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**THE
LEGISLATIVE ASSEMBLY DEBATES**

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OF THE

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LEGISLATIVE ASSEMBLY.

Saturday, 10th March, 1923.

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

QUESTIONS AND ANSWERS.

DACOITY IN GURDIT SINGH'S HOUSE, TIMARPUR.

538. ***Khan Bahadur Sarfaraz Husain Khan**: 1. Is it a fact that a daring dacoity with sharp weapons has been committed recently in the house of one Gurdit Singh at Timarpur in Delhi?

2. Has the attention of Government been drawn to the news as published in the last week's *Eastern Mail*?

3. Is it a fact that it has created a panic in the hearts of the residents of the Indian quarters at Timarpur?

The Honourable Sir Malcolm Hailey: 1. No dacoity has been committed, but a case of house breaking by night was reported on 15th February 1923, and is under investigation.

2. Yes. This is probably however an exaggerated reference to the case just mentioned.

3. A petition to this effect has been received from the clerks residing at Timarpur.

PATROL PARTIES AT TIMARPUR.

539. ***Khan Bahadur Sarfaraz Husain Khan**: (a) Is it a fact that the residents of the Timarpur quarters have formed themselves into parties for patrolling there at night?

(b) If so, will the Government be pleased to state what steps the Government have taken or are proposing to take to help such parties in their honorary work?

The Honourable Sir Malcolm Hailey: (a) The petition mentioned in the previous answer stated that this was the case, but Government has no official information.

(b) The Superintendent of Police will welcome the assistance of such honorary helpers if they will put themselves into communication with him.

PROTECTION AGAINST DACOITIES AT RAISINA.

540. ***Khan Bahadur Sarfaraz Husain Khan**: (a) Is it a fact that some dacoities took place in the quarters at Raisina, last year and year before last?

(b) Is it a fact that a Member of the then Executive Council inspected the quarters?

(c) If so, will the Government be pleased to state whether the Honourable Member in question suggested any safeguards for preventing the recurrence of such dacoities in future; and if the answer is in the affirmative, will the Government be pleased to state what suggestions were made?

The Honourable Sir Malcolm Hailey (a) No dacoities took place in the clerks' quarters at Raisina in 1921-22, but in 1920 four cases of house-breaking by night were reported. The strength of the Raisina Police was strengthened in the cold weather of 1919-20.

(b) and (c) The question presumably refers to a visit of inspection by the late Member in charge of Commerce and Industries Department (Sir Thomas Holland). Various suggestions for increasing the height of compound walls and putting broken glass on them, and providing bars for windows, etc., were examined, and any practicable remedies were adopted.

PROVISION OF DOORS AND WINDOWS TO QUARTERS AT RAISINA.

541. ***Khan Bahadur Sarfaraz Husain Khan**: Is it a fact that the Indian quarters on the Cantonment Road, Raisina, are not provided with any windows or doors on the road side; if so, will the Government be pleased to take steps to provide them with doors and windows on the road side?

Mr. H. A. Sams: The main entrance door is on the Cantonment Road side of the quarters. The quarters are provided with clerestory windows on the same side. Windows at a lower level were not provided for the reason that, were they provided, *purdah* would not be complete.

POLICE PATROL, RAISINA.

542. ***Khan Bahadur Sarfaraz Husain Khan**: Have arrangements for police patrol been made at Raisina, for the Indian clerks quarters?

The Honourable Sir Malcolm Hailey: Yes—patrols of 1 head constable and 10 constables are deputed for watch and ward in these quarters. The sanctioned grant for the Delhi Police force will not admit of the placing of an officer above the rank of head constable on this patrol duty.

REPEAL OF FRONTIER CROSSING REGULATION IN UPPER BURMA.

543. ***Mr. J. N. Basu**: Will the Government be pleased to state whether it intends to repeal so much of the Frontier Crossing Regulation of Upper Burma, as affects the areas falling within the jurisdiction of the High Court at Rangoon?

Mr. Denys Bray: Government propose to leave the matter to the Government of Burma in the first instance.

PRODUCTION OF SALT IN BURMA.

544. ***Mr. J. N. Basu**: (a) Whether salt is manufactured or produced at any place in Burma? If so, what is the value of the annual output and expenditure?

(b) Whether the Government is aware that in Shwebo District in Upper Burma, there are salt-wells? If so, whether the cultivators have been prevented from working them?

Mr. A. H. Ley: (a) Yes. The Honourable Member is referred to the figures given on pages 170 and 171 of "Statistics of British India, Volume II (Financial Statistics)." These figures show the quantity and value of salt produced in Burma from the years 1915-16 to 1919-20. Later figures of value are not yet available, but the total output in maunds for the years

1920-21 and 1921-22 was 15½ lakhs and 11½ lakhs, respectively. Government have no information regarding the expenditure incurred in manufacture, the salt not being manufactured by Government.

(b) The information has been called for from the Burma Government and will be supplied to the Honourable Member on receipt.

INTERMEDIATE CLASS CARRIAGES IN BURMA.

545. ***Mr. J. N. Basu**: Will the Government be pleased to state why the Burma Railways Company do not provide inter class carriages for the travelling public? Will the Government be pleased to direct them to do so at an early date?

Mr. C. D. M. Hindley: Government understand that intermediate class carriages are not provided on the Burma Railways as there has been no demand for this class of accommodation. In the circumstances Government do not propose to take any action.

ELECTION EXPENSES.

546. ***Mr. J. N. Basu**: Will the Government be pleased to state—

(a) whether any scale of election expenses have been sanctioned or notified?

(b) whether the candidates returned to the Legislative Assembly or Council of State are entitled to a refund of all or any portion of expenditure incurred by them?

Mr. E. Burdon: (a) The Government of India have not yet fixed any maximum scales of election expenses under rule 18 of the Electoral Rules. The question of fixing such scales will however be considered.

(b) The answer is in the negative.

Mr. K. Ahmed: Sir, is it not a fact that candidates for election for the House of Commons are permitted to circulate pamphlets free of postage amongst the electors?

The Honourable Sir Malcolm Hailey: I understand that there are certain concessions in regard to postage in England; but the Honourable Member will, I think, realise that the question referred to laying down a scale of election expenses. I may say as supplementing the reply which my Honourable friend has just given that we do not think that we have had sufficient experience of elections in India to justify us in attempting to lay down any scale of election expenses. We may possibly be able to do so when we have had further experience of the expenditure actually incurred by candidates.

MILITARY COLLEGE IN BURMA.

547. ***Mr. J. N. Basu**: Will the Government be pleased to state whether a military college or feeder school is to be established in Burma?

Mr. E. Burdon: The answer is in the negative.

Mr. T. V. Seshagiri Ayyar (Madras: Nominated Non-Official): I will put the question later on, if you will permit me, Sir.

UNSTARRED QUESTIONS AND ANSWERS.

ONE HUNDRED RUPEE CURRENCY NOTES.

229. **Lala Girdharilal Agarwala:** 1. Are Government currency notes of rupees one and one hundred allowed to change hands without any signatures?

2. How are the prices of such notes repaid to their holders in case their numbers are destroyed by fire, water or whiteants and when no record of their numbers is kept?

3. How do the Government propose to prevent loss being caused to possessors of such notes as compared with possessors of gold and silver coins, so as not to put possessors of notes at a disadvantage?

The Honourable Sir Basil Blackett: 1. All currency notes are payable to bearer on demand and the question of signatures on transfer does not arise.

2 and 3. The Honourable Member's attention is invited to the Government of India, Finance Department, Notification, No. 3201-F., dated the 24th November, 1921, which contains the rules on the subject.

ESTATES HELD UNDER REGULATION 3 OF 1818.

230. **Lala Girdharilal Agarwala:** What estates are at present held by the Government under Regulation 3 of 1818?

The Honourable Sir Malcolm Hailey: The only estates held under the Regulation are those of Kunwar Mahendra Pratap Singh.

CONFISCATION OF PROPERTY UNDER REGULATION III OF 1818, AND OTHER LAWS.

231. **Lala Girdharilal Agarwala:** Have the Government carried out the proposals mentioned in answer to my question No. 118, printed at pages 116-117 of the Legislative Assembly Debates, dated the 6th September, 1922? If not, when do the Government propose to do so?

The Honourable Sir Malcolm Hailey: It is hoped to introduce a Bill in the Indian Legislature whereby the interests in the estates of Kunwar Mahendra Partap Singh will be conveyed to his minor son. The estates and lands of Ghulam Qasim Khan, *ex-Nawab* of Tank have been released from attachment.

HINDU OPINION ON DR. GOUR'S AND MR. SESHAGIRI AYYAR'S BILLS.

232. **Babu J. N. Mukherjee:** Will Government be pleased to state what Hindu associations, religious heads of institutions, representative Hindus of the orthodox communities, and other prominent persons and associations outside the Hindu community were consulted by them with a view to obtain their opinion of the following bills—

- (a) Dr. Gour's Civil Marriage (Amendment) Bill.
- (b) Mr. Seshagiri Ayyar's Bill regarding exclusion from inheritance of certain Hindus.
- (c) Mr. Seshagiri Ayyar's Bill for alteration of the Hindu Law of inheritance.

The Honourable Sir Malcolm Halley: The Honourable Member is no doubt aware that no motions were made in this Chamber for the circulation of these Bills for opinions. In order, however, to enable Government to come to a conclusion as to the attitude to be adopted by them towards the Bills, the Government of India circulated them inviting the opinions of Local Governments and Administrations, the High Courts, Chief Courts and Judicial Commissioner's Courts, the Bar Associations and such other authorities as the Local Governments thought fit to consult. The opinions received from the Local Governments have been made papers to the Bills and have already been distributed to the Honourable Members.

RESOLUTION *RE* RESERVED RAILWAY COMPARTMENTS.

Mr. W. M. Hussanally (Sind: Muhammadan Rural): Sir, I beg to propose the following Resolution which stands in my name:

"This Assembly recommends to the Governor General in Council that he will do away with reserved compartments for particular communities on all Indian Railways by all passenger trains unless fully paid for."

My object, Sir, is to ask the Governor General to remove compartments reserved now for Europeans and Anglo-Indians on the different Railways in India. Sir, in September, 1921, at the Simla Session, I moved a somewhat similar Resolution and on the day fixed for the discussion of that Resolution Colonel (now Sir Danvers) Waghorn, then President of the Railway Board, approached me for a compromise. I understood him to say that first and second class reserved compartments for Europeans and Anglo-Indians on all Railways had been abolished; and in the course of a little conversation that we had then he agreed to instruct all the Railway Administrations to do away with intermediate and third class compartments as well, on all trains except the mail trains. To this arrangement I agreed because I thought that the chief point was to break the ice, and if the Government agreed to the principle, I thought that it would be time enough for removing these latter compartments altogether on all Railways later on. I wish, Sir, with your permission, to quote a passage from Colonel Waghorn's speech on that occasion:

"A possible solution, which I will put before this Assembly for their consideration, is that the reservation be eliminated gradually, that is to say, that the reservation of a third class compartment for Europeans and Anglo-Indians should be done away with on all slow trains and only retained for the present on mail or fast passenger trains."

I would ask Honourable Members to mark this word "or" as this is important as I shall show a little later on.

"If the Honourable Member is prepared to accept this modification of his Resolution I shall be glad to consult Railways accordingly with a view to the introduction of this measure, and with this undertaking he will perhaps be prepared to withdraw his Resolution."

This passage, Sir, did not appear to me to have been correctly reported. As a matter of fact, Colonel Waghorn then also mentioned the word "intermediate," but in this passage the word "intermediate" does not appear. I therefore had correspondence with him upon the subject and with your permission, Sir, I shall read that correspondence of which I have

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obtained a copy from the Railway Board. I wrote to him on the 25th October, 1921, as follows:

"I beg to call your attention to Volume II, No. 10, page 1215 *et seq.* of the proceedings of the Legislative Assembly on 28th September last.

If you remember, when you came over to me and made an offer for a compromise in regard to my proposition regarding Reserved Compartments, I agreed to it only on condition that the reservation of Interclass Compartments would also be done away with along with third classes, on all but Mail trains,—mark the words 'on all but Mail trains'—and you consented.

This is clear also from my reply to you, page 1218. In your speech as delivered you also mentioned inter class carriages. I have a vivid recollection. And I withdrew the proposition on that understanding as will appear from my reply.

In your speech as published the words 'and intermediate' are omitted after the word 'third' in line 5, page 1218. Probably this is due to the fact that you forgot to add these words to your typed speech which you might have passed on to the reporter for printing.

I shall feel obliged by your kindly informing me if you have advised the Railway Administrations to do away with the inter class reservation also or not; inasmuch as I have been getting a number of inquiries on the subject."

To this I got the following reply:

"I write in reply to your demi-official, dated the 26th October last, in regard to the subject of the removal of reservation of Inter and 3rd class compartments for Europeans and Anglo-Indians on all but mail and fast passenger trains—please mark the words 'and fast passenger trains'.

You are quite correct—I did use the words 'intermediate and 3rd class', but for some reason the word 'intermediate' has been omitted in the printed copy of the Legislative Assembly Debates.

However, you may rest assured that action has been taken on the lines indicated in my reply to your Resolution, and Agents of all Railways have been consulted with a view to removing this restriction on all slow trains; and furthermore, we have suggested that the accommodation reserved in third class compartments on mail and fast passenger trains should be reduced to a small compartment. It is quite possible we may find exceptional cases in local traffic or on certain sections where there may be good grounds for continuing the reservation.

As a matter of fact, the Railway Administrations had already been addressed some three weeks previously on the lines indicated in the reply which I gave you, and their answers are now coming in."

Then I wrote to him again on the 13th November, as follows:

"Many thanks for your demi-official of November 8th. I am glad you have issued instructions in regard to Inter class also. But you say you have confined your instructions to slow trains only and have excluded not only the Mail trains but also fast passenger trains as well, I need hardly point out that no reservation is at all necessary on the latter kind of trains considering the fact that the European and Anglo-Indian passengers by inter and 3rd class are infinitesimal. As such they should travel by Mail trains only if they wish to have reserved compartments to themselves. This is all the more necessary inasmuch as rolling stock on almost all lines is inadequate and the complaint of shortness of accommodation for Indian passengers is universal; and you did not exclude such trains in your reply.

There have been so many inquiries from me in regard to this matter from people who wish all distinction between class and class removed that I would strongly urge that you should exclude only the Mail trains at present and no other.

I hope you have no objection to my publishing this correspondence."

The reply to this is dated the 19th November, and runs as follows:

"I am in receipt of your demi-official dated the 13th November. You will find on reference to page 1218 of Volume II No. 10 of the official report of the Legislative Assembly Debates on the 28th September 1921 that I used the following words in replying to your Resolution:—

'That the reservation for Europeans and Anglo-Indians should be done away with on all slow trains and only retained for the present on mail and fast passenger trains'."

Then he says :

“ As I mentioned in my previous demi-official the question has been referred to Railway Administrations and is still under consideration.

I should prefer therefore that this correspondence should not be published at the present stage.”

Now, Sir, what I would ask the House to look to is that in the quotation from Colonel Waghorn's speech which I have just read the word “or” is used, whereas in his reply to my letter, dated 13th November, he uses the word “and,” which makes all the difference in the world. He in the first instance said that the reservation would be restricted to mail “or” fast passenger trains : whereas in his reply to me he uses the word “and,” which means mail and fast passenger trains. He also admits, Sir, in the correspondence that the word “intermediate” does not appear in his speech although he did use the word and he was going to do away with the reservation of intermediate class compartments as well. Then what happened is that some time after, my friend, Mr. Sinha, put a question to Colonel Waghorn, on the 6th of September, 1922. The question ran as follows :

“(a) In view of the assurance given by Colonel Waghorn in connection with the Resolution moved by Mr. W. M. Hussanally asking for the abolition of the reservation of compartments on railways for Europeans and Anglo-Indians, will the Government please state what action have the different Railway Companies taken in the matter and how far they have acceded to the recommendations underlying the Resolution?

(b) Is it a fact that so far only the Great Indian Peninsula Railway has taken action in the matter on the representation made by the Railway Board?

(c) Do the Government propose to correspond with the Railway Companies who have not yet taken action in order that prompt action is taken by them?”

The reply that he then gave is as follows :

“(a) and (b) In April last the Railway Board issued instructions
Please mark the word “instructions.”

“... to railways to the effect that the reservation of an inter or third class compartment for Europeans and Anglo-Indians should be restricted to through mail and fast passenger trains”

Here again he uses the word “and”

“... the accommodation in such cases being limited to one compartment designed to seat about 10 passengers only. Reports received from the principal railways show that the instructions have been carried out generally, in order to suit local conditions, a few railways still retain reserved third-class compartments for Europeans and Anglo-Indians on certain slow passenger trains.”

Now this is also important, as this last part was not in accordance with the undertaking which he gave in the discussion and I think is a subsequent addition. Then again, he proceeds further :

“In the circumstances mentioned above, Government do not propose to take further action in the matter at present.”

Now, Sir, what I complain of in this answer is that it is indefinite and evasive, and therefore I hold that Colonel Waghorn did not keep to his undertaking which he gave me at that time. My information, Sir, is that so far as the large lines of Railway are concerned, the reservation of intermediate and third class compartments on almost all trains is still being made. I can speak from my personal knowledge of the North Western Railway and the East Indian Railway, but I have also received information

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from several friends that that is the case on almost every other line. It may be perhaps that some line or other has taken off these reserved compartments from some trains, but my information is that it is not the case that these compartments have been taken off generally, as Colonel Waghorn said in his reply to Mr. Sinha. It is for the House, therefore, to decide whether Colonel Waghorn kept to his promise or not. Then again, Sir, quite recently another question was put to the present Honourable Railway Member whether it was a fact that Indians travelling in European costume were allowed to travel by these reserved compartments, and the reply was that the Railway Board believe that in practice no objection is taken to Indians who have adopted European dress travelling in compartments reserved for Europeans on the different railways. Government do not propose to call for further information on this point from Railway Administrations at present. Now, Sir, this reply adds insult to injury, and puts a premium upon Indians who choose to ape Christians in this respect. What does this reply mean? My son, if he puts on a hat, can travel by these reserved compartments, but unfortunately I, who do not put on a hat but choose to appear in my Fez, cannot do so, and I can be kicked off from the reserved compartment, but my son is allowed to travel. (*Dr. H. S. Gour*: "What about your tie and collar and your waistcoat?") I preserve my nationality. But, Sir, is it a fact that Railway Administrations do not take objection to Indians travelling in European costume by these reserved compartments? I say it is not so, and I heard only the other day from a friend that a few months ago a party of Indian gentlemen who were travelling by one of these reserved compartments from Howrah to Delhi travelled as far as Tundla; up to that point nobody objected, but at Tundla they were forcibly ejected to make room for some European or Anglo-Indian or whatever else he is called. But even supposing this objection will not be taken in the future, I say that it does not satisfy me in the least; what I say is that all these reserved compartments must go, and there is no reason now to have any reserved compartment for any particular class or community. We must all be treated alike. The next question, Sir, that I have to consider is whether it is in the interests of these Europeans or Anglo-Indians to travel by these reserved compartments, for their own sake. I say, Sir, that chiefly by reason of the fact that very often only a solitary individual or a family travel by these reserved compartments. And the result is that on occasions even murders have been committed in these compartments. I would draw your attention to the unfortunate murders that took place quite recently on the Oudh and Rohilkhand Railway somewhere near Lakhsar station when a lady and a gentleman travelling by one of these compartments were ruthlessly murdered. I say, therefore, that in their own interests it is not right that they should travel by such compartments which are not full. Then, again, Sir, there is another point to which I would beg to draw the attention of the House. These compartments are reserved for Europeans and Anglo-Indians. Now, who are Anglo-Indians? My friend Colonel Gidney is there. He distinctly told us only a few days ago that the community to which he had the honour to belong is Indian and he took pride only a few days ago in calling them Indians. I hope the Anglo-Indians call themselves Indians to all intents and purposes; and not merely when it suits their purposes to share the loaves and fishes, or I may say, the crumbs that fall to our lot. If that is so, that is to say if Anglo-Indians are Indians and wish to sail in the same boat as ourselves, they should travel in

the same compartments with us and not claim any preference of this kind. Well, if that is conceded then the only other class of people for whom these compartments are to be reserved are the Europeans. Let us then come to the Europeans. Colonel Waghorn told us that there were no reserved compartments for first and second class passengers. What class of Europeans then travel by intermediate and third class? It is rarely, if ever, you find a non-official European travelling by intermediate or third class. Probably the bulk of the Europeans who travel by intermediate and third class are European soldiers. Well if they travel in large numbers, a compartment can be reserved for them under the ordinary rules. But if they are not, then I do not see why they should have the privilege of travelling by a compartment entirely to themselves. They ought to share with us. Colonel Waghorn in his speech on that occasion said as follows. I would like to quote his words:

"It is true that this demand was made 18 years ago which is a long time, but prejudices and dislikes do not necessarily disappear; and Government have felt hitherto that while recognising the desirability of eliminating all racial distinctions, the continuance of this reservation was on the whole desirable in order to avoid the possibility of the unpleasantness and ill-feeling which may readily be created by some trifling incident and which may possibly lead to much greater friction than is likely to arise under the existing arrangements. It will be noted that there is no idea of any racial discrimination."

If there is no idea of any racial discrimination, I do not see any reason why the European soldier should have a compartment reserved to himself. And as regards any ill-feeling that may be created by them while travelling by railway with Indian passengers, it would bespeak nothing else than want of discipline, for which the Military Department would be responsible and not the soldiers. If they are properly disciplined, I do not see any reason why there should be any ill-feeling or any breach of the peace in a railway compartment when they are travelling with their Indian fellow passengers.

For a number of years past Sir, accommodation on railways for Indian passengers has been very limited and frequent complaints have been made that the accommodation supplied for Indian passengers particularly Intermediate and Third Class passengers, has been very insufficient, and I have myself seen, especially on the North Western Railway, that whereas an adjoining compartment goes vacant, the next compartment, reserved for Indian ladies, is so over-crowded that there is hardly any room even to stand, much less to sit. Our ladies generally travel with their children, so if there are 8 or 10 ladies and about 10 or 12 children in the compartment, the compartment is over-full; and even then the railway authorities will not allow the adjoining compartment, which goes vacant altogether, to be occupied by these ladies and children. That being the case, I think there is all the more reason that these reserved compartments should go. And we have been recently doing away with racial distinctions as far as we could. That would be another reason for me to urge to the House to pass this Resolution so that this restriction also should go. A Conference held in Lucknow in 1903 has been referred to, at which some Indians also attended. I do not know who they were and what representative character they had, but it seems that it was with their consent that these compartments were reserved on Indian railways. That might have been so, but times have changed since and are changing very fast, and I think what then looked to be quite innocent is not the case now. The political consciousness in the country since then has been attained so much that it is high time that any distinctions of the kind should now be abolished. I can assure

[Mr. W. M. Hussanally.]

the House, Sir, that there is a considerable feeling in the country with regard to this matter, and during recent years there have been several cases, both civil and criminal, in the various courts. It will serve no useful purpose that I should quote these cases *in extenso*, but I may refer to some cases the references to which I have got. One is reported in XLV I. L. R. Bombay, page 1324, another is in XLV I. L. R. Madras, page 215, another XLII I. L. R. Allahabad, page 327, and the last case on the subject is reported in XXV Bombay Law Reporter, page 26. As I said, some of these cases have been civil and others have been criminal. In some of these cases people who were forcibly ejected from these compartments brought suits for damages and in other cases they were prosecuted under the Railway Act for riding in a compartment which was reserved for somebody else. I would refer to only two cases. One in 45 Madras, in which Mr. Justice Krishnan disagreed with his colleague—I believe it was Mr. Justice Oldfield and this is what Mr. Justice Krishnan says:

“With all respect to my learned brother I regret I am unable to concur with him in this case; for I have come to the conclusion that the accused are entitled to be acquitted on the short ground that the third class compartment in question is not proved to have been properly reserved for Europeans and Anglo-Indians as the prosecution alleged.”

The case was referred to a third Judge, Mr. Justice Ayling, and it was decided of course that this compartment was properly reserved under section 42 of the Railway Act, and, therefore, the accused were guilty. In all these cases, Sir . . .

Mr. T. E. Mcir (Madras: Nominated Official): I rise to a point of order. The Honourable Member said “it was decided of course that this compartment was properly reserved.” I wish to know whether the Honourable Member is entitled to use the words “of course” which seem to be an imputation on the Honourable Judge.

Mr. W. M. Hussanally: That was very far from my intention. I have the highest respect for the Judges of the High Courts and that was not my intention. What I was referring to was that the decision was arrived at on an interpretation of section 42 of the Railway Act. I was just going to read a portion of that section when I was interrupted. Clause 2 of section 42 of the Railway Act says:

“A railway administration shall not make or give any undue or unreasonable preference or advantage to or in favour of any particular person or railway administration, or any particular description of traffic, in any respect whatsoever, or subject any particular person or railway administration or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.”

This is the clause, Sir, upon which these cases have been decided, and nearly all the cases hinged upon the interpretation of the words “undue or unreasonable preference.” In almost all these cases it has been held that, while these reserved compartments do constitute a preference they do not constitute an undue preference. That is the distinction that has been drawn, and it is, unfortunately, on these decisions that these persons who were prosecuted were sentenced.

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

Mr. W. M. Hussanally: Well, Sir, I shall only say a few words more. Unfortunately, Sir, I have not got sufficient time to quote from the judgment.

of Justice Sir Lalubhai Shah of the Bombay High Court, which would have been very interesting. But suffice it to say, Sir, that he disagreed with his colleague Mr. Justice Crump and the case was referred to Mr. Justice Marten and the eventual decision was that the conviction was good and they upheld the decision of the lower court.

But what I want to draw the attention of the House to is that of late people have been getting into these reserved compartments deliberately in order that they may be prosecuted and in order to take the case up to the High Court for a decision; and what I want to draw the attention of the House to is that there is so much feeling in the country against these reserved compartments that people go deliberately into these compartments for the purpose of drawing attention to this matter and that is also one of the reasons why I would ask this House to vote for the proposition that I have brought in order that these reserved compartments should now be abolished. The only alternative would be to bring in a Bill for amending the Railway Act, but that I think is not necessary at the present moment; and I would therefore ask that this House do pass this motion to ask the Governor General in Council to do away with these reserved compartments.

Mr. K. N. Mitra (Bengal: Nominated Official): Sir, I think that the Resolution moved by my Honourable friend, Mr. Hussanally, is inopportune. The grievance is a real one and the cases to which he has referred only go to show that the state of things in this matter is not what it should be. But, Sir, it was only yesterday that we passed the Racial Distinctions Bill—a Bill which it is universally admitted will go to promote goodwill and fellow-feeling among the two communities, Indian and European, whom destiny has woven into the picturesque mosaic of India's national life. I think, Sir, that it is regrettable that a Resolution of this kind should be brought before the House almost immediately after the passage of the Racial Distinctions Bill. I do not for a moment mean to imply that the enjoyment of this privilege by a particular community is desirable, but probably what the Honourable Mover has in his mind is the wanton feeling of superiority which this reservation of carriages or compartments on railways gives to a particular class of people. But to my mind this sense of superiority is due purely to a narrow and partial outlook on life which is bound to go in the course of time. (*Mr. Jamnadas Dwarkadas*: "Why encourage it?") I say we should not encourage it, but if it is a matter of mere convenience, then I do not see how we can promote our object by depriving a particular class of our fellow-subjects of a privilege which they have enjoyed for such a length of time. If we consider this question carefully, we will find that this privilege is not extended to 1st and 2nd class passengers, but still there have been cases of rough handling, of insult and even of forcible ejection from railway carriages. After all, what is all this due to? To my mind, it is due, as I have already said, to a partial and narrow outlook on life, and when a broader, larger and more human sympathy and neighbourly feeling prevails, I am sure that this distinction will ultimately go. It is no use forcing the progress of things. So far as the 1st and 2nd class carriages are concerned, the distinction does not exist, because the people who use these two classes have got almost the same habits or can adapt themselves to the same mode of life as those of Europeans or Anglo-Indians, but the habits of life are different in the case of 3rd and inter-class passengers who may roughly be regarded as constituting the middle class people. They are respectable

[Mr. K. N. Mitra.]

men, but generally they are orthodox in their habits and mode of life. So if you want to have the same type of carriages for Europeans or Anglo-Indians as well as for Indians it will not be convenient to either; because neither the Indians nor the Europeans or Anglo-Indians will feel comfortable, and the result will be that those Anglo-Indians who travel in Inter and 3rd class compartments will be obliged to travel in a higher class, which they can ill afford to do. My contention is that we have no right to do it, we have no right to force them to travel in a higher class of carriage which will cost them more money and it will not be profitable to the railway authorities themselves to have all the inter and third class carriages fitted up with the same conveniences. So I think the whole question resolves itself to one of expediency and comfort, and when there is mutual understanding between the two communities, I hope that we will not grudge any community any special privilege which they may enjoy, for they will also come to respect our feelings better. It also seems to me, Sir, that it is not fair for a legislative body like ours to pass a Resolution of this character because in this Assembly, as Honourable Members will see, there is a very inadequate representation of the community whom we are going to deprive of this particular advantage. Even if we could carry this Resolution by the sheer weight of numbers, still it will not make for the establishment of that good feeling and sympathy for which we so much care.

Maulvi Abul Kasem (Dacca Division: Muhammadan Rural): Sir, I regret very much that the vagaries of the ballot box has brought forward this Resolution and given it a place for discussion in to-day's agenda. I am sorry, Sir, that my Honourable and esteemed friend—I may go further and say—my patriotic friend, Mr. Wali Muhammad Hussanally, should have spent so much powder and shot on such an insignificant question as this. I am sorry, Sir, that he should have burnt his candle and spent hours of the night on studying this question, hunting out Law Reports and previous proceedings of this House, to prepare his speech on this Resolution. I think, Sir, the time he has spent over this would have been better spent in studying the Budget and in showering bomb shells on the Honourable the Finance Member. Sir, speaking as an Indian I might say that our grievances against the administration are numerous and there are many more questions of greater importance in which we have to ventilate those grievances and the question referred to in the Resolution unfortunately does not come up to that standard. We can very easily overlook it. But, examining the question on its merits, Sir, my friend in the course of his speech said that a third class compartment in a fast train or a mail train or it may be a very slow train is reserved for Europeans and Anglo-Indians and what is the result? The other compartments which are occupied by my countrymen are crammed full and we were given some vivid descriptions of these compartments. But may I ask the Honourable Member to say: suppose in a fast train or a mail train, where there are numerous compartments, sometimes 100 compartments, if one more is added for the third-class passengers, will it in any way improve the position of the passengers travelling in these compartments? (*An Honourable Member*: "It will.") An addition of 10 to 200 or 300 does not make much difference, and at the same time what are the conditions of reserving this compartment? It has been said: Why should there be any friction? But it goes without saying that if an Anglo-Indian travels in a third class compartment with Indians, there will be friction every fifty miles if not every

ten miles. We have been told, if the soldiers do anything wrong, it is for the military authorities to control them. I might remind this House and my Honourable friend that human nature can never be controlled either by military or civil authorities. The people who travel in third or inter class compartments do not belong to that class either of Europeans or Anglo-Indians who have got a high education or at any rate who have got broad political views or who can understand the political situation. They are people who would not like to travel with Indians: their habits are different and naturally there is every danger of their picking a quarrel with their fellow passengers which may lead sometimes to disturbances. Our difficulties are always very great. Why add to them by removing this distinction?

The second question is that the definition of "European" in the railway administration is not the one which this House or, at least, this side of the House would like to be put on it, nor the one which the other side of the House has put upon it under orders from Whitehall. But they have got a wider definition. Just as my friend has said they define a European or an Anglo-Indian in a way that people who wear a European costume generally come under it, and I believe the railway administrations do not insist upon a fez being substituted for a hat. Therefore, Sir, I think that this Resolution is not only inopportune, as my friend behind us said, but I think it is absolutely unnecessary. Speaking for myself, I think that I would much prefer to have as my fellow traveller in a railway compartment an Indian than a European and sometimes, when coming to this city or going to Simla or elsewhere, I have taken pains to go to the Inquiry Office at the Howrah Station to see that I was booked with an Indian fellow passenger and not with Sir Alexander Murray. But I might tell my Honourable friend, Mr. Wali Muhammad Hussanally that, not only as regards Europeans and Indians, but it will be even more convenient for me to travel if my other Indian fellow companion in the carriage was a Muhammadan and not an orthodox Hindu. Mr. Jogendra Nath Mukherjee and I happen to be very great friends and friends of long standing but he and I would be both inconvenienced if we were locked up in the same compartment. Not for this reason, but because he has got his religious objections that I should not touch his food, and I may have—although I particularly at present have not—an objection to my food or anything eatable being touched by a non-Mussalman. But it is not practicable to reserve any compartments in a country like India for Hindus or Muhammadans. But I think it will save trouble and inconvenience if we reserve a third and intermediate compartment for, as you call them, the Europeans and Anglo-Indians who cannot afford to pay higher. Sir, if I may say so, these Europeans and Anglo-Indians are more extravagant than the Indian population in this country, and if he could afford he would rather travel first than third. But it is sheer necessity which makes him travel third class or intermediate class. Therefore I think it will be a sheer injustice, it will be impolitic and undesirable to pack him in the same compartment with Indians, remembering, as we must do, the class of Indians who travel also in those compartments. It has been said that they will not create any friction, but in spite of the progress we have made, in spite of the fact that we are looking much ahead and that we have got a great sense of nationality in ourselves, it must be remembered that the class of Indians who travel third and inter-class even at the present day have got a certain amount of terror of these Anglo-Indian citizens, and . . .

Mr. Jamnadas Dwarkadas (Bombay City: Non-Muhammadan Urban):
No, no.

Maulvi Abul Kasem: They will be to a large extent inconvenienced by being in the same compartment with them. My friend there says "No." I believe he is thinking of the educated section of his countrymen.

Mr. Jamnadas Dwarkadas: Even the uneducated men have self-respect now. You may rest assured of that.

Maulvi Abul Kasem: I am glad to hear him say so. If he has self-respect I think he would prefer to travel with his own countrymen and not mix up with others.

Mr. Jamnadas Dwarkadas: He does not want to be treated as his inferior.

Dr. Nand Lal (West Punjab: Non-Muhammadan): We are all brothers.

Maulvi Abul Kasem: Therefore, Sir, I would advise my friend to withdraw the Resolution which he has moved and not press it before this House. As regards the inconsistencies and back-sliding that has been attributed to Colonel Waghorn, in spite of large extracts read by my friend I do not think that Colonel Waghorn has been guilty of any of those charges that have been brought against him. He laid down a broad principle and I believe he has honestly and steadily followed that principle and whatever he has done, I think he has carried out the wishes of my Honourable friend and he has done what he has thought as the head of the Railway Administration to be desirable and necessary in the circumstances.

The Honourable Mr. C. A. Innes (Commerce and Industry Member): Sir, I would just like to take up the point taken by my friend, Maulvi Abul Kasem. I think that Mr. Hussanally has moved this Resolution under a sense of grievance. He had a sort of feeling that Colonel Waghorn did not carry out the pledge given in the House in September, 1921, on the strength of which Mr. Hussanally withdrew his former Resolution. I should like to correct that misapprehension at once. The misapprehension has arisen entirely out of the fact of the word "or" being used in the printed record instead of the word "and." I have taken the trouble to look at the printed notes which preceded the moving of that Resolution and I find it clearly stated there that Colonel Waghorn suggested to His Excellency whose orders he took that a solution should be arrived at on the understanding that the reservation should be retained only in the case of mail and fast passenger trains. That shows that that was always the intention of Colonel Waghorn and in accordance with that pledge, within ten days Colonel Waghorn addressed all Railway Administrations. He addressed them not only in respect of third class carriages but also in respect of intermediate class carriages. I have got the replies of all the Railway Administrations here. On some Railways this distinction does not exist at all, and on other Railways it has been restricted to mail and fast passenger trains only. On still other Railways owing to local conditions the reservation still exists on other trains. But we have reduced the practice to the narrowest possible limits. Mr. Hussanally has suggested that by this small reservation we are making the congestion of third class carriages worse. Maulvi Abul Kasem has dealt

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with that objection. On these trains we reserve one or at most two,—I find in one or two Railways they reserve two compartments—one or at the most two compartments,—that is, seating accommodation for 10 or at the most 20 passengers, and that in a train which carries two hundred or three hundred passengers. That can make no impression upon the congestion and I do deprecate this attempt to treat this thing as a racial discrimination or a racial question. I do deprecate this attempt to show that these carriages are reserved in order to mark some distinction between a poor European and the Indian third class passenger, so as to show that the one is inferior to the other. Let me tell the House that there is absolutely no such idea at all. I would ask the House to remember that the Railway administrations regard this question, as their replies show, purely as a question relating to the convenience of their passengers. Those Railway Administrations which retain this discrimination say that they do it merely because of the difference in the habits between the European passengers and the Indian passengers and they think that by retaining this reservation they are consulting the convenience of their clients and that is the reason why this reservation is continued. It seems to me wrong especially at this time to try and make a racial question out of a small thing of this kind. As I say we have addressed the Railway Administrations, we have taken up the question with the Agents. The practice has been restricted to the narrowest possible limits and I think that the wisest course is not to make too much of a question of this kind but to let time correct it. I think myself that possibly we could do more with regard to the intermediate class compartments. I do not see any reason myself—why intermediate compartments should be reserved and I am quite prepared to suggest to the Railway Administrations that they should consider very seriously whether there is any necessity to continue this distinction in respect of intermediate class compartments. I consulted some of the Administrations by wire and I have already had a wire from one Administration saying that it does not think it necessary to continue the distinction at least in respect of intermediate class compartments but it wishes to continue the reservation of third class compartments. I think that will show that the Railway Administrations themselves are tackling the subject in a reasonable way and I suggest that the House should leave it at that. I hope Mr. Hussanally will take it from me that there is no desire on the part of the Railway Board or Colonel Waghorn or anybody else anywhere to evade a promise or pledge and I hope that in view of what he has said himself that a question of this kind must be tackled gradually and slowly and in view of what I have said he will withdraw the Resolution.

Lieut.-Colonel H. A. J. Gidney (Nominated: Anglo-Indians): Sir, my Honourable friend, Mr. Hussanally, has practically asked me to take part in this debate. He may call me an Anglo-Indian or whatever he likes. The only thing I ask him not to do is to call me too early in the morning. Judging from the speeches of the two previous Honourable Members Mr. Mukherjee and Maulvi Abul Kasem, who have opposed this Resolution in strong terms it appears as if any intervention on my part is not necessary but representing the Domiciled Community in this Honourable House I feel I am called upon to say a few words on this Resolution, because the aim of this Resolution is to deprive a few of the poorer members of the European and Anglo-Indian communities of a railway travelling reservation that has existed for a very long time. It is not my desire, Sir, to claim on behalf of my community any special privilege or any racial distinction

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whilst travelling on Indian railways. The Indian pays the same fare as I do and it would be absurd for either of us to claim *preferential* treatment in the same way as it would be out of the question for either of us to submit to any *differential* treatment. But the Mover of this Resolution seems to be singular in the tenacious way in which he has put it forward for this is the second time that he has brought this Resolution before this House. I would bring it to the notice of this Honourable House that on 1st March, 1921, my Honourable friend, Mr. Haji Wajihuddin, asked a question from the Member in charge of the Railway Department as to whether Government would be willing to reserve special accommodation in the first and second classes for Indians. Government said that it was not desirable. The same Member asked another question on 28th March, 1921, to the effect that, since Government did not consider it desirable to reserve these special compartments in the first and second classes for Indians, would they now discontinue the reservation of third and intermediate class compartments for the European and Anglo-Indian communities. Now, Sir, the necessity for some racial reservation must have been apparent to the Honourable Member when he put those questions otherwise he would never have asked them. The Honourable Member was again told by Government that it was not desirable to discontinue this reservation. Then later on on 10th September, 1921, my Honourable friend Mr. Reddi Garu, in a series of questions drew the attention of Government to Resolution II of the Madras Legislative Council, which purported to provide for the entire disappearance of all racial distinctions both in Railway accommodation and in retiring rooms, etc., and asked Government what action they were prepared to take on the matter. Government stated that there was no distinction whatever in the first and second class carriages between Europeans and Indians but that a slight distinction did exist in the shape of a reservation of 6 or 8 seats for the poorer members of the European and Anglo-Indian communities in the third and intermediate classes. My Honourable friend, Colonel Sir Danvers Waghorn, also told the Honourable Member that the reason for continuing this reservation was a matter of policy and the desire was to study more the interests of the Indian passengers, than the comforts of the few Europeans and Anglo-Indians who travelled in these reserved compartments. Mr. Hussanally was apparently not satisfied with this for I find that he moved a Resolution on the 28th September, 1921, identical with the one which he now moves with this difference: that ladies are not included or considered in it. In this Resolution Mr. Hussanally asks us to withdraw this reservation of 6 to 8 seats in third and intermediate classes for Europeans and Anglo-Indians. But, Sir, previous to this Resolution it may interest this Honourable House to know that it was the Indian members themselves who asked Government for similar special reservation whilst travelling. Mr. Hussanally, severe as he was on this doubtful privilege and extra comfort which these few poorer Europeans and Anglo-Indians enjoyed, was severer still on those Indians and Indian Christians who pretended to be Europeans by the clothes they wore and so managed to travel in these compartments and enjoy this extra comfort. To support this Resolution, he has unfortunately introduced the racial question and commented on other aspects of this matter which to me have appeared not only undesirable but unnecessary. He also referred to certain criminal cases which resulted through the action of certain Indians who took the law into their own hands and transgressed the Railway Act, by trying to forcibly enter these reserved

compartments. Now, Sir, as I said before I ask for no special privileges even for the poorer members of my community. But I do believe in the truth of the adage that 'prevention is better than cure.' But let us look more carefully into this Resolution, Sir, and ascertain whether these 6 or 8 seats that are reserved for Europeans and Anglo-Indians is the only special or particular communal or caste privilege enjoyed by the travelling public in India, and when I make this comparison, I do not do so with a desire to be odious, bitter or complaining. This House knows that there are many caste privileges and reservations given to Hindus and Muhammadans when they travel and which are denied to Europeans and Anglo-Indians. To mention a few of these, there are special water-carriers, there are special water-supplies, there are special carriages reserved for Indian ladies, there are special waiting rooms, and to-day there are special refreshment rooms for the supply of food. I do not look upon these as privileges, I look upon them as necessities, because your caste principles, and your customs, demand such protection.

Mr. Jamnadas Dwarkadas: What is the quality of special arrangements made?

Lieut-Colonel H. A. J. Gidney: The Honourable Member must I fear put that question to the Railway Member and not to me. Well, Sir, these are a few of the special privileges the Indian passengers enjoy. Against these, put this small, *doubtful*, meagre privilege of reservation that my community enjoys to-day. Then, Sir, who was it that resolved on this reservation? 18 years ago a conference was held at Lucknow in which many Indian members were also present, and it was they who, realizing that unless they had this reservation which they said was to be restricted to Europeans and Anglo-Indians, there would be trouble; it was these very Indians who consented and who saw that, unless this reservation was made, it was likely to lead to petty squabbles and disturbances which I am sure everyone in this House wishes to see avoided. But, Sir, since then times have changed. But communal peculiarities, prejudices, customs and caste necessities change very slowly,—some of them do not and cannot change. I am aware, Sir, that there have been a few criminal cases, and recently there have been important criminal cases in which very serious issues have been involved, but, Sir, I believe, judging from what I have heard to-day, that the opposition against this privilege is not universal, and I have to thank those Members who have just spoken for the support they have given to what I have said. I believe, Sir, this reservation is not objected to in this Honourable House. In my opinion it amounts to a sort of dog-in-the-manger policy. The Honourable Mr. Innes has told us that any lingering idea in the minds of Honourable Members that this reservation is based on political motives or on any racial superiority is not true. It is a matter of policy, it is not a matter of racial distinction, but one of necessity, so as to avoid any unpleasant sequelæ arising from mixed travelling of Indians and those of other communities who do not have the same customs. I have tried to show to this House that even if it did feel disposed to view this reservation as a racial matter surely I am entitled to ask, "why have you claimed, and why are you given, such a number of special privileges? Why should I whose customs are different to yours be denied these 8 seats in a few trains? Why cavil at the small privilege that my community has? You have your customs, I respect them. Equally in common with you, my community, both Europeans and Anglo-Indians, have their customs. If you do not respect

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them, surely I am not asking too much when I ask you to respect them." Sir, let me visualise or portray what might be an any day occurrence. Let us assume that this reservation is discontinued. We have one or two Europeans or Anglo-Indians travelling in an intermediate or third class carriage. Into this same carriage arrive say two orthodox Muhammadans and two Brahmins as passengers. The meal time comes as it must. These poor Anglo-Indians or Europeans have not got the money to have a meal at the dining car or the refreshment room. There is indeed no third class refreshment rooms as are provided to-day for Indians. This class of passengers usually carry their own food with them. The food, Sir, consists of food which is certainly objectionable to such fellow-passenger, what is the result? Objections—a heated argument and a disturbance.

These are the unfortunate incidents which are likely to happen any day and it is to avoid these unpleasantnesses that this reservation is necessary and was arranged 18 long years ago. My Indian friends in this Honourable House know, that I claim no privileges for my community but I do ask of them to respect my customs just in the same way as I am willing to respect theirs. My Indian friends in this House know that I lose no opportunity in impressing upon my community, especially those employed on Railways that they must treat their Indian brethren with the same respect which they expect to be treated by them but I am confident, Sir, that if this reservation is removed, it will only lead to trouble. It will open the path to quarrels which Indians, Europeans and Anglo-Indians are equally desirous of avoiding. I, therefore, request my Honourable friend Mr. Hussanally to withdraw his Resolution and even if it is pressed and accepted, the resulting gain to him and Indian travellers will not be commensurate with the trouble that is likely to arise in consequence, and it is to avoid this eventuality that I ask for the withdrawal of the Resolution and I ask Mr. Hussanally to be satisfied with what the Honourable the Railway Member promised him in September 1921. We have only to look at the trains to-day, with enhanced railway fares, to realise that hundreds of Anglo-Indians and Europeans, who a few years ago, could afford to travel in second class carriages find it impossible to do so to-day. I, therefore, challenge the Honourable Mover of the Resolution to prove that to-day these reserved compartments go empty. They go over-crowded. (*Voices: 'No, no.'*) This is my personal experience, and I say, Sir, that overcrowding and not emptiness does exist to-day in these reserved compartments for Europeans and Anglo-Indians. This emptiness may have existed a few years ago but certainly not to-day. I therefore again ask my Honourable friend Mr. Hussanally to withdraw this Resolution, and I am sure the Honourable House will support me in what I ask.

Mr. C. D. M. Hindley (Chief Commissioner, Railways): I think, Sir, I may perhaps be able to clear away one or two misapprehensions which may have arisen since the Honourable Mr. Innes spoke a few minutes ago. With all deference to Colonel Gidney, I think perhaps he has introduced some, what I may call, irrelevancies into this discussion. I look upon this primarily as a practical question of railway working, where the railway administrations must make the best arrangements they can for the different classes of passengers which they have to deal with. I think perhaps I can sum up all that has been said by Colonel Gidney and others

when they referred to this matter on racial lines by putting a little formula forward in this way. I think the difficulties which arise on railway journeys when passengers are cooped up together for long distances may be best described as mutual irritation. We cannot hope to define these things any further, and I think it is inadvisable to do so. We all know that mutual irritation does occur between passengers of all classes and creeds and races wherever they travel and I believe this small reservation which we have now brought about, the limitation which we have placed on this reservation on the trains, is going to assist in removing those slight causes of mutual irritation between fellow-passengers. I should like to repeat what the Honourable Mr. Innes has said we in the Railway Department are prepared to do in this matter. We are prepared to suggest to Railway Administrations that the reservation of Intermediate Class carriages should be done away with, though it must be left to the Railway Administrations to decide whether this can be carried out practically in all cases. Then I would like to refer again to an answer which I gave recently to a question put in the House in regard to Indians wearing European dress. It is understood to be the practice not to object to Indians wearing European dress travelling in these reserved carriages. We will, however, address the Railway Administrations and suggest to them that if this is not the practice in any case, it should be made the practice in the future. With these words I think, Sir, I may suggest again to Mr. Hussanally that he would be well advised to withdraw the Resolution.

Mr. Jamnadas Dwarkadas: Sir, I must confess to a feeling of amazement at the speeches made by my Honourable friend, Mr. Khagendra Nath Mitra and by my Honourable friend, Mr. Abul Kasem. I cannot understand, in the first place, why only a one-sided view should be taken of this question. My friend Mr. Abul Kasem has come forward, I do not know whether of his own accord or whether because he has been requested by some one, to defend the action of Colonel Waghorn. If there is one thing clear in Mr. Hussanally's indictment of the Railway Administration, it is this, that for some reason or another Colonel Waghorn has not been able to carry out the pledge that he had given to the Assembly. I am not here to find fault with him. I quite appreciate the difficulties that he may have to encounter. But there is no reason to defend Colonel Waghorn on the part of my Honourable friend, Mr. Abul Kasem. Now we have a philosophy preached by my Honourable friend, Mr. Khagendra Nath Mitra and my Honourable friend, Mr. Abul Kasem. We have just passed the Racial Distinctions Bill, why, they ask, do you want these racial distinctions by doing away with the reservation of compartments for Anglo-Indians and Europeans? I cannot understand the logic of this philosophy. After all what are we doing when we ask that this distinction should be done away with? We are only carrying out in practice what we have passed here. I do not know whether Honourable Members realise, or even Government realise, that a good deal of discontent in this country is due to the treatment that we receive because of the Railway Administration in this country. I can recollect, Sir, that one of the first things that I said to one of the highest officials on his arrival in India was that a good deal of discontent in this country prevailed because of the scenes that were repeated every day during the railway journey or on railway platforms: and any step taken to do away with any injustice that is being done to Indians by the present Railway Administration will be not a dis-service, but will be a great service to the country. We are asked to believe that we have "privileges," why should Europeans or Anglo-Indians

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not have "privileges?" My friend, Mr. Joshi, last year gave us a picture of what our "privileges" were. If such are the privileges that the European or Anglo-Indian demands, well, in fairness to them, we shall not have the hardihood to give them those privileges that are extended to our own countrymen. It is not a racial question. I want Honourable Members to believe me, and I want Government to believe me when I say that I am absolutely free from racial bias or racial consideration. Government will pardon my saying so, but if they perpetuate this distinction in cases like these of reserving compartments for Anglo-Indians and Europeans, *we* shall not be held guilty of perpetuating racial distinctions; those who advocate that policy will be held guilty.

Now, we were asked a question here, "is this going to help congestion if one more compartment is thrown open to you." It is not a question of whether it is going to help or not; as a matter of fact, it is bound to help. I will give you an instance from my own experience, that happened last year. We came here, leaving the work of the Fiscal Commission, to be present for the visit of His Royal Highness the Prince of Wales to Delhi. When I was going back the train was overcrowded with the result that my servants could not get into the servants' compartment; the Indian Princes' servants and the *sahibs'* servants were there. So my servants got into the compartment anyhow for the time being and stood for a station or two and then they found that there was a third class compartment available reserved for Europeans and Anglo-Indians, which they got into. There was no other way; it was an empty compartment and they got into it. Well, after midnight, the guard at a railway station went and asked them to clear out. There was a carriage and there were three compartments in that carriage absolutely unoccupied. The servants refused to get out. They said they could not get into the servants' compartment; there was no other room available in the whole train and so they had got into that compartment. The servants refused to get out and the guard threw them out bag and baggage. The servants came and woke me up. I went and asked the guard why he wanted to clear these people out. He said "this compartment is reserved for Europeans." I said "this is unoccupied, the train is full, why will you not let them get in." He said "there is one Anglo-Indian who wishes to occupy one of these three compartments and he objects to these people being there." I call it unconscionable and inhuman conduct not to allow these people, when there was no room in the train, to stay in other two compartments which were absolutely unoccupied. Sir, these things happen every day. Fortunately for myself, I had an eminent English lady travelling with us, my wife and myself. I do not mind mentioning her name, I have her authority for doing so. She was Lady Emily Lutyens, the sister of the present Governor of Bengal, and she characterised this conduct on the part of the railway authorities as appalling, and said that if these things happened in this country every day certainly there was some justification for the discontent and for the prejudice that prevailed.

Sir, all that is asked for is that we should do away with distinctions in railway carriages. The talk that we have had of the different habits and customs and my Honourable friend, Maulvi Abul Kasem's eloquent appeal that he did not want to travel with Mr. Mukerjee and Sir Alexander Murray but wanted to be left alone, all this is absolutely out of the question. Here is a bar placed against Indians, a badge of inferiority, I call

it, in spite of what my Honourable friends have said. What often happens, as I described last year, is that you find an Anglo-Indian stretching out his legs and smoking a cigarette comfortably in one compartment while in the other third-class compartments you find Indians huddled together and kicked by the guard. It is a thing which happens every day on every railway platform and, when the subject is brought forward, we find four or five speeches made even by my Honourable friends, Mr. Khagendra Nath Mitter and Maulvi Abul Kasem with a view to attacking my Honourable friend who has brought forward this Resolution. He demands nothing more than that fair treatment should be meted out to us, that this injustice should be removed and that a grave cause, which perpetuates the discontent among the poor masses, should be removed.

Sir, with all the power that I can command, I support this Resolution.

Maulvi Abul Kasem: I want to make a personal explanation, Sir. My name was mentioned by Mr. Jamnadas Dwarkadas. I did not like to interrupt his eloquence but the insinuation made by him that I was set up by any one is incorrect, unfounded and unjustifiable.

Mr. Jamnadas Dwarkadas: Sir, I am sorry I gave that impression. Nothing was further from my thoughts. If I have done so, I apologise.

Colonel Sir Henry Stanyon (United Provinces: European): Sir, after the heat generated by the last speaker, who worked himself up into a good deal of emotion over the hard case, the undoubtedly hard case, of his servants, my endeavour will be to try and get this Honourable House to look at this matter in its proper proportion.

British India is full of social difficulties and social anomalies. Education and a spirit of compromise are at work and are steadily overcoming a good many of these difficulties and anomalies. In education and the spirit of compromise to which I have referred is to be found the real remedy for them. The hard and fast cleavage and distinction between class and class, and race and race, is being steadily and gradually eliminated. The question is whether this Central Legislature is going to allow itself to be used as a social reform club, and to exercise its great powers and responsibilities for the purpose of wasting time over pinpricks of this kind. Distinctions do exist. Call them racial if you like. I myself think that many which are so-called are not really racial distinctions in the proper sense of the term. But they do exist, and for a long time to come they must continue to exist, and we must try, working together, to make the best of them.

Sir, I see railway stations with refreshment rooms reserved for Hindus and with refreshment rooms reserved for Muhammadans. I do not see at any station a refreshment room reserved for Europeans; and I am very glad not to see it. I am glad, however, to see that there are reservations of that kind made for Hindus and Muhammadans, because I have the highest respect for the conservative feelings which those communities entertain with regard to their food, their habits and so forth. I would no more dream of trying to force my way into one of those refreshment rooms, as one of the public having a right to go everywhere, than I would try to fly. There is no question among third class passengers now, whatever it may have been in the past, of racial superiority. It is a question,

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as has been rightly pointed out from the Government Benches, of travelling convenience. We have to face the fact, which is beyond our control, that a large number of Indians object to travel with Europeans, and a large number of Europeans object to travel with Indians. We are not concerned with whether there is any justice in these feelings. The feelings are there, and the Railway Administration have to deal with them. Now Indians travel in thousands, while Europeans travel in tens. If there are a hundred third class compartments in a train, surely, in order to serve this desire of the communities to travel apart, the natural thing for a Railway Administration to do is to reserve one compartment for the 10 Europeans rather than attempt to reserve 99 compartments for the thousand Indians. That is really, I think, very largely at the bottom of this reservation in third class carriages. I have had many journeys, and most interesting journeys, on railways in company with Indian passengers whom I had never seen in my life before, and I have always found them helpful, courteous and accommodating in every possible way. But I must confess that I myself have felt uncomfortable many times, not because I thought I was superior, but because I was afraid I might say or do something hurtful to the habits or feelings of my fellow-passengers. I recently travelled in the company of a pious Muhammadan who had liked to say his prayers in the carriage while the train was in motion. I was glad to see that he did not give up his habits, but I was uncomfortable. Similarly, if I were to travel with a high caste Brahmin, I should be most uncomfortable, lest I with my calf-skin boots and my European habits, should jar him at any moment. Sir, these differences are found even where there is no reservation. I daresay my friends have heard of and some of them may even have been to, such a place as a Cinema, where, in the one-rupee seats, you see both Europeans and Indians, you can see the same instinctive segregation there. You see the Europeans sitting together in one place and the Indians together in another; unless they happen to be Europeans who know Indians, and Indians who know Europeans and like to mix with them. The whole thing is so difficult to define that all that the railway people seem now to do is merely to look to the convenience of the different classes of passengers. I do not think for a moment that to-day there can be any talk in third class carriages of racial superiority. In 1st and 2nd class carriages reservation has been done away with, and we have the undertaking from the Government Benches given to-day that the same rule of non-difference is to be brought into effect in the intermediate class carriages. No blame attaches to a guard, who is bound by orders, for not allowing a compartment to be occupied which is reserved for a particular purpose. Such exclusion is not the act of the guard, and there should be no irritation against him; that man is merely doing his duty. I have been evicted over and over again for getting into a ladies' compartment which I found for the time being unoccupied by any lady; and I am very careful now. Sometimes I have found myself there to my surprise and horror; but I have never thought that the guard who turned me out was in any way abusing his powers. I think, on the whole, Sir, that the matter has been thoroughly ventilated. I see that there is a broad-minded view on the Indian side. I hope it will be believed that there is an equally broad-minded view on the European side, and that nothing will be done by a Resolution of this House to give room for any impression that the House uses its majority for the purpose of furthering what, in one or two of the speeches, has been

rather treated as if it was a racial question. I am jealous, as a privileged Member of this House, of the reputation that it holds, not before a small electorate, but before the world, as a Central Legislative Assembly; and for this House to pass hours in speaking of and arriving at a Resolution on the little question whether in one out of the 20 or 30 third class compartments the Railway Administration shall put people who want to travel by themselves and who are not wanted by the rest of the travellers, is, I think, a procedure that is far beneath the dignity of this Honourable House. The only matter that I would refer to is one other question that was raised of soldiers being given compartments to themselves. Sir, I say it with a considerable knowledge of this country that the average rustic who travels by the third class carriage would consider himself very badly treated if he was forced to travel with a lot of men who do not know one word of his language, whose habits are entirely foreign and who are brought up more or less to think of no one except themselves, apparently. (*Mr. W. M. Hussanally*: "They need not be in that compartment: they could go to another.") Moreover, this segregation of the soldier is a matter of discipline. Would my friend say that, when a regiment marches through a town, that they are occupying a reserved part of the street in going up together, and that they should indiscriminately march up with the rest of the population walking along the street out of order? Therefore, I say it is a very wise provision that soldiers should be put into separate compartments and travel by themselves. It is fair to them and it is fair to the Indian community also, and absolutely just. And I put it again to the Honourable Mover of this Resolution, as has been put by others, that the matter has now been thoroughly ventilated and that he will not try to drive this House to any Resolution on the question.

(*Several Honourable Members*: "I move, Sir, that the question be now put.")

The motion was adopted.

Mr. W. M. Hussanally: Sir, I should like to say a few words.

Mr. President: I will give the Honourable Member his reply but, as the closure has been carried unanimously, that ought to show that the debate has been exhausted.

Mr. W. M. Hussanally: I wish to say a few words if you will permit me. Since I have been pressed to withdraw this Resolution, I will do so, though I am not very pleased in doing so. I wanted, Sir, to reply to all the criticisms that were offered to my speech, but even that I will forego. I shall only say that I take up the challenge from Colonel Gidney when he said that these compartments go full. I still maintain and very emphatically too that in 9 cases out of 10 these compartments go empty or only with a solitary individual. But, Sir, Mr. Innes has given us an assurance that he will persuade the railway administrations to do away with the reserved intermediate compartments, though Mr. Hindley qualified that offer by a condition. I hope they will see their way to persuade all these Railway Administrations to do away with these intermediate class compartments for the present, and, in withdrawing the Resolution, I reserve to myself the right to bring it forward once more if I find that adequate steps have not been taken.

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

RESOLUTION RE SELECTION TO APPOINTMENTS UNDER
GOVERNMENT OF INDIA.

Mr. K. Muppil Nayar (West Coast and Nilgiris: Non-Muhammadian Rural): Mr. President, the Resolution that stands in my name reads as follows:

"This Assembly recommends to the Governor General in Council that the Government of India in making appointments to offices under its direct control shall ordinarily, where the qualifications of candidates are adequate to discharge the duties efficiently by their education, ability, and integrity, give preference to those that belong to classes or communities which are not well represented in the service, due regard being had to provincial considerations."

I wish an abler advocate than me had moved this Resolution. But the fortunes of the ballot are such and I shall content myself mainly with an introduction. I shall not detain the House long especially in view of the short time before us, but I shall leave the expert handling of the present important and delicate Resolution to its abler—I almost said natural—guardians. There are, however, some plain truths and the most important among them in my opinion is, Sir, that it is not enough if only the man who has passed an examination or who wants an employment to keep his body and soul together is represented in the Government services of a country. The executive of the Government has not only to carry out the Government's policy but has also much to do in the shaping of it, inasmuch as the officials form the Government's advisers and possess all practical experience in most matters. Viewed from this aspect, it will be seen how essential it is that every class and community must be properly represented in the services. It is also plain that the more the stake in the country, the more ought to be the representation. I am sure my friends will speak for their communities and I wish to supplement that with only emphatically urging the necessity of encouraging recruitment from my class, the landed interests. I am sorry their claims have not been adequately appreciated in the past. Then again, in a vast continent like India with her millions of people of various religions and languages, classes and castes, I believe it will be impossible to maintain general satisfaction without some such means as suggested in the Resolution for a long time to come—a time when we may find something more in common among her different communities. The Resolution is a very modest and moderate one. It is couched in such terms as to offend none. So, in commending my Resolution, I hope it will have the universal support of this House.

Mr. President: Resolution moved:

"This Assembly recommends to the Governor General in Council that the Government of India in making appointments to offices under its direct control shall ordinarily, where the qualifications of candidates are adequate to discharge the duties efficiently by their education, ability, and integrity, give preference to those that belong to classes or communities which are not well represented in the service, due regard being had to Provincial considerations."

I may inform the House that, of the four amendments on the paper, the amendment standing in the name of Mr. M. K. Reddi Garu appears to me to raise much the same question as that raised by the original Resolution. The amendment standing in Mr. Mukundaraja Ayyangar's name is out of order in so far as it invites Government to enumerate the population of India. It is in order in so far as it proposes to add a minimum educational qualification, and as far as the last six lines of it are concerned, they are a mere repetition of the original Resolution. Khan Bahadur

Zahiruddin Ahmed's amendments are not in order because they propose to deal with matter which properly ought to be raised only in the Legislative Council of a Province. The amendment of substance which is in order stands in the name of Mr. Jayanti Ramayya Pantulu whom I now call.

Mr. J. Ramayya Pantulu (Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, I beg to propose:

"That in the Resolution which has just been moved by my friend Mr. Nayar, for all the words after the words 'shall ordinarily' the following be substituted:

'be guided by considerations of capacity, efficiency and character irrespective of caste or creed'."

Sir, the object of my amendment is to ask the Government not to accept the Resolution moved by my Honourable friend, Mr. Muppil Nayar, but to continue to follow the practice which they have been following hitherto. My objections to the Resolution are fourfold. The first is impracticability. The Resolution wants Government to give preference to communities that are not at present properly represented in the services "with due regard" also "to provincial consideration." I think that if this contention is pushed to its logical extent we shall have to consider not only provincial considerations but also religious considerations, communal considerations, caste considerations and so many other considerations. Let us take the provincial considerations. We have a fairly large number of provinces in India, but if you combine linguistic and provincial considerations, how many linguistic areas have you got in India? According to our old books there used to be 56 countries making up the whole Indian Empire. Probably their number is larger now. Let us take it at 56. Then you will have to take 56 areas into consideration, that is so far as provincial and linguistic areas are concerned. Then you will have to take castes and communities into consideration—Muhammadans, Hindus, Jains, Sikhs, Buddhists (*A Voice*: "They are all Hindus.")—I do not think our Jain friends will admit that. In each community there are sub-communities. Take the Hindus. Do the Hindus form one community? There are at least four castes, and each caste has many sub-castes, and in each sub-caste there are many subdivisions, and if statistics are to be compiled on the lines suggested by my Honourable friend, Mr. Mukundaraja Ayyangar, you will have a very big book. How is the Government to apportion the appointments among all these communities? First by provinces, then by languages, then by religion, then by castes, by sub-castes—how is it to apportion these appointments among all these different communities? This communal constitution if it is to be properly constructed will be a labyrinth and one would lose himself in it. Therefore, I say that it will be simply impracticable. Then take the case of the Panchamas, the lowest class, the outcastes. Where will they be in a system of communal representation in the services? The Panchamas—are they to be represented in the services or not? If you are going to give representation to each community, here is a community which forms by far the largest community in the whole of India. The Panchamas, in numbers, exceed any other community, I think, and where will they be? If you want to have regard to efficiency or competency, not one Panchama in a thousand or even in ten thousands will be found fit to occupy any of the appointments. Practically, then, all of them will have to go unrepresented. Then, where is your communal representation? What is the great grievance that those communities which are not well represented in public service at present have? Why is it that they are not so well represented? Let me take the case of a few communities in my own

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part of the country. Take the case of the community to which my Honourable friend the Mover of this Resolution himself belongs. The Nairs, Sir, are one of the most intellectual communities in the Madras Presidency: not only the males, but the Nair ladies are among the best educated ladies in the whole of India. They are educated not only in Malayalam but also in Sanskrit. I am told that there are very good Sanskrit scholars among the Nair ladies. The Nair community is the community to which Sir Sankaran Nair belongs and to which the late Dr. Nair, the founder of the non-Brahman movement belonged. I am surprised, Sir, that a member of that community should come forward to move this Resolution as if his community has any grievance. So far as the Nairs are concerned, they are already at the top.

Then take the case of the Vaisyas or Banias who are non-Brahmans. You do not find them well represented in the services, and why is that? The entire trade of the country is in their hands; and being tradesmen they are naturally very shrewd people. You do not find them wanting in intelligence; the wealth of the country is in their hands and yet you do not find them represented in the services and that is because they do not think it worth their while to get into the services and give up the more lucrative business of traders and merchants. And that could be the only reason why they have not entered the services, for nobody could have prevented them if they had wanted to enter. Why they are not found in the services is simply due to the fact that they have not found it worth their while to enter them.

Then again, Sir, take the case of another community to which my Honourable friend, Mr. Reddi belongs. The Reddis of the Nellore district are well known to be a very intelligent and highly educated class. Here again I would say that the ladies of this community are traditionally known to be highly educated and intelligent. In this community you will find several Telugu and Sanskrit scholars. They are very rich people, some of them are zamindars and they have a virtual monopoly of the agriculture of the country. The reason why they are not represented in the services is that they do not find it worth their while to enter service; it does not pay them, and they are much better off as they are. But in any case, at least under the British Government, has there ever been anything in the nature of a restriction upon any class or community trying to better its position? All that is aimed at even in the most democratic country is equality of opportunity for all people. Can anyone say that under the British administration, any community has been deprived of opportunities of improving and distinguishing itself equally with any other community? I do not think, Sir, that anybody can say that. The British Government has always proceeded on the policy of governing the country in the equal interests of all people without any distinction of caste, creed or colour, and I believe they have on the whole acted up to that principle; although in my own part of the country we sometimes come across advertisements of appointments with a *nota bene*—"No Brahmin need apply". The 1 P.M. Bureaucracy, whatever sins it may have to atone for, can undoubtedly be credited with having filled up the public offices only with a view to efficiency and the proper discharge of the duties appertaining to the offices. Favouritism there has been certainly, but it has not been in favour of the intellectual classes; favouritism whenever it has been exercised, has been exercised to the detriment of the intellectual classes.

Nevertheless, they have had always an eye on the efficient discharge of the duties attached to the offices. I, therefore deny, Sir, that any community has been deprived of any opportunity of entering the public service by availing itself of the educational facilities which have been offered by the Government, - and if certain communities have not availed themselves of those facilities, it is because they have found that it does not pay, it is not worth their while to do so, that it pays them better to do something else. Let us go to Bombay. What do you find there? The trade and commerce of the country is entirely in the hands of Parsis, - or in the hands of Parsis and Guzeratis. Are we going to say that these people have had a monopoly of these things and therefore, hereafter, there should be communal representation in commerce, that you must distribute this trade and commerce among the different communities according to their numbers? I suppose, Sir, this has only to be stated to be condemned. Each community or each individual chooses whatever course of life seems to him to be good for him, and whatever course of life it or he is fitted for; it is a case of free choice and free competition, and, if, as a result of that free competition, some people have more of one thing than others, I do not think you can attribute it to any favouritism or nepotism or jobbery, and I do not see how you can improve things by simply insisting upon everyone of these professions being apportioned among the different communities on simply a numerical basis. What would be the effect of any such communal representation on the administration of the country? What does a private employer do? The private employer wants to employ the best men that he can get for his money because he finds that it pays him best. Take the case of an architect, of an industrial man, a mill-owner, he will employ the best labour that he can get for his money, he will not look to communal representation in it. Himself may belong to a community which is not well represented in the services in his own mill; I do not think any mill-owner who is a business man, who does business on business lines, would be so foolish as to insist upon a certain number of people in his mill belonging to his own community. Such a man will not be able to keep his business going, I think, for a month. Well, if that is the case with the private employer, who should ask Government, which is the largest employer in the country, why should it follow any other principle? Is not the tax-payer entitled to get the best value for his money? You want a certain type of man for doing a certain piece of work; you attach a certain salary to the job to attract a really useful, capable man. Having done that, is it not your duty to try to get the best man that you can possibly get for your money for discharging the duties of that appointment? Is it not reasonable that the only consideration with you in filling that appointment must be efficiency, which out of all the applicants can be trusted to discharge the duties of that post most efficiently and intelligently? What do you do if you have got a case in a Court of Law in which you are to be defended or you want to prosecute or you are to be represented in a civil suit? You naturally go to the best Pleader that you can get for the fee that you can afford to pay. There, you do not think of communal representation. You do not necessarily go to the Vakil who belongs to your sect or race or creed, you go to the best man that is available. Then, take the case of doctors. If you are in bad health, you naturally go to the doctor who you think will be most useful to you, the only limit being the limit of the money that you can pay him; and I do not see why you should adopt another procedure in the case of the public service. Then, take the case of military service. Our Indian Army is monopolised by two classes, the Pathans and the Sikhs (*A Voice*: "No.") largely. At any rate you

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do not maintain that all the communities in India are represented in it. You do not, on that account, ask the Government to disband all these regiments and re-fill them on a communal basis, consisting of so many Hindus, so many Muhammadans, so many Brahmins, etc.; and will an army constituted like that be able to defend India? Will it be of any use? The rule which ought to be followed in this as in all other cases is to put a man in the place for which he is best fitted. That is the only rule. Once you depart from that rule, you do not know where you will go. It will be impossible to depart from that course and give any weight to the considerations of communal representation without demoralising the whole service.

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

Mr. J. Ramayya Pantulu: There is only one other consideration which I want to put before the House, namely, the political consideration. What will be the effect of communal representation in the services on the political future of the country? We all want self-Government and immediate self Government also we want. Self-Government presupposes a nation, consolidated nation, and we want to build up a nation as fast as we can. Now, is not communal representation not only in the Legislative Councils but also in the services calculated to emphasise and perpetuate the communal differences which already exist in matters of religion and *quasi*-religious customs? Is it not calculated to emphasise those differences also in the public life of the people? Does it conduce to this nation-building, or help the growth of the nation, this perpetuation of the differences not merely in matters which are purely religious, or *quasi*-religious, but also in the public life of the country? I think, Sir, it will be impossible to ask for self-Government if you insist upon having communal representation in the services. Communal representation is entirely opposed to the spirit of self-Government and it lays the axe at the very root of your demand for self-Government. The answer which this Assembly gives to the question raised in this Resolution will indicate the measure of the depth of the desire which this House has for our self-Government, and I want the House to bear this in mind in deciding this question. Sir, I oppose the Resolution.

Maulvi Abul Kasem (Dacca Division: Muhammadan Rural): Sir, I this morning regretted the Resolution brought forward by my Honourable friend, Mr. Wali Muhammad Hussanally, and I consider that the Resolution which has followed is really unfortunate; but as it has cropped up and as it is being discussed, I will be failing in my duty to my constituency if I do give only a passive support to the Resolution moved by my friend, Mr. Muppil Nayar. Whatever my friends may think of it, I would draw their attention to the amendment which has just been moved by my friend from Madras. I would tell him that what he states in that amendment has been clearly and more solemnly and definitely stated in the great Proclamation of the Great Queen Victoria. That Proclamation exists; it has been re-affirmed by the successors of Her late Majesty and the Government of India. Where was then the necessity for our friends on this side of the House to come forward with Resolutions in season and out of season for the Indianisation of the services and the Indianisation of the Indian Army? The reason was that there was some defect on the part of the Government in giving effect to that Proclamation, not only in its letter, but in its spirit.

Sir, my friend over there says that the Government, in making these appointments, should be guided by character, integrity and efficiency. I believe, Sir, he will agree with me when I say that these qualifications are not the monopoly of a particular community or a particular sect. The Resolution as placed before the House is very wide and elastic. It does not ask for the sacrifice of efficiency or in any way the utility of the office by putting into it unqualified men, simply because they happen to belong to a particular community. But I submit for the consideration of this House that there is ample justification for demanding that where the necessary qualifications, whatever they may be, are available, communities and classes which are not represented, should be represented in the public service. May I have the indulgence of the House to say, Sir, that a community in a country derives its importance, its influence and its powers on various grounds, on population, on wealth, on education, and I may add, on the share it has in the administration of the country. How are you going to give that share in the administration of the country if you do not get those communities adequately and properly represented in the services? A reference has been made, Sir, to self-Government which is looming large before us and to nation-building. Now-a-days it has become a custom with some of my countrymen and friends to build constitutions and to draft them, but I believe that an attempt at nation-building was made—that the first attempt that we made to build a nation and to lay the foundations of self-government was that in the historic sitting at Lucknow when we entered into a compact. I am sorry, Sir, that in this House I find very few members of that compact. My friend, Mr. Iswar Saran, myself, Mr. J. Chaudhuri and Nawab Sarfaraz Hussain Khan are the only people left, and I believe Mr. Jamnadas Dwarkadas was one of them. We entered into that compact, and I claim, Sir, on behalf of that body, which sat in the tent at Lucknow, that we made self-government possible in this country by entering into that compact, and that greatly helped in the Montagu-Chelmsford Report which would have been quite impracticable but for that compact. I draw attention especially to that compact, because in that compact it has been laid down that a certain proportion of the seats in the legislative bodies—and the proportion was defined therein—should be held by Muhammadans and Hindus. And what was the reason that guided us in that compact? It was because we found that, as long as the minority or the Muhammadans were not given sufficient strength and sufficient representation on these legislative bodies, it would be impossible to take the country with you. You want to build the nation. And what does the nation consist of? It consists of individuals and individuals are grouped together in various communities and classes. If you want to build a nation, it will be by raising each community and each class and not by suppressing others at the expense of one particular class or community. That is not the real nation-building spirit. Sir, yesterday morning a question was asked, and I think asked very injudiciously, whether a Muhammadan was to be appointed on the Royal Commission that is coming out to this country. That was beyond jurisdiction, but I was pained and shocked when some of my most distinguished friends in this House, for whom I have the greatest respect, came forward with supplementary questions ridiculing the idea. (*Cries of "Shame"*) That was a thing I regretted very much. This policy of pin-pricks does not go a long way towards nation-building. If we want to build a nation, we have to consolidate it and in consolidating it we have to help to raise all those various factors which make up the nation, and the real way to get self-government and build the nation would be to raise your younger brother or those who are not in such fortunate circumstances as you are placed.

[Maulvi Abul Kasem.]

Reference has been made, Sir, to commercial houses and millowners, but I should like to submit for the consideration of my Honourable friend over there that commercial houses and the State do not occupy the same positions. In a commercial house or in a mill it is the owner who has to decide which way his interest is to be best served; in the State it is the public money, the money subscribed and paid by the public at large that is spent, and the State exercises a dominating influence over the people and the various communities have a right, and a justifiable right, to demand that they shall have a finger in the administration of the country. If we do not recognise the principle of communal representation in the services, we have no business to demand the Indianisation of the services. Leave it to the discretion of the Government and have the best man for the Army and for the Civil Service, whether he is an Englishman, an Australian or an Indian; and, if you admit it in one case, you must admit it in the other.

With these words I oppose the amendment that has been moved and support the Resolution as it stands.

Sardar Bahadur Gajjan Singh (Punjab: Nominated Non-Official): Sir, I rise to support the original Resolution. I know that in so doing I shall be incurring the displeasure of many eminent and distinguished Members of this House, but I recognise that, as long as the question of minorities with which the important question of communal representation is primarily concerned is not solved in a statesmanlike manner or I should think in a generous and liberal manner by those who are in a majority, it is idle to have any idea of Swaraj or self-government. We, Sir, here representing minorities are not at all prepared to commit suicide and bring down on ourselves self-annihilation. I represent a minority in the Punjab, not of Hindus or of Muhammadans but of the Sikhs, who were not at all a party to the so-called compact of Lucknow. In fact, this is one of the main objections on behalf of my community that that compact was not just and right in so far as it ignored the Sikh community altogether. Those who know the Punjab, those who know the Sikhs—for them it is impossible to ignore an important community like ours. We in the Punjab, Sir, occupy a unique position. It was only some 70 or 80 years back that we were the rulers of that Province, and I beg to assure the House that we are not at all prepared to accept any humiliating and subordinate position in the Province as well as in the affairs of the Empire. The ideas of past glory are still fresh in our minds. When there was no communal representation, I dare say that during the old Punjab Council days in one election not a single Sikh was elected, because we are scattered here and there and it was rather difficult for us to be in a majority in any single constituency. We brought our grievances to the notice of Sir Michael O'Dwyer, the then Lieutenant-Governor, who agreed that unless communal representation was given to the Sikhs, they would be nowhere. We came here to Delhi in a deputation and called upon the then Secretary of State and the Viceroy.

Mr. J. Ramayya Pantulu: May I rise, Sir, to a point of order? The Honourable Member is speaking of communal representation in the Legislative Councils, while we are now dealing with the question of communal representations in public services.

Sardar Bahadur Gajjan Singh: This constitution was then under consideration. Of course, communal representation to the Sikhs was allowed. Now, I submit, Sir, when the original principle of representation in the

Councils has been recognised by communal representation, I see no reason why the same principle should not be applied to the public services. It is probably true that such communal representation is obstructive in nation-building, but those who desire to build the nation—it is their duty to formulate plans and schemes for safeguarding the interests of minorities. It is impossible for them to ignore us. If they think that they can carry things in this Assembly by sheer force of majority, let me warn them that by so doing they will be taking themselves far from the goal of self-government. As has been pointed out by my Honourable friend, Mr. Abul Kasem, in India the nation would essentially consist of communities, and unless all communities are properly represented in the service of the country, no nation-building is possible. May I ask the House why we should grumble at the domination of the bureaucracy if we, on the other hand, by our own action produce an element who can dominate us in place of the bureaucracy. To make myself more clear, let me ask why we should remove one sort of domination only to replace it by another? We in the Punjab—I am referring, of course, to the Sikhs and the Muhammadans—and I think that the position is the same in the Islamic world,—though we are in the minority, we do not want to sacrifice ourselves altogether. We wish to take our share in the government of the country, and unless a fair share is assured to us, I must say that the work of those whose goal is self-government must be very very difficult if not impossible. I may perhaps freely admit that, to start with, communal representation is an evil in the way of nation-building; I maintain that it is a necessary evil, but it ought to be respected and given effect to. My friend opposite while speaking on the last Resolution pointed out that there are anomalies, and difficulties which have to be overcome by tact, by education and by other legitimate means. Similarly, I appeal to those who are so anxious for nation-building, to try and safeguard the interests of the minorities in the public services. If we get no representation, as has been rightly pointed out by my friend, Maulvi Abul Kasem, our social position will at once dwindle down. Now, Sir, speaking of my own community, as probably many of the Honourable Members of the House are aware, though we are one in 100 in the population of India, yet we supply one-fifth of the Army of the British Indian Empire. We have got historical and political importance in our favour. We feel that what little is conceded to us is not at all sufficient for our purposes. Now take the case of this Assembly. Out of a total number of 140 or thereabouts, there are 2 elected Sikh Members here, namely, Sirdar Gulab Singh and Bhai Man Singh—I am by nomination only—while my friend, Baba Ujagar Singh Bedi, does not represent the Sikhs; he is a representative of the big landholders of Hindus, Muhammadans and Sikhs. Anyhow, though we are very few, we are here, and we can place our point of view before the House, and I have no doubt that, if you exercise your sound common sense and impartial judgment, our grievances will be listened by you. I do not claim, Sir, that the various communities should find representation in the services even if they are not qualified. Far from that. The Resolution on that point is very clear. I am not in favour of sacrificing the efficiency of the services, but where efficiency, education and character are the same, then I submit there is absolutely no reason why preference should not be given to those communities who are not adequately and properly represented in the services of the country. The principle of communal representation, as I have said, is a necessary evil, but it has been recognised by the leaders of the most important political bodies of this country—I refer to the Moslem League and the Indian National Congress. Those bodies very wisely

[Sardar Bahadur Gajjan Singh.]

at Lucknow entered into a pact and met the objections of the minorities. Similarly, I appeal to you, the leaders of majority communities, to deal with this question in a similar statesmanlike and sound manner. Do not throw us out of court by a mere vote of the majority. Deal with us with justice, deal with us even with liberality. We are with you. But if you deny our just rights, I am afraid we will not agree to that course. As I have submitted, we are not prepared to commit suicide. We want Swaraj, local self-government, in which all communities are duly and properly represented. We are certainly against a Swaraj in which one community will dominate all others. I therefore with all the strength that lies at my command beg to oppose the amendment of my friend, Mr. Pantulu. The case of a doctor and engineer is entirely different and therefore I am only sorry that a gentleman of his standing and education should advance such instances. I must remind him, that if it is the case of a doctor, if I am sick and I find that there is a Muhammadan and Sikh, members of the various communities equally qualified, I would no doubt prefer my own man because for the simple reason that he understands me, my customs and habits, my way of eating and drinking. He will be more useful for me. And the same remarks apply to others. The case of the millowners is entirely irrelevant, and has nothing to do with our case. Here the Government of India is in charge of the funds of all the communities and these funds have to be doled out to services. We have kept our funds in that exchequer, therefore it is perfectly clear that we have force in the administration of those funds. And I think his objections are all met by my saying and by the words of the Resolution that efficiency must be the principal thing to be taken into consideration. We do not say, if a graduate is required for the proper discharge of the duties, take an unqualified Sikh or Muhammadan. We say, we have got our graduates and you have got your graduates. But you are strongly represented in the public service. You can give us preference. That is all we say. I have no doubt that the claims of the minority communities will be treated in a generous and liberal way. With these words, Sir, I strongly support the original Resolution and oppose the amendment of Mr. Pantulu.

The Assembly then adjourned for Lunch till Twenty-Five Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty-Five Minutes to Three of the Clock. Rao Bahadur T. Rangachariar was in the Chair.

Sir Deva Prasad Sarvadhikary (Calcutta: Non-Muhammadan Urban): Sir, like the present occupant of the Chair, I am I hope a tolerably good Hindu, and I am not likely to benefit much by the sartorial concessions announced this morning by Mr. Hindley, in respect of third class railway compartments reserved for Europeans. I sometimes look up the almanac. To-day's astral influences seem to be adverse so far as racio-communal differences are concerned for we were obsessed by them all the morning. One would have thought that this is the silly season of the Legislature and we are usefully filling up the gap between the new reduced figures of the Budget being supplied to us in a lump and our attempting to formulate

vapoury proposals about further reduction. We had however an interesting day. It was to have been half a day debate but has been extended. I hope by the extension the adverse astral influences have passed away and it will be possible now to arrive at some sort of a settlement that will prevent further dissipation of energies and be acceptable to all parts of the House, not excluding the Government. We cannot conceal from ourselves that differences exist, and they have to be reckoned with. Naturally, after the reforms came, they have crystallized themselves; when people find that there is substantial gain to be had by participation in public affairs, though some believe or pretend to the contrary naturally, different communities and provinces want their places. It would be wrong, it would be unpatriotic, not to take note of them and to allow for them and to make up differences as best as may be. Sir, speaking for Bengal, I have no hesitation in conceding that the other provinces have claims which should be recognised and given effect to, though my province may suffer thereby, as it has been steadily suffering in the recent past. But Bengal is very glad, Bengal is almost proud that the work that began there and gradually spread to the other provinces and that it is to grow from more to more, that all the provinces and communities are, in the wake of self-consciousness that has followed, realising that they are capable of formulating and enforcing their demands accordingly. Sir, if in the result some communities or provinces that have so far done well have to suffer, I say, it is all in the day's work. That position has been accepted. I do not want to refer in detail to the question of pacts and percentages. If we have to go on and get on, as we must, these are factors that must be taken into consideration and given due effect to. If any one had substantively put forward considerations to the contrary, that like all claims in favour of bare vested interest would have to be brushed aside. But have we any real difference to-day so far as the Resolution and the amendment before us are concerned? Reading closely between the lines of the original Resolution as moved by Mr. Nair and the amendment of Mr. Pantulu, I myself do not see much difference. So long as the test of efficiency is not to be discarded, and it can never be discarded, how can any one object to all the country sharing equitably? Whether in regard to legislative powers or administrative powers there can be no valid objection to their being fairly divided among those that desire and are entitled to them. Neither the Resolution nor the amendment seek as we understand and as we have been assured to do away with the efficiency test. And Government must be left a free hand. It is after all a little difference in wording that has been detaining us all day and if by further clarifying these matters it is possible to arrive at some settlement that will be acceptable to all, I would ask for your leave, Sir, and that of the House to move an amendment somewhat to the following effect:

"That this Assembly recommends to the Governor General in Council that in making new recruitment for the services under the control of the Central Government steps should be taken to secure that the services are not unduly over-weighted with representatives of any community or province."

Mr. W. M. Hussanally (Sind: Muhammadan): May I suggest "any one community"?

Sir Deva Prasad Sarvadhikary: If that makes the position clear I do not mind it, but 'any' is sufficiently expressive.

Mr. J. Ramayya Pantulu: May I request you to read it once more?

Sir Deva Prasad Sarvadhikary: "That this Assembly recommends to the Governor General in Council that in making new recruitment for the services under the control of the Central Government steps should be taken to secure that the services are not unduly over-weighted with representatives of any one community or province."

The reason why this is somewhat more restricted than the wording of the Resolution, particularly, with regard to the new recruitment, is that no Government can be asked or expected to upset what is in existence already and whatever may be decided on will, therefore, have to apply to the making of new recruitment. I have not introduced words regarding insistence on efficiency and other tests because that is commonplace and that is common ground. All are agreed that that test can never be given up. (*A Voice*: "Why not include it?") I do not consider it necessary, because it would be as absurd to expect Government to tolerate inefficiency, test as to ask it overtly to do the obvious and exercise the efficiency test. What we want to aim at has been freely given expression to. It is that other things being equal there shall be no undue monopoly on the part of any community or province. Provided, the other tests are passed, all the provinces and all the communities must have due consideration of their claims and must have those claims recognised in a practical manner. That is the position that this amendment tries to bring out, and I believe it is in a line both with the essential spirit of the Resolution and the amendment that has so far been moved. The elements of disintegration are already far too great and I do not think that we need accentuate and aggravate them further. A great deal of hurt will follow as our enemies want it to follow—if anyone community or representatives of any community decide to take their own action towards further disintegration. That will be hurtful to the general weal, and we have to close up our ranks, from that point of view, and as a method of settlement, that I believe should be acceptable to all, and if not to all, I hope to the majority of my Honourable friends here, I have ventured to put the further amendment before the House. Sir, I do not want to go into detail or notice the various cross current references that have been made. There have been unfortunate differences in the past. Those differences we are trying to make up in order that enemies of the Reforms and opposers of their expansion may not profit by them. Reference was made to the question of Indianisation of services and it was asked if Mr. Pantulu's argument was to hold the board. Why think of Indianisation at all? There would be some sense in that if our object was mere Indianisation and for the sake of so-called Indianisation at any cost and at the expense of every thing else. That is not so. We are troubled with serious financial difficulties and they will be more soon. We have to economise and economise very largely in every direction. The question naturally arises whether for the money that we are prepared to spend and can spend by anything short of Indianisation, in the sense that we have accepted financial equilibrium will be possible and whether popular aspirations would be met. These are the two points of view from which the question of Indianisation has to be considered. If Indianisation for the sake of nude Indianisation is not the objective of those who press for it, an inefficient Indianisation is not our goal. Either it would be bad economy. We are in this position that we cannot pay the large salaries that would be involved if rigid Indianisation was not insisted upon. Therefore I do not think that that question can arise on the present occasion. Conceding that Indianisation is to follow, all the different elements that make up India will have to be considered. The Resolution need hardly have been brought

forward, certainly not because the Government are not alive to the situation. Government has already made repeated announcements that the claims of the different communities and provinces would be taken into consideration; when Government makes further recruitment this announcement is to be acted upon. I do not think that it can be the object of any one responsible either for the Resolution or any of the amendments, that the existing state of things should be upset or that the principles advocated should be carried so far as to be applicable even to the grading and the promotions and various other details of office procedure stage by stage and from time to time that would be impractical and intolerable. It should not be necessary and obligatory on the part of Government to have these considerations constantly before them and to give effect to them. I think those are considerations that ought to be clearly outside our mind. Once recruitment has taken place the meritorious will succeed and there ought to be no further reason for grievances. Well, Sir, Madras gentlemen have made themselves responsible for this Resolution and the amendments. I do not know whether Madras itself can have any grievances. Those who have been watching the progress of events and going round the offices come across Madrasis in abundance there

Mr. T. V. Seshagiri Ayyar (Madras: Nominated Non-Official): There are more Bengalees.

Sir Deva Prasad Sarvadhikary: There are more Bengalees in the lower grades but the higher grades are being gradually absorbed by our Madras friends. I never grudge that or envy that. We are Indians first and Bengalees afterwards. I openly and expressly said that Madras by dint of diligence and industry is getting its due and I wish them joy about it. That ought to be so with regard to every province and as I began by saying that Bengal is the last to grudge this, it does not want to make a grievance of the situation. To my Bengalee friends I have had occasions to remark that Madras is now trying to do what Bengal used to do, and if Bengal has had a setback, it is up to it to make up this deficiency and compete with Madras and Bombay and the Punjab and regain its position. It can, if it will, but that is no reason why it should grudge what other provinces, by their industry and diligence, are acquiring. There ought not to be any grievances, so long as the tests of merit and efficiency are rigidly adhered to. Amity that ought to exist between the provinces and the communities should not be artificially interfered with.

(At this stage Mr. President resumed the Chair.)

Having regard to all these considerations, Sir, I beg to move the amendment that I have read out, which I hope will meet the views of all the sides of the House and ought to find acceptance.

Prince A. M. M. Akram Hussain Bahadur (Calcutta and Suburbs: Muhammadan Urban): Sir, I have seldom ventured to open my lips in this House, and if I rise to-day to break that golden silence for which I have almost acquired a reputation in this House, I do so because I feel strongly about the subject and because I have had the honour of representing the views of the community to which I belong in another capacity elsewhere. Sir, I am perfectly aware that the subject which we are discussing this afternoon is a very delicate subject; it is a subject on which many eminent authorities have pronounced their opinions; it is a subject which they look upon with great disfavour, I mean the question of communal representation. There is no doubt, Sir, that this question has

[Prince A. M. M. Akram Hussain Bahadur.]

been stigmatized by them as a pernicious principle which is calculated to destroy and to counteract the influences of patriotic politicians and wise statesmen. With due deference to the views held by eminent authorities, I beg to differ from them. To my mind, whether it be in the matter of franchise, or in the matter of services, it is a principle which is both sound and wholesome, and I say it is essential, wherever Governmental action is concerned. Sir, the transplantation of ideas and systems bodily into this country from the United Kingdom or from any other European country is generally the vogue, although those ideas, may not be suitable to the peculiar conditions of this country. It is so easy to view a thing from your own particular standpoint, and so very difficult to look at the same matter from an opposite point of view. Generalizations and formulations of principles which look very attractive on the surface are a craze in the educated world, although in their application these principles may sometimes act to the detriment of certain classes and certain interests. India, Sir, is a heterogenous country of diverse communities, not infrequently jarring against one another, where any provision that tends to reduce friction is a positive necessity. The degrees of civilization and culture between men and men are so wide and varied that it is impossible for the different sections of these inhabitants to march abreast. India, Sir, is at present really in a melting pot and Western culture and civilization which the Britisher has introduced into this country have revolutionized the whole aspect of affairs. Our sensibilities and perceptions are at once quickened and we are more than ever anxious to cling tenaciously to the rights and privileges which we possess and to claim others to which we think we are legitimately entitled. No community views with equanimity the superseding of another community in any branch of human advancement. Some are more perturbed than others but none is unconcerned. The task of governing this country will be more and more complex and difficult as years roll on. To attempt, therefore, to ignore the rivalry and competition that exist between one community and another is the height of folly. To treat them as a whole and leave them to the course of nature to sink their differences, to overtake those far ahead of the others and to eventually come up in a line without in the mean time suffering loss of opportunities and without losing hearts is to expect the impossible. They are in this unequal race liable to be side-tracked to avenues of discontent and even bitterness towards a Government that has refused to recognise the unequal start. To advance all sections of the people and to enable them to come up in a line is an essential duty of every good Government, and if Swaraj or Self-Government is to be attained the process lies in holding the balance even until the backward communities have come up in a line with the more advanced ones and have learnt not to think of their little selves but to think of the Indian nationhood as a whole. It is then and then alone that the necessity of communal representation either in franchise or services shall vanish. Until that stage is reached it is the paramount duty of Government, if it has at heart the equal development of the component parts of the country under its rule, to see that every part receives that fair treatment which it has a right to expect and that it is protected against the inroads of stronger rival factions. It is the duty of Government to see that no one section, however large in number and however clever, is allowed to dominate the situation. Every community must know its place and must have its due share of the loaves and fishes of office which are at the disposal of the Government

of India. When I say this I am keeping in view the claims of important minorities and majorities who differ fundamentally from one another and not of lesser sub-divisions and still lesser sub-divisions of castes and classes, where variations in the matter of faith and conduct are not sufficiently great to warrant their recognition as a separate entity. To try to be just to these minute ramifications of classes and creeds is again to attempt the impossible. But there is no reason why the broad divisions which in characteristics are essentially different from one another should not be recognised and should not be represented in the services of the State. It has been said, Sir, with much show of reason that the services are not representative institutions. It is true that they are not. But if India is to travel on the road to self-Government, it is of the utmost importance that she should be prepared for it and that these services whether in the Central or the Provincial Governments should be representative institutions, and the sooner Government show its wisdom in recognising it, the better for it. No forced attempt to develop India into

3 P.M. nationhood will succeed unless the composite parts of it have been taught to be in their proper places and to respect the just and proper rights of the other parts. It will never do to believe and make believe that India is automatically welding itself into a national unit wherein petty selfishness and mean communal jealousy will never be known. This Utopia can only exist in imagination, unless the parts of this unit are properly adjusted and function in their places sufficiently long to forget the past by force of their acquired habit. Therefore unless and until all the communities of India have attained a uniform standard of education and civilization and unless they have learned to love and respect one another, the much desired and longed for Swaraj and self-Government will be impossible of attainment. I say that most emphatically and deliberately. I feel sure that this particular aspect of the question, namely, the representation in their proper proportion of the important sections of the people of this country is a problem that will have to be tackled by Government sooner or later. If they fail to take note of it when it presents itself in an acute form, which perhaps it does not do at the present moment, I trust I shall not be taken to be an alarmist if I sound a note of warning to Government that, so far as the Muhammadans are concerned, failure to give them an adequate representation in all the services will manifest itself in a discontent second only to the loss of equilibrium which sometimes is evidenced on religious questions. In my humble opinion the terms of the Resolution are such that nobody need have any objection to it. It fairly lays down that the services should be manned by all communities proportionately only if sufficiently qualified men from each can be got. I think Government would be well-advised to accept the Resolution, to which I accord my whole-hearted support.

The Honourable Sir Malcolm Hailey (Home Member): I have almost been tempted to-day to sit in my place, serenely watching what seemed to be something like an internecine warfare develop itself in the House. But I cannot do so. We have here a question in which many Members of the House obviously take an intimate and almost a morbid interest, a closer interest indeed than in many general questions of policy which come before them. I recognize the reason for that feeling and the depth of the sentiment which actuates it; but convenient as it might be to me, I cannot assume the pleasant position of the onlooker described by the poet. "Pleasant," said the great Roman poet, "pleasant it is to sit on the shore and see those who are tossed on the sea in ships." If I

[Sir Malcolm Hailey.]

could watch this question evolve itself on the floor of the House, and if I thought that the House would be likely to come to a decision profitable to Government and profitable to India, I should be glad to do so; but I have a doubt that the result will be so happy. Moreover a Resolution passed by the House in a matter of this kind must, unless there are strong and valid reasons to the contrary, be translated into regulation by Government; and those regulations might have an important effect on our administration. That is my excuse for intervening in a controversy which otherwise might be left to the representatives of communal interests and their opponents in the House. We had last January a debate which covered much of the ground which has been opened to-day; I then took the opportunity of explaining to the House our attitude in the case of the service which was then under discussion, namely, the Indian Civil Service. I can claim that on the whole the explanation I then gave was accepted as sufficient and adequate by the majority of the House. I explained then that we could not and did not seek to represent the claims of each community: nor to protect the interest of minor communities; all we could hope to do was to prevent the preponderance in the Indian Civil Service of the representatives of any one community or any Province; this result we secured by nomination if the examination for the 67 per cent. of Indian vacancies which we opened to competition in India did not give us the desired results. We feel that we have adequate reasons for maintaining that principle. If our administration is overweighted by any one community, then there is an administrative loss. Officers serving in that particular service will feel that their prospects in the service and their claims to recognition are likely to be put aside. But the mischief does not end at discontent in the service; there is discontent among the public, for there is no doubt that if a large community is inadequately represented in our services, it feels itself slighted, it is hurt in its pride, and more it actually feels at a disadvantage which is likely to work to its injury. I can make that statement on purely practical grounds, and I prefer to take those grounds without entering into any of the more controversial aspects of the case which have been discussed here to-day. It is unnecessary for me to discuss whether procedure such as is advocated in the main Resolution before us is really a corollary of the terms of the Queen's Proclamation. It is unnecessary for me to discuss whether the full admission of members of minority communities to our services is an essential factor in building up India as a nation. Those considerations I can for my part put aside. But addressing myself to the terms of the main Resolution, I am bound to discuss the question of its practicability. I have reminded the House that if we are to be called upon in the terms of this Resolution to represent adequately the claims of different communities or to protect minority communities, we must translate those terms into regulations. How are we to do so? The Resolution suggests that, not neglecting the claims of efficiency and the like, we are to give preference to those who belong to classes or communities who are not well represented in the services. But we must have some means of deciding what those classes or communities are, and we must have some standard for deciding if they are adequately represented. Previous references have been made to the extraordinary difficulty which we should find in adequately classifying the communities throughout India and standardizing their requirements. Believe me, I do not want to approach this proposal in any spirit of carping criticism or to raise meticulous points

against it; the sentiments which lie behind it are too strong to allow me to take so unconvincing a course of argument; but I must represent to the House the practical impossibility of carrying out a regulation on anything like these lines. Those who have attempted to study the question in our Census Reports, or who have followed the proceedings of the Franchise Committee, will realize the great difficulty of interpreting requirements of this nature. The main criterions which are taken for determining the existence of a community are of course religion, language or caste and tribe. Now take first religion. For census purposes we classify the Hindus as one community; but the very reason why this Resolution has been brought to-day is because a large number of Hindus in Madras consider that Hindus do not make a community in Madras and that Brahmins should be separated from non-Brahmins. That is, a large section claims representation not because they are Hindus, but because they are not Brahmins. Then again take the difficulty which confronted us when the Franchise Committee visited Bombay. Lingayats are classified as Hindus, but the Lingayats who number, I think, about two and three quarter millions, claimed separate representation from other Hindus; and I remember further that in the Census of 1901 the Lingayats claimed that it was 'offensive and mischievous' to enter the Lingayats themselves under one classification. I will go further and quote the case of a religion which is not subject to the infinite variety of Hinduism—I mean the religion of Islam, a religion almost unique in its religious solidarity. It is by no means sufficient to think that you can satisfy the claims of Muhammadans by merely fixing a proportionate representation for followers of that religion. If you were to ask a Pathan of the Punjab what he was, his first claim would be for representation as a Pathan; it would not satisfy him to be told that you were admitting the claims of Muhammadans generally. There are obviously cases in which the tribal formation would be the basis of demand and the religious basis would not be sufficient. The term tribal is not precise; but my illustration of the Pathan will suffice; and I could enforce it by others. There are some five million Marathas; there are nine and a half million Rajputs; and both of them would reject a discrimination based on religion as insufficient and claim recognition on a tribal or national basis. And the matter is not capable of settlement in advance; the claim may arise at any time that the tribal or national consciousness grows strong and asserts itself. We have seen something like this arising among the Ahirs in Northern India; it might arise among the Gujars (and there are two millions of them) and the Jats of whom there are seven millions. But I will not dwell longer on the difficulty in the way of basing discrimination on the large classification of religion. Let me go to language. That itself is perhaps even less reliable. You have, I think, some 15 main divisions in the Indo-Aryan group, some 14 divisions in the Dravidian group and numerous sub-branches of the Tibeto-Chinese group; but the ordinary man would hardly recognize the division established by the scholar, and attaches more importance to his own dialectical sub-division. In any case, the linguistic divisions are not sufficient either for combination or differentiation; a common language will not unite the Lingayats and Marathas, still less will it unite the Sikhs and Punjab Muhammadans; while on the other hand, just at present at all events, a difference of language does not seem to keep apart the non-Brahmans of Madras. For the moment it seems of political importance mainly in one area, that occupied by the Oriyas; it assumes a momentary importance because those tracts are split up among four provinces and is quoted as a reason for re-uniting them; unite them, and I have no doubt that the linguistic basis will then cease to be of

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importance and other differences will re-assert themselves. I take our last basis of division, somewhat loosely known as caste and tribe. I fully join with those who say that it is unnecessary for us to adopt any meticulous classification on a basis of this kind, the more so when it is realized that there are in India altogether, as shown by the analysis made in 1901, which took reckoning only of groups with an aggregate of over ten thousand persons, some 2,378 main castes and tribes, and 43 races or nationalities. Even so, the classification is uncertain; it is continually under process of change and revision. But I do not desire to place too much stress on this; I know that a large number of these groups could be neglected at once. My point is this. At any particular moment when a group or community begins to feel itself, it is difficult to say whether we should place more emphasis on the caste, designation or on the tribal configuration or on its local distribution. Let me give the House one instance. There are, I think, some fifteen million Brahmins in India. Now the Gour Brahmins, a community of Northern India, have claimed in the Punjab that they stand apart as constituting an agricultural tribe for the purpose of the Agricultural Tribe legislation and when during the War they were recruited in considerable numbers—they did very well in recruitment—they claimed that we should form a separate regiment for the Gour Brahmins of the Punjab and United Provinces. Any particular time we may have to face the fact that the claims of one section of a large caste or community based on local or other special considerations outweigh caste or other communal considerations. I have stated these general difficulties; and I put it to the supporters of the main Resolution that they would make it impossible to frame any regulation on the lines suggested. How, I ask again, are we to tell whether a "class or community" is not adequately represented? How are we to decide which minority community to recognize? Firstly, the distinctions which we are asked to observe are not standardised. They are not mutually exclusive. It is difficult in numerous cases to determine the factor on which a large group of individuals place the most importance. It would not be sufficient, if the Lingayats were claiming larger representation in our Services, to tell them that Hindu interests are already represented; they would claim that the Lingayats must be represented as such. In Madras the claim for separate recognition by a large section is not on the basis that they are Hindus but on the fact that they are not Brahmans. That is a sufficient distinction for immediate purposes; but can hardly be an enduring one, when its present object is attained. Then, secondly, there is no basis for deciding, even after you have managed to get your classification of communities, the proportion in which each should be represented—in other words, their claim to recognition. Obviously, you cannot take the Census enumeration as all sufficient. You have had sufficient proof of that, I think, this morning, in what was advanced on behalf of the Sikh community. The House will remember the facts; the Sikh community had no part in the Lucknow compact, and when we came to arrange the franchise for the Punjab, they represented that any attempt to give the Muhammadans and Hindus the percentage laid down for them in that compact would injure their position; in fact their demand has always been that they should receive a representation exceeding that which their actual numbers would give. I am not going into the merits of that claim; I am only pointing out one of the difficulties of attempting to find an accepted or equitable basis of representation in the Central Services. I must take all India figures; and I am making no

kind of comparison except numerical; but will any one give me a common denominator which will allow me to establish the fractional proportions of representation for the Gujars (two millions), Sikhs (two and a half millions), Mahars (three millions), Marathas (five millions), Rajputs (nine and a half millions), Parsis (one hundred thousand) and Pathans (three and a half millions)? I purposely include classes widely differing in their claims. A third difficulty is that you could not say at what particular point a community, using the word in its larger sense, became so important as to require representation in the services. Everybody realizes that we must pay no regard to sub-castes or such minor divisions. But at what point are we to say a community has shaped itself and assumed a distinct individuality; that it has made itself felt; and that we must begin to represent in the services?

Well, these are the general difficulties. But I would point out that we, the Central Government, have an additional difficulty. It is not impossible perhaps that a province desiring to put into application the principle of this Resolution might do so in regard to its own services, because it works within a confined area; it can assess values with some accuracy; and taking the total population of its area and dividing it up as best it may between various classes and communities, it might possibly arrange, taking its services as a whole, to give something like proportionate representation to the various sections. But that proposition becomes very different for us. Our Central Services are at work all over India. Let me take a case in point—the Customs Service. I have said that there are five million Marathas in India. How are we to secure adequate representation of the Marathas in a service which works only at the ports of India, where practically no Marathas live, or few? Again, how are we to secure adequate representation for Sikhs, a localized community, in our Accounts Service which is at work all over India? It will be seen at once that, when you apply the problem to the Central Government, the difficulties are enormously increased; for you have to take into account factors enormously wider than those which apply in the case of the local Governments. Not only so, but there is another factor. Even if you secured an All-India classification of values, obtained by weighing the claims of different classes or communities, you would have to overhaul it all again on a new requirement—the demand that within each class or community the provinces should be adequately represented. For the local Government, a Muhammadan is perhaps only a Muhammadan; for us, he must be a Muhammadan of Bombay or Bengal or the Punjab.

Now, Sir, I have stated the difficulties which I should feel myself in accepting the Resolution as put forward in its present form. I am under apologies to the House for detaining it on the subject; but it is a question of as great importance to us on our side, though for different reasons, as it is to the Members of the House who have raised this issue. I have given my reason why I should oppose the main Resolution in its present form. They are practical reasons; and purely on practical grounds, I must decline to be a party to any agreement on the part of Government unless we can honestly give effect to it. I have explained to the House on a previous occasion what we have done in regard to the Indian Civil Service. It may interest the House to have in the briefest form a few details as to what we have done in regard to our other All-India Services, which did not then come under discussion. In the Police, we take of course 66 per cent. of our recruits through the open competitive examination in England and of the remaining 33 per cent. which we take

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in this country, we take 11 per cent. by promotion of subordinates and 22 per cent. by competition among nominees. Both these two avenues, the promotion of subordinates and competition among nominees, give the local Governments a certain opportunity, which they have used in some cases to see that their Police service is not over-weighted with any one class of recruit. That is as far, however, as they are able to go. In the Imperial service of Engineers, local Governments select Indian recruits for themselves, but mainly by open competition, and there again, where we have to recruit for a technical service, it is difficult to arrange for anything like adequate representation. I come now to an interesting case, that of our Indian Audit and Accounts Service, which as the House knows, has for many years looked to competition for a greater part of its recruiting. It has a long and distinguished record, and it has maintained that record by open competition in India. There has for the most part been no restriction on the competition. There were for a few years restrictions in this sense, that it was a competition among nominees and that we attempted in accepting nominations to see that one class in particular did not appear in too great numbers at our examination. I mean the Madras Brahmans. But lately, the restriction has been felt to be unnecessary and it has now been removed. The results will interest the House. We have 28 Madras Brahmans and 3 Madras Non-Brahmans, 2 Syrian Christians, 21 Bengali Hindus, 8 United Provinces Hindus, 6 Punjab and Delhi Hindus, 3 Punjab Muhammadans, 3 Bombay Hindus and 1 Sikh. For my part, I should be loath to see the fine record of that service, which has been obtained by open competition, altered to any system of close nomination to secure representation of different communities or minor classes. I admit that when promoting subordinates we can do something to redress the results achieved by open competition, but here again I confess that I should prefer to see merit and good work the predominant consideration. I will not trouble the House with the case of other services; they are largely recruited on a technical basis; though I might mention the great difficulty felt in the last two years in securing anything like adequate representation of provinces among the Indian recruits to our Imperial Forest Service. With the best of will in the world the thing proved to be impossible. But the House will desire to know what we do in the case of the subordinate services under the Central Government which are not recruited by competition and do not involve technical qualifications. In the case of our Secretariat, as the result of the Llewellyn Smith Committee we have laid down that the Staff Selection Board should see that as far as possible there is something like an adequate representation of the different provinces and that one community does not unduly outweigh the rest. The difficulties are obvious, for in the case of lower paid posts, the representation must largely depend on the locality in which the Central Government offices are situated. I find that in regard to our post offices, circulars have from time to time issued—I have here one before me—requiring that recruitment should be deliberately arranged to prevent overweighting by any one community. I have not the record of other services such as the Railway before me. But I noticed to-day a curious fact; there was a notable absence of any definite proof in the way of figures or even allegation based on instances, that we have allowed the claims of any community to outweigh the others in our Central Services. There has been much argument on general grounds; many *a priori* reasons have been given why we should adjust recruitment to the requirements of different communities; very little has been said to prove

that our regulations are really defective in denying those communities their opportunity. Am I not perhaps right in thinking that the Honourable Members who have put forward their case to-day were thinking of their own provinces and not of us? If they were referring to Madras, the House, of course, knows the steps which have been taken in Madras to attempt, whether rightly or wrongly, to redress the predominance of one class. That is a provincial question into the merits of which I do not enter; but I have here a circular order of the Madras Government which shows that they are attempting not only so to arrange their recruitment but even, if I am correct, so to arrange their promotions as to secure that end. I am bound to state that when I read that circular I was somewhat puzzled as to the exact methods adopted; the task is obviously not an easy one. I noticed also the fact that even they themselves could not issue orders in the full sense of the terms of the Resolution which we have before us, because at the best they are only able to distinguish between Brahmins and non-Brahmins; they are not able to break up the non-Brahmins into the different communities of which they are permanently composed. But that is by the way. As I have told the House, our own objective in the Central Government has simply been to prevent any one community or the representatives of any one province preponderating over others. As I said on a previous occasion, we ourselves would rejoice if we could avoid altogether any consideration in recruitment other than the test of character, intelligence and efficiency. We certainly do not wish to be led, as the Mover of the main Resolution would lead us, into any system under which we should be under the imputation of favouring one community at the expense of others or neglecting any community for motives which would lay us open to criticism. At the best, or the worst, our present procedure involves a species of negative requirement which is very different indeed from the positive operation which the Honourable Member who put forward the Resolution would impose on us. If you have an objective such as the one which I have just described as that of the Central Government, it is obvious that you can use the word 'community' or the term 'class' in a sufficiently elastic and liberal sense. Turn the operation over, and demand that Government shall pick recruits from different communities or different sections of a community, or engage on an accurate representation of provinces, and it immediately becomes necessary to face all those difficulties of detail which I have placed before the House. Our method of approaching the question, as I say, does not involve us in the attempt to assess values as between different classes or communities, nor does it give rise to those invidious comparisons or antagonistic claims which would be the inevitable result of the procedure advocated in the Resolution. I would ask the House to affirm our policy, and not to seek to go any further; I have deliberately avoided a discussion of principle, and dealt only with the practical issues in the proposition put forward. I chose that ground purposely and in the interests of the House; for the discussion of the principle and the object which lay behind it had already led the House into differences of opinion which do no good outside. It was betrayed into an exhibition of the existence of separatist tendencies which only supply arguments to those who claim that Indians can never combine. I would therefore ask the House to put aside the main proposition, based on the claims of separate classes and minority communities, and to affirm the wide, the simple and the reasonable policy which I have enunciated. It is recognized in the amendment which Sir Deva Prasad Sarvadhikary read out to the House. That amendment has my whole-hearted support; the House can adopt it with safety; and I would urge that it accept it in the cause—I can only put it in this way

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—of its own dignity and its position as a representative of all-India interests. We shall do well to avoid placing before the world at large differences which are not edifying in themselves and the airing of which here can lead to no good result.

Mr. President: The amendment moved by Sir Deva Prasad Sarvadhikary has not been put from the Chair. I put it now:

“Substitute for the original Resolution the following:

“This Assembly recommends to the Governor General in Council that, in making new recruitment for the services under the control of the Central Government, steps be taken to secure that the services are not unduly over-weighted by the representatives of any one community or province’.”

That amendment is not, strictly speaking, an amendment to the amendment already before the House, but I will allow the discussion to proceed upon all three propositions. When I come to put the question, I shall have to put it in a form to which I shall invite the close attention of the Assembly.

Munshi Iswar Saran (Cities of the United Provinces: Non-Muhammadan Urban): Sir, before I make any remarks on the subject under discussion, I wish to say that I was sorry to hear that a little innocent question of mine yesterday has caused pain to some of my Honourable friends. I can only say this that I did not mean to cause any offence at all. If I explain the reason why I put it, I am afraid there may be some to whom the explanation may not be quite acceptable; I therefore leave it at that. Sir, after the exhaustive speech of the Honourable the Home Member . . .

The Honourable Sir Malcolm Hailey: Sorry, sorry.

[An Honourable Member (to Munshi Iswar Saran): “You meant ‘exhaustive’ and not ‘exhausting’?”]

Munshi Iswar Saran: And I said ‘exhaustive’—it is not necessary to make a long speech. What I wish to say is that Sir Malcolm was perfectly right when he said that this internecine warfare was not dignified. No one believes, and at any rate I am not one of those who believe that India can make real progress if any one of its communities or if any one of its provinces is subjected to any hardship or to any disadvantage. Sir, I always avoid making any personal reference, but on this occasion I shall, if I may, make a reference to my own self; those who have known me in my own province know very well that when this controversy between Hindus and Muhammadans was very acute, when the whole province, as it were, was divided sharply into two camps, I kept aloof. Sir, I deplore this debate and I do not wish to make any secret of my feeling. Why I deplore it is because, as the Honourable the Home Member has said, it is taken advantage of by those of our opponents who wish to prove to the world that India in spite of its tall talk is yet divided between these warring communities, castes and tribes. The position of everyone of us, and I think of every nationalist, is that each and every community must have its share in the services of the Government, provided that efficiency is not impaired by the introduction of this principle; and no Hindu would like any Muhammadan to suffer, and I hope no Brahmin would like any non-Brahmin to suffer. But the non-Brahmins, I am told,—I speak subject to correction—have successfully turned the tables in Madras and I hope the non-Brahmins will not allow the Brahmins to suffer now. (A Voice: “No, no.”) If that is not so, I am very glad. (A Voice: “It will take ten years.”) It will take ten years according to my friend to

make the Brahmins suffer for their past sins. Sir, I only hope that any remarks which are made by subsequent speakers will not be of a kind which will generate more bitterness or more unpleasantness. As I have made no secret of my own conviction I say that I do deplore these communal questions. I do not approve of either communal representation in the Legislature or communal representation in the services but I do recognise that unfortunately there is this feeling in the country and it has got to be taken note of. A policy may be just, but it is necessary that all those who are affected by it should have the conviction that it is just. It is the business, I submit, of the majorities in this country to so act that the minorities may have no cause to entertain a grievance real or, may I say, even fancied, because if they entertain that feeling, it only retards our progress towards the goal which, I hope, Hindus and Muhammadans, Brahmins and non-Brahmings, all have at heart. (*Mr. K. Ahmed*: "Example is better than precept.") Example is better than precept. It is perfectly true. I hope my friend will set the example and in future will not by needlessly raising these questions hurt the cause which, I trust, even he has at heart. Sir, I support the amendment of my Honourable friend, Sir Deva Prasad Sarvadhikary, and I do hope my Honourable friend, Mr. Nayar, will withdraw his Resolution in favour of the amendment which has been moved, because, as the Honourable the Home Member has shown, apart from other higher considerations, it is difficult to give effect to the Resolution in the form in which it has been moved. I therefore hope that the amendment of Sir Deva Prasad Sarvadhikary will be accepted. Let us show our dignity and statesmanship by unanimously accepting this proposition and thereby removing all difference of opinion on this question in this House.

Colonel Sir Henry Stanyon (United Provinces: European): Sir, in all humility, in a very few words, I venture to offer this House a little advice as a House. Shortly put, my recommendation is a combination and a suppression of all elements of apparent disintegration. A proposal and two amendments have been put forward. All parties are agreed on two main principles, namely, (1) efficiency as the paramount test, and, subject thereto, (2) a fair treatment to all communities, in the making of appointments under the Government. The proposer of the Resolution and the proposer of at least the second amendment have expressly embodied these principles in the forms advanced by them, while the proposer of the first amendment does not exclude the principle of fair treatment to all communities. But, Sir, whichever of these three proposals is pressed to a division will reveal some in favour and some against. If there was unanimity with regard to any one of them, I would say by all means go ahead and let us have a unanimous decision; but, as a unanimous decision does not seem possible on any one of the three, the result of decision will be differences of opinion on mere forms, and this shadow of a split on this side of the House, which has no reality in substance, will go forth and display to a watching world the mirage of a House divided against itself. With the budget deficit before us, what we want is combination into a solid phalanx to contend against the common enemy of State insolvency. I advise, after an opportunity has been given, sufficient in the judgment of the House, for an expression of views from all points with regard to each one of these formulæ, that the proposer of the original Resolution and the proposers of the amendments do not drive the House into a division, but, by timely withdrawal, after the subject has been ventilated, as we have had a most important and clear and by no means

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exhausting explanation from the Honourable the Home Member, leave the question unasked. We should be content with that, and should settle our differences by leaving the matter undecided.

Dr. Nand Lal (West Punjab: Non-Muhammadan): Sir, I approach this subject without any bias. I am not in favour of one community or another, but I shall express my views as an Indian. Sir, it is regrettable that on the floor of the Central Legislature a Resolution of this type has been moved. At the same time it looks very inconsistent that only a few hours back we were in favour of the removal of a certain distinction which was visible in reserving certain compartments of the railway carriages, and in the same breath we are showing ourselves in favour of communal representation. It is simply regrettable; this inconsistency has got no explanation at all. It makes me believe that perhaps some Members, who are advocates of this Resolution, think that holding an appointment in Government service is of less importance than taking a seat in a railway compartment. I think the whole world will laugh at us, that, being Members of this Central Legislature, representing the whole of India, we are thinking of Muhammadanism, Hinduism, Brahminism, non-Brahminism and not of India as a whole, it is, I may say, simply deplorable.

Sir, those, who are in favour of the purity of administration and of the real political advancement of India, will agree with me that this Resolution is suicidal to our Indian interests and unity.

(*An Honourable Member*: "Not a bit.")

Dr. Nand Lal: On some occasions I happened to hear from some ill-advised critics that it is due to the policy of Divide and Rule that Government appointments are conferred.

I always held, rightly or wrongly, the view that this was wrong criticism. Now I am confirmed in my opinion that Government is not responsible for this at all, that our own people,—at least some of them,—have forced the hands of Government, and that they have been levelling this wrong criticism against Government without having sufficient knowledge of the true circumstances. Now the 'cat is out of the bag.' Now we know that it is we, at least some of us, who have been troubling the Government and making the administration of the Government a little more difficult than it need be. We are the authors and we ought to be ashamed that being thus the authors, being thus, the cause of the troubles of Government, we have been criticising them for nothing. Sir, the Resolution says that preference should be given to the equally efficient members of certain communities. That is the gist of the whole thing. The Mover has introduced the word "preference" which makes the whole motion simply unacceptable. If the drift of the Resolution were that Government appointments may be conferred in consequence of the result of competitive examinations, I would have endorsed it; Sir, when we employ servants to serve us whether in our mills or in our private offices, we always prefer efficiency to any question of caste or creed. Supposing a merchant, or say, a millowner, were to decide as to whom he should employ, Sir, will he act upon the principle of communal interest? If he did so, his mill would be stopped in no time. Will a Muhammadan merchant think of discrimination and prefer communal interest to efficiency? Will a Sikh millowner say that all appointments in his mill should be given to Sikhs only irrespective of merits? No, not at all. When there is a private

affair, they will prefer ability and respect efficiency, but when the question of Government appointments comes in, they say "Oh, don't think of efficiency." They say 'Think of preference.' I say there is no justification for it. We should be fair both to the Government and our Indian interest. We should always advocate a non-sectarian cause and general interest of Indian nationalism.

Then, Sir, will communal preference do any good at all to the so-called minorities? Will it do any good to them at all? I say that those, who stand on the legs of others, will never be able to walk without the help of others. That is the fundamental principle. I say the Education Department is open to you. Is it closed to you? Ask your members to join the educational institutions and pass examinations. Let them make themselves efficient. There is the medical line open to every one, and there are also other lines. Let them try and qualify themselves. Let them come forward as men. Don't beg for posts for them on the score of communalism. Let them depend upon their merits and abilities. In the name of nation building, I appeal to the Honourable Members, that we should not raise our voice in favour of sectarianism and we must not ask for preference in these matters. Try to make yourself fit and able to deserve and secure the appointments. If you are capable, Government themselves will invite you. Why are you begging for these posts on the ground of communal representation.

Now what do the advocates of communal representation mean? They say that they are not well represented. In what way? Do they mean to say that their numerical strength is greater and consequently they deserve to secure larger number of appointments? If so, I should venture to say that it won't do. The best thing for them will be to make themselves efficient. If they mean thereby that the number of their highly educated men is smaller as compared with that of other communities, then it amounts to this, that they want that superiority of character and academic achievements, which ought to be the proper criterion for securing Government appointments, should not be respected. I submit it is not just. Now, Sir, I have endeavoured to show that these minorities, who are seeking for help will not eventually be benefited. They will remain as poor as they are now. Unless and until they try to raise themselves morally and intellectually, they cannot, in all fairness, ask for any sort of preference. May I ask the advocates of certain communities that they instead of spending their time in asking for favours (*A Voice*: "It is not a favour, but it is a right.") in the matter of Government appointments, on the ground of communal representation, may advise their constituents to secure those appointments on the ground of efficiency. They ought to impart this lesson to them, that they should elevate themselves morally and intellectually, so that they may try to inspire confidence in the minds of the public, so that this baneful question of communal representation may be removed once and for all. This ought to be done, but I am sorry to say, it is not done. Instead of resorting to proper remedies, they are trying to conceal their defects. Just like a miserable patient, suffering from a malady, instead of trying to see that proper medicine is administered, he likes to become a glutton and takes too much sweets. Don't take sweets. Think of your malady. Your malady is that you are fighting with each other, there is no unity amongst you. Try to cultivate that unity which is so absolutely essential; do away with all these distinctions. Government appointments should not be given on these wrong principles. Government service should be the purest thing, and purity ought to be

[Dr. Nand Lal.]

maintained, and that could be maintained only if there is no communal representation. Only merit, ability, efficiency, good character, honesty and sincerity should be the criteria. Not because I am a Sikh, not because I am a Muhammadan, not because I am a Brahmin or non-Brahmin that I should ask for appointments. We must feel ashamed of making these claims on communal representation, and the people of other countries will simply laugh at us. On the one hand, we say that we should be given Swaraj, that we are fit for it and that we have unity; while on the other hand, we are fighting with each other for loaves and fishes. Is there any consistency in it? Do you think our conduct is compatible and consistent with that which we happily evinced in a number of other Resolutions? If Brahmins are capable and efficient men, let them get the posts. Create public opinion and if you find that a Brahmin does not behave well or does not do his duty impartially and in the right manner, let that public opinion against him reach Government and they will, if that complaint were found to be correct, take action. Similar arguments could be adopted in the case of Hindus *versus* Muhammadans and *vice versa*. The Honourable Mr. Abul Kasem has put forward a wonderful advocacy before us. He says the Lucknow compact may be respected if you want to build your nation. If you want to complete your work then try to act up to the behests given by that compact. May I ask my Honourable friend is he really obeying all of the dictates of the Congress? I believe he has made it convenient for himself, on this occasion, to place reliance on that compact.

Maulvi Abul Kasem: I did not say the Congress: I said the Lucknow Pact.

Dr. Nand Lal: If I mistake not, I think that compact was made or adopted by the Congress at Lucknow.

Maulvi Abul Kasem: Which is dead and gone.

Dr. Nand Lal: Well, dead or not, I don't know. But you have taken it as an argument at this juncture. Since my learned friend does not as it appears, seem to adhere to the other principles, the other tenets and conditions laid down by the Congress, he has then no justification for putting forward this plea.

Maulvi Abul Kasem: Sir, I have to offer a personal explanation. The Pact was not made by the Indian National Congress; as my friend was not a part to it, he does not know. It was a Pact between the Indian National Congress and the All-India Moslem League.

Khan Bahadur Sarfaraz Hussain Khan (Tirhut Division: Muhammadan): Maulvi Abul Kasem is perfectly correct. Dr. Nand Lal does not know.

Dr. Nand Lal: Another Honourable Member says "our community has been serving in the Military Department." Well, it shows the justice you receive at the hands of the Government: the members of your community were considered the fittest persons to serve in the Military Department. Therefore they have got the monopoly of posts there. What grievance have you got? Have you not been drawing salaries and pensions? Were you not compensated for that service? On that ground, you are going to ask the Government that all responsible appointments should be conferred on your community simply because many of you were in the Military Department? Will the Rajputs not come forward with

that claim? Will Kshatriyas not come forward with that claim? And will not other members of the Hindu community come forward with the same claim? Your claim should be such as may have some sense of justification. We should not make the task of our Government more difficult. We should be just. Then my learned friend says, we were ignored. I say, where were you ignored? You were one of the Hindu communities. Subsequently, you raised your voice that we should be given separate representation. You were given it. Now, you are going to make an encroachment on the right of the whole Hindu community, saying that we should be given Government appointment specially. That is not fair. I quite agree with the expression of opinion made by the Honourable the Home Member, that there are a very large number of divisions and sub-divisions of caste and creed in this India. If the question of giving appointments is to be decided with reference to the numbers in a certain community, then the other sub-divisions thereof will come forward. Take the case of the Muhammadans. One sub-section of Muhammadans may come forward and say, well, Muhammadans have been given this special privilege, but our interests are being jeopardised, because we belong to a different sect of Muhammadans. What answer will be given to that? What answer will be given by the advocates of this theory which is put forward and which is altogether inconsistent? Similarly, one sub-division of the Hindus will come forward and lay claim to Government appointments. What answer will be given to them? So, therefore, this motion is altogether impracticable.

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

Dr. Nand Lal: Thank you, Sir, I shall. I oppose this motion which is suicidal to Indian interests and with these words I resume my seat.

Mr. Braja Sundar Das (Orissa Division: Non-Muhammadan): Sir, I have heard with rapt attention the discussion on this communal question. It has been said from the Government Benches as well as from the opposite Benches that this is a Resolution that tends to disintegrate India and to put it before the eyes of the world that India is not united and can never be united. On the other hand, I would rather say that this Resolution is a unifying one. It is the outcome of the disintegrating policy followed by the Government of India. (*An Honourable Member:* "No.") You say, "No", I say "Yes". Some figures that were supplied to a question put by perhaps Lala Girdharilal Agarwala will show that disintegration is not in the Indian people but in the Government of India itself. It is thus. Of the 1,961 posts in the Government of India 105 are Europeans, 147 Anglo-Indians, and 647 Indians, and of these, Madras claims 35, Bombay 14, Bengal 259, the United Provinces 51, Punjab (to which my Honourable friend, Dr. Nand Lal, belongs) 260, Burma nil, Bihar and Orissa 7, the Central Provinces nil, Assam 11, North-West Frontier Province 4, Coorg nil, Delhi 24, Native States 11. These figures speak for themselves. (*An Honourable Member:* "What appointments are they?") This is a statement showing the number of Europeans, Anglo-Indians and Indians employed in the Government of India Secretariat on the 1st June 1921 on salaries of not less than Rs. 25 per mensem and in the case of Indians the provinces to which they belong. That is the statement, which I put before the Assembly and which clearly proves that the existing things in the Government of India, as they are, tend to disintegrate and disunite the Indians. The Honourable the Home

[Mr. Braja Sundar Das.]

Member has said, it should not be looked upon from the point of view of different languages, castes and creeds and so forth, but I ask the Government as well as the people, that when they think of India, they should think of it as a geographical unit, as one geographical whole. Taking the standard of geography, we find that a certain portion of India has far greater advantages over certain other geographical portions of India. That is the question that counts. It is not the question of communal representation that really counts in this Resolution. It is practically the question of geographical deficiency in matters of appointment that matters. Again I say that when we think of India we should not shut out a certain portion of it from the Indian geography. This will serve as an apt illustration. Sir, I once put a question as following:

“ Will the Government be pleased to state if there are any Oriyas in any Department of the Government of India? ”

“ Will Government be pleased to state if ever any notices regarding recruitment of services into the Government of India Departments were published in any leading papers of Orissa? ”

To this the reply was :

“ The Honourable Member is referred to page 187 of the Legislative Assembly Debates, Volume II, No. 3, from which he will observe that on the 1st June, 1921, seven appointments on salaries of not less than Rs. 25 per mensem were held by persons belonging to the Province of Bihar and Orissa. ”

I asked for the Oriyas and the reply was for the province of Bihar and Orissa :

“ The communiqués of 1920 and 1922 announcing that the Staff Selection Board intended holding examinations for outside candidates were published in the ‘ Searchlight ’ which is issued from Patna. ”

Well, these replies speak for themselves. I need not go into their merits. From the above illustration it would be clear what the disintegrating force is working there. The Resolution is one that tends to do away with this pernicious principle and to unite India at least in matters of the services under the Government of India. It is again, let me repeat not a disuniting one. It only seeks to unite India in the services of the Government of India. Why should one part of India get preference over the other portions of India? That is the question. My Honourable friend Mr. Jayanti Ramayya Pantulu said that no honest attempt on the part of any community or any class to enter into the service of the Government of India has been shut out. Well, I can say from what I know that for the last 20 years the Oriyas have been trying to enter the higher grades of Postal Service and till now they have not been able to secure even one appointment. So in all other Departments. I can challenge the Honourable the Home Member to say if there is one man from the geographical portion of India—called Orissa—either Hindu, Muhammadan, Brahmin or non-Brahmin, Anglo-Indian, Indian Christian or any man of any creed or community or class or whatever it be? I speak of that geographical portion which is now called Orissa—and not from the Oriya-speaking tracts as a whole for they are scattered under four different Governments, such as under the Madras Government, the Bihar and Orissa Government, Bengal and under the Central Provinces Government—I again ask if from the country which they call Orissa is there one man of any caste, creed or community in the Government of India? One man? This is what creates disunification. In order that India may be united geographically, it is necessary that it must work as one body, and if one

part of the body draws all the blood to itself and gets unusually swollen it is plethoric. So the whole body is not a sound body but it would be something like a body with elephantiasis. Those that care for the growth of Indian nationality should see that one part of India does not grow at the cost of the other parts of India. Unification of India does not mean that all languages should go, all castes should go, all creeds should go. I do not think that those who want the growth of nationality of India would like to do away with all these differences. There they are and must continue to be. We must seek unity amidst this diversity. If the outside world say that India is disunited, I ask, is that world united in itself? Are they united in England? There are different political parties struggling for power and ascendancy; there are the conservatives, the liberals, the labour and so forth and in that respect they are not united there. They may be united as regards their creeds, but they may be disunited in other matters. So are we here in India. We are united in certain matters, we are disunited in other matters. It does not matter. I assert that I am proud to belong to the Indian nationality, and I think, in spite of the differences of language, creed and community, India will grow and is bound to grow as one nationality. What forces are there that can prevent the growth of one Indian nationality? I say there is no power on earth that can check that progress; and at the same time let me reassert that our progress very much depends upon the healthy growth of each part of Indian nationality. And therefore, without making any further comments on the Resolution, I commend it to the Government to consider India as a geographical whole and think of distributing the services with reference to the geographical position of all parts of India and not to any differences in caste, creed, or communities; and if that is accepted, then the whole proposition put forward by my friend, the mover of the amendment, is accepted. With these words, I support the Resolution.

Rai Debi Charan Barua Bahadur (Assam Valley: Non-Muhammadian):

Sir, I beg to rise to move an amendment to Sir Deva Prasad Sarvadhikary's amendment. My amendment is of a verbal nature. He concludes the Resolution with the words 'any one community or province,' and my amendment seeks to change it to 'any one community or communities or province or provinces'—because if that is not amended, Sir, then two provinces may combine together to the exclusion of another province. Punjab and Bengal may combine to exclude Madras and Bombay. So, Sir, the logical sequence of these words, if left as they are, will be that. If two provinces will combine, if two provinces taken together, are allowed to get into the services, then they may exclude the other provinces; so, Sir, I beg to point out that these words should be changed into what I have suggested, and I hope the House will kindly consider the sequence of those words. Then, Sir, I do not want to dilate at length upon what Mr. Braja Sundar Das has said; I will simply content myself by saying that this is a very plain Resolution; it does not want to appropriate the services for one particular community. The Sikh does not want to get all for himself, nor does the Parsi, nor does the Muhammadian, nor does the Hindu. As my learned friend, Mr. Braja Sundar Das said, it is wanted by everybody to distribute the loaves and fishes of office to everyone of the provinces, so that all parts of the country may unite,—that is the only weapon of unification; and if the services are to be reserved by one particular community or disproportionately by one particular community or particular communities or by two or three provinces, it is not fair.

[Rai Debi Charan Barua Bahadur.]

Now there are nine major provinces, and besides there are similar other minor provinces. The minor provinces also should not be overlooked, neither the major provinces. Now, Sir, that statement given by my friend showed that Assam contained only one member, one man, in the service. And since then, I beg to submit, Sir, even that one has vanished. It is *nil* now. Take the case of Orissa or Assam. Is it to be supposed that there is not a single person in the sub-province of Orissa or in the province of Assam who can fill even a clerk's post on Rs. 25 or a little more than that in the Indian Secretariat? Then, what is it due to? It is due to the combine of some of those who are in the departments to exclude others from the service. It is the inevitable conclusion. We may be wrong in the conclusion, but it is quite inevitable. So, Sir, I beg to submit that something ought to be done so that all the parts of India may be represented in the services of the Government of India. With these remarks, Sir, I beg to support the amendment as proposed by Sir Deva Prasad Sarvadhikary, subject to the amendment proposed by me.

Mr. President: The amendment proposed by the Honourable Member does not differ enough in substance to justify my putting it. The words he adds make no difference in essential purpose of the amendment moved by Sir Deva Prasad Sarvadhikary.

Mr. N. M. Joshi (Nominated: Labour Interests): The question may now be put.

(Several Honourable Members: "The question may now be put.")

Mr. President: Colonel Gidney.

Lieut.-Colonel H. A. J. Gidney (Nominated: Anglo-Indians): Sir, . . .

Chaudhri Shahab-ud-Din (East Central Punjab: Muhammadan): Sir, many of us have yet to say something. This is a very important question.

(An Honourable Member: "The question is an important one and we all want to speak on it.")

Mr. President: Order, order. I call on Colonel Gidney to speak.

Lieut.-Colonel H. A. J. Gidney: Sir, the part I shall take in the debate at this late stage will consist of a very few remarks. This very Resolution stood against my name on the 24th of last month, but for some unknown reason it was omitted and for it substituted my Resolution on the I. C. S. examination and communal participation in it. The remarks that have been made on this discussion up to now show that there is strength and reason on both sides, both on the Government side and on the side of those who are claiming communal representation. I shall not emulate my friend, Mr. Jamnadas and spectacularly speak of that *Nirvana* of which he so frequently talks, and which he interprets as Swaraj. That Swaraj is a very dim and distant vision indeed. It is in the transitional stage from now till when that Swaraj is reached that the minor communities are bound to suffer. It is during that transitional stage that I, as a leader of one of the minor communities, even though my friend Mr. Rangachariar calls it a pampered and favoured community, desire to make my voice

heard and my claim of equal rights recognised with those major communities who are to-day endeavouring to swamp us in the various services in India. Now, Sir, we have before us for acceptance the Resolution as proposed by Mr. Nayar and we have two amendments, the last one by my friend on my left Sir Deva Prasad Sarvadhikary. The amendment moved by him seems to be acceptable to us, the leaders of the minor communities in this House with this one objection. We take serious objection to some of the words in it, and an effort was made by me to get him to alter that amendment so as to suit all parties. Unfortunately my efforts failed. The alteration we asked to be made was the omission of the word "one" from his amendment. We feel that the amendment as it stands is so worded as to be of negative value. What we want is to convert this value of negation to one of positive value so far as the practical participation of all communities in all services is concerned. This was objected to by the Party, the leader of which is on my left (*Sir Deva Prasad Sarvadhikary*: "The leader is ill.") As the amendment stands now, we the minor communities in this House can not accept it, because it places us nowhere and leads us to nothing. We feel—indeed we feel acutely—that in the rush in India as it is changing before our very eyes to-day that we occupy a position of insecurity, that the time is not far distant, when this monopoly which is complained of the Civil Service and other services will be substituted by one or two of the more advanced and educated communities in India.

Mr. Jamnadas Dwarkadas (Bombay City: Non-Muhammadan Urban): Which?

Lieut.-Colonel H. A. J. Gidney: The two communities to which I wish to particularly refer (all credit to them) are the Madras Brahmins and the Bengalees. I say it is to their intellectual credit, but at the same time if we in India to-day are objecting to a bureaucratic Government controlled by one community—or mainly by one community, the Englishmen—we are simply lending ourselves, if we do not object to this amendment which has been put forward, to a change of bureaucratic Government from one community, which I hope will not go from this country, that is the Englishmen, to two communities in India, and as the leader of one of the minority communities I strongly object to it. The Honourable the Home Member has shown us real difficulties in the practical application of the Resolution we are discussing to-day. I agree with him that there are serious and insuperable difficulties, but at the same time we ask him to find some *via media* out of this *impasse* and so help us, both major and minority communities alike in our task, the almost impossible task of forming a homogeneous nation out of the heterogeneous masses of castes and creeds which to-day go to constitute India. All minority communities ask to be allowed a fair share in the development of India and its administration. The minorities are determined not to force their rights and we are determined to sink or swim on the vote on this Resolution. As a leader of one of the minority communities myself I cannot give my support to the amendment as moved by my Honourable friend, Sir Deva Prasad Sarvadhikary. I therefore whole-heartedly support the Resolution of my friend, Mr. Nayar.

Khan Bahadur Abdur Rahim Khan (North-West Frontier Province: Nominated Non-Official): Sir, I have been listening to the different Honourable Members and to my learned friend, Dr. Nand Lal, in particular. I

[Khan Bahadur Abdur Rahim Khan.]

appreciate their views as idealist but not realistic ones. Unfortunately he has been arguing on quite a different line. Our grievances are not this, that there should not be an united India. Our contention is not that we should not feel as one India. The question is that we have to face the real difficulty, we have to deal with the problems which are daily facing us. It is all right to say that we should all aspire to this and that, but when we come to the real facts, and when we come to daily dealings with one another, we are also obliged to feel as men, and we have to study human nature, so we have to look at it from the human point of view. It is all right to utter sentimental words; it is all right to have an ideal, but our object is to give that ideal a practical shape. But what I will say to my learned friend, Dr. Nand Lal, when he says that there should be competition, is that India does not require competition; India requires men of character; India requires men who can defend her; India requires men of whom she can be proud. Book worms are not wanted, they can do India no good. Books are for us and not we for the books. My point is this, that I quite welcome anybody whose mind is developed and character is perfect but will not attach any importance to a person with a developed mind but no character whatsoever. That is the point to be always borne in mind so far as India is concerned.

Dr. Nand Lal: I said merit and character also; my friend was perhaps not attentive.

Khan Bahadur Abdur Rahim Khan: I am sorry that my learned friend is so fond of me that he always tries to interrupt when I am speaking. I am very much obliged to him. I am not saying that we should not have this standard of competition, but the thing is that we have to look at India. India is not unfortunately a country with one religion, one race and one language. India is just like a continent, and I say, Sir, it is just like expecting the Prime Minister of England to be Prime Minister of Europe. I do not want to make insinuations against any one and I feel very sad to have to say these things, in our short experience of one year, how many leaders have we seen coming to the throne and how many have we seen leaving the throne? And that is only within a single year, all this is due to lack of tactfulness on their part. So I say this, Sir, that in the case of India it is the business of our leaders to see how they can best steer the ship of the nation in this stormy weather, and in this stormy sea.

My learned friend (Dr. Nand Lal), in speaking of us Muhammadans, said that we have been serving in the Army and enjoy pensions. My learned friend grudges us those pensions. But he ignores the blood that we have shed. He ignores the fact that we have sacrificed many lives. There are gentlemen here who, for simply uttering words, get more than pensions; they make fortunes—in fact, I would say they mint money; while here is a man who risked his life and only gets a pension of something like ten or fifteen rupees, which is grudged by my learned friend, it is just like adding an insult to an injury. My learned friend, who considers himself as a real leader, grudges him that trifling sum. So I say this is not in the interest of India; and I can say this much that unless the advanced communities will look to and respect the interests of the minor communities, they will never advance. You cannot expect co-operation from the minor communities unless you make some sacrifices on their behalf;

only that would appeal to their hearts. In other words, if you are willing to part with something, you will be respected in return. If, on the other hand, you say I am entitled by competition to this and that and expect people to respect you, you will before long find yourself living in a fool's paradise; those days, I am afraid, now are gone. Everybody now is wide-awake. Everybody can look to his own interests, and unless you draw the people to you, you cannot expect the people to follow you. It is the duty of the leaders to draw the people to them, it is not the duty of the people to follow their leaders blindly. Those who have the real good of India at heart must be very careful, they must be more charitable, they must be more generous. If they do that, then there is a chance for India to advance. Otherwise I must say India will always remain as she is.

I am sorry to say that unfortunately our real statesmen and leaders, those who are leading the political life of the country, do not realise this difficulty and are not facing it bravely, but always shun and avoid it purposely. I say all rights of minorities should be respected. There are my friends who loudly appeal to sentiment and say these should be ignored. But I ask, Sir, how can human nature be ignored? What is the real grievance that the Indians have got against the English? The grievance is that all the higher services are monopolised by them. If we have got a right to claim a fair share in the administration, if you complain against the monopoly which is enjoyed by the English people in the matter of higher appointments, I say that we the minorities have got similar rights and complaints against the other advanced communities that they have a disproportionate share in the appointments open to Indians in general to the exclusion of the minorities, and we expect justice from these advanced communities and want them to stick and adhere to the same principle in their own cases too. I was surprised to hear from the Honourable the Home Member that there are only 3 Muhammadans in the Indian Civil Service

The Honourable Sir Malcolm Hailey (Home Member): The Honourable Member will, I am sure, allow me to correct him. I was referring to the Accounts Department, in which I said that 3 Muhammadans had succeeded in the competition; I did not refer to the Indian Civil Service.

Khan Bahadur Abdur Rahim Khan: But I could say for certain that Sikhs and Muhammadans are very poorly represented. That means that we are in the home but not at home. I can say both with regard to my community as well as the Sikh community that they are in the home but not at home. Now I should say to the advanced communities—for instance the Brahmins of Madras—I hope my friends from Madras will not take my views in any other light—the Brahmins of Madras are well advanced in education—and they would naturally rule the country, but they must realise this that there are other communities too to be considered. They should not stick to the principle "what is yours is mine and what is mine is my own" I was surprised to hear the views of my friend Dr. Nand Lal. I will appeal to him and ask him to think over for a single moment coming as he does from Lahore, from the very heart of the Punjab, what is going on there? Can he say there is no Hindu-Muhammadan question there? I don't want to be personal, but can he ignore the fact that big personalities are dragged in every day and criticised? In spite of that he will neither admit his mistake nor change his views.

Dr. Nand Lal: A personal explanation, Sir. Since I am against that, I have raised my voice against communal representation.

Khan Bahadur Abdur Rahim Khan : Sir, with one small quotation from a newspaper which I read the other day, I will end my speech, and I should like to put those words into the mouth of the community which monopolises these services :

“ We are the sweet selected few,
Let all the rest be damned;
There's room enough in hell for you,
We'll not have heaven crammed.”

If that is the policy to be pursued, Sir, then I am sure the minorities are done for ever.

Chaudhri Shahab-ud-Din : Sir, at this late hour of the day, I do not propose to make a long speech. I think every aspect of the question has been debated upon and discussed very ably by the previous speakers. Sir, communal representation is an unavoidable evil. We must face the fact. The evil is there and we cannot ignore it. Let us try to overcome the evil if we can, but I think the tide is too high and the water too deep. The Government of India as well as the Provincial Governments have always tried to do justice to every Province and every community. They have been issuing circulars and letters from time to time to all heads of departments to keep in view as far as possible claims of all communities consistently, of course, with efficiency and ability, in the matter of Government appointments. The principle is there and the Government have always recognised and acted upon it. Now as regards the opposition to the principle of communal representation, I think those who are the strongest opponents of the principle are in fact its strongest advocates and supporters. I would like to make myself clear

Dr. Nand Lal : I am not at least.

Chaudhri Shahab-ud-Din : Well, they say that they are against communal representation, but in reality they are in its favour. If they are against communal representation, it does not lie in their mouth to say that a Sikh, a Parsee, a Muhammadan, a sweeper or a Christian should not try for loaves and fishes. For them it should be immaterial who gets the Government appointments. Why should they say that the claim of minorities should not be recognised and considered in the services? That shows their real object. Those communities and classes which have got the so-called loaves and fishes are the very people who are opposing communal representation. If they are sincere, that is to say, if they sincerely are against communal representation, they should not mind whether a sweeper or an untouchable gets a loaf or a fish. They should not object because they are against communal representation. Logically, their position is indefensible. However, that is a question which I need not pursue further. In my opinion every community must have a fair share in the services, and our Government have happily always recognised that wholesome principle. The object of the Mover of the Resolution is not to harass Government or to place obstacles in the way of the officers of Government. There are very many difficulties in their way. It is not an easy task to adjust the claims of so many rival communities and sub-communities, sects and sub-sects, or castes and sub-castes. That is a very difficult task. In view of these circumstances, I would advise the Mover of the Resolution not to insist upon the wording of his Resolution but to accept the amendment of Sir Deve Prasad Sarvadhikary with the addition which I am going to propose.

Sir Deva Prasad Sarvadhikary's amendment is as follows :

"That this Assembly recommends to the Governor General in Council that in making new recruitment for the Services under the control of the Central Government, steps be taken to secure that the Services are not unduly overweighted with representatives of any one community or province."

I would like to add with the permission of the Honourable the President and the Members of the House the following words at the end of that amendment :

"and that, as far as possible, the claims of all communities and provinces are considered."

I am perfectly satisfied with this addition and I think so are some of my friends who are really responsible for the Resolution in question. I may inform the House that Sir Malcolm Hailey has very kindly assented to this addition being made to Sir Deva Prasad's amendment and I hope now the Honourable Members of this House will accept the amendment with my addition unanimously.

Mr. President: Further amendment moved :

"To add to the amendment proposed by Sir Deva Prasad Sarvadhikary the following :

'and that, as far as possible, the claims of all communities and provinces are considered'."

Mr. J. P. Cotelingam (Nominated: Indian Christians): Sir, as the solitary representative of one of the minorities in the Assembly I would like to say a few words on the motion before the House. There is nothing new or startling in the Resolution moved by the Honourable Mr. Muppil Nayar. The principle underlying that Resolution is, as Honourable Members know, the policy pursued by Government from the days of Queen Victoria of gracious memory. All that the Resolution seeks to do is to emphasise or reiterate that policy. Where all qualifications are equal, it asks of the Government of India for consideration in the case of classes or communities not adequately represented in the various services. It asks for a share in the administration as the country is marching on its onward progress towards the goal of self-Government. It asks for equal opportunities for all sections of the community that have the necessary qualifications for such service. The Indian Christian community has stood in the past and stands for a fair field and no favour. I repeat what I have said, namely, that the community that I have the honour to represent in this Assembly stands for a fair field and no favour. I have confidence that the Government will hold its balance even in the midst of the conflicting claims of the various communities and that in the recruitment for the various services, it will see to it that no one community gets the monopoly or is particularly favoured. After the pronouncement made by the Honourable Sir Malcolm Hailey, I venture to think that, taking into consideration the Resolution moved and the amendments for and against, the amendment moved by the Honourable Sir Deva Prasad Sarvadhikary is a happy solution of the problem.

(Several Honourable Members: "I move that the main question be now put.")

Mr. President: The question is that the main question be now put.
The motion was adopted.

Mr. K. Muppil Nayar: Sir, though I am not able to follow the advice of my Honourable friend Dr. Nand Lal, I wish to say a few words in conclusion. Let me assure the Government that I have no intention at all of embarrassing the Government and I quite realise the difficulties mentioned by the Honourable the Home Member. But it is the very existence of these difficulties that has called for a sort of communal representation, and until those difficulties are wiped out, I am sure some sort of communal representation will be essential. I would, however, like to withdraw my Resolution in favour of the amended Resolution as amended by Chaudhri Shahab-ud-Din, and I accept that amendment, of course once more urging the claims of the landed interests.

Mr. President: The original question was :

“ This Assembly recommends to the Governor General in Council that the Government of India in making appointments to offices under its direct control shall ordinarily, where the qualifications of candidates are adequate to discharge the duties efficiently by their education, ability, and integrity, give preference to those that belong to classes or communities which are not well represented in the service, due regard being had to Provincial considerations.”

Since which an amendment has been moved :

“ For all the words after the words ‘ shall ordinarily ’ the following be substituted :
‘ be guided by considerations of capacity, efficiency and character irrespective of caste or creed ’.”

Further amendment moved :

“ Substitute the following for the original Resolution :

“ This Assembly recommends to the Governor General in Council that in making new recruitment for the services under the control of the Central Government, steps be taken to secure that the services are not unduly overweighted with representatives of any one community or province ’.”

Further amendment moved :

“ To add at the end of that amendment the words ‘ and that, as far as possible, the claims of all communities and provinces are considered ’.”

The question I have to put is that those words be added to Sir Deva Prasad Sarvadhikary's amendment.

The motion was adopted.

Mr. President: Now, I want the Assembly to pay particular attention to the way in which I shall put the question now. I propose, first of all, to put the question that all the words after and including the words “ where the qualifications of candidates ” down to the end of the Resolution be omitted.

Mr. W. M. Hussanally: As the Resolution has been withdrawn, it need not be put to the House.

Mr. President: If Mr. Muppil Nayar withdraws his Resolution with the consent of the House, there is no decision and all the amendments fall.

I put the question that the words

Mr. K. Muppil Nayar: I have withdrawn my Resolution in favour of Chaudhri Shahab-ud-Din's amendment.

Mr. President: The Honourable Member can vote for it.

The question is:

"That the words 'where the qualifications of candidates are adequate to discharge the duties, etc.' down to the words 'Provincial considerations' be omitted."

(While the question was being put, it became clear to Mr. President that the position was apparently not clear to the House.)

Mr. President: If I am to leave an opportunity for Mr. Jayanti Ramayya's amendment to be carried, I can only do so by omitting those words in the original Resolution and I must still after that leave an opportunity to put Sir Deva Prasad Sarvadhikary's amendment, if possible.

Mr. J. Ramayya Pantulu: I am willing to withdraw my amendment in favour of the amendment proposed by Sir Deva Prasad Sarvadhikary.

Sir Deva Prasad Sarvadhikary: I am willing, Sir, to accept the addition of the words suggested by Chaudhri Shahab-ud-Din.

Mr. President: The position at this moment is that the Honourable Member's amendment has been amended by the addition of the words proposed by Mr. Chaudhri Shahab-ud-Din. Do I understand the Honourable Member from Madras (Mr. Ramayya) to withdraw his original amendment?

Mr. J. Ramayya Pantulu: In favour of the amendment

Mr. President: Do I understand him to withdraw it? He cannot withdraw it in favour of any amendment.

Mr. J. Ramayya Pantulu: I withdraw it.

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

Mr. President: The question is that the following be substituted for the original Resolution:

"That this Assembly recommends to the Governor General in Council that in making new recruitment for the services under the control of the Central Government steps be taken to secure that the services are not unduly overweighted with representatives of any one community or province and that as far as possible claims of all communities and provinces are considered."

The motion was adopted.

Mr. President: The question is that the Resolution, as amended, be adopted.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 12th March, 1923.
