford Report. The idea was that there should be a second chamber containing a Government majority and through that second chamber the Governor General in Council should by certification be able to pass laws which would have the same operation as if they had been passed by both chambers and the limits which were suggested were these, “ where such amendment or legislation was essential to the interests of peace, order or good government.” Now, Sir, the Crewe Committee when they were examining this Bill preparatory to its being introduced in the House of Commons, tentatively suggested that the words “ *safety, tranquillity or interests of British India or any part thereof* ”

appeared to be of a somewhat wider import than those contained in the Report, that is to say, "peace, order or good government." The Government of India, Sir, would be quite satisfied if the words "peace, order or good government" occurred in section 67B and not the words "safety, tranquillity or interests". Both of them cover the whole range of the responsibilities of the Governor General to Parliament, and it is because the certifying powers of the Governor General must be exactly co-extensive with his responsibilities to Parliament that the words which now occur in section 67B were introduced there. The proposal which is before us now is to strike out the words "or interests". None of the speakers who have so far supported this amendment have ventured to show what the effect of it will be. Possibly they do not know, possibly they wish the House not to know. The effect of withdrawal of these words would, I submit, be nothing less than disastrous. It would be moreover a violation of the constitution. The constitutional position is, I may remind Members of this House, that special powers are granted in so far as the Governor General and the Governor, as the case may be, are not responsible to the electorate of this country but to Parliament. With the permission of the House I will draw the attention of Members to the provisions of section 72E of the Government of India Act—I would turn your attention, that is to say, to the provinces. The Governor in a Province has powers of certification. It is true they have not yet been used, but he has those powers and what are the limits on those powers? The Governor in a Province may certify "any Bill relating to a reserved subject" (*Voices*: "Reserved subject")—"the Governor may certify that the passage of the Bill is essential for the discharge of his responsibility for the subject." Now, Sir, it is not to be so in respect of a transferred subject. Under the Government of India Act as it stands, we are well aware that by an amendment of the rules made under section 45A without an amendment of the Act, if we transfer subjects which are now reserved to the list of transferred subjects, the effect of such transference will be that the powers of the Governor under section 72E will automatically shrink, will be reduced *pro tanto*, and when the time comes when all the provincial functions become transferred subjects, the powers under this section will be entirely spent and the Governor will have no powers at all. That, Sir, is a very useful section as giving an indication of the line along which attempts to introduce reforms should proceed. I put it to the House that the Honourable Member is starting from the wrong end of his problem. The Governor General has responsibilities in respect of all his powers. He is not responsible to the Indian electorate; he is responsible to Parliament, and this point was very clearly laid down by Mr. Montagu in the debate on Mr. MacCallum Scott's amendment on this very clause. The objection raised was that these powers were far too wide. The reply was that they could not be too wide because they were co-extensive with the responsibilities. Mr. Montagu said:

"Under the scheme of the Bill we make the Government responsible to Parliament still for the whole of the Government of India."

Consequently for that reason the House negatived without a division Mr. MacCallum Scott's amendment that the words "or interests" should be removed.

Mr. N. M. Samarth (Bombay : Nominated Non-Official) : After guarantees given by Mr. Montagu.

Mr. L. Graham : What were those guarantees ? They were certainly not guarantees to be introduced in the Bill and there was no proposal to have an amendment of the Bill. All he said was this :

“ That a member of Parliament will have an opportunity of discharging his true functions as the trustee of the Indian electorate and that he will have in order to deal with that subject the opportunity of a report upon the measure by a Standing Committee appointed by this House itself.”

There was no such provision in the Government of India Bill, as my friend will admit, and there was no suggestion that such a provision should be put in. I have no doubt that Members of the Houses of Parliament have had ample opportunities of finding out what is the value of a measure which has been certified by the Governor General and that the House of Commons was fully aware of the circumstances under which this Bill was passed. But that is a very minor point. Mr. Montagu's point was this that so long as the Government of India and the Governor General are wholly irresponsible to the Indian electorate certain powers must be vested in the Governor General to enable him to discharge his responsibility to Parliament. One more point, Sir. That is, that the law does provide adequate safeguards against the abuse of this power of certification. In the first place, I trust, Sir, that I am in order in saying this, you have the conscience of the Governor General. You will remember that the original proposal was that the Governor General in Council should certify. Now, Sir, it is notorious that corporations have no conscience, though I should not be understood as saying that the Government of India has no conscience but I will say that it is far more difficult for the conscience of an aggregate body of men to function effectively than it is for the conscience of a single individual. I would say that the Governor General being the authority empowered and being a single individual is responsible to his own conscience which provides an adequate check. Even if that check were not enough, you have the control of Parliament. Every Bill which is certified under this section has to be reported to Parliament. It may or may not according to circumstances require the assent of His Majesty. You know very well that if His Excellency thinks that a state of emergency exists, he may direct that his certification may come into operation at once. In such a case the assent of His Majesty is not required but the Act is subject to subsequent disallowance by His Majesty. I suggest, Sir, or rather I wish to emphasise the fact, that these two provisions of the law do furnish an entirely adequate safeguard and lastly, Sir, I put it to this House that the supporters of this amendment are attacking the problem from entirely the wrong end. It is as if you were trying to pull down a house by removing the bottom bricks first. The special powers of certification are required by the Governor General so long as he has the degree of responsibility to Parliament which he now has. Reduce that degree of responsibility to Parliament and you can at once *pro tanto* reduce the certifying powers of the Governor General. But at the present stage I oppose this amendment and I ask Members of this House to join with me in opposing it because it spells not a reform of the constitution but a mutilation of the constitution.

Rai J. N. Majumdar Bahadur (Presidency Division : Non-Muhammadan) : I cannot withhold my sympathy from the Resolution

or rather the spirit of the Resolution which has been moved by my Honourable friend, Dr. Nand Lal, for he attempts by this Resolution to advance the cause of Indian autonomy which is prized so much by the Members of this House and with which I am glad to say the feeling of official members two years ago was in full sympathy. It has been denied by the Honourable the Home Member that that was not the case but I may point out to him that the then leader of the House, Sir William Vincent, said this :

“ I do not say for a moment that these decisions are like the law of the Medes and the Persians or that they cannot be altered. Nor do I personally believe that the present transitional scheme of this Government can last as long as is expected. I think we and the Government of India appreciate that as much as any one. Indeed the Secretary of State dealing with this matter himself said that if there is an unforeseen development in Indian conditions within the short space of ten years, because ten years is a very short period, the Act does not tie the hands of Parliament and there can always be a commission in the interval.”

The Honourable Sir Malcolm Hailey : Are you asking for a Commission now ?

• **Rai J. N. Majumdar Bahadur :** If it is possible. Why not, Sir ? If you can have a commission within the short space of two years only for increasing the salaries of the Civil Service, why does not the constitution of the Government require another commission now ?

The Honourable Sir Malcolm Hailey : That is not the Resolution.

Rai J. N. Majumdar Bahadur : I am only answering your question. I know, Sir, that is not the Resolution. But what I submit is this : that this House is in full sympathy for restricting the powers of the Governor General in matters relating to the Financial Bill or any other Bill. I know, Sir, that it is very good to have an autocrat like Chandragupta or Asoka, to which allusion was made by my Honourable friend, because when we do not like him we can pull him down and put another autocrat. In this case we cannot do it and the British Government has not thought fit to give us an autocrat. The British Government has given us a Parliament, a mock Parliament we might call it. We have been given all the paraphernalia of Parliament, but at the same time we have not got any real power. What is the use of this snare and delusion of Parliament when we cannot use our powers and cannot be masters in our own House. Take this House away and let us have an autocrat. Let the Governor General do everything. I shall not have the least objection personally to that and the country will be quite satisfied. All this huge expenditure of money will be saved. But if this House is really to have some powers, then we must restrict the powers of the Governor General as much as we can. Two years ago we were led to believe that we have got some real powers and the Leader of the House then complimented us on having secured real powers. I shall again read what he said on that occasion. ‘ May I point out ’ Sir William Vincent then said, ‘ that he who holds the purse strings really controls the administration.’ We believed in holding the purse strings. But in this case where have the purse strings gone ? They have gone out of our hands ; the Governor General has taken hold of them all. The Parliament did not intend that the Governor General should exercise his powers on all and every occasion indiscriminately ; he was intended to exercise his powers discriminately in

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order to permit this House some exercise of its powers. Now, Sir, it has been said that the imposition of the doubled salt tax has created no feeling in the country. Sir, I join issue. I come from a district where the Bengal Provincial Conference was held this year. I know the feeling of the country. The feeling of the country is that the salt tax should never have been doubled. The fact is that the Government of India itself has always been against the imposition of the salt tax. Has not this salt tax been retained as a permanent tax in this country as a sort of apology, and has not every Governor General from time to time tried to reduce the salt tax whenever occasion arose? Has not every Governor General tried to be popular by reducing the salt tax?

Mr. President : The Honourable Member must not go into the merits of the salt tax. It has nothing to do with this debate.

Rai J. N. Majumdar Bahadur : I am not going into the merits of the salt tax. Let the salt tax be good or bad, but the question is whether the Governor General should be entrusted with the powers. It is not as if Parliament intended that he should be unrestricted. The Parliament has already restricted his powers to a certain extent, but, as it has been said, only in case of the safety or tranquillity or in the interests of British India or any part thereof can the Governor General interfere with the powers of this House. The powers of this House are real. I have been told that the powers of the Governor General of interference are also real. Quite so; but at the same time you ought to remember that the powers of this House are as real as the powers of the Governor General. If the powers of this House are not real, what is the use of having a House of this kind; and these powers of the House were not intended to be interfered with on occasions like this, and as in this particular instance of the salt tax, even though it had not been imposed, the Government could still be carried on. The Assembly has got some responsibility; it is not an irresponsible House. The more you take away the powers of this House the more you will make it irresponsible and reduce it to a mere advisory body; and what is the use of an advisory body. If you really want to make this House the master of the situation you should restrict the powers of the Governor General. I should say also that that requires a total amendment of the Act. You cannot transfer responsibility from the Governor General to this House unless you amend the Act itself and redraft the whole Act. I think that is a very reasonable suggestion. We should not deal piecemeal with legislation of this sort. If we want powers we must have the whole Act revised and that earlier than 1930. The Honourable the Home Member might say, you are going back upon the Resolution that was moved two years ago by yourself. I say, if this House had then done what was asked for and if the Parliament had given us what we wanted, we would have been saved this unpleasant task of moving a Resolution against what is called this Viceroy's power of certification as a sort of protest against it. The feeling in this country is strong and we must express our dissatisfaction, our sense of protest by moving some amendment restricting the powers of the Governor General in order to bring home to the House of Commons that we in India shall not take it lying down, that we shall exert ourselves to the utmost, constitutionally of course. I do not belong to that group which wants the Government of,

this country to abdicate. I do not want to sever our connection with the British. I want the British here and to go on pulling well with each other. But at the same time we want to be citizens of the Empire, to be citizens of the British Commonwealth, not to be guided by a single autocrat. We want the same position which has been assigned to the people of England, though not immediately at least at the end of 10 years. But in the interval we must keep ourselves in evidence. We must keep the subject of the advancement of the cause of Indian autonomy prominently before the British public; we should educate the House of Commons. I know, Sir, that the House of Commons has approved of the certification of the salt tax, but that does not prove anything. It only proves that the House of Commons has not been properly enlightened on this matter. If the House of Commons had been properly enlightened, they might not have been satisfied with the Governor General's action in this connection. At the same time the trend of the discussion in the House of Commons will bring it home to everybody that though they did not fully approve of the act of the Governor General they did not like to pass what is called a vote of censure on the Governor General. For the disallowing of the Government's action would have virtually amounted to a vote of censure on such a wise and experienced statesman as our present Governor General is. I know, Sir, that what the Governor General did he did with the best of intentions; and our Finance Member who had come recently from England knew what is called the conditions of the money market there, and perhaps he thought that the balancing of the Budget by the doubling of the salt tax would make the financial position of the Indian Government better and thus make borrowing in the money market there easier than it was. But if he had given a little more consideration to the circumstances of the country, if he had given his thought to the fact that economically the salt tax is most objectionable because it is a tax on a necessary of life and not on a luxury—a necessary of life both for man and cattle—he would have seen that the tax ought to have been remitted long ago. It must not be thought that there is no feeling in the country. Those who mix with the masses know that there is much feeling in the country. That they have not come out in large mobs to attack Government houses is no argument that the feeling does not exist. We who have mixed with the people know that there has been a wave of political feeling throughout the country on account of the salt tax, and the Government should take note of it. It is not our wish, Sir, that the people should come out and be guilty of rioting in order to show their feelings. But this sort of discontent which runs underground is more dangerous than open rioting. The latter can be suppressed. Therefore I submit, Sir, that some sort of restriction on the powers of the Viceroy is necessary. But it is said, supposing this power is taken away from the Viceroy, how can the Government be carried on? I should say that then the Viceroy would be compelled to reduce expenditure, or he would say "I am not able to carry on the administration". The Home Government would then send another Viceroy to act according to the instructions of this Assembly. The object of this Resolution, Sir, is to make the Governor General responsible to this House and not to the Secretary of State as at present. That is what we aim at and that is what we intend to do, if not now at least in a

[Rai J. N. Majumdar Bahadur.]

few years. I am at one with Sir William Vincent when he says that ten years will not be necessary for this. We have been told to be patient, to wait till the ten years have passed. But what about the Treaty with Irak, which was to last for 20 years? A year has passed since the Treaty with Irak was concluded and it is going to be revised and Irak is going to be a fully independent State. Is Irak so much more advanced as compared with India? And if Irak can have full self-government in the course of a year, I do not see what objection there can be to giving India full autonomy even at the end of 10 years, for which I moved my Resolution two years ago and with which, Sir, the entire House was in perfect unanimity.

I know, Sir, that on that occasion something was attempted by my Honourable friend, Colonel Gidney,—after the Resolution had been moved and passed unanimously. The next day Colonel Gidney gave a nostrum in the form of a letter to cure the House of the malady to which it had been subjected on the previous day, by saying that that was not in order, and I shall show this House what he said in his letter to the President :

“ I have submitted a letter to you asking for certain information on the Resolution which stood in the name of Rai Bahadur Majumdar and to ask a statement from you, Sir, as to how you accepted the statement made by the Honourable the Home Member yesterday, whether that was accepted in the form of an amendment from this House or whether it was accepted in the form of an assurance from the Government on the termination of yesterday's discussion.”

You, Sir, said :

“ The Resolution standing in the name of Rai Jadunath Majumdar Bahadur was duly amended, by the decision of the House, by the insertion of the words handed in at the table in the form of an amendment standing in the name of Government. Therefore the Resolution as finally passed was that which contained the assurance given by Government, and embodied in the amendment.”

Therefore, Sir, it was not a good thing on the part of my Honourable friend to say that the Government was not a party to that amendment.

I think, Sir, that the temper of the House, I think the temper of the official Members of the House, was a little different from what it is now. I am sorry to say that. But I think it is not they alone who are responsible for it, for to a certain extent we are also responsible for it, for we ought to remember what happened since. I now address my own countrymen; we ought to remember what happened since that Resolution had been passed. We know what insult was offered to the Prince of Wales who was our guest, the future Emperor of the Empire, by a section of the community, and which created a revulsion of feeling not only in this country but in England also,—and all our hopes were dashed to the ground on account of an agitation which began with the boycott of schools and ended in seducing the army and the police, and also in insulting the future Emperor of the country who came as our guest! It produced a very bad effect at home and here,—and what was considered quite feasible and practicable and within the range of practical politics is now considered impossible. It produced a very bad feeling. The Royal House, as you know, is something like a Hindu idol; that is, the officiating priest does everything, as the Ministers at home do everything, but at the same time everything is done in the name of that idol, which is held in high respect; the Royal House is considered the emblem of the unity of the

Empire; and the people of England and the people of the Empire took that insult to the Prince of Wales as an insult to the whole British Commonwealth, and that was evident from the speech which was delivered by Mr. Montagu immediately after the Prince of Wales' return, when he said that the people of India behaved very badly. The people of India had stood by the Empire in the time of the war.....

Mr. President : Order, order. I allowed the Honourable Member to use that as an illustration. He is now making it an argument. That is now out of order.

Rai J. N. Majumdar Bahadur : It is said, Sir, that there is a great deal of difficulty in the matter of the law. It is quite true, just as the Honourable Mr. Graham says that section 67-A is intended for one purpose, and section 67-B is intended for a quite different purpose. One is for sanctioning expenditure on an emergent occasion when the House is not sitting and the Governor General has not the means of passing the Finance Bill; the other section, 67-B, applies both to financial and other Bills, and some sort of power is necessary in order to carry on the administration. But I submit, Sir, there are circumstances and circumstances. I am going to say at least that no such circumstances have arisen up to this time that the Governor General's powers of certification were necessary, or that it was necessary to enforce the Act all at once before getting the sanction of Parliament. This Assembly feels that when such a distinguished statesman as the present Governor General, Lord Reading, finds it necessary to go against the wishes of the Assembly and certify a Finance Bill,—and not only to certify it but to put it into execution at once, it feels if that can happen in the case of the present distinguished Viceroy, there might be worse fellows hereafter who might abuse the powers of certification.....

Mr. President : The Honourable Member is getting much too near the Standing Order.

Rai J. N. Majumdar Bahadur : I withdraw, Sir, I did not mean anything, I meant worse Governors General; what I submit is that there is a real, genuine fear in the mind of the Assembly that these powers of certification might be used a little too frequently. I am quite sure that this power of certification is not going to be used very frequently. I am quite sure, Sir, that the Governor General himself may at the end of this year repeal the salt tax if he finds that possible, but at the same time you cannot, Sir, remove that feeling of suspicion in the mind of this House as well as of the public outside; and the people who are trying all this time to get more and more powers do not like, Sir, the use of certification in this way. They do not like that the Governor General should be able to do so. On the other hand, Sir, I know that a Resolution in this House is a mere pious Resolution, it has no effect, and I am sure, Sir, that it will not be passed by the House of Commons, but at the same time this Resolution is something like a protest, a strong protest, against the powers of certification of the Viceroy. This House wants to keep its demand in evidence before the British public that they do not like the powers of certification. Therefore, Sir, I support the first part of Mr. Basu's amendment that the words 'or interests' should be deleted.

Mr. President : Reference has been made in the course of the debate more than once to the second half of the amendment standing in the name of Mr. Basu, but there is a suggestion that the Honourable Member from Burma is ready to withdraw it. Do I understand that that is the case ?

Mr. J. N. Basu : That is so.

The Honourable Sir Basil Blackett (Finance Member) : Sir, the first speaker this morning, amid the applause of the House, gave vent to the statement that the members of the Government of India are human. I admit the soft impeachment. It would give me great satisfaction to be able to answer that large part of the Honourable Member's speech which was not delivered, but you have told us, Sir, that to-day we are not discussing finance. We are not discussing the question whether or not the salt tax should or should not have been imposed. We are not discussing the question whether it should have been imposed by certification or not. We are discussing the question whether a particular restriction should be put on the existing powers of the Governor General for dealing with emergencies. Probably, with the withdrawal of the second part of the amendment, it has come down simply to the statement that the House is of opinion that the Act should be amended by the omission of the words 'or interests.' I should very much have liked, Sir, to have done a little arithmetical sum and pointed out how many crores have been saved by the presence of those words,—for example, after telling the House which I have great pleasure in telling them, that the loan of 24 crores has been fully subscribed and closed—I should have liked to show how much has been saved (*A Voice* : 'Poor bankrupt India') to the tax-payers of India in principal and in interest through having regard to their interests. But that, Sir, would be outside the scope of to-day's discussion. I think the Honourable Member who has just spoken summed up the position very well. He said there is a feeling of irritation in the country at the existence of this power and fears of its being abused. I could not make out from his speech until he actually stated categorically at the end that he supported the amendment whether he was speaking for it or against it. I would make the same remarks to the speech which Mr. Seshagiri Ayyar made last week. In both cases they seemed to me to be arguing very sensibly against either the original Resolution or the amendment. In the present case the Honourable Member who has supported the amendment that is now before the House said that he did not believe in amending the Government of India Act piece-meal. I agree with him. I think that it would be a mistake to vote for this amendment because I think it would be a mistake to put it into force. There is really extraordinarily little difference when all is said and done between the Government Benches and the rest of the House—I should say the occupants of the Government Benches, because Dr. Nand Lal suggested that the Government Benches would vote with him and I am sure they would not be so wooden—there is very little difference, I think, between those who are discussing this matter to-day. Several references have been made to the fact that the Government of India is not so sympathetic as it was. It is always pleasant to praise past times especially when thereby you can get at someone in the present. But the Government of India is human and it has a conscience and it thoroughly sympathises, I think, with the

feeling that is behind this discussion to-day. There is a feeling that there is danger, possibly in the future of an abuse of the power of certification. I feel quite sure that if it ever is used again—and I am sure the Government of India is at one with the House in hoping that it will never have to be used—if it ever is used again, one member after another in the House will get up and say 'As regards the Princes Protection Bill, there was something to be said for it. After all, we had to balance our Budget and we saved our money by certification, but on this occasion it is quite wrong.' It is always a particular occasion of the use of the power of certification that causes difficulty. The power of certification is an essential part of the Government of India Act and of the present transitional stage in the constitution of India. It is necessary to enable the Governor General and the Government of India Act to carry out that part of their responsibility which is to the British Parliament and it is sometimes naturally difficult to combine that with the responsiveness which they do feel and ought to feel towards the wishes of the Assembly. But the difficulty is there.

You cannot get it away simply by tinkering with the Act. The Government of India are human. They as much as this House find difficulties in the restrictions in the present transitional stage of the constitution. They and the House are, I think, at one in the desire to work the existing constitution in such a way that it may lead on to a fuller development of responsibility of the Indian Government to the Indian Parliament. It is a question of degree and of time only I think that creates the differences between the two sides of the House. Sir Henry Stanyon, who spoke last week, drew attention to that. He disagreed with some of us with regard to the particular use of the power of certification, but he pointed out that it is necessary in this transitional stage; and that the present of all moments is not the moment to get rid of it. To sacrifice things which are essential to the interests of India at this moment surely is not desirable. We are working this transitional constitution and we all want to work it so that at the earliest possible moment it may lead on to more. If I may be allowed a reference to the circumstances of last March, I am sure the argument that weighed most strongly with me, at any rate, and I believe with the Government of India, was that it is essential to the proper working of the Reforms that our finances should be in order. So long as finance is neglected there are difficulties in the way of making progress. Let us get that in order and we shall be able to get on with the Reforms. However I do not want to argue the rights and wrongs of that occasion. I do want to put it to the House that we have got a constitution which does reserve big powers, real powers, to the Governor General and to the British Parliament. It does not give full responsibility to this House. The reserved powers are meant to be real powers. But as the Honourable Member who spoke last said, the powers of this House are real, and they are meant to be real, and it is possible to work them so that they will be real and to make them more real. During the last fortnight I have been sitting as a member of two committees, the Standing Finance Committee and the Public Accounts Committee. I am sure that those who sat with me and those who know the work that we have been doing, will admit at once that the work done by those two Committees is a

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complete refutation of the silly argument that is made outside, that this House is a sham House and the Reforms are shams, and the power of control over the purse is a sham. Sir, it is not a sham. The Public Accounts Committee has been going through the accounts of the year 1921-22, the first year in which grants were voted by this House, and it has been examining with great care to see whether the Government of India did or did not carry out the directions of this House in regard to voted expenditure, calling attention to every case where it has not done so, calling attention to difficulties and possible remedies which led to a failure fully to observe the directions of this House, making suggestions for modification of technical methods in future so as to make the control more real. The whole attitude of the Government of India, Sir, towards voted expenditure has had to be reorientated as the result of these Reforms. Prior to the Reforms, the Government of India was responsible to no authority in India for its expenditure. Now it is responsible to an authority other than itself in India, and one after another the Members of the Departments who came before the Public Accounts Committee explained that the year 1921-22 was the first year in which they had to deal with this outside authority ; that their methods of working did not admit of their realising soon enough how far they were in danger of exceeding the authority of Parliament ; that these methods could and would be improved and were being improved, and I may say, will be improved.

Sir, a constitution is not born in a day ; it is built up gradually.

1 P.M. The three years since the reforms were introduced have been the first three years of the transition period. I do not think that anybody who has read the debates in the House of Commons and the Joint Parliamentary Committee can fail to recognise how strikingly great the advance has been since then. It was quite a new idea during the discussion of the Government of India Act that this House should be responsible for voted expenditure at all. It has been made responsible for voted expenditure and it is taking care to secure that that responsibility is realised by those who are actually spending the money.

Sir, it was suggested, I think, by one speaker to-day that the Government of India could not be expected to be in sympathy with the aspirations of this Assembly. I was very sorry to hear that. The Members of the Executive Council of the Governor General are all Members either of this House or of the Council of State and I am sure that they regard as their most important function to work with this Assembly, to help this Assembly.....

Mr. Harchandrai Vishindas : Might I rise to an explanation, Sir. If the Honourable the Finance Member is referring to me, I might tell him that I did not say that about the Government of India but I said it about the Government now in England.

The Honourable Sir Basil Blackett : I apologise to the Honourable Member if I misrepresented him. I will continue without referring to any suggestions that the Government of India is not here to work with the

Assembly. I will say that I think that the Government of India is here to work with this Assembly, as part of the Assembly, as Members of the Assembly to secure that the work of this Assembly within the existing constitution shall be well and effectively done, so that the results of that work may be to hasten the time when the further step may be taken. (Hear, hear.)

Captain E. V. Sassoon (Bombay Millowners' Association : Indian Commerce) : Sir, the other day the Honourable the Home Member pointed out that there might be a perfectly justifiable provision of the law which might be misapplied in time, place and manner, but that that did not argue with any certainty that that section of the law should be repealed. He further pointed out that only in 1871 was the Royal Prerogative exercised in a manner that would be unheard of to-day, and that only half a century ago. In my opinion that is a very strong point in favour of restricting the use of exceptional powers by convention instead of by an alteration of the law. We see the working of this method in the democratic development of Great Britain.

And I do not think it will be contended by any fair-minded observer that there is more freedom in other countries whose constitution is plastered with protestations of liberty and equality. So I find myself unable to support the Resolution of Dr. Nand Lal.

Now I have to consider my position as regards the amendment. This amendment attempts to limit the powers of the Viceroy to certain defined boundaries. Here I am inclined to follow Sir Henry Stanyon's lead. We have an admittedly transitional constitution to deal with which will be drastically amended when it comes up for revision ; and though I welcome these amendments being brought before the House and fully discussed in the light of the practical difficulties as they come up, I think I must declare against tinkering with the Act at this moment. I think it is objectionable, as Sir Basil Blackett said, to deal with it piecemeal, although I have an entirely open mind as to when the right moment should arise when it should be dealt with as a whole. In any case I would much rather see the restriction of the application of these powers the result of convention and in spite of the brave show that has been made by some Members of the Government I cannot help feeling that the fight that has been put up from the non-official benches has not been without its effect. I think the remarks of Sir Basil Blackett rather bear out that statement. I would remind the Government, however, that though this transitional Act is designed to enable India to get the necessary experience for government by her own representatives, the obvious corollary is also there, and that is, that the bureaucracy should also take advantage of this transitional period to get out of their autocratic ways and to get used to parliamentary control. Here again I am glad to see that Sir Basil Blackett seems to agree with me. Now, Sir, I do not think that anyone will accuse me of being a blind supporter of the Government, taking for my motto the words " My Bureaucracy right or wrong ! " Nor do I allow a very definite knowledge of my own shortcomings and inexperience to deter me from voicing in no uncertain terms my disapproval when I think that the Government is in the wrong. But, on the other hand, I do try to

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be fair, and I do realise that theirs is no easy task. Anyway, I for one, were I asked, would hesitate before exchanging my present lot of irresponsible critic for a seat on the Treasury Benches. No, I do not think I should hesitate; I am quite sure I should refuse! And we must remember that the Government has listened to the House on occasion and taken the advice of non-official Members. I think I shall be able to show that that has been to their advantage, although they do not always give the House the full credit that is its due. Let us take the appointment of the Inchcape Committee. A Committee of inquiry was asked for by the Non-official Members when the Government had stated its inability to make further savings. It is true that the Government in this case gave way, but would they have but for the insistent demand of the House? And would they have if the House had slavishly agreed to all their proposals? Further I think that the Government—there I disagree with Sir Basil Blackett—would have found it to its advantage to have yielded to the views of the House on the Salt Tax. Well, if I may interpolate a query here, Sir Basil Blackett in his answer to my Honourable friend (Mr. Harchandrai Vishindas), I gathered, associated the great success of the present loan with the doubling of the Salt Tax.

The Honourable Sir Basil Blackett: With the balancing of the Budget.

Captain E. V. Sassoon: I think he said the doubling of the Salt Tax.

Sir Deva Prasad Sarvadhikary: The balancing of the Budget.

Captain E. V. Sassoon: His words were "the doubling of the Salt Tax" if I remember aright.

Mr. Harchandrai Vishindas: Are you referring to me?

Captain E. V. Sassoon: Yes. You referred to the success of the loan and Sir Basil Blackett associated it with the doubling of the Salt Tax.

Mr. President: Order, order. This is quite an irregular conversation.

Captain E. V. Sassoon: I will then reserve my question till I meet Sir Basil Blackett; but I do think, Sir, that the point of this House—the essence of their objection to this increase of Salt Tax was due to the view that this tax is our resort and should only be levied.....

Mr. President: I have pointed out twice before that we are not discussing the merits of the Salt Tax. We are discussing the powers of the Governor General under section 67-B; and I may point out further to the Honourable Member that the words "Governor General in Council" do not occur in that section at all.

Captain E. V. Sassoon: I was, by way of illustration, trying to support the Government in its objection to this amendment by showing that there might have been no amendment before the House if they

had followed the wishes of the House in this particular matter. At any rate, Sir, there have been cases where the Government has followed the wishes of the House, and I think it is a pity that on this last occasion they had, right apart from certification, not followed the wishes of the House. I agree that it is a question of degree; but in this question of degree I agree with Sir Henry Stanyon who says that even if the Government had had some doubts as to the wisdom of the matter they might have given way and seen what the results would have been. I think with due deference that if they had done so the statement of His Excellency the Commander-in-Chief the other day may have shown that the views of this House were not so very foolish as might have appeared at first sight. But perhaps that is verging on a matter that is not strictly relevant. I therefore appeal to this House not to support the amendment, however strongly it may object to an arbitrary use of these powers, because this is not the right time to bring that point forward, and it is better that those who wish these powers not to be used so drastically should wait until the time comes when the whole question of the alteration of the Government of India Act will be before the Assembly.

Mr. K. Muppil Nayar (West Coast and Nilgiris : Non-Muhammadan Rural) : Sir, it strikes me on this Resolution that properly speaking there are more points that we may not touch upon than those that we may. I shall, therefore, confine myself to a few words. No one is more sorry than I am as regards that unhappy chapter in the history of our last Session. I do not even now propose to join in any ecstasy because nothing visibly serious has happened as a consequence. From what I know the measure has irritated the ordinary man in the country as most things will not, and I think that is sufficient to justify my speech against it at the time. But in spite of all this, Sir, the present discussion strikes me as useless. The question now before the House is, to my mind, one largely concerned with a further instalment of reforms, inasmuch as it has been made amply clear by the highest authorities that the certification process is nothing other than more or less a substitute for the official majority that used to exist in the past. It will therefore be best now to get rid of any mistaken notions as to our position or importance here; and if agreed—for I for one am against taking away the power of certification altogether—well, if agreed, urge this matter when that already settled occasion for a reconsideration of the present Act duly comes.

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

The Assembly re-assembled after Lunch at Twenty Minutes Past Two of the Clock, Mr. President in the Chair.

Mr. S. C. Shahani (Sind Jagirdars and Zamindars : Landholders) : Sir, I rise to support the amendment proposed by Mr. Basu, and my reason for doing so is that the emergency powers that have been exercised on the occasion of doubling the Salt Tax have been essentially inconsistent with

[Mr. S. C. Shahani.]

the nature and character of the transitional system of Government that has been given to us. I do not for a moment mistake aspirations for actualities, as it has been said by the Honourable the Home Member that there is a tendency on the part of Indians to do.....

The Honourable Sir Malcolm Hailey : No. Will the Honourable Member quote me correctly ?

Mr. S. C. Shahani : I thought the Honourable the Home Member said that aspirations were being mistaken for actualities in this transitional period.

The Honourable Sir Malcolm Hailey : I would merely remind him that what I said was that those who are concerned with this debate should not mistake aspirations for actualities. I made no suggestion that Indians generally were in the habit of doing so.

Mr. S. C. Shahani : I thought that in the Honourable the Home Member's statement, that was the implication. However, if he must distinguish, let him. I want to make out that it is not mere aspiration but real intellectual judgment that leads Indian representatives in the Assembly to come forward and propose that section 67-B should be amended. There has arisen an occasion on account of which the amendment of this section should be insisted upon by the Members of the Legislative Assembly. I for one must repeat that I do not mistake the nature and character of the Governmental system now established in India. I know that we have not yet got full responsible Government ; and I also know that emergency powers ought in the circumstances to exist. I for one would not be in favour even of the deletion of the words "or interests," and I shall explain why. I feel that at certain times in the present circumstances it might become really necessary for the Governor General to exercise his emergency powers to protect the interests of the people. Even a conflict between the people and the Assembly is imaginable. The Governor General may then certify not only when he realises that the passage of a Bill is essential to the safety of the country, not only when he realises that it is essential to the tranquillity of the country, but also when he realises that it is essential to the interests of the country. My contention is that the exercise of the powers of certification is governed by the word "essential," and that the doubling of the Salt Tax was not a fit occasion for the use of those powers, as the use then was not essential to the interests of the country. But perhaps it is not the Viceroy who has gone in for this certification on his own account. He has obliged the Finance Department that has asked for it. Whenever I hear Sir Basil Blackett, who presides over the Finance Department, I like his speeches. I feel he knows his subject well, and that he has not only knowledge but sympathy. I also feel the same when I hear His Excellency the Commander-in-Chief. The other day I felt inclined to side with him, as in his speech he showed considerable sympathy with our aspirations ; and yet his statements were so inconsistent with the statements that were made by the Army Secretary, that we had necessarily to decide on insistence upon a due representation being made to the Home Government that the Resolutions of Sir Sivaswamy Aiyer relating to the Esher Committee Report

should be given effect to as early as possible. After hearing the Honourable Sir Basil Blackett to-day, I think that his statement of the nature and character of the constitution is perfectly correct ; only that he feels that on the occasion of doubling the Salt Tax emergency powers should have been exercised, while we strongly feel that they should not have been. The Honourable the Home Member has made bold to tell us that we are not representative, that we are merely illustrative and not reflective, that we are here but specimens of Indian gentlemen, very like the specimens of a fauna collected in a Zoological garden. There were occasions when the Honourable Sir William Vincent, and the Honourable Sir Malcolm Hailey, our present Home Member, came forward to speak of us as true exponents of the opinion and interests of the people of this country.

We shall always, I suppose, be so spoken of when we have got to vote crores of rupees of taxation or to assist in the raising of loans worth millions of pounds, but now we are told that we do not reflect the opinion of the country. We are elected, I find, in accordance with the laws that have been made by the Sircar. I find that we are returned under the rules promulgated by it ; and yet we are being represented, as being representative of no one but ourselves. Who are the true exponents of the country ? The Home Member and his colleagues ? I think he will not venture to make a statement such as this. In the language of Shakespeare, if he did make a statement of that kind, I would say, " What ! Canst thou say all this and never blush ? " Are non-cooperators then the true exponents of the opinion and interests of the country ? If the Home Member did imply that, he would find himself, I suppose, in very strange company. We are, we know, lagging behind the extremists in the country, and it is only by reason of that that we are here. We duly and truly reflect, we maintain, the opinion of the country ; and there is no denying the fact that the country has felt very strongly on the certification of the Salt Tax. Anybody who does deny it could only be of the class of the Laputans of Gulliver's Travels. Those who are living in the blissful solitude of the Simla Hills are perhaps an approximation to those philosophic inhabitants, and they may be unmindful of what the opinion of the toiling people in the plains is. I hope the Home Member will soon realise, if he has not, that there is in the country a very strong feeling against the last certification. Moreover, to me it is a great surprise that some of the most intellectual people have interpreted the words "*essential* to the safety, tranquillity or interests of British India" in the manner in which they have done. The effect of their interpretation is to make the Governor General an autocrat. Autocracy does not now prevail in India. We were told by Queen Victoria of happy memory that contentment was the aim of British rule, and by the Duke of Connaught that the principle of autocracy was inconsistent with the contentment of the people, and incompatible with the legitimate aspirations and demands of the people and the stage of political development which they had attained. In the Government of India Act the principle of autocracy has been abandoned. No Bill can pass without the consent of the Legislature, to which only one exception has been provided, *viz.*, the realisation on the part of the Governor General, who presides over India, that any Bill though objected to by the Legislature is yet *essential* to the safety, tranquillity, or interests of

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the country when he may certify the Bill. I can well imagine a very right use of the power to certify that have been created by the Act. I might now consider the historical comparisons that have been adduced by the Home Member. The Royal Prerogative was used to abolish the purchase of commissions which was being insisted on by the aristocratic representatives of the British people in the House of Commons. We have got to remember here firstly that the Parliament of England was then oligarchic. There was no representation in England prior to the Reform Bill of 1832. The power then lay with the aristocrats and not with the people, and the opinion of the people was not reflected in the House of Commons. Secondly, I would venture to say that the exercise of the veto has always been excused when it has been exercised in consonance with the desires and demands of the people. If the Governor General had exercised his veto for the raising of the income-tax, I can assure you that the people would never have resented it.

However much the Members from Bombay would have become indignant, there would have been no resentment in the country at all ; and I am one of those who would have hailed with delight the exercise of emergency powers in a cause such as that. This is, however, my individual opinion. I do not say that here I represent the view of the rest of the non-official Members of the Legislative Assembly.

The second comparison that was made was that of President Cleveland who is said to have exercised his veto no less than three hundred times. But the Honourable the Home Member, if he will allow me to respectfully so state, forgets that Cleveland was responsible to his people, but that the Governor General is not responsible to the people of India, so that the distinction between the exercise of the powers of these two persons ought to be very carefully borne in mind. My point, then, is that we are not anticipating what may be given to us hereafter. We are limiting ourselves carefully to the powers that have been given us. The exercise of the emergency powers on the last occasion was altogether inconsistent with the powers that have been given to the people of India. Possibly Rai Bahadur Judu Nath Majumdar struck a correct note when he said that the people of England have resented what they have deemed an insult offered to the Prince of Wales when he came over here. I should not wonder if that is at the bottom of the explicit change now noticeable ; and the motive of the certification was a political rather than an economic one. It is said that the emergency powers that are given to the Viceroy are real and intended for use. If these emergency powers are not used, it cannot be argued that these powers do not exist. One should be indeed very sorry if a collateral circumstance whose import has not been understood were responsible for the change in the attitude that has now been assumed by the Home and Indian Governments. A very adverse attitude has been assumed by the Government in the matter of further reforms, but I am not concerned with the matter of further reforms on this occasion. It has been unblushingly said by some of the Anglo-Indian papers that India has been accustomed to autocracy, long accustomed to autocracy, and it should not be in a hurry to get responsible Government. Such statements would naturally be extremely hateful to the people of India who have known Panchayats or Village Communities from times of yore, and I trust that it will not

be persevered in by those occupying positions of responsibility. It has also been said by the same papers that only 182,000 people came to the poll at the last election—less than one-fifth of the total number that has been given franchise. True, but the rest considered the constitutional reforms a sham. Is it not the case that the moderate opinion in the country is best represented in the Assembly? With these remarks I would like here to suggest one little amendment in the amendment that has been put before the House, namely, that the words "or interests" be either deleted or so altered as to prevent the repetition of unnecessary certifications such as the one we have seen now.

I have now just a word of personal explanation to offer. It has been said that I and the rest of the so-called modern Hampdens have come back with no scars on their foreheads. We went to our friends, and what scars did the Honourable the Home Member expect we should be wearing on our foreheads when we came back to the Legislative Assembly? The people were entirely with us. I have no doubt that it is being attempted here to leave a scar on our foreheads. We have been now designated in raillery "modern Hampdens." For doing what? For doing our duty, for resigning to show our faith in the democratic character of the transitional system of Government that has been given us in the Government of India Act of 1919. The Home Member has further told us that we have come back boasting that we have inflicted a great blow on the autocracy of India. One or two men cannot administer an effective blow at the dragons who keep in their custody the jewel of responsible Government so eagerly coveted by India. I trust that many more will join and that there will be concerted action for delivering the requisite blow; and I trust that the blow will be taken in a sporting spirit. We ourselves have offered our mite, our modest contribution. It may be that we have been pursued with ridicule, jests and jibes, but is it not the fact that the victim of one age often comes to be the boast of the next? We know how Milton in his own day was "the blind adder that spat venom on the person of the King," and we know how later he came to be recognised as an apostle of free speech and writing. In passing I may here state that I was opposed by one gentleman in Sind, but I was very glad to see that the Jagirdars and Zamindars of Sind asked him to withdraw, so that I might be returned unopposed, and the Government might realise that I was not speaking for myself alone but for those whom I represented.

Rao Bahadur C. S. Subrahmanayam (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, when I read the Resolution that was tabled for discussion I may assure the House that I kept my mind open because I did not know the implications of that move and I thought that I might come here and after hearing the discussion get wiser. I found the amendments tabled, one of them by my very esteemed friend here and I found that when the discussion started a complete go-by had been given to the Resolution as tabled by my very sincere and enthusiastic friend Dr. Nand Lal, and then the amendment that was put forward by my distinguished friend was withdrawn without one word of apology and what remained was the amendment that we are now discussing and as to that wisdom from Bengal came and would not agree to the whole of it. So it had been mutilated and only a small particle is left for discussion and you have ruled, Sir, that the

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discussion shall be confined to that part only. Now assume that we pass this amendment omitting the words ' or interests ' and it is carried and the Statute is amended like that. What does that mean ? The words ' or interests ' go and the words ' safety and tranquillity ' remain. Take the other provisions. Under the Act the Governor General in Council has got the power to restore grants which we have refused. The Governor General also has power in emergencies to spend moneys. How can you reconcile these two powers, the power of the Governor General in emergencies deleting " or interests " under this provision, 67-B, with the power of the Governor General in Council. Therefore without elaborating that position which has been touched by the previous speaker, I may say pinching the Statute here and there or as it is called piecemeal legislation is not going to be of any good. The question before the country, the question that has been discussed by men who have given a thought to the Government of India Act is that there are several aspects of the Act which are unsatisfactory. There are many provisions which require modification and the better opinion, if I may say so, the thoughtful opinion and more considered opinion is that the whole Act should be taken up and brought into line with the aspirations of the people of this country.

That was the main question. Well, if we laboured to bring about that result, if we worked to attain that end, that would be one thing. Now, are we agreed ? Does not this Resolution and this amendment show that on the non-official side of the House there are varieties of opinion, differences of thought and disagreement on even the minor points of this simple Resolution ? Now, that is so, so far as matters have turned out from the debates. My Honourable friend Rai Bahadur Jadu Nath Majumdar spoke and most of the arguments used by him were against this Resolution. He says, this is a pious Resolution. True, it is nothing more than a pious Resolution. Then the question to be seriously asked is are we to pass pious Resolutions here ? Does it not stultify our position ? Does it not derogate from our dignity and position to pass pious Resolutions, knowing that they cannot in the nature of things be given effect to ? Does it not derogate from our position that we, as business men, men who have come here to do some good to the country, should pass Resolutions which we know cannot be carried into effect ?

Now, there is the argument that is put before us that it is a protest against the action of the Governor General. Now, I say, if we want to protest, we have other ways of expressing our opinion and showing that we resent the action of the Governor General. Now, to take a test case. Clip away Rs. 5 if you like from each department of Government, so that each member of the Government may know that we do not approve of the action that Government has taken. Well, you might do that ; that would be a definite thing, and if we could agree on that, that would be something. I know, as a matter of fact, that this Assembly would not agree ; it would be impossible even to get a majority of this House to pass a vote of censure on any member of the Government. It may be that the members of the Government are very good men ; or there may be psychological causes amongst us for this. But, whatever the reason may be, when there is a definite issue before the House, it does not agree, but, if it is beating the air, ploughing the sands and putting forward a general Resolution like this that the whole constitution be

altered and the first step towards Swaraj should be taken, a great many agree. I think that is a mentality which militates against the utility of any work which this Assembly can undertake. Now, I know Honourable Members have been criticising the certification by the Governor General of the Salt Tax. What led to that certification? It was the deficit budget. Why did you pass a deficit budget? Why did you not cut down the expenditure, never mind if it was unreasonable, if it was drastic? You could have done that and left the Governor General in Council to restore the grants you reduced. That would have been a definite ground, a ground more relevant, more germane, to our right of passing supplies. Item after item we could have cut down and given a balanced budget, and told the Finance Member "Here is a balanced budget, let there be no more talk of enhanced taxation." We wanted to cut down a substantial amount from one department of Government. We thought it would be possible for the Government to carry on the work of that department with that reduced expenditure, knowing well it could have come up later on in August or September and asked us for a supplementary grant. What happened on that occasion? Honourable Members were glad to rush into the Government lobbies, and we were defeated. Having passed a deficit budget, is it logically open to us now to seek to alter the Act, to complain about the certification by the Governor General? Speaking for myself, I voted at every step against the Salt Tax; and at every possible step I voted against it, and even after it was passed and certified, I took such steps as were constitutionally open to me to protest against it. And I now say, if you make that ground a ground of protest against certification, I say I won't agree, but if you want to seek to do it in an indirect manner by collecting into the mesh all sorts of varying opinions, I simply say that I have got very strange bed-fellows, and I do not want to stay in that company. Now apart from this, what is the practical value of this method? I believe it to be of no use. Does anyone here think that this recommendation will be accepted? What, after all, is a recommendation? A recommendation is much less in value, in political value, than a refusal of an item of a grant. This power does entirely vest in us,— the refusal of a grant. This is only a recommendation asking the Governor General in Council to recommend to the proper authority to amend it. I do not think that as a piece of resentment this method is a right method. If you resent, you must hit back, by all means do it; if you are not prepared to hit back, take it like good men. That is the question. Now, Sir, it is said, we moved this amendment because we were prevented from setting up conventions. What is the meaning of 'prevented from setting up conventions'? Conventions must grow, and they grow naturally. In order that conventions might grow, you ought to have begun much earlier, not when the time of the passing of the Finance Bill came, but before the earlier steps which led to the passing of the enhanced Taxation Bill; that was the way in which you could have allowed the convention to grow. Another argument that was used was that we must bring to the notice of Parliament that we resent this action by high authority. Well, Parliament knows full well what our views are. Parliament knows that individually and collectively we have given intimation to the members of Parliament, to the people at

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Home, of what we feel. Rightly or wrongly, they have not accepted our view, and now is this going to bring home to them or make them more intimate with our feelings,—by this action here? Now one word more; I should like to say, before we blame Government—I think that theme has been unduly developed—before we take that method, why not we re-examine our own position? We are 100 elected Members: how many voted against the salt tax? Only 51. What about the others? Is not this a case in which those who are not with us are against us? I ask in all seriousness, if people abstain from voting with us on an occasion like this, does it not mean that they are against us? (Voices: “No, no.”) Well, you may differ. Those who do not come with us are against us. There are occasions when people who could not join with us may not be against us. As to those who were present at the voting, what was the proportion? There were Members who spoke for the salt tax. Did not some elected Members from the provinces do so? Our case therefore might not appear so strong. A good many men felt that the salt tax was bad. But what is it that they did? They discharged their duty, we are not attacking those men. Could we not bring home to them a better sense of their duty, by telling the country that our cause was lost and the Government certified because it was due to the lack of sufficiently strong opposition to the salt tax. Is not that quite correct? Why should we all say time after time that certification should be withdrawn, that certification is bad. That is not the point. After it has been done, what should be our attitude? I think this whole discussion, argument after argument that has been used, tends only to show that this Resolution and the amendment and this whole move and the debate is wrong. It is not the constitution that we want to change. It is a protest we want to enter. (A Voice: “Question.”) Well, that has been said by no less an authority than the gentleman who sits in front of me. My Honourable friend Dr. Nand Lal who is responsible for the Resolution is in a peculiar position. I simply compare it to the attitude of a man who takes away from a child a stick which it misuses. It is hitting every one. Take away the stick. It is in that spirit that the Resolution has been moved. This power of certification has been used according to us wrongly and therefore we must take away the power, without taking steps to prevent the use, the improper use, of that power. Now, Sir, I had to speak, because if I gave a silent vote either for or against the amendment, I might be misunderstood. I want to tell the House plainly and unmistakably that there is a good deal that we could have done in the way of preventing an exercise of power like the one now under discussion, and not having done that, there is no use complaining against others and saying that the whole constitution is faulty.

Dr. H. S. Gour (Nagpur Division: Non-Muhammadan): Sir, though this Resolution and the amendment have been provoked by a recent occurrence, I do not wish to advert to it except for a moment in consequence of the speech made by the last speaker. He has assumed that we passed the deficit budget and therefore as a matter of logical necessity we were bound to find the money. My Honourable friend could not have forgotten that we had not passed a deficit budget.

The military expenditure which forms a major portion of the budget is a non-votable item and we were not even entitled to discuss the reduction of military expenditure. We protested against it, but our protest went for nothing and we are not responsible for the entire expenditure of the Government of India which we have not voted. That is my answer to the main argument of my friend Mr. Subrahmanayam. He then tells us that if there has been a mistake in the past the constitutional position is that we should avoid making mistakes by establishing conventions. My friend was here last year. He remembers the full discussion on the salt tax. He remembers that we threw out the salt tax and he also remembers that there was no certification. That created a convention. It is the first step that counts. It created a precedent and precedents create conventions. That convention has been broken in upon this year and hence we protest against the convention of last year, which was acceded to by the Government and the Honourable Mr. Innes justified it in his speech this year when he admitted that the Assembly was right in refusing the increase of salt tax. Then my friend Mr. Subrahmanayam said that this Resolution together with its accompanying amendment is a protest against the certification of the salt tax. Well, Sir, if it were merely a protest against the certification of the salt tax, I would have been no party to it. I consider the certification as a settled fact and we are now here to protest not so much against the past as to safeguard the future. We are anxious to see that similar mistakes do not occur in the near or distant future, and Honourable Members have reason to feel alarmed at the language used by the Honourable the Home Member as recently as March last in this connection. Let me read to you his exact words. He said on the 26th March :

“In England or elsewhere we should do so by the assistance of our majority in the Legislature. In India the reservation of the Governor General's power is meant solely for this, that in the last resort the Executive Government may be placed in the same position as a Government possessing a majority in a representative assembly.”

It is against this aspect of the constitutional issue that we wish to provide. The Honourable the Home Member regards the Government block *cum-veto* as equivalent to a standing majority in the Legislative Assembly ; but was that the intention of the Government of India Act ? Let me read to you a portion of the speech of the then Secretary of State on the subject. Speaking in the House of Commons, he said :

“It is not any measure which affects the interests ; it is a measure which the Viceroy can say is essential. He does not now, as he used to do, pass that legislation by means of what used to be called the official block,” (*which has been re-established according to the speech of the Honourable the Home Member which I have just now read to the House*). “He passes it frankly as an executive order of his Government. It does not then become law until it has been before this House and the other House, where any Member will have the opportunity of discharging his true functions as a trustee of the Indian electorate.”

The Honourable Sir Malcolm Hailey : Turn a few pages further on and see what Lord Sinha said.

Dr. H. S. Gowr : I said, Sir, I was quoting from the speech of the Secretary of State in the House of Commons under whom Lord Sinha acted as an Under Secretary. I did not intend to quote the speech

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of a subordinate officer but of the chief officer. He was the sponsor and spokesman for the Government of India Bill in the representative Chamber, the House of Commons, and I say I take my stand upon what he said there.

Now, Sir, this, I submit, is an extremely alarming situation. If it is a fact that the Government of India are to act in the manner stated to us in March last, we are indeed in a sorry plight and I think this House should make it clear once for all whether the representatives of the people have an established majority in this House, or whether the Government with their minority with the power of certification can say to this House, "We have an official majority as heretofore". Now, Sir, if you turn to the Government of India Act, section 67-B., you will find that it lays down, amongst other things, that a Bill which is essential for the interests of British India, or any part thereof, may be certified by the Governor General. I ask the Honourable Members of this House whether it is not a fact that every Bill that is introduced by the Government is essential for the interests of India. Surely, Sir, they do not waste their time and yours in introducing unnecessary and unessential measures.....

The Honourable Sir Malcolm Hailey : Not the Civil Marriage Bill ?

Dr. H. S. Gour : I have still to learn that the Civil Marriage Bill was introduced by the Honourable the Home Member. (*The Honourable Sir Malcolm Hailey :* "God forbid.") I was referring to Government measures introduced by the Government and upon which the vote of this Assembly was sought. I submit, the Government, to be consistent, cannot but assert that every measure that they bring forward for the acceptance of this House is a measure essential for the interests of India. If, therefore, you were to read section 67-B. in the manner proposed by the Honourable the Home Member, it follows that every measure which is thrown out by this House may be, and indeed, ought to be certified by the Governor General, and the result would be to reduce this Assembly into a position of abject nonentity. Is this the situation which the Government of India Act contemplates ? (*Cries of "No."*) Is this the situation which Members of this House will tolerate ? (*Cries of "No."*) And I submit it is to safeguard against that position and that assumption that we must take concerted and united action upon this measure.

Now, it has been said that, if this Resolution is passed, it will be inconsistent with the responsibility of the Governor General to the British Parliament. Now, that is a phrase which has been repeated not only twice but three times by three official spokesmen. (*The Honourable Sir Basil Blackett :* "Four times.") Four times, Sir. Now, Sir, if that statement had been made 10 years ago, it would have been intelligible to us. But what is the position now ? If we turn to the Government of India Act, sections 21, 33, and 34, what do we find ? That, that responsibility is subject to the provisions of this Act and the rules made thereunder. The responsibility of the Government of India to Parliament

is no longer unlimited but is made subject to the provisions and limitations of the Government of India Act. Whatever, therefore, are laid down as the limitations under the Act, to that extent the Government of India is not responsible to Parliament but responsible to this House. It is that provision of the Act which we wish to alter. Consequently, the argument that the Government is responsible to Parliament and, therefore, this Act would not be in consonance with the true discharge of their responsibility to Parliament, is, I submit, wide of the mark.

Then, it has been said not only by the official speakers but by my friend Captain Sassoon that we should not tinker with this legislation and that statement has been repeated by other speakers. Now, Sir, I wish to ask if the power of certification does not stand by itself. My friend Mr. Subrahmanayam and Mr. Graham pointed out that the Governor General has a power of certifying certain expenditure under section 67-A. and he castigated both Mr. Basu and Dr. Sarvadhikary for their interpretation of that section. Well, I think, if I may speak with due humility, Mr. Graham was perfectly correct. The power to sanction expenditure is one thing, but the power to raise money by taxation is another, and I do not therefore wish to confuse the issue by referring to section 67-A. of the Government of India Act. Nor do I wish to confuse the issue by referring to section 72-E. of the Government of India Act which deals with the responsibility of the Governors in relation to reserved subjects.

We are here confined to section 67-B. and my submission is that that section was never intended to be used in the manner in which it has been used on the present occasion. Let me remind the Honourable Members of the House that Mr. Montagu, speaking in the House of Commons, assured the House that this section would not be used except with the previous sanction of the House of Commons. I have read to you the passage. The proviso was never understood to give exceptional powers to the Governor General independent of the British Parliament. That was a statement called forth by the opposition from the Labour and Liberal Benches against the plenary provisions of this section. Now the Secretary of State's assurance that this section will be used subject to the sanction of the British Parliament stands good ; and there has been a contravention of that assurance given in the House of Commons at the time of the enactment of the Government of India Act.

Then, Sir, it has been said by the Honourable the Home Member that there are precedents in which the Crown uses its power. In England it has been used and President Cleveland in America used it on no less than 301 occasions. I would ask the Honourable the Home Member to read a little book by Sir William Anson on the Law of Constitution in which he will find it stated that the veto of the British Crown has never been used since the last 200 years. And as regards the veto used by President Cleveland, what does Lord Bryce say ? He says that the veto of the President of the United States of America may be set aside by a vote of the two Houses. Is the veto or is the power of certification of the Governor General subject to the revision of the two Houses of the Indian Legislature ? It is not. It has been rightly pointed out by my friend Mr. Shahani that President Cleveland and all the Presidents of the American Republic are elected by the people and as such are responsible

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to the electorate ; but that is not the situation here. Consequently, I submit the analogy falls to the ground.

Then the Honourable the Home Member said if this veto and power of certification did not exist, imagine to yourselves if a Bill is passed by this House and is rejected by the Council of State, what would be the situation ? I ask the Honourable the Home Member to read the Government of India Act which adumbrates the situation.

The Honourable Sir Malcolm Hailey : No such argument was used at all. I do not wish to interrupt the Honourable gentleman, but I did not use that particular argument. I would remind him that the precise argument I did use in that respect referred not to the present state of things at all but what might happen with a different Assembly differently constituted.

Dr. H. S. Gour : Yes, that is a contingency I also have in view ; and I have refreshed my memory with the Honourable Member's speech from a non-official publication which I hold in my hand. Now I ask if there is any conflict between the two Chambers, the position is simple and clear. There will be a joint session and if the two Houses do not agree the Governor General has the power of dissolution. He can dissolve the House. It might be asked on the other side—supposing the Non-co-operators are in power and the Governor General dissolves the House, and they are returned over and over again, how is the Government of India to be carried on ? My answer is that if the whole country stands by the non-co-operators and there is an impasse between the Government of India and the people of this country, it raises a grave constitutional issue in which the Government of India will be bound to give way. They will then have to submit to the will of the people.

I therefore submit that the contingency contemplated by the official Members need not deter or detain us in lending our support to this amendment. Now, Sir, one word with reference to the Resolution. I am afraid my friend Dr. Nand Lal is asking this House too much if he wishes to make a clean sweep of the powers of the Governor General. In all regularly constituted countries, having a constitution, the ultimate power must rest with the head of the State. The Governor General as such is the head of the State and the ultimate power must rest with him. But that power must be circumscribed and limited to cases of safety and emergency. It cannot be used as a matter of course against the wishes of the representatives in this House ; it should not be used on all occasions as is suggested in the speech from which I have quoted, even when the Government are not in agreement with the Legislative Assembly. On these grounds, Sir, I am unable to accord my support to the Resolution. On the other hand, I think Mr. Basu's amendment which asks this House to delete the words " or interests " and to insert the word " or " between the words " safety " and " tranquillity " ought to receive the support of this House. The word " interest " is too large. It has been read too widely in the past and there is a danger of a repetition of a similar misuse of that term. We must, therefore, correct section 67-B. by deleting the words " or

interests" therefrom. I do not think legislation *ad hoc* would be refused by Parliament, if it is supported by a strong body of public opinion and the representatives in this House. It has been said, amongst others by the last speaker, that we must wait for the complete revision of the Government of India Act. No one would be more happy than myself if there is a complete revision of the Government of India Act. My friend, Mr. Majumdar, has pointed out that the Government of India stand committed to the policy with which this House is in full accord. If they are prepared to move the Secretary of State for a complete revision of the Government of India Act, they will earn the lasting gratitude of the Members of this House; but if this cannot be achieved, there is no reason why a mistake which has been detected should not be corrected, a mistake which, I submit, might recur from year to year and land the Legislative Assembly in constant conflict with the executive government. On these grounds I support the amendment.

Mr. P. B. Haigh (Bombay : Nominated Official) : Sir, I have followed the speech of the Honourable Member from Nagpur, as I always do follow his speeches, with the utmost attention. And I confess, Sir, that that speech has filled me at once with admiration and dismay. I admire its ingenuity, but I am dismayed at the total lack of logic which it appears to betray in the Honourable Member's mind. The Honourable Member from Nagpur said that if this were merely a protest against the action of the Governor General in certifying the salt tax he would have nothing to do with it, but that he supports the amendment because of the practical implications it carries. Having made this announcement he then proceeded to argue in an ingenious manner that if 67B is allowed to stand, as it is, the Government of India would be able to claim that any measure which it suits their convenience to pass is essential and will thereby make themselves complete masters of the situation and reduce the position of the Assembly to one of ridicule. Having made this statement, he proceeds to deviate entirely from the question before the House and to devote himself to denouncing the occasion on which this power of certification was used. Finally, he says, the Honourable the Home Member has challenged him to say what would be the situation should the amendment now before the House be passed. His reply is that, should it be passed, the position would be this, that Government, except in cases involving grave emergencies, would be compelled to yield to the will of the House and to obey its orders and carry them into effect. Sir, it seems to me that the latter part of the Honourable Member's speech shows that he has entirely misapprehended the whole nature of this section which we are discussing and of the whole nature of the certifying power. We are not concerned in any way with the occasion on which this power was used or the occasions on which it might be used. We have nothing to do with the propriety or otherwise of its exercise. We are simply discussing a constitutional question. The question before the House concerns the Constitution as laid down by the Act. Now, Sir, what is a Constitution? It is a large word on which much eloquence has at various times been expended. But, after all, a constitution is nothing more than this. It is a device for carrying on the business of the country, for enabling those who are entrusted with the actual management of the country's affairs

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to carry on their work, and unless those persons (whom we call the executive) can carry on their work, the business of the country comes to a standstill. Now when we are dealing with a pure autocracy, the matter is simple. The will of the ruler is literally law, whatever the autocrat does is legal; he cannot act unconstitutionally. But when we are dealing with a more advanced state of things, then the question at once arises, how is the executive to carry on its duties in a legal manner? The answer is this, that it is the admitted theory of the British Constitution that the executive must have power to carry legislation which will enable it to carry on the business of the country and if the executive cannot do this it must disappear. That is the final theory as at present adopted in the British Constitution. (*An Honourable Member* : "Question".) The Honourable Member says "Question". Now let me read to him two lines in Montagu-Chelmsford Report. It shows that they adopted that theory :

"We begin with the fundamental proposition that the capacity of the Government of India to obtain its will in all essential matters must be unimpaired. The institution of an Assembly with a large elected majority confronts us with the problem how to enable the Executive Government to secure its essential legislation and its supply."

Now, Sir, this theory that the Executive Government must be able to enforce its will in the Legislature or else must go and be replaced by another Government—the theory that now prevails in England—has not been hastily evolved. It is not a self-evident proposition, and with the permission of the House, I should like to review very briefly a few incidents in English history which will show by what difficult steps that position was arrived at. As the House is well aware, King Charles I endeavoured to carry certain measures without consulting Parliament at all, and when he found, or his ministers found, that this could not be done, a conflict was the result, and in the absence of any constitutional expedient like resignation, the conflict came to a head. (*An Honourable Member* : "King Charles' head".) The first thing that took place was the execution of one of His Majesty's Ministers, and this was followed a few years later by a still more tragic event that took place at Whitehall. Well, that Government having been disposed of in this way, was succeeded by the Government of the Lord Protector. But before the Lord Protector had been in power very long he found himself confronted with the same difficulty. He soon found that he had not got a majority in the House of Commons. That Government was not prepared to resign and some expedient had to be adopted in order that the business of the country might be carried on; in other words, that the Executive might pass the laws it wanted. The Lord Protector, as the House is aware, adopted another expedient. He marched a troop of Ironsides down to the House and removed from the House those Honourable Members who were not inclined to vote with him. In this way, he secured a majority in the House and was able to carry on. The next stage was the return of the King, and in the circumstances in which he returned, this question of conflict between the Executive and the Legislature did not naturally for some time arise. But later on it did arise, and once more the King of England disappeared from the scene and a fresh King came in his place. Now

follows a new stage. By this time it was apparent that this method of violent removal of opposition was distributing to the country and unsuitable as the normal means of government. The Executive in power were still the King's Ministers. It was not yet the recognised convention that when they found themselves in opposition to the will of the people. They must make way for others. On the other hand, to govern at all, they must manage somehow to secure a majority in Parliament. The House is well aware how that was done. They were able to exercise considerable territorial influence among the constituents who had to return Members to Parliament, and having got their Members of Parliament, they devised ways and means for keeping the majority of those Members loyal to the Executive in power; and by that means,—it is rather a gloomy chapter in English history,—the party continued in power for a very long period. But at last it became apparent that this device could no longer be used. What was the result? The logical result was the theory that now prevails that if the Executive cannot secure a majority in the House, it must resign and go.

Now what is the moral that I draw from this? It is this, that until you reach that state of constitutional development in which an Executive unable to secure a majority resigns its power to the opposite party, until that practice prevails, you must have some constitutional device to provide the executive with power to carry legislation or else you must either have violence or corruption. Now, in the constitution under which we are now sitting we are perfectly well aware that legal provision has been made in the Act to enable the executive in the last resort to have its way in passing legislation. (*Voices*: "In the last resort.") In the last resort. That is so, and who is to be the judge of what is the last resort? The Honourable Member for Nagpur, if I have interpreted him rightly, has actually suggested that an executive deprived of this power would still be expected to carry on the business of the country in constant opposition and in constant friction. The Honourable Member knows that it is really impossible. So long as we are in the present stage of constitutional development the executive must have this power of passing legislation and it must be the judge of what is essential and what is not. I ask Honourable Members to consider whether it is better that this matter should have been properly provided for in the constitution or whether it should have been left so vague that we should be driven to constant disputes or even to violence. I will not suggest to the House the adoption of the other remedies which were adopted in the time of King Charles I. I would not suggest that the Honourable the Home Member should invite His Excellency the Commander-in-Chief to march down troops from Jutogh and clear out the opposition. The fact is that the Honourable Member from Nagpur is pleading frankly for complete Parliamentary Government. Now, let us consider what would have happened if we had advanced to that stage by last March. A certain measure was put before the House with the object of raising money and it was thrown out. I do not believe the Government would have resigned. I think they would have gone to the country. We should have had a general election. The Honourable the Finance Minister—he would have been a Minister—

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would have gone through the country offering in one hand the salt-tax with a balanced budget and on the other hand bankruptcy. (A voice : "Income-tax.") We should have had Mr. Darcy Lindsay taking his message of hope to the villages in Bengal or my Honourable friend from Bombay—he is unfortunately not present now—taking his message of revolution to the villages and the cities of Bombay. Well, we will suppose that the independent electors of this country refused to have this obnoxious tax. Government would then have resigned and we should have had in their place a Government drawn from the opposition. Which opposition ? I believe I am right in supposing that the Democratic party is numerically the largest ; so presumably we should have had my Honourable friend, Mr. Seshagiri Aiyar sitting over there, with my Honourable friend, Sir Montagu Webb (having put Satan behind him) sitting in the place of Sir Basil Blackett. How long would that Government have stayed in power ? I ask Honourable Members really to consider. If that state of things took place to-morrow, do they suppose that they could conduct the Government of the country for a whole session, nay, even for a month ? (Cries of "Why not ?") (A voice : "Much better.") Could they rely on a majority in every case ? Are they sure that their followers are so closely united ? Do they understand their programme so clearly that on every occasion they can be sure of a majority ? Have they got that support in the country on which they could constantly rely ? Honourable Members know perfectly well that in a very short time some occasion would arise and out would go their government, to be followed by another government equally unstable. I am not accusing Honourable Members of any fault in this respect. The trouble is this, that you have not yet got an electorate educated enough to understand even the beginnings of party government. How can such an electorate keep any party in power ? If that is so, why is not the House prepared to accept frankly the position that we are at present in the transitional stage and being in that stage we must have the constitutional devices appropriate to such a stage. If the Honourable the Mover is of opinion that that stage should more speedily come to an end, by all means let him try and amend the constitution but let him not amend it in such a manner as simply to make the present Government impotent. I say, Sir, that the Honourable Member from Nagpur and those who support him are playing the game of no-co-operators. What does the so-called Swaraj party want ? They openly avow that they want to come to this House and make the position absolutely unworkable and the Honourable Member is paving the way for them. He is depriving Government of the one device by which they can get out of a deadlock. He is flinging the door wide open to Mr. Das and his party and saying to them 'come in and you shall find the house swept and garnished.' I would ask the House seriously to consider before it passes this Resolution as amended. I do not agree that the House should never pass a Resolution which it knows cannot be carried into effect, but I do ask, the House should not pass a Resolution which, if carried into effect, would result in nothing but disaster and wrecking of the constitution. It would be an act of political sabotage and I would beg the House earnestly to consider what would be the

effect on the minds of the House of Commons of the passing of such a Resolution. We stand here professedly as the party of constitutional development and constitutional progress and yet the Honourable Member is asking us to pass a Resolution which means nothing else than tearing up the constitution we have and throwing open the doors to the wreckers. I trust that the House will throw out this Resolution.

Dr. Nand Lal (West Punjab : Non-Muhammadan) : I feel bound to make my position clear. I feel as if some sort of misunderstanding has crept into the minds of some Honourable Members as to the motive which has prompted this Resolution. I may say, at once, that it is not on account of any idea of resentment or retaliation that I have brought forward this Resolution, but it is simply my duty, towards the Government as well as towards the people, which has actuated me to be the author of this Resolution. My own view is this, that this dangerous weapon, which is concealed in the provisions of section 67-B, is apt to give rise to agitation and propaganda work and, consequently, it is with a view to provide against all these sorts of troubles that I have moved this Resolution. Now, Sir, I may address myself to the very elaborate defence, which has been set up by the Honourable the Home Member. He has endeavoured, no doubt, to make a weak case look like a strong one, but I may say that he has introduced certain matters which had no relevancy. He has not endeavoured to come near those crucial and vital points which are involved in the debate centring round my Resolution. Now, in the first place he argued that he is not sure that there has been any kind of resentment outside the House and that it has not resulted in heart-rending consequences, and that the certification in connection with the Princes Protection Bill has not roused India to her depths. To meet that argument I may say that resentment there has been. I wish he had had a little more time to see the papers, namely, the comments and criticisms of the press, then he would not have given vent to that expression of opinion. There have been meetings and a number of comments have been made in almost all Indian papers, putting forward the very serious resentment and protests of the people, and yet the Honourable the Home Member has the courage to say, on the floor of this House, that there has been no resentment outside this House. I beg to demur to the correctness of that argument. I am very glad that this certification has not brought about heart-rending results, and this is always the wish of this Assembly. This Assembly never desired that there should be any unhappy result and this Assembly deprecates that ; what this Assembly has been striving to do and contemplates doing in the future is to put forward preventive suggestions in order to avoid any kind of heart-rending consequences. That is the duty which this Assembly has set out to perform. Therefore, Sir, if there have been no heart-rending results we are very glad. But the Honourable the Home Member must remember and I think that medical experts will tell him that a slow fever is more dangerous than a tempestuous fever. Slow fever takes the shape of tuberculosis and eats up the very vitals of life, which on the surface may seem to be wholesome but in reality is eaten up by the tubercular germs. This Assembly therefore is not in favour of certification, which gives rise to this slow cankerous undergrowth. I wish the Honourable the Home Member could have

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condescended to come down from his high pedestal and accompanied us and could have condescended to enter into the feelings of the people of this country ; then he would have acceded to our contention that there is discontent, that the people have felt very deeply, and the people protest against this certification. But I am sorry that on account of lack of time he cannot do that, and, therefore, we now convey this message on behalf of the people, that there has been a great deal of discontent and this certification has not brought home to the minds of the people that in reality these reforms are nothing but political jugglery and a sham.

Now, Sir, the second argument which the Honourable the Home Member has advanced is that there was an American President, Mr. Cleveland, who exercised the power of the veto no less than 301 times. My Honourable and learned friend, Dr. Gour, has adverted to it, and I need not repeat it. But I should like to make one or two observations in brief. Firstly, that the rule of law and the constitutional law there differ from those of this country and other countries. It cannot be denied. Every student of constitutional law will agree with me so far as this question goes. Then, Sir, it is not to be forgotten as to who is the President ? He is an elected one and is responsible to the electorate. Sir, if I elect the President and he steers himself in a certain way, I shall have to accept it, because he has been elected by me, and therefore this sort of agitation, this sort of discontentment does not arise. Therefore this precedent which has been relied on by the Honourable the Home Member has got no applicability to the present case ; and at the same time, I may mention that there is a great difference between the power of vetoing and the power of certifying. One is a negative power ; the other is a positive power. One is to refuse what has been decided by the Assembly ; the other is to make a law, to legislate, over the head of the Assembly, to overrule the verdict, the decision of the Assembly. Is there not a difference between these two powers ? Is there any parallel in the whole world where this uncommon constitutional power of certification has been given ? I offered this challenge in my opening speech also, but no response has been given. Therefore I have felt bound to reiterate the same ; and I must say that the opposite party must concede that there is no parallel. What answer is there to meet this argument ? There is no answer, I very respectfully submit.

The Honourable Sir Malcolm Hailey : None whatever.

Dr. Nand Lal : Then the Honourable the Home Member relies on the Montagu-Chelmsford Report. The argument purports to show that a number of deputations were invited, that evidence was recorded, that expert opinion was also invited, that the gentry of whole India was there, that the whole question was discussed, and it amounts to this that India had accepted this power which is now embodied in section 67-B. That is his argument. My reply to that is this. In the first place, with due deference to the ability of those who composed those deputations, they did not foresee what a terrible and dangerous weapon there was concealed in section 67-B, and they could not then realize for a moment that it would have unprecedented consequences, and it would bring about untold

discontentment ; they could not contemplate that. There is evidence in favour of my view, and evidence of the greatest possible weight, evidence which must be respected by every non-official and some official Members of this House also—the evidence, the view, the protest of the Right Honourable Mr. Sastri ; I will presently invite your attention to that, Sir, and I read it. (*The Honourable Sir Malcolm Hailey* : “ Is it all ? ”) I may invite the attention of the Honourable Home Member to it, Sir, he knows it, but I am simply reminding him of it. He, namely, Mr. Sastri, says :

“ Then there is the emergency provision made in this Bill against which also I wish to raise my voice in protest. The emergency provision in the case of the Governor General seems to me to be unnecessary.”

This is the view of the Honourable Mr. Sastri on whose testimony the Honourable the Home Member relied the other day in his reply. Mr. Sastri further observed as follows :

“ He has got power in the shape of his ordinances and he acting with his Council has got the power too in the shape of his own Regulations which may arise. Why is it necessary to duplicate this emergency,”—*very rightly*—“ power by further giving him the opportunity to set aside the Legislative Assembly and have things passed through the Council of State.”

Then the same Honourable witness observes :

“ I cannot see if there are real emergencies. Let him meet them using ordinances and then come to the Legislative Council for sanction.”

The Honourable Sir Malcolm Hailey : But read his reply to question No. 4026.

Dr. Nand Lal : Am I wrong ? Is my authority inaccurate, namely, is this testimony, which was given by our leader who is respected universally by India wrong ? Is it the first time that this Resolution has raised the voice carrying the message of the people of this country ? This is the view which was propounded many years back. This was the protest which was set forth by our Leader. Why is it then said that it is on account of resentment that this has been put forward ? What is the justification for that remark ? Now, Sir, further on, the Honourable the Home Member meant to argue that the Montagu-Chelmsford Report was for less political right and this Act is a bit of an improvement. That is not the question before the House. The question before the House is this—and this House ought to decide it—whether the present law as it stands, though we may respect it till it is altered, is suitable to this country or not. Well, the last unhappy event has proved to the hilt that this law is not agreeable to the political aspirations, to the hopes of the people of this country. That is the question. We have nothing to do with what was done two years back or three years back or what was the opinion of the Montagu-Chelmsford Report. We have to see whether the law, as it stands, is agreeable or not. But at the same time I concede that we must respect it till it is altered by constitutional means, the course which we are now legitimately adopting. Therefore, that argument also, I very respectfully submit, has got no evidential value. Then the Honourable the Home Member says “ Hullo, I have got greater evidence, that Mr. Patel in the Congress in July 1918 countenanced the existence of this power.” Now, I may remind him of the subsequent deliberations, subsequent Resolutions, subsequent result of Conferences,

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which were held and brought to light. Does the Honourable the Home Member know what was the Resolution passed by the Congress in 1920-1921 ? He knows, but I shall remind him. The words are very eloquent, Sir.

They support me and support my other learned brethren who have identified their interests with me, though to a very limited extent. The Resolution runs thus :

“ That this Congress adheres to the Resolution passed at the Delhi Congress regarding constitutional reforms, and is of opinion that the Reform Act is inadequate, unsatisfactory and disappointing.”

May I ask the Honourable the Home Member, was it accepted by the great political body of this country ? The Honourable the Home Member will refer to an obsolete decision, he will not go to the recent authority. That is the latest decision, and I shall give him another decision. Perhaps he may ask what was done in 1919. I shall venture to submit that the view of the Congress, in brief, then was this : “ It is of opinion that the proposals are disappointing and unsatisfactory.”

Now the Congress of 1919, the Congress of 1920-21 have given this verdict. Are we to bow to this verdict, or to the opinion of Mr. Patel in 1918 ? I appeal to the House, which is the latest decision, and the latest decision is always in keeping with the present current, which is agreeable to the present circumstances, not one which was agreeable to the old circumstances. That is not the law. That may be the law in the contemplation of the Honourable Sir Henry Stanyon, who said it should be, like the laws of the Persians, unchangeable. I shall refer to that point later on if I were allowed time to do so. Further the Honourable the Home Member argues and he relies on negative evidence. Negative evidence is a kind of silent evidence ; it is not of a positive character, as for instance when a witness comes and says : ‘ I have not seen,’ that is called negative evidence. Before lawyers that kind of evidence is of the weakest type. And after all what is that evidence which has been relied on by the Honourable the Home Member ? That evidence is this, that Dr. Annie Besant did not oppose it. One argument. And the other argument says there was a Federation in 1922, and he has asked us to advert to the Resolutions and the opinions which were expressed prominently at that time. I shall go to that and I shall show that the Honourable the Home Member's view of the value of those is against him and is in my favour. Now Sir, advert to the Resolution and to the opinions expressed after full deliberation in the All-India Federation of 1922 they are as follows, and I shall read, Sir, for your information.....

Mr. President : I wish to point out to the Honourable Member that his time is exhausted; so he should be as brief as possible.

Dr. Nand Lal : I thought you would allow me to meet all these arguments, but I shall now curtail my reply. That Resolution was :

“ That full autonomy should be introduced in the Provinces at the end of the first term of the various Legislatures, and as regards the Central Government, all subjects, except defence and foreign affairs with Indian States should be transferred to popular control.”

That is the view which was held by that Federation. Is it not against you, Sir, may I ask the Honourable Home Member? Is it not in my favour? Then the Honourable the Home Member has referred to the proceedings of the House of Commons. The proceedings of the House of Commons, also, to a certain extent are in my favour. Mr. Scott's view on his amendment was read out. I have no time to advert to it again; I shall simply give the gist of it that it is in my favour. My Honourable friend Mr. Samarth had invited the attention of this House to Mr. Scott's expressions of opinion and that of some other gentleman referred to therein, his opinion, if I mistake not, was also in favour of the Resolution which is being moved now. Unfortunately, the amendment of Mr. Scott was a belated one and it had to meet an unhappy fate. It may be considered to have been defeated, but it was not really defeated on its merits but on account of its being belated. Had it been in time, most probably, that amendment would have received the appreciation and the acceptance of the House, namely, the House of Commons. These were the proceedings which went on in the House of Commons. What was after that? Well, the proceedings subsequent to that are also in my favour. The Honourable the Home Member said that Lord Chelmsford made a statement and that statement made it clear that the emergency power was a condition precedent. I beg his pardon. His Lordship's statement cannot be considered part of the Bill; his Lordship's pronouncement cannot have any legislative value at all. Certainly it may be considered an explanatory statement, a statement which may explain or elucidate, but it cannot be considered law. Then, Sir, the Honourable the Home Member has given us, namely, to this Assembly, a certificate. It is "that this Assembly is illustrative and not reflective of the current of the opinion of the people." It is a pity. We are in the afternoon of our lives; therefore, the Honourable the Home Member has got the courage of talking like that. Before this, he could not have given expression to that opinion. Well, the argument goes against him. If one of the tax-payers of this country refuses to pay the tax and he is hauled up, he will say "Here is the pronouncement of the Honourable the Home Member; there is no law against me; the law has not been passed by a body which is reflective of the present current of the opinion of the people; the Assembly was simply an illustrative body." "And are you, Sir, the occupant of that most exalted Chair, pleased to hear that expression of opinion emanating from the Honourable the Home Member. This argument goes against him, I submit, and posterity, which will be against the Government, will thank him for that and say "this law has not been passed by a proper and constitutionally composed body but by an illustrative body." That goes against him. Then he has allowed himself to say "Oh! henceforth there has been an attack and an invasion from outside, but now there is an invasion which may be called an internal invasion." He observed that Pacific Goths and constitutional Huns are going to sweep away this Assembly. Sir, is this so? Is there any Member here who can be considered one of the Goths or one of the Huns? At least I am not one. Am I a Pacific Goth or a constitutional Hun, because I respected these reforms at their very inception, although holding that they were inadequate, but I must confess that I did not know then that there was a danger lurking in this provision. I came to this Assembly and worked actively. Am I one of the Goths or Huns?

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We, namely, this Assembly stood against the policy of resignation ; therefore we deserved a better certificate. Am I a Pacific Goth or a constitutional Hun, because I, first of all, and rightly, stood against the policy of indiscriminate obstruction ? Am I to be considered a Pacific Goth or a constitutional Hun, because I, first of all, had the moral courage of boldly standing up against the policy of resignation on the question of salt certification ? Is this the certificate which should have been given to this Assembly by the Honourable the Home Member ? It is a pity and simply regrettable. I may remind you, Sir, of the sacred and gracious words embodied in the gracious royal declaration. The sacred and gracious words of His Gracious Majesty are that " my officers will respect the opinions of the representatives of the people." Has that gracious expression been complied with by the Honourable the Home Member ? Is his statement in full accord with that ? He calls us Goths and Huns ; he calls us a body of illustrative persons. Has he paid respect to that gracious and sacred expression ?

The Honourable Sir Malcolm Hailey : I regret that I must interrupt the Honourable Member in his flow of eloquence since he has made a definite statement, which I cannot allow to pass unchallenged, that I had called the Members of this House either Goths or Huns.

I will supply the Honourable Member if he wishes with a copy of the proceedings of the House from which he will see that though I used that expression I did not in any sense use it in regard to present Members of this House.

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Dr. Nand Lal : Sir, here I have got it ; it is reported so in the newspaper which I am holding, in my hand, now and which contains his statement. Now Sir, the Honourable the Home Member says that it is better for the representatives of the people to have a better understanding with the Executive and not to think of law, and he cited an authority. We know that text writers write and will keep on writing. The executive rely on such evidence when it suits their purpose but they never bring it into action. I shall not refer to the old circumstance but merely shall call your attention, in passing, to the event of yesterday. As you remember I had made a request which was rejected. If it was simply and only rejected it does not matter ; but he was prepared to ask the Chair to call me to order. Sir, that is the treatment which we get at the hands of the Executive, because we are now the setting sun, and we are in the afternoon of our lives. A setting sun is never worshipped. When we were the rising sun, in the first session, we were, to some extent, respected ; but now these nicknames are thrown upon us.

The Honourable Sir Malcolm Hailey : What nicknames ?

Dr. Nand Lal : That we are an illustrative body, Sir. It is simply regrettable. Then the Honourable the Home Member means to say there is so much conflict in different classes. I must say that there is the conflict of opinion in existence, at present unfortunately. But the Honourable the Home Member forgets that India is a vast continent.

It is a sacred ideal, and the sacred text is in favour of it, "that brother should not go against brother." But after all the people of India are not angels. They are human beings. If, in certain parts of India there is a certain sort of dispute between two conflicting communities on account of some self-seekers, is that an argument which could be used to defend the Honourable the Home Member's view 'that we are not entitled to ask that this provision be deleted and that we are not fit for Swaraj.' In every home even own brothers sometimes happen to fight. Does that prove they are not fit to live in the same house? When some sincere, good and real reformer comes, we may repent and those self-seekers, who are the cause of all this present conflict, will be called to the bar of the people and then some of us shall bear testimony against them.

Then the Honourable the Home Member says,—the Executive wants money to run the administration. Well, I might tell him also that we are worthy of trust. Indians have got wonderful adaptability and I do not think it requires very elaborate arguments to support that proposition. Legal luminaries, shining lights in every province, give up their own pursuits to serve, in their official capacity, their country and their Government sincerely and with credit to themselves. When they revert to their professions or their private work or private pursuits, then they take up the brief of their people again; which shows that Indians possess the most wonderful adaptability. So far as mistrust goes, I am afraid the Honourable the Home Member is not correct in his view. He savours too much of pessimism. These submissions of mine may be considered to be replies to the arguments which emanated from the Honourable the Home Member. I will now advert to some other arguments, advanced, by other speakers, against my Resolution.

Mr. President : I must ask the Honourable Member to bring his remarks to a close.

Dr. Nand Lal : Very good, Sir. Then I will not advert to the remarks made by the other speakers. But I may tell them in a nutshell that this Resolution does not want too much. This Resolution is in full compliance with the needs, requirements and real wishes of the people of this country. This Resolution is fully consonant with my most sincere and most profound respect for the convictions and good and kind intentions of His Excellency the Viceroy and Governor General. This Resolution contemplates doing away with the fear centering round future agitations and propaganda work which may happen to crop up by future certification. This Resolution contemplates the maintenance of peace and order, so that India may become a seat of peace and tranquillity and the Government of India may have no other disturbance in future and the people also may enjoy and try to do what may politically, morally and socially develop them, instead of their being driven into a course like the present agitation. The Honourable the Home Member ought to give me credit for bringing forward this Resolution; but it is a pity that my Resolution has been misconstrued. I commend my Resolution to this House with the request that it may be passed in its entirety. With these remarks I close my reply.

The Honourable Sir Malcolm Hailey : Sir, there was an old saying of the mediæval scientists—*nil violentum est perpetuum*—a very violent force cannot go on for ever. Dr. Nand Lal has ceased ; and you have called upon me, I gather, with the intention that I should say what still remains to be said on behalf of Government, and that the House may proceed to a final decision on this momentous question. Now, before I proceed to sum up briefly the arguments on my side, there are certain passages in the speeches of some of my honourable friends opposite that I must deal with, though again as briefly as may be. I begin with Mr. Harchandrai's very interesting attack on what I said on the last occasion. I must assure him that I did not say to the House that the certification of the salt-tax had caused no resentment in the country. I purposely forbore to express any opinion on that point, for at the moment I was dealing with the main Resolution and neither with the justification for certification nor with its effects ; but since he has raised the point, let me say my reference was confined to the assertion that the prognostications which had been made in this Assembly in March last had not been fulfilled. It is not for the first time that prognostications of this kind have proved to be misleading. When Mr. Samarth before the Joint Parliamentary Committee said that if responsible Government was not granted within the Central Government there would be an agitation in India which would stagger India, he was guilty of one of these overstatements. When Dr. Gour told us that the half-anna post-card would be a messenger of revolution, and Mr. Jamnadas Dwarkadas repeated the same remarks regarding the certification of the salt-tax, they were both guilty of prophecies so exaggerated as cast some doubt on their political judgment. Again, it was far from my purpose to be thought to be poking scorn at those whose convictions led them to resign as a protest against the salt-tax. That it was in itself a useful political demonstration, however, I cannot believe ; and I would recall to Mr. Harchandrai Vishindas in particular the dangers that sometimes attend protests of this nature. In what company did Mr. Harchandrai Vishindas find himself at that famous protest meeting at Karachi ? He himself and his companion, Mr. Shahani, having started the ball rolling, were finally obliged to retire from that meeting on account of the violent and disloyal expressions to which it gave vent. But I am thankful to Mr. Harchandrai for one matter. He made it clear that in his opinion—and he is one of those who felt most strongly and has given proofs of his feelings—the reserved powers must be retained in some form ; certification in itself is not to go. All he claims is that—I use his own words,—“ it should not be used for petty purposes ”. That is a guarantee easily given or indeed unnecessary ; and if he can hold out no greater apprehension than that, then he may very well be content to vote against any amendment of the Act. But he added lastly a certain charge which is directed not so much against us here, as against the Government at Home. He suggested that had a previous Government been in power this certification would not have taken place, for there had been a serious change of vision on matters of this nature in England. No more damaging statement can be made to India than that, because it amounts to something like a charge of breach of faith against the English people. There may be differences of opinion as

between one Government and another; there may be differences of policy; but when the British nation has once put its hand to a solemn covenant let no man lightly suggest that it will fail to implement its undertaking. I deny that the incidents connected with certification can be adduced to show that there has been any change. Let me read two extracts to the House. One is from Mr. Montagu's speech on the 14th February 1922. He said:—"It is well that Indians should realise that based on goodwill and partnership, there are no rights that will be denied here by the British Parliament." But he went on to say that if the discharge of responsibilities of our Government towards India is prevented, then India would not successfully challenge the most determined people in the world. That is the attitude that Mr. Montagu took then, namely that he was satisfied that the British Government must maintain its responsibilities in regard to India. How does that attitude differ from that expressed by the present Under Secretary of State in his speech on the India Supply Vote. He was dealing with those in England who seemed to be opposed to the Indian Reforms Scheme. "Again I say expressly that I am referring to no one in this House, but every one is aware that there has been a great deal of criticism outside against the present constitution, both in this country and India. I would like to throw a challenge to those people and to ask them, what is there incompatible with conservative principles in constitutional development? Rightly understood, the gist of our party principle is the support of the constitution against subversive and revolutionary principles. I have no reason to think that we," that is the Conservative party, "did not give our real assent to the solemn pledge given in 1917 and reiterated in 1919." In truth, the attitude of the British Parliament and the responsible leaders of its parties, is exactly the same to-day as it was in 1919, and is exactly consistent with the declaration made in 1917.

I am unwilling to detain the House and do not propose to deal at length with the criticisms of my friend Mr. Mazumdar. I draw attention only to one interesting fact that he was not greatly interested in the particular amendment we are now discussing. He did not think indeed that it was the best way of obtaining his object. His object was simply this,—to make the Government of India responsible to the Indian Legislature and not to Parliament. I ask Mr. Mazumdar and those who think with him, if they imagine that this is really the best way of securing that object? But this is a point to which I shall refer later. At present I shall merely note how very lukewarm is he and some of those who have followed him, in defence of this particular amendment.

Dr. Gour found great objection to a statement which I made in last March that the Executive Government having no majority in the House, it was necessary that they should in the last resort have by some arrangement of the law powers equal to those which they would enjoy if they were in possession of such a majority. He criticises my proposition; that I do not mind; but his conclusion from it, that on each and every occasion Government will utilise this special power and thereby place itself in the position of possessing a permanent official block—that suggestion is entirely unwarranted. I would not accept it for a second. It does not flow from the constitutional fact which I stated. And it is of course

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a constitutional fact. He quoted Mr. Montagu's speech in the House in an attempt to prove that my assertion of principle was unjustified. But this is what Mr. Montagu also said on the subject: "Under the sentence of the Bill, we make the Government responsible to Parliament still for the whole of the government of India. The whole theory of the Bill is that we do not establish a dyarchy in the Government of India." Then clearly the Government of India was not to be under control of the Indian Legislature; that is, it was not to be in the last resort in the position of having to accept irrevocably the vote of a majority in that Legislature. On the contrary, my reading of the situation is supported by the view of the constitution which was taken by Lord Sinha. I invited Dr. Gour to read Lord Sinha's remarks on this subject, but he discounted the value of Lord Sinha's view as being that of an Under Secretary only. Well, Lord Sinha is Lord Sinha, and possibly as good an interpreter of the constitutional basis of the Act as Dr. Gour himself. Since he would not at my request supply the House with the particular words used by Lord Sinha, I will do so. "Government must be in a position to secure the legislation and supplies it needs for the discharge of its responsibilities. It has not the natural means of an assured majority in the House and it must be therefore given an artificial means." Between these two interpreters of the constitution, the House may make its own choice. Dr. Gour's final contribution to the debate was this. Two years ago, he says, the salt tax was put forward by the Government and rejected by the Assembly, and it was not certified. Thereby, says Dr. Gour, a constitutional lawyer of some eminence, a convention of non-certification was established. The position of a constitutional lawyer obviously does not imply an equal knowledge of constitutional history. A convention is not established by a single omission of this kind; a convention is not indeed established save by tradition or definite acknowledgment. So much for our opponents. I claim that we have demonstrated on the main proposition that the existence of a provision of this nature in the Act was a condition precedent of its passing by Parliament, that its necessity was never questioned when the Act was passed, and that its retention has never seriously been contested since. I shall be content to leave the main question at that. When I ventured the remark on the last occasion that the main Resolution seemed to have no friends, Dr. Nand Lal asked me if I had consulted everybody here. I had not done so, but I am bound to say this; that if I were being tried for my life and were being defended by Dr. Nand Lal, and if my anxious glances at the faces of the jury showed me the kind of look that we saw on the face of this House when Dr. Nand Lal was arguing his case, I should have very grave fears for my safety. It is clear that the Resolution itself has gone and not a word need more be said on this subject.

I come now, passing over Mr. Basu's weird and whimsical redrafting of the Act—I come now to the one amendment in which we are now interested, namely, the omission of the words "or interests". The House has heard from Mr. Graham the true constitutional position with regard to the insertion of those words. Let me say that I hope that

if on any future occasion Mr. Seshagiri Aiyar has need of legal advice whether we have properly put the Act into force or not, he will not think it necessary to go as far as Madras for that advice. He will find within our own ranks constitutional lawyers quite as good as those whose advice he collected at such pains last April. Indeed, it is clear that Government can on occasion produce constitutional lawyers who differ only from the most brilliant leaders of the Bar in India in one respect, the modesty of their remuneration. Mr. Graham dealt with that case so faithfully, that I need say no more on that aspect of it save that I may repeat this only—that it is abundantly clear that the retention of the word 'interests' is fully in line with the powers that we have given to Governors, and is a necessary corollary to the position occupied by the Governor General and the Executive so long as there is no responsible Government introduced in the Central Government itself. That is to say, that so long as the Central Government is responsible to Parliament for the whole range of subjects with which it deals, then it is necessary that the word "interests" should remain in the Act. The mere insertion of the words "safety and tranquillity" will not allow the Governor General to deal with a large class of subjects for which he is responsible to Parliament and to secure proper legislation in regard to which he has no other means. To repeat the argument used by Mr. Graham, when we have transferred to the control of the Indian Legislature any subjects for which the Central Government is now responsible, then Parliament will cease its control in regard to those particular transferred subjects, and there being then in regard to these subjects no responsibility to Parliament, the Governor General need have no exceptional powers. But it is only when we have transferred subjects in the Central Legislature that you can justifiably limit the Governor General's reserve or exceptional powers to such legislation as is required merely for the safety or tranquillity of India. That is the argument. It is true, that there are many in this House who may desire to see responsible Government introduced at once into the Central Government. That may be so, but is this the way to attain that desire? I join with Mr. Subrahmanyam there. Whether your object is only a protest against the salt-tax or whether your object really is to help forward the attainment of responsible Government in India, then equally the attempt to amend the Act in this particular respect is premature and useless. To put it in the shortest words, if you desire to see an important change in the constitution, you have got to work for that change in the constitution, instead of merely proposing the removal of one particular function which is essential to the existing system. I have been told by Dr. Nand Lal that I do not read the papers sufficiently. I wish he knew, how much my mental health suffers from the perusal of large numbers of the papers to which he is apparently so devoted; but I will give him a proof that I do not entirely neglect them. I will present him with a passage apposite to this connection from an Indian newspaper of Calcutta, whose name would, I know, meet with his approval. It refers to Mr. Seshagiri Aiyar's amendment. "As for Mr. Seshagiri Aiyar's Resolution to define the term 'emergency' in sections 67-A and 67-B of the Government of India Act, 1919, we really do not see how it can be given effect to. No legal definition can cover the ground which

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is hidden under the word 'emergency' and any exhaustive definition of the word is impossible." Now, if an exhaustive definition of this word is impossible, let me equally say that the attempt to gain an important constitutional advance merely by attempting to omit the one word "interests" is itself unworthy of a Legislature which respects its reputation. What are you seeking to do? We have heard other analogies to-day. Let me give you one more. For the moment you have the whole stream of our constitution setting in one main direction; you wish to divert it; are you seeking to open a new channel? Not at all; you are attempting to place a wall about a quarter of the way across the channel; that and nothing more. Or let me take a broader argument, even at the expense of repeating to some extent what I had to say the other evening. Every one here can foresee occasions—Mr. Shahani clearly foresaw one and there are others here whose imagination can run in the same direction—on which it might be necessary for the Governor General to utilize his power in a manner coming within the definition of "the interests of India", in order to maintain the essentials of a stable Government. Dr. Gour, perhaps by my fault, did not correctly understand the nature of the picture which I drew to the Assembly. The picture which I drew referred not to this Assembly at all; I referred to a possible future Assembly when I suggested that those who desire to paralyse the administration of Government might find their way into it, and in order to paralyse Government might refuse to pass any legislation which would enable that Government to carry on its ordinary business. Now the greater part of our financial legislation is annual, and I have as yet found no answer as to what course Government would be able to take to meet such a contingency. But it is not necessary for me to exercise my imagination further in that direction. Let me put one case: not at all an impossible case, and one which will perhaps interest many Members of this Assembly. We will suppose that Government found it necessary to pass legislation to protect the interests of minorities. Now that is done at present mainly by rule or regulation; I may instance the electoral rules. If that legislation were denied by such a House as I have described, then what remedy would be left to us and what would be the position of those minorities? It is indeed possible to forecast a variety of circumstances in which it might be necessary for the Governor General in the last resort to utilize powers extending beyond those connected merely with the maintenance of safety and tranquillity. That to my mind is India's case for retention of the word "interests"; it is entirely the fact that the British Parliament demands that its responsibilities shall be maintained over the whole sphere of activities now in the hands of the Governor General: it is the fact that the interests of many sections in India render this necessary. Finally—let me say this; the difficulty which recently arose was not based on this word "interests" at all. As was clearly foreseen in the House of Commons in 1919, the real difficulty is about the interpretation of the word "essential". If you can find some fitting substitute for the word "essential", thereby magnifying the degree of essentiality or helping to define the nature of what was essential, then you might be on the right line of the amendment

of the Act. But merely to remove the word "interests" when as a matter of fact the whole difficulty arises about the interpretation of the word "essential", that is of very little avail indeed. (*Mr. S. C. Shahani* : "It is the interpretation, not the word.") That is perfectly true. It is a question of interpretation. It is a question of the test which the Governor General is to apply in his own mind. It is a question of the convention which you are to set up as to the interpretation of that word "essential". That is the real question before the House, and that is the real question now before India. What India has to seek is the establishment of a convention by which an exceptional power, which everyone here admits to be necessary, is to be limited in its use. Limitation by convention is the method on which we have proceeded in England. We have not advanced in our great constitutional developments by attempting definitions or alterations of our Statutes. Thus it is now an accepted convention that a Cabinet should retire when it no longer has a majority ; yet that convention is not contained in an Act, and it has not been repeated even in any of the great Colonial Acts like the British North American Act or the Australian Federation Act. The whole motive of political power at present in England is the Cabinet ; and yet the word 'Cabinet' does not occur in any law.

Dr. H. S. Gour : May I point out to the Honourable the Home Member that there is no written constitution in England ?

The Honourable Sir Malcolm Hailey : True, if you wish to enter into that point, you will find that my argument is entirely apposite, for the Royal prerogative has in itself been limited by conventions, rather than by actual legislation. Bagehot in a very famous passage refers to the 'illimitable extent of the Royal prerogative' ; he says indeed he wishes that somebody would set out to define it, not by way of law but purely for the benefit of mankind. Yet we have been content to proceed in this matter by convention and by mutual understanding, not by legislation. To us, the fact is more important than its legislative expression. We seek to get the reality first, and attend to the form afterwards. Then how can India attain the reality ? India will gain it and gain it automatically and gain it at the moment that India has a responsible government. In other words at the moment that India's electorate shows its determination to use the powers which have been given to it,—at the moment that it forms itself into those parties which can both guide the policy of the Legislature and control its vote,—at the moment in short that can prove that it has all the essentials of responsible government ; from that moment there will no longer be any need to discuss the question of exceptional or reserve powers. They will cease to exist, together with all the other incidents of a transitional constitution.

And now, Sir, if I may have just one moment more, I wish to put, not a constitutional argument to my friends, but a practical argument drawn from their situation in India to-day. Governments, we were told to-day, have feelings. I do not think that the feelings of our Government on an important question like this could be voiced more sympathetically than has been done by Sir Basil Blackett to-day. But if a Government like ours may have feelings, it nevertheless can take no share in party politics. It is not able to join one party or another, or to canvas or use its influence

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on behalf of one party or another. Yet, you can have no doubt that in the contest now approaching, the sympathies of Government must be with one section, the section (and I give it no name), which comprises all those who have hitherto stood for orderly progress and stability, and for the development of the constitution of India along the lines of the Reforms Scheme. Those who have adopted this policy have made many sacrifices in that cause : they have been consistent in support of it. The sympathies of Government must, I say, be with that party, for both the present and future progress of India lies in its hands. (*A voice* : " Why alienate it ? ") If that is so, we on this side cannot help being affected when we see those who have identified themselves with that policy engaged in a course of public agitation which must inevitably injure their cause. That party has in the past stood for the Reforms Scheme ; it came into this Legislature bound to that scheme ; it has consistently—I say with all honour to it—it has consistently, in spite of abuse, and in spite of opposition, stood for the scheme. Is it now going to the country with a complaint that the record of its three years' work is blank, that the Reforms Scheme has broken down, that there are no reforms in India, and no constitutional advance, and nothing but autocracy and bureaucracy ? Is that likely to help the cause of constitutional advance in India ? Is that the way (*A voice* : " Who is responsible ? ")..... Whatever the causes may be, I am looking now only at the results of such a confusion. I am asking whether that party will do itself and do India any good by representing that the Reforms Scheme has been reduced to nullity ? If I may offer a word of advice to those who are interested in the future advance of India on constitutional lines and to those who have already made sacrifices to secure that end, it is that they should not identify themselves with criticisms and with an agitation which plays entirely into the hands of their opponents, the party which would wreck the constitution, which would wreck the Legislature, and to my sincere belief would also, if it could, wreck India.

Mr. President : The original question was :

" This Assembly recommends to the Governor General in Council that he may be pleased to take necessary steps to get section 67-B of the Government of India Act amended so as to provide that the Governor General shall not use his special emergency powers of certification under section 67-B to overrule the decision of the Indian Legislative Assembly."

Since which an amendment has been moved :

" to omit all words after the word ' amended ' and insert the following words—
" as follows :

' The words ' or interests ' occurring between the word ' tranquillity ' and the words ' of British India ' be deleted .''

The question is that the words in the last two* lines of Dr. Nand Lal's Resolution be omitted.

The motion was adopted.

* " So as to provide that the Governor General shall not use his special emergency powers of certification under section 67-B to overrule the decision of the Indian Legislative Assembly."

Mr. President : The question is :

“ That after the word ‘ amended ’ in the original Resolution, the following be inserted : .

‘ as follows :

‘ The words ‘ or interests ’ occurring between the word ‘ tranquillity ’ and the words ‘ of British India ’ be deleted .”

The Assembly divided :

AYES—38.

Abdul Hamid Khan, Khudadad Khan,
Mr.
Abdul Majid, Sheikh.
Abdulla, Mr. S. M.
Agnihotri, Mr. K. B. L.
Ahmed, Mr. K.
Ahsan Khan, Mr. M.
Aiyer, Sir P. S. Sivaswamy.
Asad Ali, Mir.
Asjad-ul-lah, Maulvi Miyan.
Ayyar, Mr. T. V. Seshagiri.
Bagde, Mr. K. G.
Barua, Mr. D. C.
Basu, Mr. J. N.
Bhargava, Pandit J. L.
Das, Babu B. S.
Faiyaz Khan, Mr. M.
Gour, Dr. H. S.
Gulab Singh, Sardar.
Hussanally, Mr. W. M.

Ibrahim Ali Khan, Colonel Nawab
Mohd.
Joshi, Mr. N. M.
Mahadeo Prasad, Munshi.
Majumdar, Mr. J. N.
Mukherjee, Mr. J. N.
Nand Lal, Dr.
Neogy, Mr. K. C.
Rajan Baksh Shah, Mukhdam S.
Reddi, Mr. M. K.
Samarth, Mr. N. M.
Sarvadhikary, Sir Deva Prasad.
Shahani, Mr. S. C.
Sinha, Babu Ambica Prasad.
Sinha, Babu L. P.
Sohan Lal, Mr. Bakshi.
Srinivasa Rao, Mr. P. V.
Ujagar Singh, Baba Bedi.
Venkatapatiraju, Mr. B.
Vishindas, Mr. H.

NOES—36.

Abdul Qadir, Maulvi.
Abdul Rahim Khan, Mr.
Akram Hussain, Prince A. M. M.
Ansorge, Mr. E. C.
Ayyangar, Mr. R. Narasimha.
Bardswell, Mr. H. R.
Barnes, Mr. H. C.
Barodawalla, Mr. S. K.
Blackett, Sir Basil.
Bray, Mr. Denys.
Bridge, Mr. G.
Burdon, Mr. E.
Butler, Mr. M. S. D.
Calvert, Mr. H.
Chatarji, Mr. R. C.
Chatterjee, Mr. A. C.
Clarke, Mr. G. B.
Dalal, Sardar B. A.

Faridoonji, Mr. B.
Gidney, Lieut.-Colonel H. A. J.
Graham, Mr. L.
Gwynne, Mr. C. W.
Haigh, Mr. P. B.
Hailey, the Honourable Sir Malcolm.
Holme, Mr. H. E.
Innes, the Honourable Mr. C. A.
Mitter, Mr. K. N.
Muhammad Hussain, Mr. T.
Nayar, Mr. K. M.
Percival, Mr. P. E.
Richey, Mr. J. A.
Sassoon, Captain E. V.
Sim, Mr. G. G.
Singh, Mr. S. N.
Stanyon, Colonel Sir Henry.
Subrahmanayam, Mr. C. S.

The motion was adopted.

Mr. President : Further amendment moved :

“ At the end of the Resolution, as amended, add the following :

(2) The Proviso be amended as follows :

(a) The word ‘ grave ’ be inserted before the word ‘ emergency ’, and

(b) the following be inserted after the word ‘ emergency ’ :

‘ such as foreign invasion, civil war or widespread internal commotion and in no other circumstances.’

Mr. J. N. Basu (Burma : Non-European) : I may mention that I have withdrawn the amendment. I am advised to do so, and I withdraw the second part of the amendment.

Mr. President : Is it your pleasure that the amendment be withdrawn ?

(Voices of " No " and " Yes ".)

Mr. President : Objection having been taken, the question is that those words be inserted.

(On this question being put it became clear to Mr. President that the Assembly did not appreciate the effect of such objection.)

Mr. President : I am afraid the Assembly has not understood. Objection was taken to the withdrawal of the amendment and, therefore, the Chair forthwith put, not the question of withdrawal but the question of the insertion of the amendment in the Resolution. The question I have to put is that those words be there added.

The motion was negatived.

Mr. President : The question is that the amended Resolution which runs as follows be adopted :

" This Assembly recommends to the Governor General in Council that he may be pleased to take necessary steps to get section 67-B of the Government of India Act amended as follows :

The words ' or interests ' occurring between the word ' tranquillity ' and the words ' of British India ' be deleted."

The motion was adopted.

RESOLUTION RE CONTINUANCE OF SUPPORT TO LEAGUE OF NATIONS.

GRIEVANCES OF INDIANS IN TANGANYIKA AND PACIFIC ISLANDS.

Sir Deva Prasad Sarvadhikary (Calcutta : Non-Muhammadan Urban) : Sir, I beg to move the Resolution* that stands in my name on the paper. Having regard to the late hour, I do not know whether it would be convenient to start a debate on this important question to-day. In accordance with precedent in the matter, I ask whether you would not allow me to make my speech on a later day, to which the debate may be adjourned. If this is allowed, I would formally move the Resolution to-day without a speech.

I will take your ruling with regard to that and will not speak if that course is adopted.

Mr. President : The Honourable Member is quite right. There is a precedent to that effect, and I am prepared to accept the moving of the Resolution. Resolution moved :

" This Assembly recommends to the Governor General in Council that he may be pleased to appoint a Committee with a non-official majority to consider the question of continuing the existing financial and other support by the Government of India to the League of Nations specially in the light of grievances of Indians in the Mandated Territories of Tanganyika and the *ex-German* Islands on the Pacific Ocean."

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 11th July, 1923.

* " This Assembly recommends to the Governor General in Council that he may be pleased to appoint a Committee with a non-official majority to consider the question of continuing the existing financial and other support by the Government of India to the League of Nations specially in the light of grievances of Indians in the Mandated Territories of Tanganyika and the *ex-German* Islands on the Pacific Ocean."

(CORRIGENDA.

Legislative Assembly Debates, Vol. III, page 2159 :

In lines 23-24, for " Bengal Regulation of 1810 " read " Bengal Regulation 10 of 1804 ".

In line 26, for " Regulation of 1810 " read " Regulation of 1804 ".

Legislative Assembly Debates, Vol. III, page 4196 :

In the first line, after the words " should be " insert the words " in a position to exercise command over personnel ".