

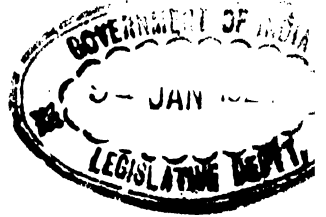
27th July, 1923

THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

VOL. III

PART VII



(16th to 28th July, 1923.)

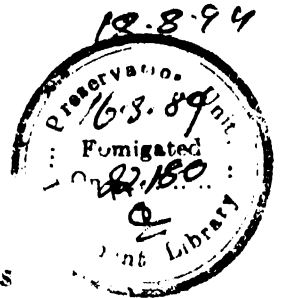
THIRD SESSION

OF THE

LEGISLATIVE ASSEMBLY, 1923.



SIMLA
GOVERNMENT CENTRAL-PRESS
1923



LEGISLATIVE ASSEMBLY.

The President.

The Honourable Sir FREDERICK WHYTE, KT.

Deputy President.

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

Panel of Chairmen.

Maulvi ABUL KASEM, M.L.A.

Sardar Bahadur GAJJAN SINGH, M.L.A.

Mr. N. M. SAMARTH, M.L.A.

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

Secretary.

Mr. L. GRAHAM, M.L.A., I.C.S.

Assistants of the Secretary.

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

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

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

Marshal.

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

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LEGISLATIVE ASSEMBLY.

Friday, 27th July, 1923.

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

MEMBERS SWORN

The Honourable Mr. David Thomas Chadwick, C.I.E. (Commerce Member) ; Munshi Iswar Saran, M.L.A. (Cities of the United Provinces : Non-Muhammadan Urban).

I.C.S. COMPETITIVE EXAMINATIONS.

The Honourable Sir Malcolm Hailey (Home Member) : I place on the table a statement giving the information promised on the 9th instant in reply to part (a) of Mr. K. Ahmed's question regarding the Indian Civil Service competitive examinations in India.

Statement showing the total number of applications received for the Indian Civil Service competitive examinations in India held in 1922 and 1923 and the number of candidates rejected each year on medical grounds :

1922—	Total number of applicants	..	..	..	170
	Rejected on medical grounds	..	..	..	49
1923—	Total number of applicants	..	..	..	194
	Rejected on medical grounds	..	..	..	58

QUESTIONS AND ANSWERS.

INDIAN WOMEN IN FIJI.

375. *Mr. B. Venkatapatiraju : Will the Government be pleased to state :

- (1) Whether they are aware that Women's Suffrage Congress was held at Rome in March last and associated with it there was a Committee to deal with the social and moral condition of Indian women in Fiji ?
- (2) Whether this committee consisting of fifty or more societies throughout Australasia including the National Council of Women and their affiliated bodies in each state came into being as the result of Rev. Andrews' report in 1917 ?
- (3) Whether the committee deputed Miss Graham of the London Missionary Society, Calcutta, to report the condition of Indian women in Fiji and whether she sent a report and whether the Government got a copy and whether it would be placed on the table ?
- (4) Whether on the representation of the Committee as a result of Miss Graham's report Lady Doctor Mildred Staley was appointed in January 1921 in the Colonial Hospital, Suva ?

- (5) Whether she has done devoted and strenuous work among the Indian women during the last two years ?
- (6) Whether she was removed now, owing it is stated, to financial stringency ?
- (7) Whether the aforesaid Women's Organisations throughout the world cabled to the Colonial Office and the Fiji Government urging the continuance of this appointment upon the grounds of its absolute necessity ?
- (8) Whether the Indian Government propose to take any action to secure the continuance of that lady either by the Fiji Government else even at the expense of this Government as she has been doing splendid work ?

Mr. M. S. D. Butler : (1) and (2). The Government of India have seen statements to this effect in the press but have no official information.

(3) The Government of India understand that Miss Graham was deputed to Fiji in 1918 as the representative of the combined Women's Organisation in Australasia to report on the social and moral condition of Indian women in Fiji. A complimentary copy of the report was received by the Government of India and a spare copy of it will be sent to the Honourable Member.

(4) Dr. Staley was appointed to the staff of the Colonial Hospital, Suva, in accordance with the recommendation of a sub-committee appointed by the Colonial Government in 1919 to consider and report upon Indian conditions.

(5) and (6). The Government of India have no official information but believe the facts to be as stated.

(7) The Government of India have no information.

(8) In the prevailing financial stringency the Government of India do not feel that they can take the action suggested, but they will make further inquiries in the matter and consider what can be done.

IRREGULAR RUNNING OF TRAINS ON BENGAL NAGPUR RAILWAY.

376. ***Mr. B. N. Misra :** (a) Is the Government aware of the inconvenience and hardship caused to passengers by the irregularity and frequent delay of Bengal-Nagpur Railway Trains running between Howrah and Khurdha-Road Stations ?

(b) In view of the difficulty of the passengers who are frequently disappointed to catch the corresponding trains from Khurdha-Road Station to Waltair and *vice versa* are the Government prepared to direct the Bengal-Nagpur Railway Administration to make necessary arrangements to obviate the hardship of passengers and to run

8 Up (Puri Express),

24 Up (Khurdha-Waltair Passenger)

and

10 Up (Puri Passenger),

22 Up (Khurdha-Waltair Passenger),

as corresponding Trains ?

The Honourable Mr. D. T. Chadwick : (a) Government has received no representation on the subject.

(b) The matter will be brought to the notice of the Agent, Bengal-Nagpur Railway.

Mr. B. N. Misra : Has the attention of Government been drawn to the articles which have appeared in the local papers, namely, "*Utkal Dipika*" of Cuttack, the "*Shakti*" of Puri and the "*Asha*" of Ganjam ?

The Honourable Mr. D. T. Chadwick : I have seen none of the publications referred to.

BENGAL NAGPUR RAILWAY PLATFORMS.

377. **Mr. B. N. Misra :** (1) Is it a fact that there are only 15 stations out of 61 between Howrah and Puri, that are without raised platforms ? If so are the Government prepared to ask the Bengal-Nagpur Railway Administration to provide for raised platforms at those stations for the safety and convenience of passengers, e.g., Byree, Laskshan Nath Road, Malatipatpore and Jagatpore ?

(2) Will the Government be pleased to ask the Bengal-Nagpur Railway Administration not to open any new station without raised platform ?

(3) What is the total annual income of the Bengal-Nagpur Railway from passenger traffic between Howrah and Puri ? What percentage of it will be expended in constructing raised platforms at the above mentioned 15 stations ?

(4) Is it the duty of the Railway Administration to provide for the safety and convenience of passengers at all stations, irrespective of the income derived from any particular station ?

The Honourable Mr. D. T. Chadwick : (1) and (2). Yes, the policy of Government is to leave it to the discretion of Railway Administrations to provide high-level platforms at stations where the passenger traffic justifies their provision. Government do not, therefore, propose to address the Bengal-Nagpur Railway Administration in the matter.

(3) The figures asked for are not available.

(4) The provision of reasonable conveniences as high-level platforms depends upon the volume of traffic offering at each station.

Mr. K. Ahmed : May I ask, Sir, whether the Department of my Honourable friend has got the controlling and supervising power over the railway ? If so, whether he is responsible at all with regard to these questions put by my Honourable friend Mr. B. N. Misra, they being questions Nos. 376 and 377 ? If the answer is in the affirmative, Sir, then will the Honourable Member be pleased to answer the questions ? If the answer is in the negative, will he be pleased to enlighten the House as to the duty and responsibility that is placed on this Department ?

The Honourable Mr. D. T. Chadwick : I give it up, Sir.

Sir Deva Prasad Sarvadhikary : Would the Honourable Member be pleased to indicate what is the standard of "justification" that he has referred to just now, does it depend upon so many broken limbs or the age disability and infirmity of the passengers ? What determines the justification for high-level platforms ?

The Honourable Mr. D. T. Chadwick : The provision of reasonable conveniences depends upon the volume of traffic offering at the railway stations, and on the number of passengers.

Sir Deva Prasad Sarvadhikary : If the number of passengers is not large, are their safety, comfort and convenience not to be looked after ?

The Honourable Mr. D. T. Chadwick : Yes. Above a certain point conveniences must depend on traffic.

JELLASORE-CONTAI RAILWAY EXTENSION.

378. *Mr. B. N. Misra : Is it a fact that the Bengal-Nagpur Railway intends to open a branch line to Contai in Midnapore District from Jellasore Station ?

The Honourable Mr. D. T. Chadwick : A scheme for a branch line to Contai from Jellasore is under consideration by the Bengal-Nagpur Railway Administration.

INTEREST ON RAILWAY CAPITAL.

379. *Mr. K. B. L. Agnihotri : (a) Will Government kindly state whether they have ever considered the question of charging interest on capital used in the case of the Railway and other commercial departments out of surplus revenues ? and if so, with what result ?

(b) If the decision is against such charge being made will they kindly state the reasons ?

The Honourable Sir Basil Blackett : Interest is charged on the capital outlay of commercial departments irrespective of the sources from which such outlay has been met, i.e., from borrowed funds, surplus revenues or other resources.

TRAFFIC FACILITIES ON RAILWAYS.

380. *Mr. K. B. L. Agnihotri : (a) Has the attention of Government been drawn to the article " Administration Report on Indian Railways " which appeared in the issue of " The Servant of India " of the 22nd February 1923 ?

(b) Have any calculations however rough been made as to the time and money required to equip railways with adequate traffic facilities ?

(c) If so, will Government kindly lay the information on the table ?

Mr. G. G. Sim : (a) Yes.

(b) and (c). The attention of the Honourable Member is invited to the reply given on the 9th July to starred question No. 170.

RETURN ON RAILWAY CAPITAL

381. *Mr. K. B. L. Agnihotri : (a) Has the attention of Government been drawn to the article " Railway Expenditure and the Incheape Committee " in the issue of " The Servant of India " of the 14th June 1923 ?

(b) If so, will Government kindly state what figure they have adopted as the standard minimum return on capital invested by the State ?

Mr. G. G. Sim : (a) Yes.

(b) The attention of the Honourable Member is invited to Statement No. III laid upon the table on the 2nd of July in reply to question No. 15. This particular matter is still under consideration.

REMOVAL OF CANTONMENT FROM HYDERABAD TO KARACHI.

382. *Mr. S. C. Shahani : (1) Will Government be pleased to state if they are prepared to consider the desirability of removing the cantonment in Hyderabad, Sind, to Karachi instead of to Kotfi ? If yes, will Government be pleased to state the probable cost of the location of the Hyderabad Units at Karachi ?

(2) Will Government be pleased to state if they are prepared to allow the Hyderabad Municipality to raise the cost of stationing the Hyderabad Units at Karachi on the security of the Cantonment Area in Hyderabad? If yes, will Government be pleased to have the Hyderabad Cantonment land valued by an expert at an early date?

Mr. E. Burdon : (1) Government would be willing to investigate the possibility of moving the cantonment to Karachi if they received any indication that the cost of doing so would be provided by the Hyderabad Municipality or the Local Government.

The remainder of the Honourable Member's questions are however premature: they could only be answered if and when the suggested inquiry took place.

SPECIAL TRAINS FOR MELAS.

383. ***Lala Girdharilal Agarwala :** Have the Government made arrangements for running special trains to cope with the heavy traffic of Ad Kumbh Mela at Allahabad, if so, what?

The Honourable Mr. D. T. Chadwick : Government have reason to believe that the Railway Administrations will make such arrangements as may be necessary.

IDENTIFICATION OF ELECTORS.

384. ***Lala Girdharilal Agarwala :** In case of electors who have a right to vote at election of more than one candidate, one for the Provincial Council and the other for Legislative Assembly, at the same time and before the same polling officer, is the elector required to be identified only once or more than once before voting for each candidate?

Mr. L. Graham : The Honourable Member is referred to the regulations made by the Local Governments under rule 13 of the various provincial electoral rules, and to the notifications issued by the Governor General in Council under the proviso to rule 13 of the Legislative Assembly Electoral Rules.

Mr. K. Ahmed : Is it not superfluous that the Returning Officer should get the same elector to be identified twice?

Mr. L. Graham : Sir, I fail to see how this Government is concerned with the performances of the Returning Officer.

GOVERNMENT LOAN ISSUE.

385. ***Mr. Mannohandas Ramji :** Will the Government be pleased to state :

(a) what is the total amount of Government Loan Issue up to the end of the last financial year?

(b) what is the total book-value of the revenue-earning assets such as Railways, Irrigation, Telegraphs, etc., up to the same period?

(c) what is the percentage of assets to total debt?

(d) how the percentage in the case of India compares with such percentage in the case of other leading countries like England, France, America, and Japan?

- (e) whether it is a fact that there is a considerable appreciation in value, as compared with the book-value, of the revenue-earning assets according to present cost of construction ?

The Honourable Sir Basil Blackett : The final accounts for 1922-23 are not yet ready. The information in regard to parts (a), (b) and (c) of the question is therefore not available. The Government have not the information required to answer part (d). Part (e) would require a number of hypothetical assumptions to be made before an answer could be given.

RETRENCHMENTS ON RAILWAYS.

386. * **Mr. K. B. L. Agnihotri :** (a) Will the Government be pleased to give the number of employes including daily rated labour who have been removed or given compulsory leave in the Bengal-Nagpur Railway, Oudh and Rohilkhand Railway and North-Western Railway and Great Indian Peninsula Railway, due to retrenchment ?

(b) How many of these are Indians, Anglo-Indians and Europeans ?

Mr. G. G. Sim : Information on this matter will be included in the budget memorandum for next year.

RECRUITMENT OF RAILWAY STAFF.

387. * **Mr. K. B. L. Agnihotri :** (a) Is the recruitment to the Officers' and Upper Subordinate ranks of the Railways made by competition or by nomination ?

(b) How many such appointments were made during the year 1922-23 ?

(c) How many of them are Indians, Anglo-Indians and Europeans ?

The Honourable Mr. D. T. Chadwick : (a) Recruits for the Superior (Officers') Establishment of State Railways are appointed both in England and in India. In the former case they are appointed by the Secretary of State for India acting on the advice of a Selection Committee.

In India, the Engineering Department is recruited from the Thomason College, Roorkee, and the Bengal Engineering College, Sibpur,—a certain number of appointments being guaranteed.

The system of nomination for appointment to the Traffic Department has ceased and the introduction of a system of selection by competition is under consideration.

As regards subordinates of all departments on pay above Rs. 250 per mensem—save for a few specialist mechanics and foremen who are appointed by the High Commissioner for India acting on the advice of the Consulting Engineers to the Secretary of State, appointments are made, as occasion demands, from the Locomotive Shop and running staff who possess the necessary qualifications.

As regards other departments—vacancies in the Upper ranks of the subordinate cadre are filled ordinarily by promotion of the most efficient men already in employment.

(b) and (c). 19 appointments to the Superior Establishment were made on State Railways during the year 1922-23. Fourteen of these

were Europeans and 5 Indians. Subordinate appointments are made by the local railway authorities and the information which the Honourable Member requires can be obtained from the classified List—copies of which are in the Library.

Mr. K. Ahmed ; From the answer it appears that 5 Indians have been appointed. Out of that number, how many of them are Anglo-Indians and how many of them are Indians ? Are Anglo-Indians included among Indians ?

The Honourable Mr. D. T. Chadwick : The only information I have at present is that 14 of these were Europeans and 5 Indians, but I will inquire.

UNIVERSITY BILL.

388. ***Rai Tara Prosanna Mukherjee Bahadur** : (a) Will the Government be pleased to state, whether the Bengal Government has placed the *University Bill* before this Government for its opinion ?

(b) If the said University Bill is placed before this Government for its opinion, does the Government intend to place the said University Bill before the Assembly for its opinion ?

Mr. L. Graham : (a) No ; the Government of Bengal have however submitted a draft Calcutta University Bill for the sanction of the Governor General under section 80-A of the Government of India Act.

(b) No answer can be given to a hypothetical question.

STATEMENT IN THE PRESS RE A STERLING LOAN IN LONDON.

Mr. Abul Kasem : Sir, I want to put a question of which I have given private notice to the Honourable Member in charge of the Finance Department.

Has the attention of Government been drawn to the statements made in the press that the Government of India is about to issue a loan of 50 millions sterling in London, and, if it is a fact, when they propose to do so ? If not, will the Government be pleased to state what are the facts ?

The Honourable Sir Basil Blackett : Sir, I am glad of the opportunity of correcting misapprehensions which appear to be prevalent on this subject. The Government of India loan for 20 millions which was issued in London in May last fully covered our estimated capital requirements for the current financial year. There is no intention of making any further issue in London in the near future. The East India Loans Bill, which was recently introduced into the House of Commons and was necessary, because the Statutory authority of Parliament is required for the issue of an Indian loan in London, provides for the borrowing of 50 millions in the United Kingdom by the Secretary of State, and is no doubt the reason for the misconception.

The purpose of the Bill is to supplement the unexhausted borrowing powers under the provisions of the existing East India Loans Act which had been reduced by the issue of the last loan to a very small amount. It was thought desirable during the present session of Parliament to

obtain powers in order that, if and when the issue of a further loan in London becomes necessary in pursuance of the existing capital programme of the Government of India, there might be no risk of a favourable opportunity being missed owing to the absence of Parliamentary sanction.

UNSTARRED QUESTIONS AND ANSWERS.

HARDSHIPS OF PASSENGERS ON EAST INDIAN RAILWAY.

127. **Munshi Abdul Rahman** : (1) Are the Government aware of the allegations by the passengers of the East Indian Railway :

- (A) That the third class passengers in the East Indian Railway suffer a great deal for want of drinking water as there are no proper arrangement for the same except by the "Seva Samity" specially in the Sitarampur Junction, Baraker, Gomoh Junction, Hazaribagh Road, Choba, Kodarma, Gujhandi, Gurpa, Paharpur, Rafgunje, Palmergaunje, Sone East Bank Junction, Dehri-on-Sone stations during the summer days of May and June (the hydrants remaining closed in almost all the stations) ?
- (B) That as there are rush of passengers in the above stations many illiterate villagers who come from remote places have to wait for days together as they cannot afford to pay money to the guards and other station staff for preferential treatment ?
- (C) That double the allotted number of passengers are put in the third class compartments for want of accommodation causing great inconvenience and injury to their health ?
- (D) That the station coolies exact money from the poor illiterate passengers by forcibly keeping back their luggage ?
- (E) That in the above stations there always remain rush of passengers as the pilgrims to Gaya, Benares, Jaganath (Puri) travel from these stations ?

(2) If not do the Government propose to enquire and take proper steps to remove these grievances of the poor third class passengers ?

Mr. G. G. Sim : (1) (a), (b), (c) and (e). Government are not aware of the allegations referred to, but the attention of the Honourable Member is invited to the concluding portion of paragraph 67, Chapter VII of the Administration Report on Indian Railways, 1921-22, Volume I, copies of which are available in the Library and to the answer given in this Assembly on 27th March 1923 to question No. 663 asked by Babu Baidyanath Prasad Sinha on the subject of overcrowding in third class carriages.

(1) (d). The tariff which coolies are authorised to charge for services rendered is fixed by the Railway Administration and each complaint forms the subject of inquiry and if a licensed porter is proved to be guilty of harassing a passenger, he is summarily dismissed.

(2) In the circumstances explained, Government do not propose to take any further action.

WATER SUPPLY IN RAISINA HOSTEL.

128. **Mr. Saiyed Muhammad Abdulla** : (1) Is it not a fact that the drinking water supply in the new Raisina Hostel, Delhi, is defective, owing to the close proximity of the drinking water pipes in the kitchens to the pipes for taking underground the refuse of the kitchens, used up bath water and the night-soils, possibly contaminating the sources of the drinking water ? If so, do the Government propose to provide necessary wells or set pipes in the courtyard of the Hostel for supplying drinking water ?

(2) What sort of water is stored in the tanks on the roof of the Hostel and for what purpose is it used ? Are the tanks ever emptied of the stagnant water and cleansed ?

The Honourable Mr. A. O. Chatterjee : (1) The answer to the first part of the question is in the negative. The second part does not, therefore, arise.

(2) Filtered water for general purposes. The tanks are cleaned at frequent intervals.

PLAGUE IN DELHI.

129. **Mr. Saiyed Muhammad Abdulla** : (1) What were the causes of the outbreak of plague in Delhi this year ?

(2) Was the drinking water in the affected area examined and found free from impurities ?

(3) What steps are taken to prevent percolation of the obnoxious matters underground into the sources of the drinking water ?

Mr. M. S. D. Butler : (1) Plague is a rat disease and the cause of the epidemic was heavy rat infestation of grain godowns and domestic houses.

(2) The water issued from the central waterworks is examined daily both chemically and bacteriologically. The standard of purity for this water is very high.

(3) No steps other than seeing that pipes are soundly jointed.

RAILWAY PROJECTS.

130. **Mr. Saiyed Muhammad Abdulla** : How far have the projects of the following Railway construction advanced and when are they likely to be undertaken :

(a) From Sainthia or Ahmadpur on the East Indian Railway Loop line to Kandi (Murshidabad) and thence to Berhampur ?

(b) From Chuadanga on the Eastern Bengal State Railway to Meharpur (Nadia) and thence to Jallangi ?

(c) From Bansi on the Bhagalpur-Bansi Branch of the East Indian Railway Loop to Dumka (Santhal Parganas) and thence to Suri or Rampur-hat ?

Mr. G. G. Sim : (a) The line has not yet been surveyed in detail and it is not possible to say whether and if so, when its construction will be undertaken.

(b) There is no such project under contemplation. The only projected railway in the area is from Krishnagar to Jallangi *via* Meherpur, the consideration of which has been deferred pending a decision in regard to the projected Sainthia Bhairamara Railway.

(c) The railway under consideration is from Bausi to Sainthia or Nalhathi *via* Naya Dumka. The financial prospects of this line are not sufficiently favourable to justify its construction under present conditions.

FAMINE RAILWAYS.

131. **Babu Braja Sundar Dass** : (a) Will the Government be pleased to state the names of the Famine Railways ?

(b) What railways received help from the Famine Insurance Fund and when ?

(c) What railways were started within the last 10 years for the same purpose ?

Mr. G. G. Sim : (a) and (b). The Honourable Member is referred to Accounts Nos. 48 and 73 of the Finance and Revenue Accounts of the Government of India for 1920-21 and previous periods.

(c) No such railways have been started within the last 10 years.

ARRANGEMENTS FOR PILGRIM TRAFFIC.

132. **Babu Braja Sundar Dass** : (a) Is it a fact that there has been a great rush of pilgrims to Puri for the Rath Festival ?

(b) Have the authorities of the Bengal-Nagpur Railway opened any booking offices in the town ?

(c) What arrangements for supplying good drinking water to the Pilgrims have been made by the Bengal-Nagpur Railway between Howrah and Puri ?

(d) What steps do Government propose to take to ensure that during heavy rush of pilgrims the Bengal-Nagpur Railway authorities do not huddle together men and women in passenger compartments and that they do not allow more people into compartments than their prescribed carrying capacity ?

Mr. G. G. Sim : (a), (b) and (c). Government have no information.

(d) On such occasions a certain amount of overcrowding is inevitable and Government do not propose to take any action.

MESSAGE FROM HIS EXCELLENCY THE VICEROY.

Mr. President : I have received the following Message from His Excellency the Viceroy :

“ In pursuance of sub-section (3) of section 63-B of the Government of India Act, I Rufus Daniel Isaacs, Earl of Reading, hereby require the attendance of the Members of the Legislative Assembly in the Assembly Chamber at 11 O’Clock on Saturday the 28th July 1923. ”

(Sd.) **READING,**
Viceroy and Governor General.”

QUESTIONS ON THE KENYA AFFAIRS.

Mr. T. V. Seshagiri Ayyar (Madras : Nominated Non-Official) : Sir, before further business is proceeded with, may I, with your permission, ask certain questions of the Honourable the Education Member and the Honourable the Commerce Member ?

Mr. President : Has the Honourable Member the assent of the Government Member concerned ?

Mr. M. S. D. Butler (Secretary, Department of Education, Health and Lands) : I am prepared to reply to the questions, Sir.

Mr. T. V. Seshagiri Ayyar : The first question is this : Will the Government be pleased to state whether they have made or intend making any further representation to the Government at Home with reference to their decision on the Kenya question ?

Mr. M. S. D. Butler : Sir, the Government of India intend to make a representation to secure that Indian interests are duly safeguarded in translating into practice the broad general principles enunciated by His Majesty's Government.

Mr. T. V. Seshagiri Ayyar : May I ask a supplementary question ? Does it mean that the Government of India does not intend to protest against the decision which has been come to on the subject by the Government at Home ?

Mr. M. S. D. Butler : We have had no time at present to consider that, but it is clear that the principles enunciated are of importance particularly in their application, and the Government of India have already decided that, in respect of the application of those principles, especially in the case of immigration, it will be necessary forthwith to make a representation.

Dr. H. S. Gour (Nagpur Division : Non-Muhammadian) : May I ask of the Honourable Member answering the question whether the Government of India have decided to accept the principles enunciated by the British Cabinet ?

The Honourable Sir Malcolm Hailey (Home Member) : The House will, I think, realise that we are only just in possession of Reuter's message on the subject. That arrived, either yesterday morning or the evening before. It is quite impossible for the Government of India in the time to arrive at a decision whether it will fully accept the decision of the Cabinet or not. *Prima facie* I may say, however, this—that we have to deal with a decision of the Cabinet arrived at after hearing both sides of the question ; and I fail to understand the suggestion that we could refuse to accept it. Whether we protest against it, or not is of course a different question.

Dr. H. S. Gour : Am I to understand that the Honourable the Home Member is not in possession of any official telegram received announcing the decision of the British Cabinet ?

The Honourable Sir Malcolm Hailey : We are ; but we are not in possession of the full wording of the decision of the Cabinet, other than that comprised in Reuter's telegram.

Mr. N. M. Samarth (Bombay : Nominated Non-Official) : Even a full summary of the White Paper has not been issued to the Government of India ?

The Honourable Sir Malcolm Hailey : We believe that Reuter's summary is full, and we have also had an abbreviated summary, but we are naturally awaiting the White Paper itself.

Mr. N. M. Samarth : Meanwhile is the Government of India justified in saying that the general principles laid down are broad or narrow ?

The Honourable Sir Malcolm Hailey : That is a matter of opinion. What my Honourable friend was referring to was the general principle laid down on the subject of immigration. That is obviously a question which will interest us most in its application, and as Mr. Butler said, it is the intention of the Government of India to do its best to safeguard the translation of that principle into practice.

Mr. T. V. Seshagiri Ayyar : Will the Government be pleased to make a statement regarding their recommendations to the British Government on the subject of the position of Indians in Kenya, and also be pleased to lay on the table the correspondence which passed between them and the Secretary of State for India ?

Mr. M. S. D. Butler : The question of publishing the correspondence, in so far as it is not of a confidential nature, is being considered. Pending the decision of this question, the Government are not in a position to make a detailed statement.

Mr. T. V. Seshagiri Ayyar : Has the Government any information that the position of Indians overseas is not to be included in the agenda of the forthcoming Imperial Conference ? If it has been decided not to include it, will the Government be pleased to insist on its inclusion in order to enable the Indian delegates to lay before the Conference the Indian point of view regarding our brethren overseas ?

Mr. M. S. D. Butler : The Government understand that the subject of the relations of India to the "C" mandated territories has been included in the Agenda. They do not consider that it is at present advisable to press the inclusion of any other subject, considering that the general principles have been laid down in clear terms by the Imperial Conference held in 1921. But the question as to how far the Imperial Conference can be further utilised to promote Indian interests in this matter will be considered.

Mr. T. V. Seshagiri Ayyar : I will now ask a question of the Honourable the Commerce Member. Will the Government be pleased to state,

in view of the decision of the Cabinet on the Kenya question, whether they would ask the Secretary of State for India not to take part in the Empire Exhibition to be held in 1924 ?

The Honourable Mr. D. T. Chadwick : The Government of India are not prepared to take the course of action suggested.

Mr. T. V. Seshagiri Ayyar : Can the Honourable Member give us any reasons as to why that decision has been come to ?

The Honourable Mr. D. T. Chadwick : The reasons are obvious.

Mr. T. V. Seshagiri Ayyar : Not to us.

Rao Bahadur T. Rangachariar : Was the question considered by the Government of India ?

The Honourable Mr. D. T. Chadwick : The answer given is given in the name of the Government of India.

Dr. H. S. Gour : May I ask the Honourable Member if his reply is a considered reply in view of the fact that the Honourable the Home Member has just now announced to the House that not being in possession of the White Paper or of an authenticated summary of the decision of the Cabinet the Government of India are not in a position to say whether they accept the principle enunciated by the Cabinet, and whether after perusal of the Paper if they do not accept the principle they would still adhere to the decision of joining the Empire Exhibition, though they may have to protest against the principle ?

The Honourable Mr. D. T. Chadwick : One decision of Government, Sir, may alter another decision of Government. I do not know what decision the Government of India may come to when the White Paper is received, and not knowing that decision I do not know how that decision, when that decision is arrived at, will alter the decision given at present !

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Secretary of the Council of State :

“ I am directed to inform you that the Council of State have, at their meeting held on the 24th July, 1923, agreed without any amendments to the following Bills which have been passed by the Legislative Assembly :

A Bill further to amend the Indian Stamp Act, 1899 ; a Bill further to amend the Code of Criminal Procedure, 1898, for certain purposes ; a Bill to amend the Indian Territorial Force Act, 1920, and the Auxiliary Force Act, 1920, for certain purposes ; a Bill further to amend the Indian Lunacy Act, 1912 ; a Bill further to amend the Indian Army Act, 1911, and the Indian Lunacy Act, 1912, for certain purposes ; a Bill to amend the Kutchi Memons Act, 1920 ; and a Bill further to amend the Code of Criminal Procedure, 1898.”

MOTION FOR ADJOURNMENT.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, I understand that notice has been given by my leader, Mr. Seshagiri Ayyar, of a motion similar to mine, and I therefore beg to withdraw in his favour.

Mr. T. V. Seshagiri Ayyar (Madras : Nominated Non-Official) : My notice is in these terms :

" I hereby give notice of my intention to move the adjournment of the Assembly on the 27th July, in order to call attention to an urgent matter of public importance concerning the position of Indians in Kenya in the light of the decision of the British Government with a view to express the opinion of the Assembly on such decision."

Sir, I ask your permission to move the adjournment of the House at the proper time. This is a matter of considerable importance—there is no doubt about it. I think the country from one end to the other is feeling very keenly the decision which has been arrived at by the Government at Home. It is also urgent in this sense, that the decision has recently been reached, it has created unprecedented tension in India, and we shall be going away tomorrow without having had an opportunity of giving to this House our opinion unless this motion is made. Under these circumstances, having regard to the gravity of the situation, the importance of the subject and the urgency of it, I ask your permission, Sir, to move the adjournment of the House this afternoon.

Mr. President : The Honourable Member asks leave to move the adjournment of the business of the Assembly to-day in order to call attention to an urgent matter of public importance concerning the position of Indians in Kenya in the light of the decision of the British Government with a view to express the opinion of the Assembly on the said decision. I am afraid that under sub-section (iii) of rule 12 the Honourable Member proposes to revive discussion on a subject which has already been fully debated and therefore I cannot admit his request.

Mr. T. V. Seshagiri Ayyar : May I say a word. That was with reference to influencing the decision of the Home Government. This is to criticise the decision of the Home Government. Therefore, Sir, the two matters are not of the same character. But of course, if you decide it cannot be moved there is an end of the matter. We would like, however, to draw your attention to the fact that the discussion which we had in this House the other day related to influencing the opinion of the Home Government in favour of Kenya Indians ; but now that the decision has been given against them, we are making an attempt to criticise that decision in order to point out how grievously the Government at Home has erred in their treatment of Indians. That, Sir, I submit, is different from what has taken place already.

Mr. President : The Honourable Member's motion in the first place must concern a matter in which the responsibility of the Governor General is definitely engaged. The Honourable Member is aware that the Governor General has been a party to this discussion, but the decision made by the Home Government is a decision for which the Governor General is not primarily responsible, and in any case as I have pointed

out to him this proposal raises a matter which has been already discussed more than once during the present session.

Sir Deva Prasad Sarvadhikary (Calcutta : Non-Muhammadan Urban) : Sir, with reference to what has fallen from you, may I draw your attention to what has been just stated by the Honourable the Home Member, namely, that in the absence of the full text of the White Paper Government has not been able quite to decide what line to take. Although the Governor General's responsibility is primary with regard to arriving at a decision, yet in the light of what has been telegraphed from England by Reuter, I think this House is still at liberty and to place the views of the country as far as possible with the purpose of further influencing it on the new materials now forthcoming before the Government : And from that point of view as well as from the point of view that the decision itself was not before the House when the question was discussed on previous occasions, we hope you will be pleased to reconsider your decision and allow the House to make its views known to the Government so that its future action may be influenced by what we have to say.

Mr. President : The Honourable Member is aware that the rule says that a motion of this kind must not revive discussion of a matter which has already been discussed, and I am afraid he will be much more ingenious than I am to be able to discuss that matter without reviving the previous debate.

Sir Deva Prasad Sarvadhikary : It is the future with which we are concerned now.

RESOLUTION RE BRITISH CABINET'S DECISION RE KENYA.

Rao Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : In view of the decision on the motion which my Honourable friend moved, I am throwing a responsibility on you, Sir, by the request I am about to make. The request which I am making is under paragraph 22, sub-clause (2) which you will find at page 9 of the Manual of Business :

“ Save as otherwise provided in the rules or standing orders, no business not included in the list of business for the day shall be transacted at any meeting without the leave of the President.”

Sir, I ask your leave under that clause after the legitimate business of the day is over, which must have precedence under that paragraph, that this business may be transacted, namely the Resolution which I propose to move, if you permit me to do so, in these terms :

“ The Assembly recommends to His Excellency the Governor General in Council that in as much as His Majesty's Government have decided to ignore the united representations made by the Government of India and the people of this country on the Kenya question, he may be pleased to take early steps :

- (i) to cease to take any further part in the British Empire Exhibition, and
- (ii) to explore the possibility of imposing prohibitive tariffs on all imports from the colonies and dominions.”

Sir, at the time I wrote to you, I also wrote to the Honourable Member in charge of the subject whether he proposed to raise any objection or whether he would consent to this procedure. I am sorry to say—and it is with extreme regret that I have to say it that the Honourable

[Rao Bahadur T. Rangachariar.]

Member in charge, the Honourable Sir B. N. Sarma, sees objections to this procedure which I propose to adopt. I much regret to have to say this ; but, Sir, under this clause his objection or consent does not matter. The responsibility is yours and here I may mention that the language used in paragraph 22 (2) is "transaction of business." I know that the Honourable Member for Government may rely on rule 107 (at page 36 of the Manual) which says that a Member who wishes to move a Resolution shall give fifteen days' notice and shall together with the notice submit a copy of the Resolution which he wishes to move : Provided that the President, with the consent of the Member of the Government to whose department the Resolution relates, may allow it to be entered on the list of business with shorter notice than fifteen days. That, Sir, has reference to entering on the list of business, which as you are aware the Secretary does before the day of the meeting. It has nothing whatever to do with rule 22 (2) which deals with transaction of business on the day other than the business entered on the list. So this power is reserved to you, Sir, under rule 22 (2) in order to provide for emergencies of this kind, where a dying Assembly has got to face a critical situation in the country. Sir, that is my first point, namely, that you have the power.

The second point will be, why should you exercise that power, which I admit must be an exceptional power, no doubt ? My position in regard to that matter is this : this is not a new matter. This ought to have been moved on last Saturday along with the other question which was taken up for discussion on that day. In view of the demand made for moderation on our part, a demand made out of considerations of expediency, I yielded to the request made, and therefore I did not press my motion which I otherwise was entitled to do. The point, Sir, is this : the Government cannot say that they have had no notice of this motion ; they have had ample notice. I submit, Sir, on a subject like this, where we have no more opportunity of moving this Resolution again, where perhaps there will be no Assembly sitting till January next, if not February, when a new Assembly will have to face the situation, where an old Assembly which had dealt with it at various sittings seeks to have an opportunity of discussing this question, where constructive proposals are made in order to enable the Government to face the situation and to protest against this unjust decision which, we say, has been arrived at by His Majesty's Government, in these circumstances, Sir, your responsibility is great. This is the first time, you, as President, are asked to intervene and protect the rights of the people, and I have no doubt, Sir, that they are safe in your hands. I therefore ask for leave.

Mr. President : The Honourable Member, the Assembly will acknowledge, has rarely used his forensic skill with greater effect, but the foisting of responsibility for matters of policy on the Chair must, I am afraid, fail. The operative words, as far as I am concerned, in Standing Order 58, are the words "with the consent of the Member of Government." I might be prepared to meet him more than half way, but unless Government gives its consent, I am unable to do so.

The Honourable Sir Malcolm Hailey (Home Member) : I must be excused if I rise to defend the interests of my friend Sir Narasimha Sarma who is unavoidably absent in the Council of State. I am aware that the Honourable Member in charge was unable to waive the condition of 15 days' notice in this respect ; but there was a very good reason for this. It is perfectly true that that motion was tabled as an amendment to the Resolution which we debated on Saturday last. It is equally true that Mr. Rangachariar, in exercising a feeling of moderation which I think did both him and those who took part in that debate great honour, withdrew that amendment. To that extent we did have notice of it, but that notice did not amount to 15 days, nor has it been effective notice in the sense that we could properly come in that time to a decision on a matter so important as the proposal involving the complete withdrawal of Indian labour from the Crown Colonies.

Rao Bahadur T. Rangachariar : I have not moved that.

The Honourable Sir Malcolm Hailey : That however was the motion which he presented us on Saturday last : in regard to the remaining items, they are of equal importance, and I think the House will agree with me that the Honourable Member in charge of the department could not be expected to face a Resolution of that nature without full notice, to debate such a Resolution which would involve his either accepting or opposing proposals of a very momentous nature.

MOTION OF EXPRESSION OF GRATITUDE TO HIS EXCELLENCY
THE VICEROY IN CONNECTION WITH THE TREATY AT
LAUSANNE.

Mr. Muhammad Yamin Khan (Meerut Division : Muhammadan Rural) : Sir, I also beg your leave to move a Resolution of which I have already given notice. If the Honourable the Home Member and your worthy self have no objection I will move it. My Resolution runs thus :

" This Assembly recommends to His Excellency the Governor General in Council to convey its gratitude to His Excellency the Viceroy for having made a thorough representation of the sentiments of the Indian Mussalmans to the Home Government which had a great effect in bringing about the treaty at Lausanne in its present form."

Sir, this is a very non-contentious Resolution, and it is merely conveying the expression of gratitude of this Assembly to His Excellency the Viceroy, and if there is no objection I will move this Resolution formally without a lengthy speech.

Mr. President : I cannot accept this in the form of a Resolution. The Honourable Member states that it is of a non-contentious character, and as far as I can judge it is. I am therefore prepared to take it under Standing Order 74 by which communications from the Assembly may be made to the Governor General either by formal address or through the President. I suggest, if this is to be treated as a non-controversial business, that the Assembly should authorise me as their representative to convey that message to His Excellency the Viceroy, and as it is desirable to get the endorsement of the Assembly, I would suggest that he should move the motion in the following form :

" That this Assembly requests Mr. President to convey to His Excellency the Governor General the thanks of the Assembly for the efforts made by His Excellency

[Mr. President.]

to place the views of the Mussalmans of India before His Majesty's Government during the course of the negotiations at Lausanne now so happily terminated by the signature of peace."

If the Honourable Member is prepared to accept the Resolution in that form, I shall have great pleasure in conveying it to His Excellency.

Mr. Muhammad Yamin Khan : I am quite prepared to accept it, Sir. I therefore move.

The motion was adopted.

THE ILLEGITIMATE SONS RIGHTS BILL.

M. K. Reddi Garu (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : Sir, I beg to place on the table the Report of the Select Committee on the Bill to amend the Hindu Law of Succession.

THE LEGAL PRACTITIONERS BILL.

Rao Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, I beg to move :

"That the Bill to amend the law relating to Legal Practitioners in India be circulated for the purpose of eliciting opinions thereon."

I briefly explained, Sir, the other day the central object underlying this measure, namely, to create an Indian Bar. I do not think it is necessary to reiterate now what I stated then. I do not think that it is right for this Assembly to pass a measure of such importance during its short existing life, and it is only right that on a matter of this sort opinions should be elicited. I am glad that the Honourable the Home Member announced the other day that he was going to appoint a Committee to go into the whole matter. We welcomed that announcement knowing that an expert Committee will be able to deal with the matter with satisfaction. Meanwhile, in order to enable the Committee to come to a proper decision, the proposal which I make will be of great use. They will get opinions on these constructive proposals which will be the skeleton on which the Committee may work. I, therefore, Sir, commend this motion for the acceptance of this House.

The Honourable Sir Malcolm Hailey (Home Member) : As I made clear in speaking on the introduction of this Bill, there are many aspects of it with which Government does not agree and there are many details which it cannot accept. At the same time, I agree with Mr. Rangachariar that it would be well that those who have to consider this question in connection with the inquiries of the Committee which we contemplate, should have this Bill before them as a concrete measure showing what is intended by those who support one of the several possible solutions of the question. We shall, therefore, agree to the proposal for circulation, but we shall call the attention of all concerned to the fact that a Committee is about to be appointed on the subject, and no doubt in dealing with the Bill, they will remember that their opinions will also be called for by that Committee.

The motion was adopted.

THE IMMIGRATION INTO INDIA BILL.

Dr. H. S. Gour (Nagpur Division : Non-Muhammadan) : Sir, I beg to move for leave :

“ To introduce a Bill to regulate the entry into and residence in British India of persons domiciled in other British Possessions.”

Honourable Members will find that this Bill which I seek the leave of the House to introduce to-day is supported by a Resolution of the Imperial Conference passed in the following terms. In the Imperial Conference of 1918 it was resolved as follows :

“ It is an inherent function of the Government of the several countries, communities of the British Commonwealth, including India, that each should enjoy complete control of the composition of its own population by means of restriction of immigration from any of the other communities.”

The right of the Government of India is recognised to enact laws which shall have the effect of subjecting British citizens domiciled in any other British country to the same conditions in visiting India as those imposed on Indians desiring to visit such country. Honourable Members will thus find that the principle of reciprocating enunciated and embodied in this Bill was recognised at the Imperial Conference when it was laid down that the Government of India possess the power to make laws for the purpose of ensuring that immigrants to this country should possess the same rights and be subjected to similar disabilities as the people of India visiting other parts of the British Empire enjoy and suffer. So far, therefore, as the right of the Government of India to legislate upon the lines of my Bill is concerned, there can be no question. The Imperial Conference have recognised the right, and the only question that arises now is whether the time is ripe for undertaking such legislation. Well, Sir, with the recent happenings relating to Kenya, I shall not be long in asking this House to give me leave to introduce this Bill. Honourable Members will find that in the Imperial Conference of 1921, it was decided as follows :

“ This Conference, whilst re-affirming the Resolution of the Imperial War Conference in 1918 that each community of the British Commonwealth should enjoy complete control of the position of its own population by means of restriction of immigration from any of the other communities, recognise that there is an incongruity between the position of India as an equal member of the British Empire and the existence of disabilities upon British Indians lawfully domiciled in some other parts of the Empire. The Conference accordingly is of the opinion that in the interests of the solidarity of the British Commonwealth it is desirable that the rights of such Indians to citizenship should be recognised.”

Now, Sir, this was the decision given two years back at the Imperial Conference. That the right of the Indians to citizenship in the British possessions and colonies should be recognised and this right originated from the recognition of India as a partner in the British Commonwealth, that it was a right which India as a partner in the British Commonwealth was entitled to enjoy, is, I submit, recognised by the Imperial Conference, and against which there was no protest except from General Smuts, who said that the representatives of South Africa regretted their inability to accept this Resolution in view of the exceptional circumstances of the greater part of the Union. General Smuts in 1917 had pointed out that, if there is a restriction of immigration, the rest of the question was easy

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of solution and that, so far as the white settlers in South Africa were concerned, if some check would be devised to prevent the free immigration of Indians, their right to equal citizenship could not be denied. Speaking in 1917, this is what General Smuts said :

" All I invite the Conference to do, in accepting the principle of reciprocity of treatment between India and other Dominions in this matter of emigration and visits is to commend to the favourable consideration of the Government concerned a memorandum which we have laid before the Conference."

He favoured the principle of reciprocity and, in the memorandum which is printed at the end of these proceedings, he pointed out that, if the white settlers are able to restrict immigration into South Africa from India, they would be prepared to concede equal rights of citizenship upon those who were resident there. Now, Sir, the disabilities from which the people of India suffer in the Crown and Self-Governing Colonies of England is a by-word. In a book published by Lord Bryce on his impressions of South Africa, he points out the galling distinctions made by the white settlers against the Indians in that country. In a recent Renter's telegram, to which reference has been made this morning, the decision of the Cabinet is summarised, and on no less than three or four occasions the British Cabinet have emphasised their position as trustees for the natives of South Africa and they justify their decision.....

Mr. President : Order, order. On the motion for leave to introduce a Bill, the Member asking for leave must, under the rule, confine himself to a very brief statement of the principle and occasion of the Bill. The Honourable Member will have a further opportunity, as he knows, when he comes to the motion for consideration.

Dr. H. S. Gour : I shall very briefly close, Sir, my remarks by saying that the British Cabinet justify their decision on the ground of their trusteeship of the people of South Africa. I shall, if my motion succeeds, a few moments later show to you how hollow is that claim and how unjustifiable is that assumption. For the present I rest content with asking this House to accord me leave to introduce my Bill.

Mr. President : The question is :

" That leave be given to introduce a Bill to regulate the entry into and residence in British India of persons domiciled in other British Possessions."

The motion was adopted.

Dr. H. S. Gour : Sir, I now introduce the Bill. Sir, I move :

" That the Bill to regulate the entry into and residence in British India of persons domiciled in other British Possessions be taken into consideration."

I shall, Sir, now very briefly give to the House the reasons why they should immediately pass into law this Bill which has just been introduced. A few moments back I referred to the decision of the British Cabinet in connection with Kenya.

And I then pointed out that the British Cabinet took their stand upon the restrictions which they justified and sanctioned against the free entry of Indians into Kenya, their exclusion from the Highlands and the grant of a communal franchise as opposed to the common franchise which the Indians claimed, on the ground that they are trustees for the natives of South Africa. In no less than four places which I have marked in this Reuter's cablegram the British Cabinet say that they are trustees for the people of South Africa and are therefore constrained to make these distinctions. Their first reference is in the following words :

" His Majesty's Government regard themselves as exercising a trust on behalf of the African population and they are unable to delegate or share their trust the object of which may be defined as the protection and advancement of the native races."

Noble words, magnificent expression ! But let the historian speak of what they are actually doing in South Africa ! I use language not all my own : no less a historian than Lord Bryce, writing of the history of South Africa after his visit to that colony, wrote of this trusteeship in the following terms, (*A Voice* : " In what year ? ") in 1897 (*Mr. N. M. Joshi* : " That is all right ; things have grown worse.") This is what Lord Bryce wrote in his *Impressions of South Africa* :

" At present, he (that is, the white settler) considers that the native exists solely for his own benefit. He is harsh or gentle according to his own temper. But whether harsh or gentle, he is apt to think of the black man just as he thinks of an ox, and to ignore native rights when they are inconvenient to himself."

This is the trusteeship which the British Cabinet enunciate and re-enunciate in the despatch under reference. This book contains pages after pages of clear and direct indictment of the policy which is said to underlie the decision of the British Government. (*The Honourable Sir Malcolm Hailey* : " It dates over a quarter of a century ago.") Yes : But remember the Ordinances of 1923. Now, Sir, the Honourable Members will observe that all the British possessions may be divided into three classes. The constitutional historian would divide them into three classes. We have at the topmost rung of the ladder what is known as the ' self-governing colonies,' of which Australia, Canada and South Africa are examples. Secondly, we have possessions known as Crown Colonies, in which the Crown is directly responsible for the government of that country. An instance of this is to be found in the case of Kenya. Lastly we have ' government by the British Crown,' subject to what is known as the mandate. An instance of this is to be found in the case of Tanganyika.

The policy of the British Government in respect of the self-governing colonies has been to leave the colonies alone and let them decide their own policy of immigration. When we make protests to the British Cabinet, we are told that, with the grant of self-government and the establishment of local autonomy, it is for the colonies concerned to decide their policy regarding the composition of their own population. But when similar distinctions against Indians are made in the Crown Colonies, as in the case of Kenya, and when we protest and ask the British Cabinet to place us on the same footing as are the other British settlers, we are told that the British Cabinet is the trustee of the people of that country. When similar distinctions are placed on the Statute Book in the case of the mandated

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territories, and we protest, we are told that these distinctions are not made against Indians but are made with a view to the promotion of the advancement of the indigenous population. Now, Sir, I take my stand upon the indubitable right of this country to exercise the same degree of freedom and autonomy as is conferred by the Imperial Conference upon the colonies; and if the colonies have their right of making laws enacting galling distinctions against Indians, how long shall we tolerate it. We have used language of extreme and studied moderation when we were hearing the sound of rattling sabres from the colonists of South Africa; we have tolerated language on those occasions which we would not have tolerated, because we were counselled to be moderate and temperate in our demands.

The Honourable the Home Member has acknowledged the moderation of our tone in the recent debate on the Kenya question. Our moderation has borne no fruit—the decision has gone against us upon all the points which were vital to a satisfactory and honourable settlement to the people of India. (*The Honourable Sir Malcolm Hailey* : “All ?”) (*Sir Deva Prasad Sarvadhikary* : “Nearly.”) We are asked, all ? Well, Sir, I pointed out on the last occasion when I spoke on the subject that the exclusion of Indians from the Highlands of Kenya was one against which the Indian delegates and the Kenya delegates alike protested. I pointed out that both the Kenya and the Indian delegates strongly opposed the establishment of a communal franchise. I also pointed out that we object to restrictions placed upon free immigration. On all these three points the decision has gone against India. It will be said, on the other side, what about segregation,—the question of segregation has been decided in your favour. It is perfectly true that the question of segregation within municipal areas has been decided in our favour, but we have been segregated from the highlands of Kenya where, as I pointed out on the last occasion, a small fraction of the land has been given out to Europeans, and the rest of the highlands are awaiting cultivation, and of which the Indians are anxious to secure a fair share.

My friend the Honourable the Home Member says with feigned astonishment ‘All ?’. Well, Sir, I will read to you the latest telegram of one of our delegates, the Right Honourable Mr. Sastri who in an interview with Reuter “condemned Kenya settlement as profound humiliation and deepest affront to India.” I do not think stronger language could have been used than has been used by the Right Honourable Mr. Sastri. But if it were a case of the maltreatment of Indians in one Colony, we might have said that this was not the normal treatment by the British settlers and that the Indians are treated well elsewhere. Let me depict to you in brief the picture of the treatment which Indians suffer at the hands of white settlers in the various Colonies. In South Africa there is a law prohibiting the issue of hawking licenses to Indians. In Natal there is a law which prohibits the sale or lease of Municipal land to Indians. In Transvaal there is a prohibition of the right to acquire land except in demarcated areas, and these areas have never been demarcated in spite of the requisitions of the Indians to make the demarcation contemplated in

the Ordinance. In Transval and in many other parts there is a complete segregation in towns, and added to this there is a social boycott which is far more galling than the boycott created by law. Indians are not admitted to the hotels; they are not admitted to compartments, first class compartments on the South African Railways, but are isolated in compartments set apart for them. Even the foot-paths are denied to them. In a recent book published by Sir Robert Buchanan recounting his experiences in South Africa, there occurs the following passage and that describes and gives a vivid description of the treatment to which our countrymen are subjected in that Colony. He says :

“ No man is more appreciative of courtesy than the Indian, and in that respect some of the Europeans in East Africa have a good deal to learn. When I was in Nairobi last October there was a football match between Mombasa and Nairobi which created more interest than anything else in the world at the time. The Indians boycotted the match and were much abused in consequence. But happening to pass a football ground, I saw posters at various entrances ‘ Europeans enter here ; ’ ‘ Asiatics and natives enter here ’. I then understood the feelings of the Indians.”

Well, Sir, this is the position of humiliation to which the people of India are subjected in South Africa. This is the condition of Indians in these Self-Governing Colonies. Only the other day General Smuts is said to have made the following statement :

“ We ask ’, (he says) “ to be masters in our own house and to regulate South Africa according to our ideas. We want to remove patent anomalies and injustices from our Government here in Union and if measures of segregation be considered essential by white community in its own interests, I do not see why should they be resented by Indians in India or here.”

Now, that is a plain statement. The policy that has been sanctioned by the British Cabinet as regards Kenya is not an isolated act of the British Cabinet but is of set purpose to be followed throughout South Africa. General Smuts makes no secret of the fact that he intends to introduce at an early date a measure for the segregation of Indians. This is what the telegram says :

“ General Smuts’ speech at Maritzburg Congress on the 25th July shows determination of Union Government to enforce segregation of Indians by legislation to be introduced in the forthcoming Session of the Union Parliament.”

Those, therefore, who ejaculated the word ‘ all ’ when I said we have lost our all in the settlement about Kenya will remember that those questions of segregation that had been postponed in Kenya are very near realization in the whole of South Africa. I, therefore, submit, Sir, that if the people of South Africa have the right to determine the composition of their own population, so has India, and I submit, therefore that a policy of reciprocity is the only policy which is possible under the circumstances. I have heard friends and sympathisers of the Indian claim speak to me and say : “ But how are you going to enforce this policy of reciprocity ? It would be a mere paper enactment. How is it going to work in practice ? ” I can only hope, Sir, that if the Government of India will assist this House in placing on the Statute-book my Bill on the subject of reciprocity, I feel confident that it will suffice to arouse the enlightened conscience of humanity and bring to the forefront a question which, I submit, no Resolution of this House will be able to solve. It will bring into vivid light the disabilities from which the people of India suffer, and I submit that if it will have no practical effect on either emigration from

[Dr. U. S. Gour.]

South Africa, Australia or the other Colonies, it will have done its work. But, then, Sir, if my friends who are in favour of the principle are yet afraid to lend their support to my measure, I ask them what other alternative have they to suggest. We are suffering from these humiliating and degrading treatment from your fellow-countrymen in the Colonies. If this is not a Bill acceptable to you suggest to us some other practical measure to alleviate our wrongs.

I therefore submit, Sir, that no objection could be taken to our Bill. I submit, Sir, that my Bill is supported by the unanimous recommendation of the Imperial Conference, and the only delegates who objected to it were the delegates from South Africa ; but that does not take away from the fact that it is the decision of the Imperial Conference, to which I submit the British Cabinet was a party. It was the duty of the British Cabinet to respect that decision, and it has been forgotten in connection with the settlement of the Kenya problem. Then, Sir, it has been said that, if you were to pass this Bill, the people of South Africa and other Colonies affected by it will increase the torments and torture of the Indians resident there. I can only hope, Sir, that the principle of reciprocity recognised by the Imperial Conference, and which we wish to give effect to, would not lead to that untoward result. And if the people of South Africa, Australia or elsewhere embark upon a policy of greater persecution, I can only hope that the British Cabinet with its enlightened conscience, will assist the people of India and will prevent the persecution which might be practised. I moreover ask what greater humiliation, what greater persecution of our people across the seas is now possible ? The only thing that they could now do is to raise their rifles and commence shooting Indians wherever they see them. That is the only thing left to them : they are to be segregated, their lands are to be confiscated, trading licenses are not to be given to them, the right of citizenship is denied to them. All this the people of India are already suffering from. What greater humiliation can the people of India suffer ? And I say to my fellow countrymen across the seas, if they are shot, death will be preferable to dishonour. . . .

Rai Bahadur Bakshi Sohan Lal (Jullundur Division : Non-Muham-madan) : What about the threats of violence by the white population of Kenya against the Indian population of the Colony.

Dr. S. H. Gour : I therefore submit, Sir, there is every reason why my Bill should be taken into consideration, and I move that it be taken into consideration.

The Honourable Sir Malcolm Hailey (Home Member) : I beg to move the alternative motion :

“ That this Bill be circulated for the purpose of eliciting opinion thereon.”

In making that motion, I do not propose to cover ground so wide as that taken by Dr. Gour. It will not be necessary for me to enter into the general question of the treatment of Indians in the Dominions, nor to attempt to re-adjust our outlook on the history of that question in the light of the announcements made in the last two days. The attitude of the

Government of India on such questions is well known ; it has from the beginning been both decided and consistent. Let me say at once, that to us some of the discriminations that are made against Indians in the Dominions and in the Possessions are as galling as they can be to Indians. Further than that the fact that over and above legislative enactments, Indians are often subjected to social disabilities of a humiliating nature, appears to us, who have learnt to live on terms, not only of appreciation, but of close friendship with Indians, both in public and in private spheres of life, to be unjustifiable, and cruel ; such discriminations are of a class of which everyone must disapprove. If then I do not dwell at length on the general aspects of the question, it is because I have another and a more limited purpose, and a more restricted line of argument to put before the House. The mover has put forward his Bill on the ground that it is the indubitable right of India to legislate for a policy of reciprocity. We have not opposed the introduction of this Bill because we also have recognised that it is the indubitable right of India in the last resort and on proper occasion arising, to legislate in the sense approved of by the Resolution of 1918. My argument is concerned mainly with the occasion, the nature and circumstances of this Bill. Take first the circumstances in which it has been introduced. It comes in the last session of this House. Even if passed to-day, it could not in the most favourable circumstances come into law until the Council of State has met next January. If therefore I propose circulation for eliciting further opinion, I cannot be accused of making a delaying motion.

A few minutes ago we had a proposal from Mr. Rangachariar that his Bill on the Indian Bar should be circulated ; he knew that it could go no further in the present session, but he regarded it as a matter of importance that the public should be possessed of the proposals contained in his Bill and should have an opportunity of giving their opinion on it. These two Bills therefore are in the same position. I admit that if this particular Bill is circulated, it will lapse. That is true but there can be no more difficulty in reviving it, should it be necessary to do so, than there would be in reviving Mr. Rangachariar's Bill, and if it were revived, it would then be considered by a Chamber which would be in possession of the considered opinion of the public on the subject. That is my first point. I now turn to the Bill itself, and without attempting to deal with its different sections, for I should not be in order in doing so on the present occasion, I will only point to its results ; and I call attention to certain features which must immediately strike even the most cursory student of its terms. In the first place it makes it obligatory on the Governor General to pass certain rules at once, and as far as I understand, it provides for no discrimination at all, although there are very great differences in the manner in which various Colonies and Dominions treat Indians resident in their areas. That is the first result.

Dr. H. S. Gour : May I, Sir, correct a misapprehension on the part of the Honourable the Home Member ? It is in view of that argument that I have put a commencing clause : " It shall come into force on such date as the Governor General in Council may notify in the Gazette of India ". Therefore it does not bind the Governor General in Council immediately to make rules, but to postpone the bringing into operation of the Act till such time as will be notified in the Gazette.

The Honourable Sir Malcolm Hailey : I have not overlooked that clause ; but the House has heard the speech of the Honourable Member and the feeling which lay behind it, a feeling which he says reflects the opinion of the country. What answer should we have if we were faced with a law which rendered it obligatory on us to make rules, and we did not make them. A commencement clause in these circumstances, has a very different effect to a similar clause inserted in such a Bill as, say a revision of the Code of Criminal Procedure.

I have given one result ; I ask the House to look at another. Dr. Gour has referred to the decision in regard to Kenya which has, I am aware, aroused much resentment here and elsewhere. But this Bill would not deal with the settlers in Kenya who may visit India ; very few are domiciled in Kenya ; that is a well-known fact. I will take a third point. The Bill introduces a definition of domicile which, I venture to say, is quite new in Statute law and which, I can certainly add, would involve the greatest difficulties in interpretation. Then, I come to a fourth point. We are visited by large numbers of native inhabitants of Africa, who come in the service of ships and otherwise to Bombay. We have yet to ascertain what the Local Governments would think of a proposal that they should introduce exceptional regulations in regard to the entry of those persons. Take yet another point, and again I am dealing not with the sections of the Bill but with its results. There are Indians who have been resident in the Dominions for over three or four generations. What would be the fate of those Indians under the proposals contained in this Bill if they came back to India ? It would be a sad fate, I think : for they would either be excluded, or suffer from a variety of disabilities as soon as they landed.

I have enumerated some of the difficulties arising from the application of the Bill, and I affirm confidently that difficulties of this nature render it essential that a Bill of this type should be circulated before the House considers it further. I am aware that there are some of my Honourable friends here who have it in mind to propose amendments in order to bring the Bill into something like a condition in which the Legislature can safely pass it. The list of amendments must be a long one, and, even so, I should distrust the ability of this House to deal without further notice with those amendments or to dispose of them in the short time which we can now afford to give to the measure.

But I must go somewhat further. I take the object of the Bill. Now, the object of the Bill is to make it obligatory on us to pass rules which will in brief language render the civic condition of Dominion subjects coming to India the same as that of Indians resident in the Dominions and Possessions. That is its professed object, or I should rather say, that is its object but not its objective. For are the exact measures which it is proposed to enact of any intrinsic value in themselves ? Is this measure required either in the economic interests of India or for the sake of preserving its racial integrity ? Should we have anything to gain, or would the Indian population at large receive any benefit, if the small number of visitors to India from the Dominions and possessions were checked on their entry into India, or if, when they became resident here, they were segregated or were obliged

to take out licenses before they could trade? Is that measure required, I ask, either in our economic or in our social interests? Obviously not, and obviously that is not the real objective of the measure at all. At this moment, the measure is professedly one of retaliation; but retaliation is not an end in itself, indeed in the somewhat peculiar circumstances of this case, it can be no more than an instrument of negotiation. Admittedly we can do the Dominions and Possessions little or no harm by enforcing reciprocity. The measure contemplated by this Bill will have so little effect on the Dominions that its value is exhausted at the very minute that you pass the Bill. And is this the time to employ this particular weapon? (*Rao Bahadur T. Rangachariar and other Members*: "Why not?") What advice have you on this subject? You are suggesting this measure of retaliation at this moment in order to give satisfaction to a sentiment of resentment which may be natural and justifiable, but the satisfaction is limited to those who are dealing with the political aspect of the case in India. But what of those who are even more intimately concerned with the effects of the measure? Last Saturday, when we were speaking on a somewhat similar matter, the proposer of the Resolution was rebuked because he referred to this House as having sympathy with the claims of Indians in Kenya. We were warned against any expression which seemed to define those claims as being only those of Indians in Kenya; we were told that on the contrary the claims preferred were those of India at large. Now, that may be true. I agree that behind the claims of the Indians in the Dominions is a vast mass of feeling in India itself, and, to that extent, the claims of Indians in the Dominions are the claims of India. But let me point out that, when you are contemplating a measure of retaliation, it has to be regarded from a somewhat different aspect, namely, its effect on the immediate interests of the Indians resident in the Dominions and in the Possessions have to be fully considered. Are they behind you at this moment in demanding a measure of this kind? I have read numerous Resolutions passed by bodies in the Dominions, and I cannot remember seeing one which demanded that at this moment you should use the weapon of retaliation. (*Mr. T. V. Seshagiri Ayyar*: "What about the Natal Congress; they asked for it.") That was not my impression and if it is so, I should be glad to be referred to the facts. But you have Indians in Australia, in New Zealand and in Canada, and this measure must apply to all. At this particular moment Indians in South Africa are faced with a measure against which they have protested, against which we have protested, and which at the present moment is in actual discussion in the Union legislature. Are the Indians in South Africa anxious that you should increase their difficulties at this juncture? Can you quote to the House anything to substantiate that? Again, you have a deputation in England. They are disappointed with the Kenya decision, as you are. Have you any advice from that deputation? One of the principal members of that deputation, the Right Honourable Srinivasa Sastri, not so very long ago said that retaliation must be our last weapon and he deprecated its use. (*Mr. N. M. Samarth*: "At the time he deprecated its use.") What is his opinion to-day? Can you say what he thinks to-day? (*Mr. N. M. Samarth*: "I am not in a position to say, nor is he a great authority.") Nor am I in a position to say, but I at least claim that you should give some proof that the measure is desired by those even more intimately concerned

[Sir Malcolm Hailey.]

than you are ; your pride and sentiments are affected ; in their case it may be even more, vital interests.

Let me sum up. We have to consider exactly the results of this Bill as drafted, for its language appears to me difficult, and is, my lawyer friends tell me, in need of radical correction. We have to consider whether it would not give rise to the hard cases and anomalies to which I have referred already. But, far beyond that, you have to consider the interests of those who are immediately and intimately concerned with difficulties arising from legislation or ordinances contemplated in the Dominions and in the Possessions ; and I say you need circulation in order that the case may be fully considered from all these aspects.

I said that I would put my case on a restricted and limited ground. I have endeavoured, in doing so, to avoid reference to those feelings, natural and justifiable to some extent though they may be, which arise from the announcements of the last two days. The proposition I am putting is one which must be regarded from a businesslike, a practical standpoint. It is for this reason that I have confined myself to entirely practical arguments ; I ask the Assembly to look at the matter in the same sense, putting aside all those sentiments which arise from their recent experience, of treatment accorded to Indians in the British Dominions and Possessions. I ask it to look at the matter in the spirit which is essential in times of difficulty like these, namely, with calm, and with an unimpassioned and well-balanced judgment.

Rao Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, it is with feelings of sorrow and satisfaction that I rise to offer the few remarks which I am now about to make. My satisfaction, Sir, is that we the people of India and our trusted spokesmen stand to-day on a common platform with the mighty Government of India. We are companions in sorrow. Our faces have been blackened both literally and metaphorically. Sir, colour prejudice has been the cause of injustice to us. The Government of India, be it said to its credit, stood up against that colour prejudice, and I am willing to give it that credit, and with us they stand on a common platform. But, Sir, the Government of India is a corporation while we are individuals. Our feelings of resentment find expression. The corporation has no soul. It is inanimate. It cannot rise, it cannot feel, and that is the unfortunate situation in which the Government of India finds itself placed to-day. Sir, let them also assume a body ; let them get into themselves some feeling of resentment ; let them also resent the action of our trustees at Home ; let them feel as we do ;—then only, Sir, will the Government at Home realise the gravity of the situation. Just as the people are like a house divided against itself, so unfortunately the Government of India are a house divided against itself. Reading between the lines of the telegrams announcing the Cabinet's decision, what do we find ? The Secretary of State acted merely as the Post Office for placing the Government of India's representations before the Home Government.

The Honourable Sir Narasimha Sarma (Education, Health and Lands Member) : That is not correct. Mr. Ormsby-Gore has said emphatically

that the Secretary of State advocated the Indian cause powerfully and fearlessly.

Rao Bahadur T. Rangachariar : I stand corrected, and I am glad to be corrected. I am glad to hear that the Secretary of State stood by us on this occasion. But notwithstanding all these representations our protests have been laid aside, and what is the feeling that comes upon us ? I do not think I can do better than read what an Englishman—a noble soul—has said :

“ All the long journey of more than 10,000 miles which all the delegates have made and all the long anxious days of consultation have been in vain. If no delegation at all had gone to England it would seem that things could not have been worse, assuming that the news is true. I have had to learn the bitter lesson step by step, and it is almost by now complete. The lesson is that blood is thicker than water, and that in every single issue where the decision lies between the Colonies and India, the fact that Colonials are of British blood and the Indians of non-British, will tell in favour of the Colonials. India will be kept in good humour as long as possible for commercial and other reasons, but when the crisis comes the racial question will be uppermost and it will defeat the claims of justice everywhere. As I preached in my sermon in the Danish Church in Madras, it is the question of the colour bar. This question of race supersedes all others. It supersedes even the claims of Christianity itself.”

Sir, those noble words were uttered by an Englishman—Mr. Andrews, whose name we revere and adore ; and I do hope and trust that Englishmen here share the sentiments expressed by him. Let him not be put down as a sentimentalist. Unless these same views take root in the minds of Englishmen in this country, it is hopeless to think of India being a partner in the Empire. Sir, I said that is why feelings of sorrow overpower individuals to-day. This measure which comes before us to-day, should have come before the Legislature in the year 1918 or the year 1919, immediately after the Conference of 1918. In fact, if my information is correct, Lord Sinha (I think he was Sir Satyendra Sinha then) sent up a draft Bill on this very subject of reciprocity. Reciprocity and retaliation stand on different grounds. The Honourable the Home Member has tried to miss the real issue before us. The real issue before us is not retaliation. I wish we had it. I tried my best to bring it in, but the rules of the Assembly—the rules which guide our debates—do not allow me. Here anyway is an accepted principle, accepted by the parties interested. The parties interested are the Colonies. In conference, in solemn conference, their representatives accepted the Resolution as was framed :

“ British citizens domiciled in any British country, including India, should be admitted into any other British country, etc., etc., on the following conditions.”

One of the conditions was :

“ The right of the Government of India is recognised to enact laws which shall have the effect of subjecting British citizens domiciled in any other British country to the same conditions in visiting India as those imposed on Indians desiring to visit such country.”

So the principle of reciprocity has been accepted by the interested parties. I can understand our circulating Bills for opinion where we differ on principles, where there is any question that the principle which a Bill enunciates is right or wrong. But what is the object of this circularisation in the case of a Bill of this sort which affirms a principle which has been accepted by the parties interested. Do the Government of

[Rao Bahadur T. Rangachariar.]

India deny the principle which has been accepted in Conference in 1918 and again reaffirmed in 1921? Have the Government of India had no time all these five years to consider their position in this matter? Is this the first time that they have to consider this question? Did they not instruct their delegates to this Imperial Conference to fight for this principle? Did not the then Secretary of State, Mr. Montagu, fight for this principle? Did not the Right Honourable Mr. Sastri and Lord Sinha fight for this principle? Then, what is the object of circularisation just now? It seems to me, Sir, that the Government of India not only do not protest against the action taken by the Home Government but that they will not recognise a principle which has been accepted not only by them but also by the Government at Home.

The Honourable Sir Malcolm Hailey : The Honourable Member knows that to be unjustifiable.

Rao Bahadur T. Rangachariar : I am glad to hear it is unjustifiable, but then this attitude is meaningless to my mind.

If there are defects in the language I can understand a motion for reference to select committee. That is a legitimate motion to make. But whose opinions are you going to collect? Of the Local Governments? On what matter? On this question of principle? What is it that this principle asks? That the Government of India shall make rules corresponding to the rules which each Government has made in their respective colonies. The Government of India will have those rules before them; they will make corresponding rules in our country applicable to each country; and therefore I do not see the object of this circularisation; it is merely to gain time; it is merely to allow these feelings of resentment to die out. But feelings of resentment have nothing to do with this legislation. Feelings of resentment will find other channels of expression. I am sorry to have to use that expression, but it is pure accident that this Bill comes on to-day. This Bill has nothing whatever to do with what happened in Kenya. This Bill arises out of a principle which has already been accepted in 1918 on account of conditions which existed for a long time in various colonies. Therefore, let us not confound the issue. I am sorry my learned friend, Dr. Gour, based his argument on the Kenya question. (*Dr. H. S. Gour :* "I did not.") I am glad to hear that. It has nothing whatever to do with the Kenya decision. This is a longstanding question. In fact the Government of India have neglected the question for a long time; they ought to have themselves come forward with this legislation. Why did they not? Because they are a subordinate Government seven thousand miles away, taking their orders from the Secretary of State for India. The real remedy for all this is self-government. The Government of India will now at least work with us in getting that self-government. Till that is done we will be in this wretched state, both the Government and ourselves. Therefore, Sir, as I began, so I end, by saying that I oppose this motion for circularisation. There are matters of detail which have to be considered, and I would have supported a motion for reference to a select committee; but I am bound now to support the

motion as it stands, for the Bill being taken into consideration. Therefore, Sir, I implore the Government not to throw any doubt on the principle underlying this Bill. Their motion will throw doubt.

Dr. Nand Lal (West Punjab : Non-Muhammadan) : Sir, I think there is a great truth in the time-honoured saying that God helps those who help themselves. We are going to follow that saying to-day. I do not agree with my learned friend, Rao Bahadur Rangachariar that there is no element of resentment in it at all. I think there is. We are fighting on principle ; but on this occasion we have *inter alia* been actuated, no doubt, to a certain extent, by resentment also. He will excuse me if I differ from him. But, Sir, what could we do ? Could we do better than we are doing now ? The Government of India have tried their level best and they deserve the sincere thanks of India. His Excellency the Viceroy and Governor General and His Excellency's Government have sent despatches after despatches ; they have shown practical sympathy with us ; but their sympathy and our own legitimate efforts combined have miserably failed so far as their ultimate result goes.

Therefore, Sir, we are compelled to avail ourselves of the most fundamental principle of legislation, and that principle has been supported and corroborated, as it has been clearly laid down in the Statement of Objects and Reasons, by the fact that the Imperial Conference have decided in favour of reciprocity of treatment of British subjects, who are residents of various possessions of His Majesty. This proposition has been acceded to even by the Honourable the Home Member. It finds support in every system of law, in every constitution of every dominion, whether it is a Crown Colony or a self-governing dominion. Therefore, this sort of legislation is simply permissible and at this juncture it is very badly needed in India. Now, Sir, as to the language of the Bill, I am very sorry to say that it is not properly drafted. I do not agree with my learned friend, the author of this Bill, so far as its terminology goes as for instance the definition of domicile. I beg to differ from him in respect of some terms in this Bill. There are certain defects, but, Sir, those defects can be removed, at once, and just now, if the Bill may be referred to select committee.

I do not agree with the view of the Honourable the Home Member that the Bill may be circulated. There should be an object in circulation. We are not going to refer the matter to the Local Governments ; we are not going to refer the matter to various institutions in this country ; we are going to make these laws against certain dominions only ; they have not treated us properly and we are going to tell them that we are, now, going to use our constitutional, proper and legitimate weapon. That is the real object. We must speak the truth.

Therefore, there is no necessity for circulating this Bill at all. Had they treated us fairly we might not have tried to see this Bill expedited. You will kindly see, Sir, our numerical strength in Kenya is decidedly larger than the population—I mean the present population—of the white settlers in Kenya. We pay the bulk of the taxation there ; we are the pioneers ; we, as a matter of fact, improved the whole land, namely,

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the place, which is being inhabited by us now. It must be admitted, on all hands, that India had seen East Africa much earlier than the white settler went there. We developed commerce there; so far as the present industry there goes, we are the real authors of it, and, consequently, Indians deserve the greatest credit. In return for all this, instead of their work being appreciated, they are told "You are not entitled to live on the highlands; they are meant only for the white settlers." This is not fair. We are told, "You are not entitled to have general and adequate representation; only communal representation will be allowed and only five seats will be given to you while 11 seats will be given to the white settlers, though their population is much less." I may submit, and the Honourable the Home Member will agree with me, that this is not just. So far as the social disabilities are concerned, the Honourable the Home Member very rightly has condemned them, and I give him the greatest credit for that very candid admission. Now, Sir, in brief, my submission is that we will be simply wasting time in circulating this Bill. We are fully competent to consider this Bill now. I quite agree with the view of my Honourable friend, Rao Bahadur Rangachariar, that if there was a motion for referring the Bill to select committee there would have been some force in the amendment. But the present amendment, which has been moved by the Honourable the Home Member does not deserve appreciation; at least I am not prepared to support it and I oppose it. With these few words, I support the motion, as it has been moved by my Honourable and learned friend, Dr. Gour, that the Bill be taken into consideration.

Munshi Iswar Saran (Cities of the United Provinces: Non-Muhamadan Urban): Sir, amongst Hindus it is after Yoga extending over long periods that a man attains the position when griefs and sorrows, joys and pleasures do not move him and he remains calm and unmoved in the most trying of circumstances. But the Honourable the Home Member to-day has shown us an easier method of reaching that state and that is by entering the ranks of the bureaucracy. Look at the advice he gives us. He tells us: "Oh, look at this question from the practical point of view; do not be excited; do not lose patience; all this is a matter of negotiation." I wish, Sir, the Honourable the Home Member had tried to understand our outraged feelings at the present moment. Negotiation with whom and for what? We are told that the Government of India has been behind us in this matter. Sir Narasimha Sarma most indignantly contradicted Mr. Rangachariar and said that the Secretary of State and the Under Secretary of State for India were with us in this struggle. What is the result? The united nation, assisted by the Government of India and supported by the Secretary of State and by the Under Secretary of State has been defeated. Negotiation! One of the men whom Government themselves honour, I mean the Right Honourable Sriñivasa Sastri, together with two other esteemable men, went to England for negotiation, and here is the result; complete defeat. (*The Honourable Sir Malcolm Hailey* "No, no.") The Honourable the Home Member says 'No.' I can quite understand it, because he looks at it, not from the point of view of an Indian who feels that in all those vital and

fundamental matters in which the decision should have been in his favour it has gone against him. Sir, I wish I could express to the House the state of our feeling at the present moment. But I hope, Sir, Government will be able to realise before long that this is one of those decisions which will have and is bound to have most disastrous effects as far as the relations between the two countries are concerned. The iron has entered into our souls, and we are now face to face with the naked fact that whatever support you might have, whatever justice you might have on your side, if there is a question between the white and the coloured, the coloured are bound to go to the wall. I say in the interests of the British Commonwealth itself, it is a most disastrous and a most dangerous lesson for this great country to learn. Sir, I do not wish to indulge in strong or violent language. I see that my friend on my left laughs. He is incapable of understanding our feeling. The House will agree with me that moderation of language when it is not in accordance with real feeling is untruth. If exaggeration has to be avoided, so has understatement.

I hope, Sir, the Government of India even now will do what little it can, because it can do only little now, and I hope our own people will try to make their position clear not only to England but to all the Dominions concerned. There might have been some excuse to put forward in favour of this decision if the question had been between India on the one side and a self-governing Dominion on the other. But the present question is between India on the one side and a Crown Colony on the other. You can not say that the Colony can manage its business in the way it thinks best. Here the responsibility is of the British Cabinet which has come to this decision, and we hold the British Cabinet responsible for it.

As regards the question before us, I understand that this Bill was circulated 4 or 5 days ago before this Kenya decision was arrived at, and I do not see that there is any justice in the argument that this Bill is the product of any angry feeling or of any feeling of resentment. That it so happens that at the present moment there is this feeling not only in this House but all over the country is a matter of misfortune for all parties concerned. I agree with my friends who say that this measure should be taken into consideration, and if there are certain defects it may be possible to rectify them. Moreover Government will have to make rules, and they will be able to take every fact into consideration before framing them. What the Bill lays down is that the Government of India should frame these rules, and I do not understand why it is necessary to circulate the Bill for opinion. As far as the broad question of principle is concerned, there can be no difference of opinion, and there is none, so far as the Indian public is concerned. I therefore submit that the House will be well advised in accepting the motion of my Honourable friend, Dr. Gour.

Sir Deva Prasad Sarvadhikary (Calcutta : Non-Muhammadan Urban) : Sir, it is difficult to deny that there is a great deal in the calm and dispassionate statement of the case which the Honourable Sir Malcolm Hailey placed before us this morning, and I for one do not believe that he and the Members of his Government do not feel quite as strongly on the matter as we in this part of the House do. I believe, in speaking as he has done, he has but tried to do what we have been trying to do so long,

[Sir Deva Prasad Sarvadhikary.]

namely, to put a restraint as far as possible, upon all those angry feelings and sentiments, premature expression of which would jeopardise our cause to a considerable extent. Having said so much, Sir, I am afraid it is not possible to go further with him on this occasion. If there was time between now and January or February when the Legislature would in due course deal with the matter, probably there would be reason in the suggestion about postponement in the way that has been suggested. That unfortunately in view of the elections and the delay they imply is not possible. I take the cue from what the Honourable the Home Member has said this morning, namely, that this measure of reciprocity in order to have value, must be used as a method and weapon of negotiation. I recognise that. But negotiation where and with whom? I shall not go into the technical question as to whether Kenya being a Crown Colony, the domestic affairs, as it were of the Empire, can be brought before the Imperial Conference or the League of Nations. And in what shape and stage, I am now taking the broader point of view and am supposing that the state of affairs can be brought home to these peace evolving organisations of which India claims to be a Member.

We are not concerned with the isolated question of Kenya this morning. What is happening there is happening everywhere in some shape or another. Say what we may, it would be useless to disguise the fact that the Kenya question has largely influenced what we have done and what we are going to do, but that is not the essential question before us. Motives may be attributed and attributed without much detriment to us whenever we may proceed to "reciprocate". The question before us has reference to all the Self-Governing Dominions and Crown Colonies. Wherever Indian interests are in jeopardy, a measure like this has to be used and used for the purpose, to use Sir Malcolm Hailey's words, of a weapon or "method of negotiation." The Imperial Conference will be sitting, I believe, in October. General Smuts, the other day, refused to receive a deputation of Indians with regard to the questions troubling them there and he stated that it would serve no useful purpose because that question in any shape or form was not coming up before the Imperial Conference. At question time this morning we were informed to the contrary, and were told that some aspects of the question are already tabled for consideration by the Imperial Conference.

The Honourable Sir Malcolm Hailey : Only mandates.

Sir Deva Prasad Sarvadhikary : Only mandatory. Well, there you are. It is much more restricted than I understood at the time and General Smuts is probably right. But is it not necessary for us here to urge upon the Government that vital questions like these should be brought before the Imperial Conference and that what has been decided according to General Smuts should not be permitted to be the last word on the subject. Here is a weapon or method of negotiation to put it at that and no higher opportunity for use of which, I do not think, this Legislature would be well-advised in letting go. Sir, we are needlessly losing time. I think, if we proceed straight away to decide that the Bill may be taken into consideration, and discuss such amendments as you may

permit without notice to come up, we can do some useful work, although not perhaps that perfect work which, with the assistance of Mr. Graham's Department, we might have been able to do later on. After all, all our legislative measures are not perfect, we may make mistakes, and, when occasion arises, they can be put right by subsequent legislative action. But let us put this through now in the way open to us. I don't think it is too late for the Council of State is not coming to an end. If it is only a question of drafting, we can consider that later on in the day. There can be no difference of opinion on the principle for that was accepted long ago. With regard to a Bill such as we have to consider in these peculiar circumstances, we have no procedure by which the House can go into Committee. There is no time for a Select Committee to be appointed and to have its report, as some have suggested, taken into consideration. Therefore, the only thing that is left for us to do is to go straight into the details of the Bill and move such amendments as are permitted, so that in such time as is left to us we may be able to turn out a tolerable piece of work. The question of policy is not really troubling us or the Government and the more practical way of proceeding would be, not to retail the grievances of our countrymen abroad because between us and the Government of India there is no difference on that question. And, after all, it is with the Government of India we are concerned just at the present moment. Let us go into the details of the Bill and move such amendments as may be open to us to move and are necessary for the due consideration of the Bill, and let us turn out such a piece of work as we may under handicap and in admittedly emergent circumstances.

Rai J. N. Majumdar Bahadur (Presidency Division : Non-Muhammadan Rural) : Sir, I cannot but express my heartfelt approval of the Bill that has been introduced by my friend Dr. Gour though I am sure that he will not himself approve of all the wordings of the Bill when the defects are pointed out to him. Therefore, I submit, Sir, that this Bill requires some consideration. There is a proverb that, when we are most in anger, we should restrain our passions. We are in anger now and, therefore, whatever we do in anger will not be good work. Therefore it is necessary that we should consider this Bill properly. As regards the question of principle, the Government of India is perfectly in harmony with us. The Government of India feel almost as much as we do in this matter, but I think that if they had felt a little more deeply, the matter would not have come to this pass. For instance, the feelings of the Government of India have not gone to the extent of resigning. They have not even held out a threat that, if their recommendation was not accepted, they would resign. I think such resignations often happen at Home. When a particular Ministry find that their proposal was not accepted by somebody else, they at once resign. But here, although we have three Indians on the Council of the Governor General, we do not find any suggestion that they would resign if this were not accepted. It is a matter of great importance, the question of the equality of Indians with the rest of the Empire. Therefore, if the Government of India were fully in accord with us, I think it was their duty to offer their resignation. Of course, such sympathy as we have got from them, we ought to thank them for. But sometimes sympathy may come from the mouth, but not from the inmost places of the heart. When it comes from the

[Rai J. N. Majumdar Bahadur.]

inmost places of the heart, then it comes to a resignation. There were times when the Governors General had resigned. I have known many Governors General and Governors General have resigned on occasions. But in this case, perhaps the depth of feeling has not gone to the extent of the Governor General resigning on account of his recommendation not being accepted by the Colonial Secretary. We understand, Sir, that the Secretary of State in Council for India was also with us. Why does he not resign also? He does not hold any inferior position to that of the Secretary of State for the Colonies. He has a Council; the Colonial Secretary has no Council. When the Secretary of State, who is our father and mother, is treated just as they like, I think we ought to show some strong resentment, and this resentment we cannot show by fighting but by a measure of this kind.

The Honourable Sir Malcolm Hailey said that we cannot touch the colonials. Suppose there is one colonial in India and suppose that colonial is compelled to register his name, would not that have some effect? I think it would. If we make a rule that every colonial gentleman who comes into this country will have to register himself, it will be taken as an insult and an indignity to all the Colonials and would not that make them reconsider their position? They must treat the Indians better. We, Sir, have always been told that we are all equals in the British Empire. I said the other day that we are always asked to be proud of being British citizens but, as soon as we stir out of our own homes, we do not feel that we are British citizens, but feel that we are helots of the Empire. I am told that the Government of India are in sympathy with us. How far has that sympathy extended, except in the mere sending of some despatches? If it has not extended beyond that, I do not call it real sympathy. Real sympathy can go beyond that. "We have done our best, we have written to the Secretary of State. The Secretary of State has written to the Duke of Devonshire. The Government of India is in sympathy." It is not this sort of sympathy we want. We want something more. We want a definite strong stand on the part of the Government of India, and if the Government of India does at this moment offer its resignation, or holds out threat of resignation, I think the Colonial Secretary will come down.

Colonel Sir Henry Stanyon (United Provinces : European) : Sir, I rise in an effort, possibly not a very hopeful effort (*An Honourable Member* : "Perhaps a hopeless one"), to pour oil on waters that have been troubled with the stirring speeches which have been made. Let my old friend, Dr. Gour, camouflage his battery as he may please with the veil of Imperial Conferences and principles of reciprocity—(a veil which my equally great friend, Rao Bahadur Rangachariar, sought to thicken) and with the zig-zag painting of muzzled eloquence; the House needs no great perspicacity to see that every gun of that battery was laid and aimed and fired at the decision of the Imperial Conference on the Kenya question. (*Dr. H. S. Gour* : "The Imperial Parliament has not decided it.") I mean the Imperial Government, the Imperial Cabinet. The speech of the Honourable Mover urged not general reciprocity but immediate and strong resentment. Sir, the future attitude

of India with regard to the Kenya question is a matter of vital importance to the Indian settlers in Kenya, and it is for this House, as the constitutional representative and custodian of the interests of the whole of India, to lead India in regard to that attitude. Let there be no doubt as to this fact that we are at the parting of the ways. Two courses are open to us and India. One is to regard the Imperial Cabinet's decision as a complete set-back, and to make a wild and furious rush at the opposing forces, with the irregular fire of recrimination and retaliation. The other course is to regard the Imperial decision as a partial victory, and to consolidate and strengthen the positions gained into a base from which a further strategical advance can be made. In other words, I ask, shall India be led by this House to behave like children indulging in a most mischievous resentment—cutting their noses to spite their faces—because they have been refused a part of what they wanted; or to behave as men of wisdom and discretion who recognize that political progress was in the beginning, is now, and ever shall be slow and arduous, that each step is to be fought, and position after position won and consolidated before the main citadel can be reached.

Sir, Indians are not wanting in patience under delay, in courage under defeat, and in the political astucity necessary to win to-morrow what they have failed to win to-day. Let us consider the effect of following each of these courses. We can suspect the reality and thoroughness of the support given by the Government of India. We can also suspect the allegation that the Secretary of State fully supported the claims of the Indians. We can charge the Imperial Government with betrayal and with racial preference upon the principle of blood being thicker than water. We can carry that resentment further and make it a racial question between European and Asiatic; and finally we can also not merely feel resentment—I do not deny the justification of the feeling—but make a world-wide proclamation,—the wisdom of which I do deny—of that resentment against the white settlers in Kenya. Now let us consider the results of this course. The immediate results will be a sense of gentle gratification at anger and resentment having let loose, a sense of patriotism vindicated, and a sentiment of duty performed. Those are the immediate results: very pleasing to the large body in this country who resent this decision on Kenya, but results of a passing ephemeral character. What are the prospective results of that course? A disappointed Government of India that has done its best for us; a discouraged Secretary of State who, I for one believe implicitly, has done his best for us; a possibly disillusioned Imperial Cabinet; and a stronger, and now justifiably hostile, band of European settlers in Kenya. Now how will this weakening of our supporters and strengthening of the opposing forces help, not us, but those Indians in Kenya who are to-day struggling for the political freedom which has been achieved in India? I say that these Indian settlers, when they think of the matter, will be certain to feel and to say, 'God help us from our friends in India.' We have no business to indulge our feelings of resentment at the expense of those people. The Cabinet decision has not gone entirely against India. I am as discontented as anybody else in this House (Hear, hear); the Honourable the Home Member has declared the decision on the points ruled against us to be galling; you could hardly

[Colonel Sir Henry Stanyon.]

have a stronger word than that from a tactful, politic spokesman of the Government of India. But we realize,—I do at all events,—that this is not the time for us to indulge in wild threats of recrimination and retaliation. Let us be as discontented as we like, but make that discontent the base only of a determination to go on, and fall and get up, and go on and fall and get up again and again—a hundred times if necessary,—until we win through. That is my recommendation to this House. I say to this House—it may possibly be my swan song—I say to this House, with a feeling of a very sincere desire to help forward the House as a Legislature and the interests of India as a whole, that this is a time when we require to proceed with the utmost care and caution. Let not anger and impulse carry us away. Let us play the game with a political astucity and patience which Indians possess second to none. Let us use that patience; let courage come to the rescue and keep it standing upright; and let the day come to which I look forward when the white settlers of Kenya themselves, so hostile to-day, will realize, what we Europeans have realized in India, that Indians and Europeans can be happy together with equal rights.

Sir P. S. Sivaswamy Aiyer (Tanjore *cum* Trichinopoly : Non-Muhamadan Rural) : Sir, I do not wish to intervene in this debate and express any opinion upon the merits of the proposal which has been made by the Home Minister that we should take time for considering this proposal. I only wish to bring one matter to the notice of the House. Half an hour ago the Home Minister asked us whether we have any evidence of the opinions and the sentiments of the Indian settlers in Kenya and elsewhere. By a strange coincidence, a cablegram has just been handed to me from the Kenya Indian Delegation in London, which I beg the leave of the House to read to it. The cablegram is dated the 26th :

“Imperial Government's decision unacceptable all points except segregation. Involves subjecting Indians to permanent status inferiority, violating constitutional pledges equality within Empire and Resolutions Imperial Conference and Joint Parliamentary Committee. Sovereign's pledges treated as scraps of paper. Such breach of faith cannot restore co-operation and good-will but must perpetuate and aggravate racial bitterness and hostility. This definitely anti Indian settlement made under threat of violence of white settlers places premium on methods of violence. Decision combined with Sinuts provocative proposal segregation couched in language grossly offensive Indians inevitably creates impression white races determined reduce Indians in Africa to position utter humiliation. Nothing but strongest immediate action by Government of India can save situation. Strongly urge recall delegates to Imperial Conference. Futile and humiliating sending delegates if Imperial Government flouts decisions Conferences. India should also refuse participation Empire Exhibition and proceed institute all possible measures retaliation. Indians otherwise left without least hope for establishment equality of status without which they can have no place in Commonwealth. Kenya Indian Delegation.”

Khan Bahadur Abdur Rahim Khan (North-West Frontier Province : Nominated Non-Official) : Sir, some time back I was reading in a book :

“When the heart is full few are the words to utter and when honour is at stake, there is no other alternative but to try and fight like a soldier on the field of honourable death.”

I must say that as an Indian I feel the insulting treatment meted out to our brethren in the Colonies and elsewhere has convinced us that though

men have sufficiently advanced, they have not altogether ceased to be partial and bigoted. I have full sympathy with the Bill moved by my Honourable friend, Dr. Gour. But at the same time I think I will be justified if I offer some observations for his consideration in particular and for this learned Assembly in general. I think it will be better if we wait for some time and if it is circulated, we will be in a position to know what will be its effect. (Voices : " No, no.") Some gentlemen say ' No, no.' I say ' Yes.' Will you kindly listen to me ? If it is circulated, you will get all the public in different provinces prepared to back you, to support you, and you will all be in a position to speak with one voice and one heart. Local Governments also will be in a position to strengthen the hands of the Government of India if the Government of India is going to take steps in the matter and it must take steps. I think it is better that we should wait. What will be the result ? Even if this Bill is taken into consideration now, it could not be passed, because the Council is not going to sit further. It will take some time. Why should not we have some time to consider the position ? We will then have a cool mind and that would be the proper step to help our brethren. I quite agree with all the speakers that the insult is intolerable and I think no human being can tolerate it. But at the same time I think it would be in the interests of our brethren in the Colonies that we should do something with cool heads and patience. Our ultimate aim should be to stand by them or fall by them but not to do anything in such a hurry which may injure them instead as is proposed by my Honourable friend Dr. Gour. I think we are responsible people here. We should not feel excited and do anything rash in showing the resentment. I request Dr. Gour to accept the amendment moved by the Honourable Sir Malcolm Hailey. I think it will be in the interests of our brethren in the Colonies and also it will be for the good of the country here. With these remarks, I strongly support the amendment moved by the Honourable Sir Malcolm Hailey.

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

The Assembly then adjourned for Lunch till Fifteen Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Fifteen Minutes to Three of the Clock, Mr. President in the Chair.

Rai Bahadur Bakshi Sohan Lal : Sir, I rise to support the motion of Dr. Gour to take the Bill into consideration at to-day's meeting. Before the introduction of this Bill by Dr. Gour, we had no restrictions in our laws, regulations or ordinances against the entry, etc., into India of any British subjects, white or coloured. But the white populations of Crown Colonies and self-governing Dominions have, at least since the conclusion of the great war, at every moment been introducing and passing legislative measures in the form of ordinances, etc., restricting the rights of British Indians, not only as regards their immigration, but also their rights as free citizens for the franchise, the purchase of landed property and the carrying on of trade in competition with the European settlers. So far as

[Rai Bahadur Bakshi Sohan Lal.]

Kenya and East African Colonies are concerned, it was owing to the previous presence of His Majesty's British Indian subjects in Kenya and in East Africa that Kenya was made a Crown Colony. What does Sir John Kirk, the First Consul-General of the East Coast of Africa, say, on this subject :

“ But for the Indians, the British would not have been in East Africa at all. At this early stage the most useful part played by India was the provision, at the earliest possible moment, whenever danger threatened, of munitions, stores, supplies and military forces, which were hurried from India again and again whenever native risings and rebellions occurred in that part of Uganda which now forms Kenya.”

During the last great European war all parts of British East and South Africa were overspread by the Indian Army and Indian official and non-official machinery for carrying on railways, telegraphs and the post offices, and for military and civil administration, not only to defend British lives and British hearths in the Crown Colonies and Dominions, but also for the acquisition of the German Colonies. Not less than 50,000 Indian soldiers actively participated in the East African war theatre alone, of whom more than 5,000 lost their lives. The Indian settlers of the Crown Colonies, including the Colony of Kenya, were conscripted for military service in the war. Why was it so if Indians in those Colonies had not equal status or equal political rights of citizenship with the European settlers ? What is the reward for all these patriotic and national services of Indians in the Crown Colonies and the dominions ? Since the termination of the war and the signing of the Armistice, the European settlers of Kenya and South Africa have at every moment been introducing and carrying out legislative measures restricting the rights of Indians in the Colonies and supplanting Indians in the public service by recruiting Europeans. The European settlers of Kenya seem to have forgotten the historical facts about the Kenya settlement, or have been quite ungrateful for the Indian help to the European settlers in Kenya. It is well known that, long before any European had put his foot in any African Colony, the Indian had already fully settled there. (*The Honourable Sir Malcolm Hailey* : “ Any African Colony ? ”) In 1497, when Vasco de Gama the first European landed in Natal, he discovered all along the African coast flourishing Indian settlements, and especially mentioned that he had met at Mombassa Hindus from Calicut and from the Gulf of Cambay. Major Pearce in his book on Zanzibar and East Africa shows a close relation of the West coast of India with the East coast of Africa in the 15th century, and thus verifies that large merchant vessels from India harboured at Mombassa in the 15th century, as found by Vasco de Gama. From the earliest day, and for many years, the whole policy of the British Government was directed towards connecting East Africa in every possible way with India. Administrators from the Indian Civil Service were sent over from India to East Africa in order to build up the administration of the country on Indian lines and the Indian model. The Indian Penal Code and other Indian laws were introduced in these colonies at a very early date, and the Indian rupee and other coins were adopted as the coinage for these colonies. It was clearly understood from the administrative and legislative measures introduced in these colonies that the closeness of the East African coast to the West Indian coast, as well as the similarity of

climate and other conditions, made these colonies to be an inevitable and natural connection with India. Far-seeing British statesmen of early days saw clearly that the new British territory in East Africa would be regarded as a legitimate field for immigration from India, and was more suitable for Indians than for Europeans for residential purposes. Independent European testimony has been recorded that one of the strongest arguments advanced for the recommendation to build the Uganda railway was to provide an outlet for settlement from the congested districts of India. With this object in view, certain efforts were made to direct the stream of Indian immigration towards these shores.

The British Indian subjects are entitled to be treated in British Crown Colonies and self-governing dominions in the same manner as we treat in India the Europeans of those Colonies and Dominions. We have provided no restrictions in any of our laws and regulations and ordinances against any European British subjects domiciled in any part of the British Empire, including the colonies and dominions, in the matter of entry, franchise, right to hold and acquire landed property, right to carry on any trade, occupation or industry, and their eligibility for any public service in India, equally with Indians. We allow European settlers of the British Crown Colonies and Dominions to be appointed in India as our Governors, Executive Councillors, High Court Judges, and to hold any post in any service open to an Indian, and treat them on an equal footing in every respect. We do not however understand why the European settlers of the British Crown Colonies and Dominions should not accord similar reciprocal treatment to us in those Colonies and Dominions. They have led us to change our attitude towards them and to treat them in India in exactly the same manner as they treat us in the Colonies and Dominions in order to make them feel our own sentiments and feelings, as well as the feelings and sentiments of our Indian brethren in the Dominions and Colonies. With these few remarks I support the Bill.

Some Honourable Members : " The question may now be put."

Mr. M. S. D. Butler (Secretary, Department of Education, Health and Lands) : Sir, I am placed in a difficult position towards the House. The arrangement come to was that my friend the Honourable the Home Member should move for the circulation of this Bill and that the Honourable Sir Narasimha Sarma, the Member in charge of the Department concerned, should deal more with the merits of the decision which has just been come to. There was no intention that I should take part in this debate. But circumstances have intervened and, as the Members of the House are aware, my Honourable Chief has been called away to the other House on account of developments which have taken place there. (*Mr. K. Ahmed* : " Ask for an adjournment.") No one will regret this more than he does. It was hoped that he would have been here in his place when the House re-assembled after the luncheon interval, and he was confidently looking forward to putting the case for Government before the House. Well, Sir, only half an hour ago, I received an S. O. S. message that it was unlikely that he would be able to get here in time and, consequently, it has fallen to my lot without, I am afraid, adequate preparation, to offer a few remarks on behalf of the Department on this motion. I am the more reluctant to intervene in

[Mr. M. S. D. Butler.]

this debate as I see from the demeanour of the House that they are anxious to get to a division. But I trust that the House will give me the indulgence which it usually gives to a comparatively new speaker and will let me say my little say in this matter.

Well, Sir, I regret that it should have fallen to me to make these remarks both on the grounds which I have stated and also because a European, speaking on a question of this sort, speaks in what I may call an atmosphere of suspicion. It has already been urged by one speaker that the Europeans who have spoken cannot envisage this question from the point of view of the Indian. Well, Sir, I suppose there is some truth in that, and that we cannot look on things exactly alike. It is not that we see differently as to the results that we want to achieve, but that we view the whole question, possibly unconsciously, from a different point of view. Therefore, I should much have preferred that my Honourable Chief should have spoken here as an Indian to Indians, and that it should not have fallen to me to do so. (*An Honourable Member* : "Advise him to resign.") Personally I do feel that I look at this question from the Indian point of view, and I want so to look at it, but, if the House detects in me an attitude which is not the Indian attitude, I hope they will none the less believe in the sincerity with which I have been dealing with this problem ever since I was appointed to the Department which deals with this matter. And, believe me, there may be two ways of looking at questions, and it may not be a bad thing, and may even help the Indian cause, especially when your opponents are Europeans, if you do not reject European assistance. Sir, I know that all Europeans on the Government Benches here, as the Honourable the Home Member has already said, do really feel with Indians in this matter. For the best part of our lives we European officials have eaten the salt of India, and we have tried to the best of our abilities, some better, some worse, but all to the best of our abilities, to give to India the best that is in us. We do feel, and we do understand, the resentment which I cannot but notice prevails amongst Indian Members, indeed all Members in the House to-day.

So, Sir, with these preliminary remarks, I will come to the matter before the House. What I want to take up and to combat, if possible, is the feeling which has been expressed that all is lost. That feeling has been expressed very definitely in the telegram which was read to us by my friend Sir Sivaswamy Aiyer ; it has been expressed in the speeches of other Indian Members who have addressed the House to-day. But I never believe that all is lost. Even when the clouds are darkest, I believe, as Sir Henry Stanyon has said, that, if you stick to it, you will find that all is not lost. I was in England on that fateful day when the news came over—it was a Sunday—that the Germans had swept over the Allied troops and were swarming down on to Paris. There were then those at that time who said "all is lost." But the heart of the people was sound and they refused to recognise that all was lost and they girt their armour on, and everybody went forth to the call. For months, nay for years, the issue was in doubt ; but the cause was good, and every member of the Empire, not forgetting India,

rallied to the cause, and in the end that cause prevailed. Well, Sir, in this case as well I believe, first of all, that all is not as dark as has been painted, and secondly, even if it were as dark, that, if we stick to it, we shall prevail. Why, Sir, not only have we not lost all. There is actually much that we have won. Very few Members, I have noticed, have referred in their speeches to the actual terms of the decision which has been arrived at by His Majesty's Government. Now I have been watching this case for months and, believe me, I know what it was we were faced with and what we have escaped. There was, to begin with, the claim of the white settlers in Kenya to self-government. That meant in effect that the Government should be handed over to the white settlers, that Dominion status should be conceded, and that, thereupon, all the consequences should ensue which flow from Dominion status. Now, what has been the decision of His Majesty's Government in this matter? I will read from Reuter's summary:

"His Majesty's Government cannot but regard the grant of responsible Government that is to say, Dominion status "as out of question within any period of time which need now be taken into consideration; nor indeed would they contemplate yet the possibility of substituting an un-officially majority of Council for Government official majority. Hasty action is to be strongly deprecated and it will be necessary to see how matters develop, especially regarding African representation, before proposals for so fundamental change in the constitution of the Colony can be entertained."

Well, Sir, that is no mean victory to have achieved. Had Dominion status been conceded, then the Kenya Dominion would have obtained all the rights which the Dominions claim, and our position would have been far worse than it is to-day. But as it is we have got this momentous decision from His Majesty's Government that within no measurable space of time will such rights be given.

Then, Sir, there is the question of segregation. Well, I do not know quite what Indians feel in this matter, but I have always felt that, if I were an Indian in a Colony or a Dominion, the thing which would be most distasteful to me, which would humiliate me more than anything else, would be to be segregated as unfit to associate with my fellow creatures. I do not know if that is the feeling in this House, but it does seem to me a very notable advance that we have got from His Majesty's Government a declaration that there is to be no segregation. I quote from Reuter's summary again:

"Regarding the question of segregation, His Majesty's Government have decided that segregation between Europeans and Asiatics in townships must be abandoned."

Then, Sir, there is the question of immigration. The claim which was made was that Indians as such should be barred from entry into the colony and we had to face that. We had to face a very definite movement to stop the immigration of Indians as such into the colonies. Well, Sir, what is the decision on this point? We first have a statement of principle from His Majesty's Government which runs as follows:

"His Majesty's Government cannot countenance the introduction of any legislation designed to exclude from a British colony immigrants from any other part of the British Empire."

Sir, that is a valuable declaration of principle, and it is one for which we have fought; it is one on which we have succeeded, and it is one which comes as a definite loss to the other party in this dispute. True it is that some form of immigration restriction does appear to have

[Mr. M. S. D. Butler.]

been approved by His Majesty's Government. What they say is that the consideration which should govern immigration policy in Kenya should be purely economic. Strict regard must be had to the interests of Africans :

“ It is evident to His Majesty's Government that some further control over immigration in the economic interests of the natives of Kenya is required..... ”

“ With this object the Colonial Government must weigh the effect on native interests of admission to the Colony of would be immigrants of any race. No information ”

—mark these words—

“ is yet available to show what number of immigrants following a particular occupation the Colony can absorb..... Some arrangements must be devised for securing strict and impartial examination of applications for entry into Kenya, possibly by a Board on which the various communities, including the native, will be represented. There will therefore be instructions to the Governor of Kenya to explore the matter further on his return.”

Now, Sir, I do not disguise from myself or from the House that there is cause for anxiety about the position ; but it is not so much a question of principle which is involved. The principle that the Africans of the Kenya Colony have the first claim on His Majesty's Government, and that, if their interests so demand, steps must be taken to prevent immigration into the Colony of any person, whether European, Indian or Asiatic, who will damage their interests, is a principle on which all parties in England, both the Kenya deputation, the Indian deputation and the European deputation, have all agreed. It is in the application of that principle that there is ground for anxiety. We have had experience in many parts of the world of treatment which makes us suspicious as to how the principle of the restriction of immigration will be applied. It is possible always in applying the principle of restriction, even without specific reference to Indians, to direct the actual measures against Indians. But that is a matter of application and not of the principle itself ; and that was why this morning, in the answer I gave to Mr. Seshagiri Ayyar, I laid stress on the difference between the principle and the application of the principle. It may be that we shall not be able, or not desire, to contest the principle of the rights of Africans in the Kenya Colony to first consideration ; but it does rest with us, with the Government and with the House and with the people of India also, to see that in the application of that principle, Indians as such shall not be made to suffer. But that is a point on which no decision has as yet been come to. As the House will have noted, the order says that no information is yet available as to the need for the protection of African interests, and that the Governor must explore the matter further. It is in this respect that the Government proposes to make a representation to the Secretary of State, and it is this matter which we have got to watch now carefully, and in which we have got to press the rights of Indians and the cause of Indians ; and in so doing we desire to carry the House with us and the people of the country as before.

Well, then, Sir, I turn to the other matters. We have lost undoubtedly in the matter of the highlands. That goes without saying.

We have not got our will about a common electoral roll. In place of a common electoral roll His Majesty's Government, for reasons stated, have decided on a communal franchise. Well, Sir, I do not wish to enter into the vexed question of the merits and demerits of a communal franchise. They are fairly familiar to this House, and when they were discussed here the other day a difference of opinion manifested itself. But just because we have not got our way as to a common electoral roll, and we have been asked to put up with a communal franchise, I say, although we may regret it, it is not right to come here and say, "All is lost." And even with that communal franchise, I would ask the House to note that His Majesty's Government have allotted Indians five seats in place of the four seats which they had before. (*Dr. H. S. Gour* : "What generosity !!") Well, Sir, I do attach importance to this increase of numbers, because it has always been found, both in India and elsewhere, that the stronger the minority is the more effective it is. It is not only the actual voting strength which tells, but it is the moral support which each member gives to the other and the sense of solidarity which larger numbers always give (*Mr. N. M. Samarth* : "Where is the African native in this show ?")

Well, Sir, I have endeavoured to show that, although we have lost in certain respects, respects which I regret as much as anybody else, yet that all is not lost, and that we have won on certain very important particulars. I have also tried to show that really the crux of the whole thing lies in the application of principles which on the face of them are not so much open to exception, and I said that we want in the negotiations which must ensue to carry the House with us. Well, Sir, the position now is that the Bill, as drafted, is open to very serious objections, objections not only of drafting but of meaning and substance. As the Honourable the Home Member pointed out, under the Bill as it stands an Indian born and domiciled in South Africa, who finds his lot there too hot for him, and who wishes to return to his own country, will be kept out of India except under the same terms as are applied in South Africa to Indians there—an intolerable position. Again the Bill as drafted, as pointed out also by the Honourable the Home Member, would not enable us to take any action against the very white settlers of Kenya if they came to India, because they have a British domicile ; and again there are innumerable difficulties in connection with seamen of various countries coming into our ports. Well, all these reasons, not very big in themselves, but cumulatively of importance, make it quite impossible for the Government to accept the Bill exactly as it stands ; and they therefore suggest that it be circulated ; and with this object, that they may not be driven into the position of being at variance with the House. If the Government is defeated on the motion to circulate this Bill to that extent the House will weaken our authority and we shall be hampered in the efforts, which are before us, to secure that in the application of the principles enunciated India does not suffer. I attach considerable importance, therefore, to carrying the House with us in this respect, so that when the session ends, and the legislature is dissolved, there will be, not a disunited body—Government one way and members the other—but the Government and the members working together as before to see that the principles, which have been laid down, are applied as they ought to be applied ; and, Sir, I am encouraged in the belief that the House will do well to trust to the Govern-

[Mr. M. S. D. Butler.]

ment in this matter (*Dr. H. S. Gour* : " We cannot trust you any more ") from what has occurred here this morning. There was a time when with regard to Turkey and Islam the cry was that all was lost ; there was a strong party in India which said " All is lost ; let us oppose the Government at every turn ; do not let us trust to the guidance of the Government in any matter, but let us run out on our own and see what we can do to embarrass the Government." Well, the great body of sane Muhammadan opinion stuck to the Government in this matter, and what has been the result ? After an up-hill fight, continued for many months and years, we have at last got peace, and it was only this morning that this House recorded its appreciation of the Government for having steered the ship of state through all the rocks and shoals and brought it safe to land. Sir, I believe firmly, as I have said before, in the justice of our cause, and I believe that, if we hold together and pursue our way with unity of purpose and trusting each other in this matter, we shall prevail.

Dr. H. S. Gour : Sir, I shall very briefly reply to the several speeches that have been addressed to this House from the Government Benches. In the first place, I thank the Honourable the Home Member for the expression of his sympathy with the members of this House. But I am sure we in this part of the House would have appreciated that expression of sympathy more if it had been coupled with a desire to further the progress of this Bill. Well, Sir, the circulation of this Bill for the purpose of eliciting public opinion thereon is practically to kill it, and I wish to ask the Honourable the Home Member what object will be served in circulating this Bill for the purpose of eliciting public opinion thereon. The Imperial Conference has declared the principle and this Bill embodies that principle. That is my reply to my friend, the Honourable Sir Henry Stanyon, who delivered a very long speech—but I should be glad to have known what it was all about. He asked this House not to feel resentment at the recent decision of the British Cabinet. He further said that this Bill is the outcome of that resentment. Now, if any misapprehension could arise in the minds of Honourable Members, let me disabuse them of it ; the fact is that this Bill was drafted and sent to the Government of India five weeks ago with the request that it should be immediately published in the *Gazette of India* so as to dispense with the formality of its formal introduction in this House. The Government of India consequently had been in possession of the Bill for five weeks ; they must have addressed the Secretary of State and they must have formulated their own views on the principle and policy underlying this Bill. Consequently, I submit this is a measure which will not brook delay. It is not merely a question of Kenya. I have pointed out to this House the innumerable sufferings of our fellow-countrymen in the whole of the South African Union. I have given instances after instances of the policy of squeezing out that has been determined upon by the white settlers there.

What answer has the Government of India to give to this long sustained persecution of our fellow-countrymen in South Africa ? In 1918, five years ago, the Imperial Government decided to embark on a policy of reciprocity. They said ' give us time '. They have had five years time. What have they done during these five years to vindicate the honour of the

people of this country to discharge the trust which they say is imposed upon them by the British Parliament for the good Government of this country? What answer can they give of that stewardship and trust which they assume for the benefit of the people of India? For five years we have waited, and after that when we find that the Government of India rest content with making humble submissions to the Secretary of State and telling us that "We shall now see to the application of the principle which the British Cabinet have enunciated", and when asked what is the principle, we were told—Government must await receipt of the white Book. I feel despondent, and I know that Members of this House have been pressed with a feeling of great disappointment at the attitude now adopted of appealing and applying to the Secretary of State for intervention by the British Cabinet. Here I find my Honourable friend, Mr. Butler saying "all is not lost; take courage; be of good cheer". Well, Sir, we have been taking courage. We have been waiting for years past. What have you done during all these years? You have done nothing. The condition of the people of India overseas has been deteriorating steadily and steadfastly till to-day it is one of strained relationship and degradation, a fact which the Honourable the Home Member was constrained to admit. I say, therefore, Sir, we cannot possibly wait a moment longer now and allow the Government to elicit opinion on the Bill. We shall place upon the Statute Book this Bill as our last contribution from the people of India.

The Honourable Sir Malcolm Hailey : How will you do it?

Dr. H. S. Gour : How we shall do it, I shall help the Honourable the Home Member to understand, if this Bill is taken into consideration. I ask, therefore, Sir, that every one who feels for the people of India, every member who feels the condition of his fellow countrymen overseas, will cast his vote against the amendment of the Government and in favour of my Bill being taken into consideration.

The Honourable Sir Malcolm Hailey : I thought the Honourable Member was going to tell us how he was going to pass the Bill this Session.

Mr. President : The original question was :

"That the Bill to regulate the entry into and residence in British India of persons domiciled in other British Possessions be taken into consideration."

Since which an amendment has been moved :

"That the Bill be circulated for the purpose of eliciting opinions thereon."

The question I have to put is that the Bill be circulated.

The Assembly divided :

AYES—34.

Abdul Hamid Khan Khudadad Khan
Mr.
Akram Hussain, Prince A. M. M.
Amjad Ali, Maulvi.
Ansorge, Mr. E. C.
Ayyangar, Mr. R. Narasimha.
Bardswell, Mr. H. R.
Barnes, Mr. H. C.
Blackett, Mr. Basil.
Bryce, Mr. Denys.

Bridge, Mr. G.
Burdon, Mr. E.
Butler, Mr. M. S. D.
Calvert, Mr. H.
Chadwick, Mr. D. T.
Chatarji, Mr. P. C.
Chatterjee, Mr. A. C.
Faridoonji, Mr. R.
Ghulam Sarwar Khan, Chaudhuri.
Graham, Mr. L.

Gwynne, Mr. C. W.
Haigh, Mr. P. D.
Hailey, the Honourable Sir Malcolm.
Holme, Mr. H. E.
Ibrahim Ali Khan, Colonel Nawab
Mohd.
Mitter, Mr. K. N.
Muhammad Hussain, Mr. T.

Nabi Hadi, Mr. S. M.
Palin, Lieut.-Colonel R. H.
Percival, Mr. P. E.
Richey, Mr. J. A.
Sim, Mr. G. G.
Singh, Mr. S. N.
Stanyon, Colonel Sir Henry.
Yamin Khan, Mr. M.

NOES—50.

Abdul Majid, Shelkh.
Abdul Qundir, Maulvi.
Abdulla, Mr. S. M.
Abul Kasem, Maulvi.
Agarwala, Lala Girdharilal.
Agnihotri, Mr. K. B. L.
Ahmed, Mr. K.
Aiyer, Sir P. S. Sivaswamy.
Asjad-ul-lah, Maulvi Miyan.
Ayyangar, Mr. K. S. B.
Ayyar, Mr. T. V. Seshagiri.
Barua, Mr. D. C.
Basu, Mr. J. N.
Bhargava, Pandit J. L.
Cotelingam, Mr. J. P.
Das, Babu B. S.
Gour, Dr. H. S.
Gulab Singh, Sardar.
Hussanally, Mr. W. M.
Ikramullah Khan, Raja Mohd.
Iswai Saran, Munshi.
Jatkar, Mr. B. H. R.
Joshi, Mr. N. M.
Lakshmi Narayan Lal, Mr.
Latthe, Mr. A. B.

Majumdar, Mr. J. N.
Man Singh, Bhai.
Mudaliar, Mr. S.
Mukherjee, Mr. J. N.
Mukherjee, Mr. T. P.
Nag, Mr. G. C.
Nand Lal, Dr.
Neogy, Mr. K. C.
Pyari Lal, Mr.
Rajan Baksh Shah, Mukhdum S.
Ramayya Pantulu, Mr. J.
Rangachariar, Mr. T.
Reddi, Mr. M. K.
Roy Choudhury, Mr. S. C.
Sanarth, Mr. N. M.
Sarvadhikary, Sir Deva Prasad.
Shukla, Mr. D. P.
Sinha, Babu Adit Prasad.
Sinha, Babu Ambica Prasad.
Sinha, Mr. D. P.
Sohan Lal, Mr. Bakshi.
Srinivasa Rao, Mr. P. V.
Subrahmanayam, Mr. C. S.
Ujagar Singh, Baba Bedi.
Venkatapatiraju, Mr. B.

The motion was negatived.

Sir P. S. Sivaswamy Aiyer : Sir, I beg to move certain amendments with the object of remedying the defects of drafting to which reference has been made in the course of the discussion.

The first amendment that I propose is this :

“ In clause 2 (a), in the definition of British Possession, after the word ‘ Dominions ’ in the second line, for the words ‘ exclusive of ’ substitute the words ‘ other than India and ’.”

The object of this amendment is to make it clear that the persons, with respect to whom this legislation is desired to be made, are persons other than the residents of the United Kingdom and of India itself. I do not think it necessary to labour the point. You must exclude India as well as the United Kingdom.

Mr. L. Graham (Secretary, Legislative Department) : Sir, as a sub-amendment to that amendment, I put it to the House that we should say “ British India ” as we are not entitled to legislate except for British India.

Mr. President : Further amendment moved :

“ To insert the word ‘ British ’ after the word ‘ than

The motion was adopted.

Mr. President : The question is :

“ That in clause 2 (a), for the words ‘ exclusive of ’ the words ‘ other than British India and ’ be substituted.”

The motion was adopted.

Sir P. S. Sivaswamy Aiyer : The next amendment which I beg to move is :

“ That after the words ‘ which are ’ in line 4 in clause 2 (a), the words ‘ or may be ’ be inserted.”

It is for the purpose of including any territories which may hereafter also be administered by a Dominion as a mandatory.

The motion was adopted.

Sir P. S. Sivaswamy Aiyer : My next amendment is :

“ That for the words ‘ under the mandate of ’ the words ‘ as a mandatory on behalf of ’ be substituted.”

The reason for the amendment is this. The mandates under which these territories are administered were not issued by the League of Nations but were issued by the Allied Powers. But, though the mandates were issued by the Allied Powers, the Powers vested in the mandatories are to be exercised by them under article 22 of the Covenant of the League of Nations as mandatories on behalf of the League of Nations. So the correct phrase would be “ as mandatories on behalf of the League of Nations ” which follows the language of article 22 of the Covenant of the League of Nations.

The motion was adopted.

Mr. L. Graham : Sir, there is one important point in clause 2 (a) which has just been decided. The United Kingdom no longer includes Ireland and I think that is a point for the consideration of this House. With your permission, Sir, I move that after the words “ United Kingdom ” the words “ and Ireland ” be inserted. (*An Honourable Member :* “ the Free State of Ireland.”) Well, that is a point which I should like to decide finally in another place.

Mr. President : Further amendment moved :

“ In clause 2 (a), after the words ‘ United Kingdom,’ the words ‘ and Ireland ’ be inserted.”

The question I have to put is that amendment be made.

The motion was adopted.

Sir P. S. Sivaswamy Aiyer : The next amendment is this :

“ To omit the definition of the word ‘ domicile ’.”

The reason is this. The word “ domicile ” is a highly technical term and it is rather difficult to compress the definition of it into such a small compass as has been attempted in the Bill ; and one of the results of this definition would be that a white African settler who has given up his permanent abode there and wants to come down and settle

[Sir P. S. Siraswamy Aiyer.]

in India cannot be prevented from settling in India, because he has no permanent abode in Africa and will therefore satisfy the definition. But what we want is to exclude a person who has in law an African domicile and has not yet acquired a fresh domicile. The word "domicile" is a well understood term in the English law and the law of domicile is dealt with at some length in the sections of the Indian Succession Act. It is unnecessary for us to attempt a definition here of the word "domicile". It is sure to be interpreted according to the sense in which it is understood in the English law. The definition as it stands is not satisfactory.

Mr. L. Graham : Sir, I should like to support this amendment. In the Bill which my Honourable friend Dr. Gour has taken as the model for drafting, the definition of the word "domicile" was left blank. Dr. Gour has not been so timorous. I am reminded of a familiar proverb which I would adapt in the form :

"Gours rush in where Sinhas fear to tread."

The objection to this definition is that it is an entirely inaccurate definition and it professes to define what is covered by the law of domicile. You have a domicile of origin, which my learned friend entirely ignores, and you have a domicile of choice. Domicile of choice is achieved when you leave your domicile of origin and settle in a country and by your actions you make it perfectly clear that you have settled there and mean to make it your residence for good and all. Now, as pointed out by my learned friend Sir Sivaswamy Aiyer, the effect of this definition is not to produce a definition of a domicile of choice. All that is said is : "Domicile" means the permanent abode of a person. Many of us have no permanent abode at all and when we abandon a permanent abode it ceases to be our permanent abode. If you take the case of a settler in South Africa who, for one reason or another, has failed and who sells up his farm and comes to India to start growing coffee, that is a man with no permanent abode at all, and any rules made under this Bill will not be able to touch him. The only safe thing to do is to rely on the English rulings on the law of domicile. These have been collected into a number of sections in the Indian Succession Act ; and had there been a definition, we would have borrowed it ; but the provisions are spread over a number of sections. Therefore, I support this amendment as the only way of getting a sound application of the law of domicile.

Dr. H. S. Gour : Sir, I accept the amendment.

The amendment* was adopted.

Clause 2, as amended, was added to the Bill.

Maulvi Abul Kasem (Dacca Division : Muhammadan Rural) : Sir, I beg to move :

"That in clause 3 for the word 'shall', where it first occurs, substitute the word 'may'."

Dr. H. S. Gour : Sir, from the cryptic way in which this amendment has been moved, I discern a certain half-heartedness on the part of the

*Clause 2, omit sub-section (b).

mover, because if he had descended into the arena of speech and explained to this House why he wants to alter the word "shall" to "may", he would have found that it would make a complete mess of the whole Bill; (*The Honourable Sir Malcolm Hailey*: "Impossible.") and I shall explain to the House the reasons for it. If his amendment is carried, the section would read thus:

"The Governor General in Council may make rules for the purpose of securing that persons domiciled in any British possession, etc., shall have certain rights."

It merely says that it shall be lawful to the Governor General in Council to make rules, but it does not place an obligation on the Governor General in Council to make them. Now, if I take aright the sense of this House, it is that it wants the Governor General in Council to make rules, and I therefore submit that the amendment which my friend Mr. Abul Kasem has formally and somewhat reluctantly moved should be negatived.

The Honourable Sir Malcolm Hailey: I wonder how Dr. Gour, whose Bill has already been severely dealt with by his lawyer friends here—dealt with so severely as to show that it is certainly faulty in drafting—could imagine that the substitution of the word "may" for the word "shall" in this section can "make a further mess of it." He re-read the section to us, and so far from injuring the sense, the amendment alters the clause in the very direction that I have no doubt Maulvi Abul Kasem desired, namely, that the Bill instead of being mandatory should be permissive. Here Maulvi Abul Kasem has our full support. Do you desire to force the Governor General in Council to take immediate action or are you going to leave the decision in the hands of the Executive? It is true that there is a commencement clause, which gives some latitude to the Governor General in Council as regards the time in applying the Bill. But, even though that commencement clause exists, the fact remains that the Bill as framed would render action obligatory, and the implication in the mind of the public would certainly be that there rested on the Governor General in Council an obligation to take early action to carry out retaliatory measures. This morning I suggested a doubt whether it was advisable to take such steps at this moment, and in the circumstances now prevailing. I was speaking then on a motion of a restricted scope, and merely tendered advice on the question of circulation. Let me now go into the main question a little further. Dr. Gour, calling attention to the undoubted and admitted disabilities suffered by Indians in the Dominions, and pointing to the long history of wrongs which they have suffered in the past, recalled that in 1918 the principle of reciprocity was agreed to. What, he asked, had the Government of India done since then? The state of Indians in the Dominions had gone from bad to worse, and we have done nothing at all to remedy it. But what would this Bill do to effect a remedy? There come to India in the course of the year a few Colonials and a considerable number of indigenous Africans in the service of ships and the like. Suppose that we put into action the terms of this Bill. The indigenous Africans, who have not offended in any way against India, would be subjected to disabilities in regard to entry, and certain of the Colonials, if they are admitted at all, I presume, be segregated. The rules contemplated under the Bill will provide that a South African

[Sir Malcolm Hailey.]

coming to Simla shall live somewhere beyond Summer Hill. If he desires to trade he will have to take out a license—an embarrassing measure in a country where as a rule there are no licenses required for trading. That is the type of measure that we should be applying if we were forced to make the rules which the Bill obviously has in contemplation. And so having done nothing for 5 years, and allowing things to go, as we are told, from bad to worse, we are to attempt to right the position by this heroic measure, which will have not the smallest effect on the Colonials mainly concerned. I ask Honourable Members to consider what the effect would be. From the first the House has realized—they admitted it when we discussed the Racial Distinctions Bill—the House has known, as we have known, that the real effect of a Bill of this kind disappears at the very minute that you carry it into operation. It is not effective in action ; it may be effective as a threat. It may be that in dealing with the colonies or the dominions, it is advisable that we should have in our hands a weapon of this nature, which is useful as an instrument of negotiation just in so far as the possibility of its use may dissuade the colonies or dominions from adopting any further measure against Indians. It would be a proof of alienation on the part of India from other partners in the Empire which might reasonably cause the Dominions to hesitate before committing themselves to further action affecting Indians. That is the only effect which a measure of this kind can promise, and it is therefore one to be used with the utmost caution and used exactly at the right season. I ask if this is the right season to use it. The point is one which must be considered in circumstances which allow of a more dispassioned judgment ; and the House should not, in its desire to satisfy what may in themselves be quite justifiable feelings of resentment, endeavour to make it obligatory on the Governor General to carry out at once a measure the value of which is not absolute but strictly conditioned by the circumstances in which it is applied. I put this to the House, that the attempt to enter on a course of retaliation at this particular moment is ill-advised in the highest degree. I use the word retaliation advisedly because it was represented this morning that we have in this Bill only the affirmation of a principle which has been recognised since 1918 ; this Bill, we were told, has been on the anvil a long time, and it might have been passed at any time in the last four years. As a statement of fact that is perfectly true ; yet at the same time we must recognize that a Bill of this nature, passed to-day in these circumstances, and mandatory in its terms, does become a retaliatory measure and nothing else, especially when it is supported by arguments calling for retaliation not only in respect of the matters dealt with in the Bill, but in other matters affecting the Empire generally and India's place in it. We are about to have a meeting of Premiers in London. India, through its Legislature, will have given a sign of alienation or even, if these other proposals are carried out, of disassociation from the Dominions. It is that and nothing less ; a clear indication of a desire to express disassociation from the Dominions. You cannot belong to the British Empire and retain association only with the United Kingdom ; if you are to make good your partnership in the British Empire, you must also be in association with the Dominions, whose influence

in shaping the policy of the Empire and direction its destinies is daily becoming of greater importance. It is perfectly true that our relations with some of the Dominions have become clouded by many regrettable incidents. Nevertheless, we have to consider whether resentment at these incidents can be allowed to overcloud our judgment on the larger issue ; and I ask therefore if it is wise at this stage to give so open a sign of immediate disassociation from the Dominions ? That is the problem I put to the House when I ask it to view this situation with a balanced judgment ; the Dominions and the outside world will view this as retaliation and nothing else, and India will have to face the consequences. India will have to face the charge that while claiming to be a full partner of the Empire she does not hesitate to advocate retaliation against her other partners ; and Indians resident in the Dominions will have to face the consequences, which for all we know may be highly prejudicial to them, of such a demonstration. I feel so strongly the possible danger to them, that at the risk of repetition I emphasize once more that this Bill will not be viewed as the mere assertion of a principle, but at the time, in the circumstances in which it has come forward, it will be viewed as the commencement of a series of acts of retaliation which can have but one meaning and one meaning only, a desire to disassociate yourselves....

Dr. H. S. Gour : Who is responsible for it ? The British Cabinet.

The Honourable Sir Malcolm Hailey : The British Cabinet ? Is this Bill then a demonstration against the British Cabinet for its action in Kenya ? It was argued as a measure of reciprocity against the Dominions. Let us know where we are. But in all truth if you mean it as a demonstration against the British Cabinet, is it seriously believed that by such a measure, so puny in its effect, you will be able to revise the decision of the British Cabinet ? But I must conclude ; I urge again that if this measure is to be passed at all, and I believe in the circumstances it is an inadvisable measure to pass, it should be permissive and not obligatory.

Colonel Sir Henry Stanyon : I beg to support this amendment and save the House from legislating—I say it with all respect—nonsense. Part (2) of the first clause provides that this enactment shall come into force on such date as the Governor General in Council *may* notify in the Gazette of India, and clause 3, as now drafted, says that the Governor General in Council *shall* make rules. What is the sum total of it ? It says to the Governor General in Council, you *shall* make rules, but you *may* make them whenever you please, and I say that is nonsense. I strongly support the amendment.

The Honourable Sir Narasimha Sarma (Education, Health and Lands Member) : Let me in the first place apologise to the House for not having been present to take part in the earlier discussions of this measure owing to there being no other representative of my Department in the other House where a similar question had to be discussed. I would ask the House to dispassionately and calmly consider the consequences of passing a measure of an obligatory character. No one can feel more than I do the indignities to which our countrymen are being subjected in some parts of the Dominions, and it has been my painful duty to

[Sir Narasimha Sarma.]

have to read whether I am willing or not some of the speeches made in the Houses of Parliament of various Dominions. So it is not because I do not understand the position or that I do not feel for my countrymen residing abroad, that I do not feel as an Indian ought to feel the indignity to which our countrymen are subjected in some parts of these Dominions, it is not because I do not feel this that I am asking you to consider this measure dispassionately and calmly at this moment to see whether you are likely to achieve the result you have in view in trying to place on the Statute Book, at any rate as far as this House is concerned, a Bill which would leave the Government no option but to retaliate or to bring into force a principle of reciprocity, whichever way you put it, against all the Dominions, irrespective of the attitude which those Dominions may severally be taking with regard to the position of Indians settled in their territories. You want to make a gesture ; you want to indicate to these Dominions that it will be no longer possible for you to put up patiently with any indignities that may be sought to be further imposed upon your countrymen in these Dominions. Well, you will have succeeded in that object, if you agree to the amendment. In accepting the amendment, which has been moved by Mr. Abul Kasem, you are empowering the Government of India to take steps to vindicate the dignity and the self-respect both of that Government and the people over whom that Government rules ; you authorise them to take measures as they may consider appropriate and in the right season for the purpose of safe-guarding the interests of our countrymen abroad.

Well, Sir, I cannot say that we have been successful in actually getting reduced into practice many of the promises which have been made in 1921 or, at any rate, held out as likely to be fulfilled. Still, a perusal of the report of the Right Honourable Srinivasa Sastri would show that the position of the Indians settled in Canada, Australia and New Zealand, apart from the question of constitutional rights and privileges which they do not enjoy, does not leave much to be desired ; there is not much for them to be discontented with at least in some parts of the Empire. I have already stated that, with regard to the constitutional position, we hope to be able by persuasion, by perseverance, by continually pressing upon those Dominions the desirability of further strengthening the links binding the Empire together and the ties subsisting between the various component parts thereof, in time to induce them to assimilate their Indian subjects for all purposes with the other sections of the population resident therein. In some parts they do possess the parliamentary privilege ; in other parts they do not. But cannot we in India recognise that prejudices of long-standing, however deplorable they may be in their results, however indefensible they may be in the abstract and judged by the standard of right principles, however much they may have been denounced by all religious and social reformers, still linger ? Cannot we realise for a moment that it is difficult for those passions, for those prejudices, to die speedily ? Are we to interfere rudely and frustrate the hope that we may still entertain about bringing these various Dominions, where there are at present no social disabilities whatsoever inflicted upon our countrymen, where they do possess, in some places all, in some places partial, parliamentary privi-

leges, into line? Are we to include all of them and put them in one category and say this Bill should be applicable to all of them irrespective of their tendencies? I think, Sir, it would be disastrous for us not to differentiate between Dominion and Dominion, although, with regard to the right of entry, all their laws may unfortunately at present be such as we may have a just reason to complain of. But, Sir, those that have followed the literature on the subject and the feeling regarding the grant of self-government to India must have noticed how keenly sympathetic, I will not say the whole population but a large section of the liberal-minded portion of the populations of these Dominions, has been towards the advancement of self-government in India. Are we to alienate those friends by bringing in a measure of this description, which would not in effect be of much use but which would only tend to strengthen the animosities and prejudices which unfortunately do exist at the present moment to the great detriment of the solidarity of this Empire? I therefore hope that you will refrain in time from asking this House to put its seal upon a measure which would make it obligatory upon the Government of India to frame rules of a retaliatory character.

I know that the House is sorely exercised with regard to the measures that are proposed to be adopted in South Africa. I know that there is nothing to be said in defence of them, and I hope that the statesmen at the helm of affairs in South Africa will realise in time that posterity, that the various sections of the Dominions, may have cause to lay at their door the wreckage of an Empire to which the world may justly look for the establishment of the traditions and principles of fair play, and justice, and self-government (*Dr. H. S. Gour*: "and selfishness") which are cherished nowhere else so deeply as in the United Kingdom. But, Sir, there again those who have traced the history of this unfortunate prejudice in South Africa would have perceived that the Boer element had a continuous fight for hundreds of years with the native population in trying to secure suzerainty and, as a result, it has been impossible for them to shake off the prejudices that they have contracted. I am not trying for a moment to justify the attitude of the South African Ministers and speaking on the floor of this House I would appeal to them not to be the wreckers of the Empire. And what has been the tradition of India? Has India in the past tried to conquer the world by the doctrine of love or by the doctrine of hate? What has been the essential principle of our religion and the religions of the East? We had spread our religion throughout Asia. We have spread the gospel of love throughout the world and it is accepted everywhere. It may not have had the same effect upon all the races, which differ temperamentally from one another, but still we have conquered the whole world. Are we to say that we will have on the Statute Book a principle of retaliation, which is nothing but the principle of an eye for an eye and a tooth for a tooth? (*Mr. T. V. Seshagiri Ayyar*: "What about the Sermon on the Mount?") We should be proud of our religions and let us try to spread the true gospel amongst those gentlemen who think that they possess a higher civilisation than ourselves; but let us show them that we are truly of a higher civilisation and that in our civilisation we have nothing to be ashamed of by shewing by a concrete example and when there is an opportunity that we shall still give them

[Sir Narasimha Sarma.]

some time to repent, to relent and to reform. Sir, we are negotiating with His Majesty's Government and through His Majesty's Government with the Union of South Africa to see as to whether they should not in their own interests and in the interests of the Empire retrace their steps and not put upon the Statute Book a measure which would set the seal of further racial discrimination. But I think, if you do this, if you make it obligatory upon the Government—the Government may or may not be able to accept it—but, if you make it obligatory upon the Government, what would be the position ?

Honourable Members who have preceded me have already told you that, apart from the question as to whether you will succeed or not, the sufferings of our countrymen abroad may be multiplied tenfold and they may not be so grateful for your assistance as you think they will be by the passing of an Act of this obligatory character. I think in the interests of the measure which Dr. Gour wishes to promote, without committing the Government to any particular line of action, I would suggest that it would be easier for me to induce the Government to agree to a measure of reciprocity if he leaves some discretion as to when and how effectually to achieve the object which all of us have at heart rather than by his displaying a spirit which I can very well understand at present, saying that now we happen to be in a majority we shall try to exercise our power and insist that this shall be an obligatory measure.

I therefore ask you to reconsider the position and not to make it impossible for your measure being really carried into effect. As a practical man I would tell you that you will be able to secure more by making your gesture and at the same time telling the Colonials: "You have been boasting of your civilisation; let it be a real boast. We had the power to exercise rights which might or might not have been effective in practice—still we had those rights and yet we refrained because our religion forbids us to do so. We are a patient people and we still think we shall be able to win you to right ways." Now I think that would be the right course for this House to adopt and I ask that this amendment be accepted.

Sir P. S. Sivaswamy Aiyer : Sir, I am afraid that the fire and thunder from the official benches have largely proceeded from a misconception as to the effect of the section as proposed to be modified by the amendments of which a copy has been handed over to the Home Member. The criticism might possibly have been justified by the original language of clause 3. Let me read out to the House the clause as it will stand after the amendments I propose. It will read thus :

"The Governor General in Council may (or shall) make rules for the purpose of securing that persons domiciled in any British Possession shall have no greater rights and privileges as regards entry into and residence in British India than are accorded by the law and administration of such possession."

The result of the clause as amended will be that if according to the law of any British Colony or British possession there are any restrictions imposed upon Indians, we shall be entitled to impose restrictions no greater in extent and no more severe than what they have imposed—that is, imposed in the Colony against which we wish rules to be made.

The object of the clause as amended would be not to hit against all Colonies because South Africa may have offended us, not to hit at Australia because Canada may have offended us, but to hit only the subjects of those Colonies which have passed rules and regulations restricting the rights of entry into, and residence in, those Colonies, of Indian subjects. To use the language of General Smuts, I do not see how any person in those Colonies which have offered provocation in this way can reasonably resent such rules and regulations. It seems to me that the clause as amended would not be open to the criticism which has been levelled against it. At the same time I would rather be disposed to vote in favour of Maulvi Abul Kasem's amendment for this reason. Up to this time the Government of India have always acted in accordance with the wishes of the Legislature. There has been perfect unison on this matter between the Executive Government and the Legislature. We have no reason to distrust their declarations of sympathy. I think it would be more graceful and dignified, if we trust the Government and leave it to them to introduce the necessary rules and regulations, whenever they may be required. It may be said that it vests an undue amount of discretion in the Executive. I am not disposed to think so. If the Executive does not take the action which the Legislature requires, we have means open to us by bringing forward Resolutions or otherwise to bring pressure to bear upon the Government and induce them to make the necessary regulations whenever they may be required.

For these reasons, rather than for the reasons advanced on the other side, I am disposed to vote in favour of Maulvi Abul Kasem's amendment.

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

Mr. Devaki Prasad Sinha (Chota Nagpur Division : Non-Muhammadan) : Sir, whatever desire there was among the Members of this House for accepting the amendment moved by Maulvi Abul Kasem, I think, must have disappeared after the speeches delivered by the Honourable Sir Narasimha Sarma and the Honourable Sir Malcolm Hailey. Sir, if Government had come forward and candidly told us that, whenever they find that their suggestions are not acceptable, whenever they would find that they will not be able to persuade the authorities to take the necessary action, they would bring this measure into force and would introduce it and make rules accordingly—I think, Sir, that if any such assurance had come from Government, this House would have very willingly accepted this amendment. But what has happened to-day is a very sorry spectacle.

After the humiliation that we have suffered, Sir, we had expected that the Honourable Member in charge of this Department—the Honourable Sir Narasimha Sarma—would have resigned his post as a protest and come over to this side of the House. But instead of that, what a sorry spectacle we have here ! Instead of giving the lead to the non-official Members, he has come forward to justify the position in a half-hearted way by preaching the old and outgrown doctrines of love and patience. Sir, he asks us to have patience. We have been patient long enough. The advice to be patient in the mouth of a weak man is nothing but a confession of failure. If we had the power; if we had with us the instruments whereby we could compel the authorities, the

[Mr. Devaki Prasad Sinha.]

Colonial Governments, to respect our wishes, and then if we had exercised patience, it would have amounted to something. But here we find that we are being kicked again and again. For anybody at this time to talk to us about patience, is exceedingly nauseating, and this advice, coming as it does from the mouth of an Indian, is, I think, positively intolerable. Sir, it has been said that "may" in clause 1 and 'shall' in clause 3 do not fit in. My contention, Sir, is that we have already given the Government the option to bring this law into force whenever they like. Now what is attempted through this amendment is to give them a second option. Whenever there is a crisis, they might bring the law into force, but they would postpone the making of rules to some other time and to wait for further agitation. That would mean that action under this Act would be further postponed, it may be, indefinitely postponed. In view of these facts, Sir, and in view of the attitude taken up by Honourable Members representing Government, I think it is the duty of the House to say in unmistakable terms that we do not want to leave any option in the hands of Government; that we do not believe any longer in the policy of negotiations and petitions. We have had enough of that policy and we want direct action now. It is for this reason that I think a measure of retaliation is necessary. People here are fighting shy of the word "retaliation," but I do not see anything distasteful in it. If we do not want to retaliate at a moment like this, then my submission is that we are not human beings at all.

Before I sit down I would again ask the Honourable Sir Narasimha Sarma if he is prepared to give us a guarantee that in case he finds that his efforts by way of negotiations and petitions are of no avail, he will immediately and without any further consideration bring this law into force and frame rules in order to satisfy the wishes of the people? If he gives this assurance to the House, then I think the non-official Members might consider the desirability of accepting this amendment. Otherwise my respectful submission is that we must say an emphatic "No"!

Mr. L. Graham : Sir, before the question is put to the House, I should like to remind them that the amendment moved by my Honourable friend, Maulvi Abul Kasem, carries out the avowed intention of the Mover of this Bill. I look for the avowed intention of the Mover of this Bill in the Statement of Objects and Reasons, attached to the Bill, and there I find the following passage. After describing the proceedings of the Imperial Conference, and the action of the Union Government of South Africa, the statement proceeds to say :

"In the circumstances it is necessary that the Indian Legislature should arm the Government of India with the power to enforce the principle of reciprocity."

Now, Sir, that is exactly what the amendment does. It is exactly what the Bill does not do, and I put it to the House that we should help Dr. Gour to carry out his avowed intentions.

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

The motion that the question be put was adopted.

The *amendment was adopted.

Sir P. S. Sivaswamy Aiyer : The amendment I beg to propose is this :

“ In line 3 of clause 3 after the word ‘ persons ’ insert the words ‘ not being of Indian origin ’.”

We do not want to prevent Indians who have settled in South Africa from coming back to India.

The amendment was adopted.

Sir P. S. Sivaswamy Aiyer : The next amendment is this :

“ After the word ‘ Possession ’ in line 4 of clause 3, omit the words ‘ Protectorate or Mandated Territory administered by a dominion ’.”

The reason is that the definition renders these words unnecessary.

The amendment was adopted.

† **Sir P. S. Sivaswamy Aiyer :** The next amendment, Sir, is this :

“ In line 6 of clause 3 for the words ‘ the same ’ substitute the words ‘ no greater ’ and for the word ‘ as ’ in line 7 substitute the word ‘ than ’.”

As it is, the clause seems to evidence an anxiety that people belonging to those possessions should have the same rights. If I interpret Dr. Gour's wishes aright, his anxiety is rather that they should have no greater rights than what they accord to Indians in their respective possessions. It seems to me that the wording that I propose would carry out the intention of the Mover of the Bill much better.

Dr. H. S. Gour : I accept the amendment, Sir.

Rao Bahadur T. Rangachariar : Sir, it will be an improvement upon the section as originally drafted in this sense : they may have a test there in some Colony in which English dictation and knowledge of English may be insisted on ; here what is the good of prescribing dictation in English for an Englishman ? We must prescribe dictation in Tamil or Telugu or some other Vernacular language before the Colonial is allowed to land. Therefore, Sir, we must have the words ‘ no greater rights ’ instead of ‘ same rights.’

Mr. L. Graham : Before this amendment is put to the House, Sir, I would like to move an amendment to complete it by moving that for the word ‘ possessions ’ in line 9 the word ‘ possession ’ in the singular may be substituted.

Sir P. S. Sivaswamy Aiyer : I was going to propose it myself.

The amendments were adopted.

Sir P. S. Sivaswamy Aiyer : I move .

“ That in line 9 the word ‘ possession ’ in the singular be substituted for the word ‘ possessions,’ and to omit the words ‘ Protectorates or Mandated territories ’.”

because they are unnecessary on account of the definition of ‘ possession ’. The singular is substituted for the plural so as to avoid any possible

* In clause 3 to substitute the word “ may ” for the word “ shall ”, in line 1.
 † Some mistakes in this amendment were subsequently corrected, vide page 5087.

[Sir P. S. Sivaswamy Aiyer.]

ambiguity or misconception of the kind that seems to have been felt on the opposite benches.

Dr. H. S. Gour : I accept it.

The amendments were adopted.

Mr. L. Graham : On a point of order, Sir, may I ask for which ' as ' the word ' than ' is substituted ? The word ' as ' occurs both in line 7 and in line 8, and the amendment was intended to be in line 8.

Mr. President : The Honourable Member had better move it.

Mr. L. Graham : I move the amendment.

The amendment to substitute the word ' than ' for the word ' as ' in line 8 of clause was adopted.

Mr. President : The question is that clause 3, as amended, do stand part of the Bill.

Colonel Sir Henry Stanyon : Sir, in this unfortunate clause 3 there is yet another word which seems to present some difficulty. We have just accepted that ' domicile ' in this Act shall be domicile as understood more or less in the Indian Succession Act and in the published decisions in England. Now, this clause 3 is made applicable to " persons of Indian domicile." If this is intended to have reference to Indians who are settled in Kenya or settled in any of the Colonies it will not reach them ; because presumably their domicile of choice will be the domicile of the colony where they are settled. Therefore, Sir, the application of this Bill will present great difficulties if we keep to the words " accorded by the law and administration of such possessions to persons of Indian domicile ". *Prima facie*, it will apply only to those persons domiciled in India who visit the Colonies.

Clause 3, as amended, was added to the Bill.

The Honourable Sir Narasimha Sarma : Sir, I would ask the House to omit this clause 4. We are grateful for the confidence which the House has reposed in the Government in changing " shall " into " may " in clause 3, and we ask the House to repose the same confidence in the Government in respect of the rules which have to be framed under this clause. I would also suggest a very good reason for omitting it, because if the Government really wish to appear to make rules and at the same time desire the contrary, it would facilitate the accomplishment of their wishes. One House may suggest an amendment in the rules framed by the Government and pass it. It is taken to the other House, and that House does not approve of the amendment. Then there is no rule which is approved by both Houses, and therefore no rule need or can be framed. It is true that if such a process is brought about under the Indian Emigration Act, no emigrants can go. But that is not the object which is aimed at here. Therefore, if the desire of the Honourable Mover is that no rules shall be framed under this Bill by reason of any disagreement between the two Houses on any question, then I think the procedure prescribed in clause 4 would be eminently suitable to carry out that object. (*A Voice* : " Joint sitting ".) There is no such procedure provided, Sir. Consequently, I think it would only frustrate the object which the Honourable Member has in view, and you may take it that when you define the limits within which

the rules have to be framed and the objects and purposes for which the rules have to be framed, the rules which are to be framed by the Government of India will have to be in consonance with those objects and they will have to effectuate those objects ; therefore, I do not see any reason why it should be obligatory to place the rules before the two Houses. In the first place, please continue the confidence that you have reposed when you have changed " shall " into " may " ; secondly, you have limited the objects for which rules have to be made ; and thirdly, the very object which the Honourable Member has in view and the House has possibly in view would be frustrated if the Government or any person so minded were to block a motion by creating disagreement between the two Houses. For these reasons, Sir, I suggest that the House should omit this clause because it does not further the object in any way whatsoever.

Clause 4 was put and the Assembly divided :

AYES—32.

Abdul Majid, Sheikh.
Abul Kasem, Maulvi.
Agarwala, Lala Girdharilal.
Agnihotri, Mr. K. B. L.
Aiyer, Sir P. S. Sivaswamy.
Asjad-ul-lah, Maulvi Miyan.
Ayyangar, Mr. K. S. R.
Ayyar, Mr. T. V. Seshagiri.
Bansu, Mr. J. N.
Gour, Dr. H. S.
Gulab Singh, Sardar.
Hussanally, Mr. W. M.
Iswar Suran, Munshi.
Jatkar, Mr. B. H. R.
Joshi, Mr. N. M.
Lakshmi Narayan Lal, Mr.

Majumdar, Mr. J. N.
Man Singh, Bhai.
Mudaliar, Mr. S.
Mukherjee, Mr. T. P.
Nag, Mr. G. C.
Nand Lal, Dr.
Neogy, Mr. K. C.
Ramayya Pantulu, Mr. J.
Rangachariar, Mr. T.
Samarth, Mr. N. M.
Sarvadhikary, Sir Deva Prasad.
Shukla, Mr. D. P.
Sinha, Mr. D. P.
Sohan Lal, Mr. Bakshi.
Srinivasa Rao, Mr. P. V.
Venkatapatiraju, Mr. B.

NOES—47.

Abdul Hamid Khan Khudadad Khan,
Mr.
Abdul Quadir, Maulvi.
Abdul Rahim Khan, Mr.
Akram Hussain, Prince A. M. M.
Amjad Ali, Maulvi.
Ansorge, Mr. E. C.
Ayyangar, Mr. R. Narasimha.
Bardswell, Mr. H. R.
Barnes, Mr. H. C.
Barua, Mr. D. C.
Bhargava, Pandit J. L.
Blackett, Sir Basil.
Bray, Mr. Denys.
Budge, Mr. G.
Burdon, Mr. E.
Butler, Mr. M. S. D.
Calvert, Mr. H.
Chadwick, Mr. D. T.
Chatrji, Mr. P. C.
Chatterjee, Mr. A. C.
Clarke, Mr. G. R.
Cotelingam, Mr. J. P.
Das, Babu B. S.

Faridoonji, Mr. R.
Graham, Mr. L.
Gwynne, Mr. C. W.
Haigh, Mr. P. B.
Hailey, the Honourable Sir Malcolm.
Holme, Mr. H. E.
Ikramullah Khan, Raja Mohd.
Latthe, Mr. A. B.
Misra, Mr. B. N.
Mitter, Mr. K. N.
Muhammad Hussain, Mr. T.
Mukherjee, Mr. J. N.
Nabi Hadi, Mr. S. M.
Palin, Lieut.-Colonel R. H.
Percival, Mr. P. E.
Pyari Lal, Mr.
Rajan Baksh Shah, Mukhdum S.
Richey, Mr. J. A.
Sim, Mr. G. G.
Singh, Mr. S. N.
Stanyon, Colonel Sir Henry.
Subrahmanayam, Mr. C. S.
Ujagar Singh, Baba Bedi.
Yamin Khan, Mr. M.

The motion was negatived.

Maulvi Abul Kasem : Sir, I beg to move :

‘ That in clause 5, for the word ‘ shall,’ where it first occurs, the word ‘ may ’ be substituted.’

I do it without any speech because I do not think any is necessary and I am not anxious to hear my own voice.

The Honourable Sir. Malcolm Hailey : May I suggest that, in view of the fact that we always appoint Standing Committees to deal with important questions such as immigration, it is unnecessary to provide in the law that we should appoint such a Committee. The House knows that the Standing Committee on Emigration is consulted on all important questions by the Honourable Member in charge of the Department. Why then should we provide in the law for the institution of another Standing Committee ? I propose that the clause be omitted.

Mr. President : The Honourable Mr. Abul Kasem has moved an amendment.

Maulvi Abul Kasem : Another has been moved that the clause be omitted.

Mr. President : The procedure is that, under the Standing Orders, it is held that a motion has been moved that the clause stand part when I called clause 5. Does Mr. Abul Kasem wish to withdraw his amendment ?

Maulvi Abul Kasem : Yes.

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

Mr. President : The question is that clause 5 stand part of the Bill.

The motion was negatived.

Clause 6 was added to the Bill.

Sir P. S. Sivaswamy Aiyer : I beg to move :

‘ That in clause 7 for the words ‘ the British Possessions other than British India ’ the words ‘ any British Possession ’ be substituted.’

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Mr. President : The question is that clause 1 stand part of the Bill.

Clause 1 was added to the Bill.

The Title was added to the Bill.

Sir P. S. Sivaswamy Aiyer : With regard to the Preamble, Sir, I beg to move :

‘ That in line 2 of the Preamble, the word ‘ regulating ’ be inserted after the word ‘ for ’.’

The motion was adopted.

Sir P. S. Sivaswamy Aiyer : I beg to move :

“ That in lines 3 and 4 of the Preamble, the words ‘ portions of the British Empire other than the United Kingdom ’ be omitted in order to insert the words ‘ the British Possessions ’.”

The Preamble ought to be co-extensive with the substantive portion of the Act and the words “ British Possessions ” having been defined, this substitution is desirable.

The motion was adopted.

The Preamble, as amended, was added to the Bill.

Dr. H. S. Gour : I move, Sir, that the Bill, as amended, be passed.

The Honourable Sir Malcolm Hailey : Before a vote is taken I desire once more to make clear our attitude on the subject of this Bill. It was stated to us first as a mere assertion of principle. I endeavoured to make it clear to the House that, although its original intention may have been an assertion of principle, yet, brought forward as it is to-day, in circumstances with which we are so well acquainted, and to which I need not refer again, it is undoubtedly—and undoubtedly will be interpreted to be,—a measure of retaliation, and perhaps the first of a number of measures of retaliation. I see that my Honourable friends opposite consider that I have correctly gauged their intentions. It is clear, then, that the arguments which we heard to-day regarding the necessity of passing into legislation a principle affirmed by the Imperial Conference, now fall to the ground ; they may be true in terms ; they do not constitute in any way the real object of the proposers of this measure. They intend, I say, that it should be viewed outside India as the first of a number of measures of retaliation. If that is their intention, we, on our side, have to envisage it in the same light. Had it been merely the assertion of a principle, obviously Government could have had no objection to bring against it. The principle had already been affirmed ; and there could be no objection to passing it into legislation. The Bill as now amended bears a somewhat better aspect than when it was laid before us, in that it is no longer mandatory ; discretion is left to the executive to carry out any provisions comprised in it, and we present to the world a measure which, if in its object and intention is retaliatory, is still not one which must be carried immediately into action. Nevertheless, I put this to the House, that the importance of this Bill lies not in the steps that may be taken in pursuance of its provisions, but in the circumstances and the intention of its passing. It has far more of the character of a demonstration of policy than of an act of effective legislation. Deeply as we all must feel the cause which has produced the desire for this demonstration of feeling, I deprecate at this moment the passing of any Act of retaliation, because I think that it will be taken not as the exhibition of a calm and balanced judgment, but as an act of pique. Now we, in the United Kingdom, have some knowledge of century long conflicts with powerful adversaries, conflicts in which at times we have seemed to stand almost alone against a hostile world. The memory of these conflicts teaches one lesson ; if we have in our long career been not unsuccessful as a nation, it is because of two things. In the first place, we refuse to admit defeat, and in the second place, we

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endeavour to keep a calm judgment in circumstances which seem for the moment entirely adverse to us. If that is the lesson of the history of the United Kingdom, I commend it to India, which is new to conflicts in which her pride or her interests as a nation are involved. Here we have a situation in which you have recently received an admitted blow, by the decision in regard to Kenya and the announcements made in the Union Parliament regarding South Africa. Your Legislature proceeds at once to pass a Bill, the terms of which can hardly fail to be criticised by serious students of our proceedings as hastily and improperly considered. You proceed with that Bill at a time when its passing can hardly fail to be regarded merely as an exhibition of resentment, for admittedly it can in itself have hardly any constructive value. It is for that reason that I deprecate its being pressed for consideration now, and I deprecate the strong intention of the House to pass it. The curtain is now falling on the drama of three years of legislation; and what scene do we present? I would fain desire that we could leave to history the picture of a united Legislature which, realizing that it is engaged in a conflict which may be long and may be laborious, refuses to be disturbed in its judgment because in some of the earlier stages of that conflict it has met with rebuff, a Legislature strong in the conviction of its cause and determined finally to achieve victory, but equally determined in the meanwhile not to give way to hasty action coloured by feelings of resentment. But do we present that picture? The House knows that we do not. The House knows that the closing scene of this drama will be one which can hardly add lustre to its record.

Mr. T. V. Seshagiri Ayyar (Madras : Nominated Non-Official) : I am very sorry, Sir, that the Leader of the House has made this last speech. I understood from his opening remarks that he was in entire sympathy with the principle of the Bill; only, he asked that the Bill be circulated for opinion, as he considered that the Bill did not carry out all that it should. Now, he uses the word "retaliation" because some of my friends stated that it is also one of the motives that actuated them in the matter, and says we should not act on this principle of retaliation; and as this will be the first step in retaliation, we should not pass it. Sir, we are accustomed, lawyers are accustomed, to read the language and to interpret the language and not to dive into the motives which have led the Legislature to pass a measure. I ask this House simply to look at the language. The language of the measure makes it clear that it is for the purpose of enabling the Government to bring in reciprocity measures wherever they find that there has been a similar measure in the Dominions. That is the real object of this measure. It may be that some of us are actuated by a feeling of retaliation having regard to what has taken place in England. But you should not read that into the measure and thereupon condemn it. Sir, if it is true that the Government have been acting as advocates of the rights of the people of this country, if that is the true and correct reading of the mind of the Government, they should not stand in the way of this Bill being passed into law. We feel very keenly upon this matter and we think that this very mild measure of reciprocity should be welcomed by the Government so that the Government may take action

upon it whenever it considers desirable ; we have made it clear that it is not obligatory on the Government. Therefore it seems to me that the position taken up by the Leader of the House and the advice he has given to his followers—not to pass this Bill—is very much to be regretted both in the interests of the Government and in the interests of the people.

Rao Bahadur T. Rangachariar : Sir, I wish to ask the Honourable the Home Member to take this view of the question. Here the united demands of this Government and of the people of this country are being ignored. What are we doing by this legislation ? We are merely arming the Government of India with power when circumstances demand that they should take steps to enforce their demand. Now, their requisitions go without a sanction behind and that is why their requisitions are ignored. But if the Dominions know that the Government of India are equally powerful as themselves to make rules just as they do, they will hesitate before embarking upon such galling distinctions as have been referred to. Why does not he take this dispassionate view of the question ? As I have stated already, it is a pure accident that we are considering this Bill to-day. I do not deny for a moment that it is intended also as a measure of retaliation. It will be affectation on our part to say that only some of us think it is a measure of retaliation. I think I will carry the House with me when I say that all Indians intend that this is also a measure of retaliation. Otherwise we will not be Indians. It is all very well for my Honourable friend Sir Narasimha Sarma to preach the gospel of love. That is what Gandhi preached when we all laughed at him. He is not a practical man. We are practical men. We want to carry our affairs home. We want to carry on the administration of this country in the same way as other people do. Love does not pay always. We are human beings after all. All nations are composed of human beings. Therefore I ask the Government to take that view of the question. Let them not deprecate this measure and let them also co-operate in passing this measure. I appeal to them most earnestly that this is a measure which has long been overdue. In fact Lord Sinha had given the Government a draft Bill on these lines, and it is the fault of the Government that they have not introduced the Bill. Therefore I ask them to take this view of the question and not to oppose this motion.

Colonel Sir Henry Stanyon (United Provinces : European) : Sir, I have a very few last words to say. My friend Mr. Sahagiri Ayyar has said that we should look, not at the motives behind this Bill, but at the language of it, and it has further been now openly admitted that from the Indian point of view this is a measure purely of retaliation. (*Rao Bahadur T. Rangachariar* : “ Not purely.”) Mainly of retaliation. (*Rao Bahadur T. Rangachariar* : “ Not mainly, partly.”) Partly of retaliation, very well, a measure partly of retaliation. The best retaliation that could possibly go forth to the world is the evidence which the debate to-day has presented of the immense feeling of resentment which has been engendered by the decision in the Kenya case. But what will this Bill effect ? Nothing. It will hurt no one except ourselves. Look at clause 7.

If any person alleged to be domiciled in a British possession other than British India, raises the plea that he is not so domiciled, the

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burden of proving a different domicile lies on him. Therefore, if an Indian merchant, who has been settled for four generations in the Colony of Natal, wishes to come to India, the onus will lie upon him to show that his domicile is not Natal when he comes to India. The rules will subject him to the same restrictions that are imposed on whom? By the law and administration of Natal, to persons of Indian domicile, that is, persons who go from India to Natal. Let Members think over an illustration of that kind in an attempt to realise, if possible, with sober judgment—putting aside for one moment the upset of cold reason which a very natural and proper resentment (with which I wholly sympathise) has caused—let them put an illustration of that kind before themselves and they will see that the retaliatory effect of a measure of this kind will fall on nobody except the Indians for whom it is intended to be a weapon of offence or defence. This is the last enactment which this Legislature, as now constituted, has to pass, and I beg the House to think over it in sober judgment and not to put it as the final seal upon our reputation.

Sir Deva Prasad Sarvadhikary : Sir, English not being a language of our own, though many of us may have been handling it all our lives, very serious difficulties sometimes present themselves. We have been hearing a great deal to-day about reciprocity and retaliation. What is reciprocity, that received high sanction five years ago and to the exercise of which 'India' was declared to be entitled? Is it not doing that unto you as you do unto us? Retaliation in active use is an ugly term. It all depends upon what meaning you attach to a word for a passing purpose. Now and again in the course of debate here and elsewhere angry feelings have found expression, sentiments of resentments, with which the Government have shown sympathy—actually shown sympathy—and Members of the Government have told the world that, what has happened is as galling to them as to us. But does that turn reciprocity into retaliation? This Bill was in readiness on the 22nd of June. It ought to have been in readiness, through other than non-official agencies, long ago, if what was laid down in that Conference was to be carried into effect. Because of what other nationals do India was declared to be entitled to do, it was not the fault of this Legislature that the armoury had not been replenished in that direction earlier. The plot has been thickening since and those who felt that the Government of India does require, not a reminder, but arming, thought of this Bill and brought it forward. In the course of the concluding speech of the Honourable the Home Member I should have expected that what this Assembly has done in the way of meeting the Government wishes would have been better appreciated for Government views have been met all along the line. We for ourselves are grateful that the Government has assisted in shaping out this Bill as well as possible in the exigencies of the day so that it is devoid now of some of the objectionable features that we had to start with. I do not want to take credit on behalf of those of our friends on this side of the House who have assisted in that process, for what they have done is bare duty. Government like us should naturally be anxious to present to the world an Act which should be free of as many objections as possible,

and they have taken their share in reshaping the Bill. Therefore one should have naturally wished that, when finally enacting it, this House should not have parted with recrimination such as has been gratuitously indulged in. I should have wished that when the curtain was falling greater unanimity and friendliness and mutual appreciation should have prevailed between the Government and the other side of the House. We have always thought together on this matter and acted together in other matters as far as possible, and the parting criticism should have been friendlier. Now as a matter of necessity when we applied for leave to press the desirability of this on the Government, I should have thought that from the Government benches a note of discord at all events should not have been struck, for legislation that might have been thought gratuitous before has now become unavoidable. The Governor General in Council is free to act as he will in the exigencies of the circumstances and if he does not act as may be necessary from our point of view, the responsibility will be his. It would not be open to anybody to say that we had failed to supply that armament which had been contemplated long ago. And having done that, our duty ends and we should leave and should part as friends.

Mr. L. Graham : Sir, I have no wish to take part in the general discussion on this Bill, but as the result of the amendments passed on the second reading, certain consequential amendments are required to be made, with your permission I propose to move them. The first is this :—

In clause 2 (a) as amended, after the words " British India " which were inserted by my Honourable friend's amendment, the word " and " be struck out. The reason for that is that after the words " United Kingdom " we have inserted the words " and Ireland." Therefore the first " and " becomes superfluous. I move that that word " and " be struck out.

Mr. President : Amendment moved :

" In clause 2, sub-section (a), to omit the word ' and ' after the words ' British India '."

The motion was adopted.

Mr. L. Graham : The next amendment is a purely formal one. On the motion of my friend Sir Sivaswamy Aiyer the definition of the word " domicile " forming sub-clause (b) of clause 2 was struck out. Consequentially on that we should re-letter sub-clause (c), the definition of entry, as sub-clause (b).

Mr. President : Clause 2, to re-letter sub-clause (c), sub-clause (b).

The motion was adopted.

Mr. L. Graham : Sir, the next amendment concerns clause 3. Owing to somebody not being able to count we made an amendment altering " as " to " than " in line 7 of the clause instead of in line 8. To get that right, we have to make the following motion :

" That in line 7 for the word ' than ' the word ' as ' be substituted."

Mr. President : The question is :

" That in clause 3, line 7, omit the word ' than ' and insert the word ' as '."

The motion was adopted.

Mr. President : The question is :

“ That, as a consequential amendment, clauses 6 and 7 be renumbered 4 and 5.”

The motion was adopted.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, it seems as if it was only yesterday that this House was started on its career with benedictions from most exalted quarters. Standing here to-day, perhaps for the last time in this Chamber, I am reminded of the words of hope and encouragement that were uttered on that occasion by the then Viceroy and His Royal Highness the Duke of Connaught. We had a glorification of the idea of the Empire on that day, and we fondly hoped that we had secured an honourable place in the British Empire and that we were steadily marching on to our goal, namely, a position of equal partnership in the British Empire. Sir, it is a strange irony of fate that, while we started on our career in these optimistic circumstances, the first chapter of the reformed Legislature should close with a measure of this kind. Sir, the Honourable Sir Malcolm Hailey has just stated that this, the last measure of the reformed Assembly, will not add to its lustre. I take it to be the parting kick from Government to this House. Having made use of us for the last three years, the Honourable the Home Member finds it convenient to-day to indulge in this sort of condemnation and sneer. Now, Sir, I submit that the measure that we are placing on the Statute Book is not at all a retaliatory measure, unless and until the Government themselves will it to be so. For what are we doing to-day ? We are merely placing a legislative arm in the armoury of the Government of India to be used when necessary ; and it will be absolutely for the Government to decide when and where to make use of it. Sir, in these circumstances I do not think that the Honourable the Home Member was at all justified in making the observations that he has made. It is these exhibitions of petulance, if not perversity, that add fuel to the non-co-operation movement. Sir, when we entered this House, three years ago, we did it against the wishes of a very large section of the people of India ; and the confession is being wrung out of me to-day that perhaps they were right and we were wrong.

(*Several Honourable Members :* “ The question be now put.”)

The Honourable Sir Narasimha Sarma : Sir, I have just a few words to add to this concluding debate. Mr. Neogy seems to have clearly misunderstood the position of the Government in this matter. All that the Government have stated is that it is undesirable in the interests of India, in the interests of this House, that it should appear to the world at large that they have enacted any piece of legislation, which, however justifiable it may be under other circumstances and at other times, would be construed as an Act enacted in haste and indignation and under the influence of passion. They have been obliged to warn the House in that regard, not because they have not appreciated and do not appreciate the good work that has been done by this Assembly, not because they are unsympathetic to any of the aspirations of the Indian community, but because they wish it were possible to save, according to their lights, the reputation of the Assembly for calm judgment and for deliberation. (*Mr. N. M. Samarth :* “ What about its

self-respect ?") I shall not prolong this controversy. I am only explaining that the attitude of the Government has not been in the slightest degree unsympathetic in this respect and that some of the remarks were necessitated by speeches, which spoke in season and out of season of retaliation. I would ask my Honourable friend Mr. Rangachariar, as a true and devout follower of Vishnu, as to what the tenets of his sect have always been. (*Sir Deva Prasad Sarvaadhikary* : "What about Narasimha, the lion man ?") It would be shown in action, it would be shown that a man may possess courage but it is not necessary to exhibit it in season and out of season. But, Sir, I shall not be dragged into any personalities here. Therefore, it was that the Government deprecated any idea of associating the measure with the principle of retaliation. I do still think that my Indian friends who may vote for this measure are voting for it because they think in their judgment that it is right that they should arm the Government with such powers and not because they think that they should enact it whether it is right or wrong, because they wish to show their displeasure at the decision of His Majesty's Government. I, therefore, think, Sir, that the Honourable Sir Malcolm Hailey, as the Leader of the House, as a gentleman who has been interested in closely watching and safe-guarding the reputation of this House, should, in his solicitude for its reputation, have made remarks which might be construed as somewhat bitter in some quarters, but which were really meant in the interests of the Indian community, whose interests he has at heart as much as any Indian can. It is only in that sense and in that view that the Government have asked for some sort of consideration before they proceed to the final stage of placing the Bill on the Statute Book.

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

The Honourable Sir Malcolm Hailey : Although I am aware that the House desires to proceed to a division on this Bill, yet I think it is usual to grant some latitude to a Member who has been the recipient of criticisms such as that to which I have just been subjected.

It has been my fate in the course of my association with this House to have come frequently under criticism, and to have received from those with whom I have at different times been at friendly variance a considerable variety of epithets, illustrative of the many defects from which I suffer. But among that great variety, it is for the first time I think that I have been labelled with the brand of "perverse", and while I add that epithet to my collection with humility and without resentment, I feel that I can appeal to my friends in this House to bear witness that in the three years in which I have been associated with them I have in reality done little to deserve it. (Hear, hear.) I have throughout taken only one motive as my guide—a genuine solicitude for the reputation, the performances and the achievements of this House ; and if I have deprecated this Bill to-day, it is because, as the Honourable Sir Narasimha Sarma has said, I felt that a Bill of this nature was unfortunate in the time at which it was brought forward and that the House instead of passing it, would have been well advised to have sent it out to the country and have allowed opinions to gather on it, in order that the Legislature might be under no suspicion that

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it was acting in haste and without due consideration, as a result of the announcements of the last two days. I further proceeded, and I think I was justified in so doing in view of the many criticisms directed against the Bill, not from this side but from the opposite side of the House, to say that the Bill was not by itself one which would add greatly to our reputation. That is the extent of my criticisms.

This is the last occasion on which the Assembly meets. I should indeed be grieved if there were any feeling between myself and my friends in this House (*Voices* : " No, no "). We on our side have attempted to work loyally with you ; if at times we have differed, yet I think that we have achieved much together. Criticism, if honest and well intentioned, should be resented by nobody, and this House I think is too broadminded to feel umbrage at speeches which are honestly meant, not to arouse passion, or prejudice or ill-feeling, but as well considered advice to the House. (Hear, hear.) Remember, that we stand here as the spokesmen of a very small body against a large non-official majority. We cannot control it ; sometimes perhaps we can persuade it ; but in the last resort, all we can do is to advise it. We offer that advice honestly and for what it is worth. We ask the House to take it in the spirit as that in which we offer it,—and to believe that our one desire is to help in establishing the reputation of this House and to achieve something for India.

Sir P. S. Sivaswamy Aiyer : Sir, I should like to assure the Honourable Sir Malcolm Hailey that we have never misunderstood or misinterpreted his motives in making the appeal to us which he did to postpone the passing of this Bill. Whether we agree with him or differ from him, we have never had any doubt that his advice to us was inspired by one and only one motive and that was the credit of this Assembly.

I for one agree with him that however grave and sudden may be the provocation given, whether by the Government at Home or by the conduct of the Colonies, it would be desirable for us to preserve a dignified attitude in our legislation. But I differ from him in thinking that this legislation amounts to the abandonment of that attitude of propriety which ought to characterise this legislation. I do not concede that this is a measure of retaliation. Of course the words " reciprocity " and " retaliation " may be applied by different people to the same thing. What we have done by this measure is not to retaliate here and now against the Colonies who may have offended us, but merely to arm the Government with a power of intervention whenever necessary—with a power to assert the principle of reciprocity whenever it may be necessary to protect our interests. There is a saying that if you want to hang a dog, you have only to give it a bad name. If you call a principle by the name of reciprocity it sounds alright ; but if you call it by the name of retaliation it bears a very ugly look. Now the principle which is embodied in this Bill is a principle to which adhesion has been given by the Imperial Conference itself and by various other authorities. There is nothing intrinsically objectionable in the principle of reciprocity ; but the gravamen of the objection to the passing of this Bill is that under the circumstances under which the Bill is now sought

to be passed, it may savour of retaliation. Now I have already pointed out that we are not now taking any immediate steps to retaliate. We are merely arming the Executive with a power to be used in the future as and when it may be necessary for the safeguarding of our rights and interests. It seems to me that taking the measure as a whole it is no more than a mild assertion of the principle of reciprocity. It has been said that this juncture is peculiarly inopportune because it was only yesterday that the Imperial Government decided against us. But supposing we had proposed to pass this Bill sometime ago, would it not have been said to be premature, and would not the Honourable the Home Member have adjured us to put off passing such a Bill until we knew what the result of the negotiations with the Home Government was? We should have been told that it was premature, that it would be very ungracious and provocative to pass any measure of this kind before any occasion or necessity for it arose. When are we to pass it then? Some time hence? How long are we to wait? And then consider the position in which we are now placed. The objection to the taking the Bill into consideration was quite legitimate. But when the motion for postponement has been negatived and the House has considered all the provisions of the Bill and put it into shape, what is the attitude that we ought now to take? Are we to stultify ourselves by saying—"No, all that we did is wrong; we shall not now pass the Bill." If we do not now pass the Bill, is it with the intention of abandoning the Bill or passing it at a later date? I do not believe that anyone who has been a party in this House to the consideration of the Bill and to the attempt to put it into shape will agree to any suggestion to abandon it. If it cannot be abandoned, is there any advantage in postponing it? If the passing of the Bill at this moment is likely to lay us open to the suspicion of being actuated by a desire of retaliation, will the fact of its being passed later on free the Bill from the charge of having been initiated at a time when we were freshly smarting under a great provocation and a keen sense of grievance? I am afraid that this objection to the Bill on the ground that it has been brought forward at a time when we were smarting under the treatment meted out to us by the Home Government, will be available to the opponents or critics of the Bill as much at a later time as it is at the present moment. I do not think it is possible for us to adopt any other course than to vote in favour of this motion unless we wish to stultify ourselves.

The motion that the Bill, as amended, be passed, was adopted.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Secretary of the Council of State :

"I am directed to inform you that the Council of State has at its meeting held on the 27th of July 1923 agreed without any amendments to the following Bills which have been passed by the Legislative Assembly :

- A Bill further to amend the Land Acquisition Act, 1894, for certain purposes.
- A Bill further to amend the Indian Ports Act, 1908.
- A Bill further to amend the Indian Electricity Act, 1910.
- A Bill to amend the Charitable and Religious Trusts Act, 1920.
- A Bill to make provision for the better management of Wakf property and for ensuring the keeping and publication of proper accounts in respect of such properties."

CLOSING REMARKS BY MR. PRESIDENT.

Mr. President : Gentlemen of the Legislative Assembly, before adjourning the House for the last time I desire to say a word about the proceedings of this House. We have come now to the end of the first, and perhaps on looking back in after years it may prove to be the most important stage in the development of new political institutions in India. This is neither the time nor the place, nor am I the person, at all events at present, to estimate the exact value and significance of all that has passed within these walls during the past three years. All I wish to do to-day is to invite you to adopt one of the pleasantest practices of the House of Commons. In the past three years we have been in the habit of following the good practices and eschewing the bad habits of that great institution. It is one of the pleasant practices of the House of Commons that at the end of every Parliament Members come and shake hands with Mr. Speaker. Whatever that may portend at Westminster, I think I am justified in saying that in inviting you to adopt that practice to-day, as the last act of the Indian Legislative Assembly, I am inviting you to an act which perhaps, has more significance here than it has at Westminster. I take it, for myself at all events, as a sign of the unfailing amity and co-operation with which all parties and all persons in this House have engaged with the Chair in establishing a parliamentary tradition which is not the least of the political possessions of modern India. (Cheers) I hope I may add that I take it, and that you will take it, as a symbol of that friendship which has reigned over the proceedings of this House even at the stormiest moments in the strife of tongues.

I now invite Sir Malcolm Hailey, because even in moments when he is in a minority he is recognised as the Leader of the House, to lead the procession to my right which will file round on my left.

The Members then shook hands with the President.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 28th July, 1923.
