

4th July, 1923

THE
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

VOL. III

PART VI

(2nd to 12th July, 1923.)

THIRD SESSION
OF THE
LEGISLATIVE ASSEMBLY, 1923

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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.

Wednesday, 4th July, 1923.

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

QUESTIONS AND ANSWERS.

EXPENDITURE ON EDUCATION IN AJMER-MERWARA.

117. ***Rai Bahadur Pandit J. L. Bhargava** : 1. (a) Will the Government be pleased to state the amount of expenditure on Education in the Ajmer-Merwara Province during the last 3 years ?

(b) Is it a fact that reductions have been or are proposed to be effected in such expenditure for the future ? If so, will the Government give their reasons for the same ?

2. (a) Are the Government aware that such reductions have caused much concern and anxiety to the people of that province, as evidenced in the public meeting held at Ajmer on June 13 ?

(b) Do the Government propose to take early and suitable steps to remove such anxiety ?

Mr. Denys Bray : 1. (a) Actuals for 1920-21 : Rs. 2,00,398 ; 1921-22, Rs. 2,33,894 ; Revised estimate for 1922-23, Rs. 2,30,000. I may add that the actuals for 1913-14 were Rs. 1,02,000.

(b) A reduction of Rs. 20,000 was made in the Budget for 1923-24. Further reductions have been proposed, but have not yet been carried out. The reasons are financial stringency and the recommendations of the Retrenchment Committee.

2. (a) Yes.

(b) The whole question is under discussion with the Chief Commissioner, Ajmer-Merwara.

Mr. S. C. Shahani : Will the Government be pleased to state if a reduction in the expenditure on education in the Ajmer-Merwara provinces has been recommended by the Retrenchment Committee and if the Government have realised the shortsightedness of the Committee in proposing reductions in expenditure on education.

Mr. Denys Bray : The answer to the first part of the question is, Yes. The second part is a matter of opinion.

Sir Deva Prasad Sarvadhikary : Is the Government in a position to make any statement as to the likelihood of an university being established for Rajputana about which public opinion has been insistent in its demand.

Mr. President : The Honourable Member had better give notice of that.

PUBLIC SERVICES COMMISSION.

118. *Rai Bahadur Pandit J. L. Bhargava : (a) Will the Government be pleased to state if the Government of India was consulted in the selection of the personnel of the Services Commission ?

(b) If so, did the Government recommend any member of either Chamber of the Indian Legislature for the same ?

The Honourable Sir Malcolm Hailey : The constitution of a Royal Commission is a matter exclusively within the discretion of the Crown. The Government of India were not formally consulted on the appointment of Members, but the Secretary of State referred to His Excellency the Governor General. His Excellency recommended the names of such gentlemen as were in his opinion, by their administrative experience and acquaintance with the problems to be dealt with by the Commission, specially qualified to assist its enquiries.

Rai Bahadur Bakshi Sohan Lal : Were the Government of India informally consulted ?

The Honourable Sir Malcolm Hailey : The Government of India cannot be informally consulted on any question.

Mr. K. Ahmed : Did some correspondence pass between the Government of India and the Secretary of State with regard to the appointment of the members of the Royal Commission ?

The Honourable Sir Malcolm Hailey : As I have said very clearly in the answer to the question, no correspondence passed between the Secretary of State and the Government of India in regard to the personnel of the commission.

Mr. K. Ahmed : Is it not a fact that the Government of India recommended the names of those members who were appointed ?

The Honourable Sir Malcolm Hailey : Either my answer must have been obscure or, if I may venture to suggest, there has been a certain lack of apprehension at the other end. It must have been perfectly clear that as the Government of India were not consulted and as no communication was sent to the Government of India, the Government of India did not recommend any names.

Mr. K. Ahmed : Were the names whispered or inspired by the Government of India ?

The Honourable Sir Malcolm Hailey : Will the Honourable Member repeat his question to the House, as a certain portion of it was obscured by laughter ?

Mr. K. Ahmed : I want to know whether some unknown force has been acting and vibrating in the air in England, when the Secretary of State made these nominations, Sir.

The Honourable Sir Malcolm Hailey : I think the Honourable Member had better consult our Wireless Department.

ABOLITION OF RUPEE NOTE

119. *Rai Bahadur Pandit J. L. Bhargava : Will the Government be pleased to state if they propose to accept the recommendations of the

Incheape Committee regarding the abolition of the issue of one rupee note ? If so, when do they propose to give effect to this recommendation ?

The Honourable Sir Basil Blackett : The Government of India are considering the question in consultation with Chambers of Commerce

CORRESPONDENCE WITH NON-OFFICIALS RE : QUESTIONS AND ANSWERS.

120. ***Mr. K. Ahmed :** Are the Government aware that it is derogatory to the principle of parliamentary practice that the members of the Indian Legislative Assembly in charge of Government departments allow their subordinates who are not members of the Legislature to correspond with the non-official members regarding answers to questions put by them in the House ?

Mr. President : Technically, this question might have been disallowed. It raises a question with which no Government Department is directly concerned, and for which the Legislative Department has no responsibility whatever. At the same time, as its terms indicate a misconception regarding the relations between Government Departments and Non-official Members of the Legislative Assembly, I propose to answer it. Not only is it not derogatory to the dignity of a Member of Parliament or a Member of the Legislative Assembly for him to receive communications from subordinate members of Government regarding the answers to his questions, but such a practice seems to me to indicate a courteous endeavour on the part of the Government of India and its servants to assist Members of the Legislature in the performance of their public duties.

RETRENCHMENT COMMITTEE : TERMS OF REFERENCE.

121. ***Mr. K. Ahmed :** (1) Will the Government be pleased to state in full whether they had anything to do with regard to the terms of reference to the Retrenchment Committee and the circumstances under which the said terms were made ?

(2) (a) Will the Government be pleased to lay on the table all the correspondence which passed between the Government of India, the Secretary of State and the Provincial Governments on the subject regarding Question No. (1) ?

(b) In the alternative, do Government propose to explain in full their justification in refusing to lay on the table all those correspondence ?

The Honourable Sir Basil Blackett : (1) The terms of reference were settled by the Government of India with the approval of the Secretary of State.

(2) (a) Government regret that they cannot comply with this request.

(b) It is not customary to place such correspondence on the table and Government do not see that any useful purpose would be served by doing so in the present case.

Mr. S. C. Shahani : Will the Government be pleased to state whether they will consider the desirability of consulting the Assembly before formulating terms of reference for committees that are appointed ?

The Honourable Sir Basil Blackett : I should like to have notice of that question, which raises very large issues.

QUESTION RE : RESOLUTIONS.

122. ***Mr. K. Ahmed** : Will the Government be pleased to answer 7 of my starred questions left unanswered last Session, their registered numbers being 1012 to 1018 ?

Mr. President : I feel that I must apologise to the Honourable Member for the delay in answering these questions. They are not matters which concern the Governor General in Council ; and it was, therefore, my intention to deal with them in Delhi, but unfortunately the files relating to them were mislaid during my illness last January. I propose to answer them now.

DISALLOWANCE OF RESOLUTIONS.

123. ***Mr. K. Ahmed** : Are the Government aware that great inconveniences are being felt by the Members of this Assembly owing to the Honourable President's disallowing Resolutions in certain forms, in some session having already allowed the same on other previous sessions ?

Mr. President : I am not aware of any instance in which the complaint made by the Honourable Member in question is justified ; but if he will supply me with the necessary information, I will do my best to satisfy his inquiry.

PROCEDURE RE : ALLOWING OR DISALLOWING OF RESOLUTIONS.

124. ***Mr. K. Ahmed** : Is it a fact that Government departments sometimes take objections of the questions and Resolutions to be allowed by the Honourable President who, on hearing the said objections by the Government only, decides *ex parte* without the knowledge of the non-official members giving notice of them and disallows or allows them sometimes in full and sometimes in different forms ?

Mr. President : The admission of questions is a matter in which the responsibility rests solely with the President. When the President is in doubt as to whether any question deals with a matter with which the Governor General in Council is or is not primarily concerned, he usually consults the Member of Government within whose department the question appears to lie. I am glad to say that in all cases such information is promptly supplied ; but communications of this character in no way affect the responsibility of the President for the admission or disallowance of questions.

Mr. K. Ahmed : Is that the practice followed in the House of Commons, Sir ?

Mr. President : What practice in the House of Commons ?

Mr. K. Ahmed : Is it the practice in the House of Commons to allow or disallow questions and Resolutions *ex parte* ?

Mr. President : The circumstances in the House of Commons are not the same as the circumstances here. There is no necessity for Rule 7 in the Rules and Standing Orders in the House of Commons and therefore the necessity for allowing or disallowing questions on that ground does not arise,

Mr. S. C. Shahani : Will the Government be pleased to state if, in the matter of disallowance of questions and Resolutions, they would consider the advisability of according the President the advice of the panel of Chairmen ?

The Honourable Sir Malcolm Hailey : I do not think that is a suggestion for Government to take into consideration at all. As the Honourable President has explained, he is responsible in the matter not Government; he seeks information from Members of Government purely on certain points of fact, namely, whether the subject matter of the question does or does not fall under the Devolution Rules within the sphere of the Central Government, and matters of a similar kind. The Honourable Member suggests that we should appoint a panel in order to help the President to scrutinise questions. Apart from other considerations, he has no doubt realized that a large number of questions come in when the Assembly is not sitting. They are considered by the President and allowed or disallowed by the President, in some cases a month in some cases six weeks before the Assembly sits. It would be impossible for us to have a panel sitting in advance of the meetings of the Assembly to scrutinise questions, nor indeed, if I may venture the suggestion, is scrutiny what is required. All that the Honourable President asks for is information. As a Government, we give information and information only.

Mr. T. V. Seshagiri Ayyar : May I take an objection in regard to this matter. It appears, Sir, that whenever there is any difficulty you consult or get information, as just now pointed out by the Leader of the House, from the Government Benches as regards allowance or disallowance of questions. Supposing you get information which to a certain extent satisfies you that the question should be disallowed, would it not be fair that the Member sending in the question should be informed of the grounds on which objection is taken to his question so that he may reply to the objection raised ?

Mr. President : That is precisely the course that is taken. The Secretary of the Assembly acting on my orders writes to the Member informing him that his question has either been admitted or disallowed. If it has been disallowed, or any portion of it disallowed, reference is made in the Secretary's letter to the Rule or Standing Order which the question has infringed ; and there have been cases, and a number of cases, in which Honourable Members have written to me pointing out that in their opinion the Rule in question did not apply, and in some cases I have found on consideration that they were right. As far as I am aware the Honourable Member from Bengal and his colleagues have no complaint on that score. I may add that in consulting Members of the Government I consult them solely on questions of fact, and it is not possible under the Rules and Standing Orders, under the Statute itself, for me to divest myself of that authority and to hand it over to anyone else.

RESOLUTIONS DISALLOWED.

125. ***Mr. K. Ahmed :** Will the Government be pleased to state the reasons why some of the Resolutions though allowed on previous sessions by the Honourable President are disallowed under Rule 22 (2) by His Excellency the Governor General after the expiry of the required period

(fortnight) and some of them are disallowed by the President alone and also by His Excellency the Governor General direct ?

Mr. President : If the Honourable Member will be good enough to read Chapter XI of the Manual of Business and Procedure he will find therein a complete answer to his question.

RESOLUTION RE : RAILWAY FACILITIES.

126. ***Mr. K. Ahmed :** Is it a fact that the Resolution on the subject of free Railway Pass and facilities to be given to the Members of the Assembly by the Government in discharge of their public duty, was allowed by the Honourable President in one Resolution in the last Delhi Session, 1922, and in the September Session held at Simla in 1921 and then it was split up into two Resolutions in the last September Session at Simla in 1922 ?

Mr. President : The facts are as stated by the Honourable Member whose lynx eye has enabled him to detect an inconsistency in the action of the Chair.

RULE RE : SUBJECT OF RESOLUTION.

127. ***Mr. K. Ahmed :** Is there any rule prescribed for the Members of this Assembly that they should form their separate Resolutions touching separately the subject of each department of the Government and that the same Resolution touching different departments should not be allowed by the Honourable President ?

Mr. President : The Honourable Member will find the answer to this question in Standing Order 59.

PERIOD OF NOTICE FOR ALLOWING OR DISALLOWING RESOLUTIONS.

128. ***Mr. K. Ahmed :** Is it a fact that a fortnight's notice for allowing or disallowing a Resolution is not always followed and that whether a particular Resolution is being allowed or disallowed, the Members of the Assembly are not in a position to know about it at once ?

Mr. President : I am not aware of any case in which the Rules and Standing Orders relating to the period of notice for Resolutions have been violated.

NOTICE TO MEMBERS RE : ALLOWING OR DISALLOWING OF RESOLUTIONS.

129. ***Mr. K. Ahmed :** Do Government propose to make it a rule and to intimate it by writing to Members sending in notice of a Resolution whether the Resolution is being allowed or disallowed immediately on and after the expiry of a fortnight for the benefit of the public ?

Mr. President : The Governor General in Council is not responsible in this matter. The orders of the President are taken by the Secretary to the Legislative Assembly and are invariably communicated to the Member concerned on the expiry of the period of notice. I shall be glad to be informed by the Honourable Member of any instance which he has in mind in which this practice has not been followed.

RESOLUTIONS DISALLOWED.

130. ***Mr. K. Ahmed :** Will the Government be pleased to lay on the table all the questions and Resolutions disallowed by the President

and the Viceroy since February 1921 up to the last September Session 1922, of both the Chambers of the Indian Legislature ?

Mr. President : The Honourable Member will find an answer to his question on page 985 of the Official Reports of the debates of the Legislative Assembly, Volume II, 1921.

CENSUS REPORTS OF 1921.

131. ***Mr. K. Ahmed :** Will the Government be pleased to state whether the census reports of 1921 have hitherto been published in full giving reasons why they have taken such a long time over it ?

The Honourable Sir Malcolm Hailey : The following Provincial Reports of the Census of 1921 have been published in full :—

Andamans and Nicobars, Assam, Bombay, Madras, North-West Frontier Province, United Provinces, Baroda, Central India, Cochin, Gwalior, Mysore, Rajputana and Ajmer-Merwara and Travancore.

The reports of other Provinces or States are in the Presses and should shortly appear. The preparation of the Report for India is well advanced and the Report should be published by November. In spite of various local difficulties the compilation of the mass of statistics returned at the Census has been carried through as fast as if not faster than on previous occasions. The issue of the reports has, however, been considerably delayed in some cases by the pressure of work in the Presses. In spite of the vast population and area dealt with the compilation of the results of the Census of the Indian Empire compares well in speed with that of Western countries. The preparation of the reports of the Census of England and Wales with a population equal to that of one large Indian Province held on June 20th, 1921, is still going on.

Mr. K. Ahmed : May I ask the period that it took 10 years ago to publish the Census Report of 1911 ?

The Honourable Sir Malcolm Hailey : I have not the exact details, Sir. I fancy however that we shall publish our Census Report earlier than the last was published.

Mr. K. Ahmed : Did the Report of 1911 take a longer or shorter period than the Report now under preparation has already taken ?

The Honourable Sir Malcolm Hailey : If the Honourable Member wishes I will give him the exact dates subsequently.

BONGONG-SATKHIRA RAILWAY.

132. ***Mr. K. Ahmed :** (1) Will the Government be pleased to state whether it is under contemplation to complete the Bongong-Satkhira line on the Eastern Bengal Railway which was sanctioned some years ago after the plan was measured and everything was made ready for its construction ?

(2) (a) Are the Government aware of the great inconvenience felt by the people of Satkhira, Khulna, Jessore, 24-Parganas and the general public including the Government officers visiting Satkhira on duty for want of Railway communications ?

(b) Do Government propose immediately for the benefit of the public to take proper steps in completing the Bongong-Satkhira line and thereby remove the long-felt grievances of the people of those places ?

Honourable Mr. C. A. Innes : (1) The construction of a railway from Satkhira to Bongong has not been sanctioned and there is no intention at present of making this line.

(2) (a) Yes. As the headquarter town of the Satkhira subdivision is 25 miles from the nearest Railway Station there is no doubt that a railway connection with Satkhira would be a public convenience.

(b) The financial prospects of the line do not justify its construction under present conditions.

OFFICERS, SOLDIERS, ETC., FROM INDIA EMPLOYED OUT OF INDIA.

133. ***Mr. K. Ahmed :** (1) Will the Government be pleased to state how many soldiers, officers and followers from India are in Constantinople, Palestine, Mesopotamia, Iraq, Mosul, Chanak, Laussane, Angora and other places out of India with their full description and the method of the work they are engaged in ?

(2) Do Government propose to recall them immediately ?

Mr. E. Burdon : (1) and (2). No Military officers, soldiers or followers from India are employed in Constantinople, Chanak, Lausanne or Angora. I lay on the table a statement showing the number of military officers, etc., employed in Aden, the Malay States, Hong Kong, and North China, and the duties on which they are engaged. As regards other overseas areas, the attention of the Honourable Member is invited to the reply which I gave on the 24th March 1923 to question No. 626 asked in this Assembly by Mr. W. M. Hussanally. The Government of India do not propose to recall immediately any of the troops at present employed overseas.

INDIAN ARMY.

Detail of employment.	Station.	British Officers.	British Other Ranks.	Indian Officers.	Indian Other Ranks.	Followers.
Normal Overseas Garrison ...	Aden ..	67	26	57	1,535	215
Consular Guards and Escorts, and Infantry on normal duties.	Persian Gulf ...	12	9	27	955	54
Normal garrison duties overseas. }	Malay States ...	16	...	19	712	49
	Hong Kong ...	10	2	24	883	69
Temporarily overseas ...	North China ...	15	...	22	860	51

Mr. K. Ahmed : Do the people of India get any benefit by sending officers, soldiers and followers from India to these places in Constantinople, Mesopotamia, Mosul, Chanak, Lausanne, Angora and other places ?

Mr. E. Burdon : That, Sir, appears to me to be a matter of opinion. The opinion that it is to the benefit of India that troops should be so employed is the opinion adopted by this Legislative Assembly in the Resolution quoted in the reply given to Mr. Wali Muhammad Hussanally's question to which I have just referred the Honourable Member.

MUSLIM PILGRIMS TO MECCA.

134. ***Mr. K. Ahmed :** Will the Government be pleased to state the number of Muslim pilgrims who have gone to Mecca for Haj this year and state the proportion of them in comparison to the other previous years ?

Mr. M. S. D. Butler : According to reports received from the Government of Bombay the number of Muslim pilgrims who went for the Haj from the ports of Bombay and Karachi during the current pilgrim season was 18,032 up to the 25th June 1923. From 1919 to 1922 the numbers have been 12,121, 22,089, 10,854 and 12,550 respectively.

Haji Wajihuddin : May I know how many men are lying in Bombay waiting for steamers ?

Mr. M. S. D. Butler : The Honourable Member will receive that answer in reply to the next question.

HARDSHIPS OF PILGRIMS.

135. ***Mr. K. Ahmed :** Are the Government aware of the great hardship the pilgrims have to undergo for want of easy convenience of travelling during the scorching heat ? What are the approximate number of them who were unable to go to Mecca for want of steamers ?

Mr. M. S. D. Butler : The Government of India are aware that a number of pilgrims had to suffer some inconvenience in Bombay owing to shortage of ships in June. But at the end of the season there were no pilgrims who purchased tickets who were unable to go to Mecca for want of steamers.

Mr. W. M. Hussanally : Is it a fact that the accommodation for these pilgrims in Bombay is very small, and pilgrims are obliged to live and sleep on streets in the city of Bombay while they are waiting for ships ?

Mr. M. S. D. Butler : Musafarkhanas are provided in Bombay which are ordinarily adequate for the number of pilgrims who go there. During the present season, owing to the unusual rush, these Musafarkhanas were very much over-crowded.

Haji Wajihuddin : May I know what arrangements were made this year by the Government of India to provide sufficient steamers for the extraordinarily large number of pilgrims sailing from Bombay, and for the appointment of a special officer to look after the comfort of pilgrims outside India ?

Mr. M. S. D. Butler : The Government does not provide ships, but owing to their efforts this season, despite the unusual rush, every pilgrim who had the money to go was enabled to go. The Government of India have recently appointed a pilgrimage officer as desired by the Honourable Member.

Mr. K. Ahmed : Is it a fact that the Government of India,—or probably the Government of Bengal forwarded a memorial to the Department sent by Maulana Abu Bakr of Furfura in Bengal saying that he took 8,000 pilgrims from the Howrah station to Bombay by a special train and, that they were stranded, and could not find accommodation to stay there ? Was the memorial from Bengal forwarded to the Government of India at all, Sir ?

Mr. M. S. D. Butler : I am afraid I did not catch what the Honourable Member said.

Mr. K. Ahmed : Is it not a fact, Sir, that Maulana Abu Bakr (Furfura) of Bengal took 8,000 pilgrims from the Howrah station in Calcutta to Bombay by special train on their way to Mecca and were stranded there for weeks and weeks and sufficient accommodation was not supplied to them at Bombay ? How long were they detained for want of steamers at Bombay to go to Jeddah, Sir ?

Mr. President : If the Honourable Member wants accurate information, he had better give notice of that question.

Mr. W. M. Hussanally : Do the Government propose to open the port of Madras for pilgrims to the Hedjaz ?

Mr. M. S. D. Butler : The next question deals with that point.

OPENING OF CALCUTTA, MADRAS, ETC., FOR PILGRIM TRAFFIC.

136. ***Mr. K. Ahmed :** (a) Is it a fact that Government of India promised in either one or both the Chambers that they will take steps to open the ports of Calcutta, Madras and other places for pilgrim traffic to Mecca and other Holy places ?

(b) If the answer is in the affirmative, will the Government be pleased to state what steps they have taken to give effect to their promise, if there be any, and in full explain their justification in notifying to the public that pilgrims should not any more go to Bombay on their way to Mecca as there are no steamers available for the pilgrimage this year ?

Mr. M. S. D. Butler : (a) A Resolution recommending the opening of the port of Madras for pilgrim traffic to the Hedjaz was adopted by the Council of State on the 13th February 1922, while a similar Resolution about the opening of the port of Calcutta was adopted by the Legislative Assembly on the 9th March 1922.

(b) The Government of India have decided that owing to financial stringency the time is not opportune for deciding whether the port of Madras should or should not be opened for pilgrim traffic. The Government of Madras and the Standing Committee of the Legislature, who were consulted in the matter, were of the same opinion. The question of opening the port of Calcutta to pilgrim traffic is still under consideration. As regards the last part of the question the facts are that there were more pilgrims in Bombay in the month of June than there were ships readily available. Consequently the local authorities notified the authorities in Calcutta of the situation in order to save pilgrims who were waiting to start from there from unnecessary expense and disappointment.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

Lala Girdharilal Agarwala (Agra Division : Non-Muhammadan Rural) : Sir, I beg to move :

“ That the name of Sir Henry Stanyon may be added to the Select Committee to consider my Bill further to amend the Code of Civil Procedure.”

Mr. President : Has the Honourable Member had the authority of Sir Henry Stanyon ?

Lala Girdharilal Agarwala : Yes, Sir.

Mr. President : The question is :

“ That the name of Sir Henry Stanyon be added to the Select Committee to consider the Bill further to amend the Code of Civil Procedure.”

The motion was adopted.

Mr. W. M. Hussanally (Sind : Muhammadan Rural) : Sir, shall I be in order if I put forward another name also for the same Select Committee ? I should like to propose the name of Mr. Harchandrai Vishindas.

The Honourable Sir Malcolm Hailey (Home Member) : Might I ask, Sir, if Mr. Agarwala did not previously consult you on the subject, and was it not through your courtesy that we were also consulted on that matter ? It is not easy for us to face proposals of this nature without any previous notice. The matter of the appointment of the Select Committee is really not now before the House at all ; it would have been a convenience if, when the constitution of the Select Committee was under consideration, the Honourable Member had considered whether that constitution was complete or not and made his proposals then.

Mr. W. M. Hussanally : That is exactly the reason why I asked if I would be in order. I did not know that this matter would be brought forward by Mr. Agarwala to-day, but when he did, I thought I might as well propose another name, yet I was not sure if I would be in order not having given previous notice.

Mr. President : I should not have accepted any motion of this character had it not been for the fact that the Committee needed a Chairman. I wish in no way to reflect upon the character or intelligence of the Honourable Member whom Mr. Hussanally has proposed, but in this case Sir Henry Stanyon stood in a special position and therefore the motion to propose his name as a member of the Select Committee was one which I did not hesitate to accept.

The Honourable Sir Malcolm Hailey : I also did not wish to cast any reflection whatever on Mr. Harchandrai Vishindas. It was only on the matter of procedure to which I objected.

Lala Girdharilal Agarwala : As Messrs. Rangachariar and Abul Kasem, two members of the Select Committee, were absent I wanted one

other gentleman to be on the Select Committee who might be one of the panel of Chairmen, to complete the constitution of the Select Committee. Therefore I was compelled to request my Honourable friend, Sir Henry Stanyon, to accept it.

RESOLUTION *RE* GIVING EFFECT TO RESOLUTIONS OF
ASSEMBLY IN CONNECTION WITH ESHER COMMITTEE'S
REPORT.

ADMISSION OF INDIANS INTO ALL BRANCHES OF THE ARMY.

Sir P. S. Sivaswamy Aiyer. (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, I rise to move the first Resolution on the agenda to-day. It is in these terms :

“ This Assembly recommends to the Governor General in Council that he will be pleased to urge upon the Imperial Government the necessity for promptly giving effect to Resolutions 7, 8, 10 and 11 of the Assembly passed on the 28th of March, 1921, in connection with the Esher Committee's Report with the concurrence of the Government of India.”

These Resolutions were passed with the concurrence of the Government of India, and they have not yet been fully given effect to. I do not suppose that much argument will be necessary on my part to persuade the Government to return to the charge in respect of those portions of the Resolutions which have not been already carried out ; I need hardly tell the House that these Resolutions 7, 8, 10 and 11 were perhaps the most important of the Resolutions which were passed on that occasion in connection with the Esher Committee's Report. They have been given effect to only in part and my object in moving this Resolution is to ask the House to consider the progress made in carrying out these Resolutions, to express its opinion as to the very unsatisfactory character of the progress, and to urge upon the Government to make a further representation. Mr. Burdon was good enough to furnish us two days ago with a statement analysing the demands of the Assembly contained in the Resolutions referred to and showing what progress had been made in the matter of giving effect to these various Resolutions. I propose to refer in some detail to this statement which was furnished by Mr. Burdon and point out how halting and unsatisfactory the progress has been. The first matter to which I wish to refer is the request of the Assembly that the King Emperor's Indian subjects should be freely admitted to all arms of His Majesty's Military, Naval and Air Forces in India. Now the reply is this : “ Indians are now eligible for admission to all ranks of the Cavalry and Infantry Arms of the Indian Army ”. That is no news to us. They were eligible and they are eligible. There has been no further step taken in that matter. It is said that “ the proposal that Indians should be admitted to the Royal Artillery and the Royal Engineers which are branches of the British Unit of the Indian Army has not yet been agreed to.” I understand from Mr. Burdon that the word ‘ yet ’ has crept in there by mistake and that he really meant to inform us that these proposals have been rejected. The words “ has not been agreed to ” are perhaps ambiguous. They do not

state at which end of the cable the hitch has arisen. But *prima facie* the hitch has not arisen at this end for we know that the Government of India concurred in the Resolutions which were passed. Apparently it means that the hitch has arisen at the other end and that these proposals have not been agreed to, or have been rejected, by the Imperial Government. The position, then, is this ; what we desired was the declaration of the eligibility of Indians to branches of the Army to which they were not eligible previously. They were eligible to the Cavalry and to the Infantry. What they were not eligible to was the Engineers and the Artillery, the Air Forces and so on. Now this statement that these are branches of the British Army and not of the Indian Army is perhaps meant to suggest a reason for the refusal of the Imperial Government to accede to our request. But that, I submit, is no satisfactory reason. It is true that the units of the Royal Artillery and of the Royal Engineers now in India are British units, and it may be that there are insuperable difficulties in the way of admitting Indians into British units ; but that was not what we desired. Our object was to have it declared that Indians are eligible to the Artillery and Engineers. If necessary let Indian units of Artillery and Indian units of Engineers be formed in India and if any question of cost should arise, let a certain number of British Artillery units and British Engineer units be replaced by the Indian units. That is the solution of any difficulty which might arise from the fact that the Artillery and the Engineers are British units. It is really no answer at all to our claim to be admitted into branches of the Army to which we were not admitted before. With regard to the admissibility of the Indians to the Marine services, we know that it is a subject which will come up for examination before the Committee which was appointed to inquire into that question. I shall not therefore trouble the House with any remarks upon that matter. Then, with regard to the Air Forces, it is stated the proposal that Indians should be admitted to the Royal Air Force, which is also a British service establishment, has not been agreed to. The remarks which I made in connection with the Artillery and the Engineers are equally applicable to the Royal Air Force. The fact that they are British units is no answer at all to our claim. In fact I should suggest that if this attitude is persisted in that Indians cannot be admitted into the Air Force or into the Artillery or the Engineers because they have got only British units and no Indian units, it will be necessary for us to take up the position that if there is no provision made for the admission of Indians and their training in these various arms of the defensive force, we should call upon the Imperial Government to foot the Bill in respect of these services, into which Indians have no right of admission and which are maintained by the recruitment of Britishers only. It seems to me, therefore, that these difficulties are not really of an insuperable character.

The next item is that Indians should be freely admitted to the auxiliary services and the auxiliary forces. The answer is " Indian officers of the Indian Army holding the King's Commissions are equally eligible with British officers of the Indian Army for admission to the Indian Army Departments, namely, the Indian Army Service Corps, the Indian Army Ordnance Corps, the Indian Farms Department, etc. Indian officers will, however, be required to satisfy the same conditions as British officers, that

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is to say, they must enter the Army as combatants in the first instance and then have some years' experience of regimental life and obtain certain prescribed qualifications." Now, it may possibly be news to many of the members that service in the combatant ranks is necessary for admission to these auxiliary forces and that it is necessary for an officer to obtain a King's Commission in the combatant ranks before he is eligible to these auxiliary forces. With that position, which I presume to be correct, I do not propose to quarrel, but I think it is necessary to publish the fact that Indian officers holding King's Commissions are eligible for appointments in these auxiliary services and that there is no bar to their entertainment, apart from the conditions which are applicable to all alike. That I think is necessary. In this connection another matter which I should like to bring out and which may have connection with another item to be mentioned later on is this. The number of recruitments made annually for King's Commissions was stated by Sir Godfrey Fell two years ago to be about 10 a year or so out of 50 vacancies to be filled up. Now, it struck me as somewhat curious that for the whole Army which consists, I believe, of over 4,000 officers including the regular, the auxiliary and the other services, the rate of decrement should be so small that the number of annual vacancies to be filled up in the King's Commissions should only be 50 or 60.

I know that in the Civil Service, which consists of a much smaller cadre, the rate of decrement is larger and the number of vacancies annually thrown open is larger. One would have thought that in the military service the rate of decrement would perhaps be a little faster, but probably military service may have a tendency to prolong life, the number of annual vacancies may perhaps be as stated. But I should like the authorities to examine the question and give us correct information as to whether the 50 or 60 annual vacancies in the King's Commissions have been correctly calculated with reference to the total strength of officers, including the ancillary services. Of course, if it has been correctly calculated, I have no quarrel. I have simply stated that, *prima facie*, it strikes one as rather curious that in the whole Army, which consists of thousands of officers, the annual number of King's Commissions to be thrown open should be so small as 50 to 60.

Then, Sir, the next item is this. We suggested that every encouragement should be given to Indians, including the educated middle class, subject to the prescribed standards of fitness. The answer is that it is being done. I do not wish to go further into that matter.

The next is that in the nomination of candidates for the examinations non-official Indians should be associated. The answer is that this practice has been adopted. What I beg to suggest is, not merely that there should be non-official Indians associated on some selection board in the Provinces, but that, if possible, there should be a central advisory board here at the headquarters. I trust it is no reflection at all upon the judgment of the authorities at the headquarters if I suggest that it would be an advantage to have a central advisory board associated with the authorities here in making a selection out of the names of the candidates who might have been nominated by the Local Governments, for I take it that the number of

candidates nominated by the Local Governments is not exactly equal to the number who have to be selected. I believe they send up a larger number of names, and it is the headquarters that selects persons out of these nominees, after a personal interview with His Excellency the Commander-in-Chief, and perhaps with higher authority. The responsibility for the selection undoubtedly rests with His Excellency the Commander-in-Chief and with His Excellency the Viceroy. I submit it would be no disparagement at all of their judgment to suggest that a small committee of non-officials might be associated with them in making the selections. I do not believe it can be claimed that the selections made have all turned out quite good bargains. If they have not turned out good bargains, it might very probably be due to the unfitness of the candidates. But if there had been some non-officials associated, it is quite possible that they might have been in a position to assist or advise the authorities here as to the rejection of certain candidates and the selection of fit candidates.

The next item of recommendation with which I propose to trouble the House is this, that not less than 25 per cent. of the King's Commissions granted every year should be given to His Majesty's Indian subjects to start with. The answer is that full effect has not been given to this recommendation. During the past few years 10 Commissions out of 50 annually have been reserved for Indians. In connection with this I need only call attention to the remarks I made about the number of Commissions annually thrown open. I should like to have accurate figures as to the number of Commissions annually filled up and I should like to urge upon the Imperial Government the necessity of carrying out this Resolution in its entirety by starting with at least the minimum percentage of 25. It has not been stated in the answer that it has not been possible to secure 25 per cent. ; all that is stated is that 10 Commissions have been reserved every year. Why it is not possible to reserve more Commissions we do not know, and here we call upon the Government to give effect to this part of our Resolution. Here I do not know where the hitch has arisen. Possibly the native hue of the Government's Resolution might have been sicklied over with the pale cast of thought. I should like to be informed whether the trouble has arisen here or at another place.

The next item was that adequate facilities should be provided in India for the preliminary training of Indians to fit them to enter the Royal Indian Military College, Sandhurst. The reply, as we all know, is that a so-called College has been started at Dehra Dun. I use the word 'so-called' because it really is a high school. Of course it may be a good thing to give it an attractive name such as College. Now what we really want is, not merely one preliminary training institution like Dehra Dun, but at least one more. In spite of the vast size of this country, Dehra Dun is the only place in the whole of this sub-continent to which recruits have to be sent. To realise the conditions, just imagine a candidate in England having to be sent to Russia for training for entrance to Sandhurst or some other institution. The distance is quite as vast. A candidate, say from the South of India, or the East Coast of India, or from Burma has now to go to Dehra Dun. I respectfully suggest the opening of another school at Bangalore or Poona whichever the authorities may prefer, which might be convenient to other parts of India as well.

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The next recommendation was that, as soon as funds were available, steps should be taken to establish in India a military college such as Sandhurst. The answer is, this recommendation has not yet been agreed to. I do not know whether the 'yet' here also is a *lapsus calami*, whether it is still under consideration, or whether the formula that 'it has not been agreed to' means it has been rejected. I hope it does not mean that, because the next sentence says, "amongst other things, the financial condition laid down has not yet been satisfied." I venture to draw some hope from the manner in which this sentence is worded, and I take it to mean that this proposal has not been definitely rejected. The financial condition has not been satisfied because funds are not available. Now if the Government would kindly give us some idea of the cost of running a regular institution like Sandhurst, it might be possible for us to help them with suggestions as to ways and means. There are, for instance, items of expenditure which we at any rate would have no hesitation in proposing a retrenchment of. For instance, there are schools of education for the British wing of the Army which are meant to train up British soldiers for avocations in after life, after their discharge. Now, that is an item which has all along appeared to me to be one which ought not to be thrown upon the Indian Exchequer at all, because the soldiers to be trained are not going to live in this country and earn their livelihood here, but are going back to their own country. Now, we might be able to suggest various other ways and means with regard to meeting the cost. If the Government will kindly tell us what the other obstacles are to the opening of a military college like Sandhurst, it might be possible for us to suggest ways of getting over them.

The next item recommended by the Assembly was that the desirability of establishing in India training and educational institutions for other branches of the Army should be kept in view. It is said that it is impracticable at present to take any definite action towards carrying out this recommendation. Of course, our recommendation did not request the Government to carry it out at once but merely asked them to keep the desirability of establishing such institutions in view. We do not know whether it is still being kept in view or has been lost sight of or whether the difficulty referred to is a difficulty of funds. However, there is one sentiment to which I think I may give expression with some confidence, namely, that in these matters of training Indians to take their part in the defence of the country, if expenditure is really necessary, the country will not be unwilling to find ways and means of providing for it, and we shall be very pleased if the Government will tell us what their plans are and what the cost would be.

The next recommendation was that a territorial force should be formed on attractive lines. The answer is that the Indian Territorial Force has been created and the results of the training carried out in the first year of the existence of the Force have been satisfactory, and that recruiting results are also satisfactory. With regard to this subject of the Territorial Force and the lines upon which it has been formed, it would perhaps be rash for a layman like myself to express any opinion with any confidence, and I must confess that I have not been able to study the subject or exactly

understand and appreciate the lines on which the Territorial Force is now being organised ; but I understand that the principle upon which the Territorial Force is being organised is that it should take the place of a second line of reserve. I am not sure whether I am correct in my assumption but I am merely stating what my impression of the situation is. I believe that the Territorial Force is, unlike the Auxiliary Force, liable to service outside of India. If I am right in my surmise, it seems to me that that policy requires further consideration. It is not that I am opposed to the formation of a second line of reserve or of a reserve at all. Reserves are necessary and essential, but the question is what is the proper function of a Territorial Force. So far as the Auxiliary Force is concerned, I believe that it is not intended to send them out of the country for service, but, so far as the Territorial Force is concerned, I understand the conditions are different. I may also point out here that, according to the English Territorial Forces Act, 1907,—the Territorial Force was not and perhaps is not liable to be sent out of the country without its consent. Of course, I am speaking subject to correction, but I took a brief opportunity of consulting a book, the authority of which perhaps His Excellency the Commander-in-Chief may acknowledge—Lord Halsbury's "Laws of England". In the section on the Territorial Force, he says :

"The Crown may raise and maintain a force called the Territorial Force, any part of which is liable to serve in any part of the United Kingdom, but may not without its consent be carried or ordered to go out of the United Kingdom."

(His Excellency the Commander-in-Chief : "What is the date of that ?") The date was 1913. It may be it has been amended since. I do not pretend to be an expert in military law but I am only stating what I have gathered. Be that as it may, I am right in making this statement that, when the Territorial Force was started in England, it was started with the object of making it liable to service inside the country and not outside. Subsequently, if I understand His Excellency aright, the law was changed so as to make them liable to service outside. What I wish to observe is this that in the matter of the formation of a Territorial Force we are not prepared to adopt the cautious lines on which the Territorial Force was formed even in a country with military instincts, where the people are accustomed to the idea of military service ; and the authorities are anxious to organize the force on the lines finally adopted in England. In some matters, notably in matters political, we know we adopt the motto "*Festina lente*," but in other matters like this we are prepared to adopt the final form reached in the evolution of the Territorial Force in England for the organisation of our force here. Well, I do not wish to go further into the question. It may be said that, from the point of view of military efficiency, it is necessary that the final form reached in the evolution of the Territorial Force in England should also be adopted in this country. But there is one point which arises here. What, have you done in the case of the Auxiliary Force ? Why do you not make them also liable to service outside India ? If the Auxiliary Force is not liable to service outside India—I speak subject to correction—and is more or less meant for the purpose of training a large number of Europeans and Anglo-Indians in the country to deal with disturbances of the internal security, why do you not form a similar organisation with regard to Indians or declare that Indians also are liable to be enrolled, not necessarily in the same unit of the Auxiliary Force but in separate units

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of the Auxiliary Force? I am not quarrelling with your organisation of a Territorial Force with its liability to serve abroad, but, if that is to be the ideal of the Auxiliary Force—I am using the word “Auxiliary” in the broad sense—then, do one of two things. Either make the Auxiliary Force in the narrow sense liable to serve outside India or allow us to form Indian units of the Auxiliary Force. It cannot be said that the distinctions between the Auxiliary Force and the Territorial Force, which it was the object of the Assembly to get rid of, have been touched.

Then, the next point was this that a gradual and prudent reduction of the ratio of British to Indian troops should be carried out. I do not propose to go into that very large question of policy here. The next recommendation was that officers in the Indian Territorial Force should have the rank of Second-Lieutenant or higher rank as the case may be and that no distinction should be made between the Indian Territorial Force and the Indian Auxiliary Force in respect of the authority which signs the commissions; and that officers in these two forces should take rank *inter se* according to the date of appointment. The answer is, as an *interim* arrangement it has been decided to grant officers in the Indian Territorial Force honorary commissions in His Majesty's Land Forces which confer the titles of rank used in the British Army. These questions have not yet been finally decided for the reason that the form of commission to be granted to officers of the Auxiliary Force as a permanent arrangement has not yet been settled.

Apparently the question has been under consideration during these two years and is said to be still under consideration. I only hope that the question will be settled in a satisfactory manner. (Mr. N. M. Samarth: “At an early date.”) Now I have done with the various recommendations made by the Assembly in its Resolutions of the 28th March 1921. It remains for us now to press the Government again to make a further representation to the authorities at home. We know that the influence of the War Office is great, is very conservative, and very baleful. But we know also and we are glad to remember that His Excellency the Commander-in-Chief told us on one occasion that he was a servant of the Assembly and that you could trust him to fight our battles not merely on the battlefield but in the Council Chamber, with every weapon in his hand (Hear, hear) including even the civilian's weapon, of the pen! I hope that the Government will not let the grass grow under their feet. I hope that they do not require any persuasion from the Assembly to recur to those subjects, to make a further representation to the Imperial Government and to urge upon them the necessity for giving effect to those Resolutions of the Assembly as early as possible—Resolutions, which voice, I may say with confidence, the public opinion of this country. It has often been said—sometimes even by our official friends—that we do not possess a representative character. Now in this matter at any rate I have no hesitation in saying that in formulating those recommendations we voice the public opinion of the country. After those Resolutions were passed when I went to Madras I met a young journalist who asked me “When do you think these Resolutions will be carried into effect?” In my innocence I was sanguine enough to imagine that the Resolutions having been passed with

the concurrence of the Government of India and the Joint Select Committee having said that in matters in which the Government of India and the Legislative Assembly were in accord, the Secretary of State should not interfere—I was sanguine enough to think that the Resolutions would be carried out in the course of a year or two. But I have been disillusioned, and my hope in the fulfilment of the promises made by the Government has been very considerably chastened. I hope that the Government will apply themselves again to this task with all the earnestness at their command and see that these Resolutions are carried out at as early a date as possible.

Mr. E. Burdon (Army Secretary) : With the permission of the Chair I desire to move an amendment to the Resolution of my Honourable friend. The occasion for my doing so arises primarily out of the fact—which is very clearly demonstrated by the reply I gave two days ago to a question asked by the Honourable Member on precisely the same subject as that with which the present Resolution deals—the fact, namely, that effect has already been given to a considerable number of the recommendations embodied in Resolutions Nos. 7, 8, 10 and 11 of this Assembly passed on the 28th March 1921, on the discussion of the Esher Committee's Report. I think the House will agree that it is only right that their proceedings to-day should recognise that this measure of progress has been achieved. As regards the remaining recommendations, which so far are unfulfilled, the amended proposal which I wish to place before the House does not seek in any way to run counter to the policy or the principles which are advocated by the Resolution of the Honourable Mover. It seeks only, for very practical reasons—which, if I am permitted, I will explain later on—to moderate the pace at which the Government should be asked to proceed in order to achieve the object in view. The amendment which I desire to move is as follows :

“ That for the words ‘ urge upon ’ to the end of the Resolution, the following be substituted, namely, ‘ take the first favourable opportunity of representing once more to His Majesty's Government the necessity and desirability of giving effect, as soon as circumstances render it practicable and advisable to do so, to those portions of Resolutions Nos. 7, 8, 10 and 11 of the Legislative Assembly passed on the 28th March 1921, which have not yet been carried out ’.”

I imagine, Sir, that all Honourable Members may not have before them the full text of the reply which I gave to my Honourable friend Sir Sivaswamy Aiyer two days ago on the subject of this Resolution. The substance was embodied in the statement laid upon the table to which my Honourable friend has himself referred. But, if I may be permitted to say so, the Honourable Mover very naturally stressed, in support of his arguments, those recommendations which have not been fulfilled ; and I think it is natural, and I think it is desirable, that I should endeavour to place the emphasis which I consider to be due on those recommendations which have so far been carried out.

In the first place, the Honourable Mover pointed out that before the Resolutions of March 1921 were passed, Indians were already eligible for admission to all ranks of the Cavalry and Infantry arms of the Indian Army and that therefore since those Resolutions were passed no new steps have been taken in this matter. That of course is per-

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factly true ; but, on the other hand, it seems to me that the really important thing is that, since the Resolution was passed, a very great, a very real advance has been made in providing the means whereby Indians can qualify for commissions. I may mention here that the four Resolutions with which the present discussion deals can be split up into no less than 15 separate propositions, of which the greater number, I may say, have actually been carried out ; and I wish to refer particularly to the third of these propositions, which is that every encouragement should be given to Indians including the educated middle classes, subject to the prescribed standards of fitness, to enter the commissioned ranks of the Army. Now the measures taken giving effect to this recommendation can be summarised as follows : In the first place, we have established the Royal Indian Military College at Dehra Dun. The Assembly has heard a good deal about this College, and I only wish that Members of the Assembly had visited it, as I did during the last Easter holidays. I am perfectly certain it would have left a very strong impression on their minds, a very strong impression of the great efficiency of the arrangements which we have made for the purpose of training boys to qualify for Sandhurst. In addition, Government have arrived at the decision, which is in process of being carried out, to establish schools which will give education to boys preparatory to their education at Dehra Dun. The capital sum required for the construction of these schools has been provided by His Majesty the King Emperor. Again,—this is another means of encouragement and help—the fees for education at Dehra Dun have been fixed below actual cost and certain further concessions in the shape of reduced fees are granted to deserving candidates whose parents could not otherwise afford to send them to the school. Concessions and facilities of various kinds are given to enable qualified candidates to proceed to Sandhurst. These include free passage to and from England and they also include a very important concession of which, I think, Honourable Members of this House are not aware, namely, the grant of King's, and Honorary King's, India Cadetships. A King's India Cadetship is granted to the son of an Indian gentleman who has rendered long and distinguished service to the Crown. Its grant is in the first place honorific, but actually in the majority of cases the grant of a cadetship carries with it in addition the remission or a substantial reduction of the fees payable at Sandhurst.

There is another point, Sir. I am afraid this was not included in my statement, but it occurred to me afterwards as a very important item in this category of encouragement. In the earlier phase of Indianisation the examination by which Indian boys required to qualify for Sandhurst is very much simpler and easier than the examination to which British boys are subjected. Finally, some time ago it was agreed by His Majesty's Government that in the case of Indian cadetships desiring to proceed to Sandhurst, the upper age limit should be raised temporarily to 20 years from 19. The object of this was of course to repair in the later stages the inferiority of the educational advantages which at the present moment are enjoyed by many of the Indian boys who

desire to qualify for an army career. This concludes that particular item.

Then there are some subsidiary matters, subsidiary in a way, but matters to which, I know, this House and the people of India attach very great importance, namely, that in selecting candidates for Sandhurst the general principle should be that the large majority of the selections should be from the communities which furnish recruits, and as far as possible, in proportion to the numbers in which they furnish recruits for the army. A great deal of stress has been laid on this aspect of the matter, and this principle has been observed in practice ever since the Resolution was passed. A connected recommendation is that due regard should be given to the claims of the educated middle classes. That has also been given effect. It is embodied in the Regulations and observed in practice.

I turn now to certain observations which my Honourable friend made and certain requests which he made for information. With reference to the recommendation that no less than 25 per cent. of King's Commissions granted every year should be given to His Majesty's Indian subjects to start with—with reference to this, my Honourable friend pointed out that the total number of commissions granted annually is curiously low as compared with the normal decrement in the civil public services. I can explain that point at once. The normal decrement of course is much higher, but for some years past the annual intake has been limited to 50, because we had a certain number of surplus officers, and it was not necessary to take in new recruits while we had the services available of those officers whom it was desirable to retain. Again, this process, more or less, is still going on. It was only a month or two ago that a regiment came back from overseas where it had been on garrison duty. It is no longer required for that purpose and the regiment was disbanded and consequently a certain number of officers are available, and therefore it relieves the necessity of recruiting fresh candidates, and it will be some time before we can rise again to the full actuarial number of new recruits to be taken in.

There is another observation, which my Honourable friend made. He referred to the British Army School of Education and suggested that this institution exists for the purpose of giving British soldiers an education which will enable them to earn their living when they return to civilian life. My Honourable friend is mistaken. The school exists for the purpose of giving British soldiers that education which, according to modern theory, is held to be necessary in order to make them efficient soldiers. The question of vocational training to fit a soldier for his civilian life is an entirely separate matter, and in India we have been able to provide for this by an arrangement with industrialists in Calcutta which is carried out without expense to Government at all.

My Honourable friend also asked me if I could give him any idea as to what the cost of Sandhurst is. My recollection is that the cost to the Home Government of Sandhurst works out to between £700 and £800 a year for each student. That is my recollection, but of course the cost would vary very largely with the number of students being educated.

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at the College. I do not propose to follow my Honourable friend into his discussions regarding the functions which should be assigned to the Territorial Force and the Auxiliary Force respectively. If I may say so, perhaps he was travelling slightly outside his Resolution. The functions of the Territorial Force and of the Auxiliary Force are laid down by statute, and in regard to the suggestion that the Territorial Force should be confined to Home defence instead of being required to undertake the liability to serve overseas to reinforce the regular army, I can only say that we have received more than one representation to the effect that the existing liability of the Territorial Force to undertake internal security duties should be taken away. However, as my Honourable friend has recognised, these questions involve large separate issues of policy which should not, I think, enter into the present discussion.

There is another matter in the statement which, in my opinion, is one of importance but which, I find, my Honourable friend has not mentioned. It is the recommendation that a system of short colour service followed by a few years in the reserve should be introduced in the Army. This recommendation is one of considerable importance. If it could be fulfilled, it would undoubtedly enable important economies to be effected, because the essence of this recommendation is that a portion of the reinforcements required in war should in peace time be held in reserve instead of on the active list. As regards the action taken on this, I would ask Honourable Members to refer to paragraph 5 on page 10 of the Retrenchment Committee's Report in which a proposal of the same character is advocated, a proposal which would involve very important economies to be obtained. The views of the Government of India on this proposal are now before the Secretary of State.

My Honourable friend also made only a passing reference to the recommendation that a gradual and prudent reduction of the ratio of British to Indian troops should be carried out. Without entering into any discussion of the question of ratio as such, I do think it is important that I should draw the attention of the House to the fact that the recommendations of the Incheape Committee involve important reductions of British troops which, if carried out, as they undoubtedly will be, in considerable measure if not altogether, will enable very large economies to be effected.

Well, Sir, notwithstanding what my Honourable friend Sir Sivawamy Aiyer has said, I venture to express the opinion that in the facts which I have just recited Honourable Members of this House should find solid ground for satisfaction. It is evident to me, and I think it will be evident to many, that substantial progress has been made in the direction of enabling Indians to serve their country in the Army. I say with confidence myself that the foundations have been well and prudently laid. The principal recommendations which remain unfulfilled are as follows :

- (1) The proposal that Indians should be admitted to the commissioned ranks of the Royal Artillery, Royal Engineers and the Royal Air Force.

- (2) The proposal to increase to 25 per cent. of the annual total the number of commissions granted to Indians.
- (3) The proposal to establish an Indian Sandhurst.

Well, Sir, as my Honourable friend has pointed out, these Resolutions were adopted with the concurrence of the Government of India, and I may say that the proposals were duly laid before His Majesty's Government. But they have not been accepted. I will state briefly the chief reasons for this decision. His Majesty's Government are finally responsible for the security of India from dangers without and within and their immediate and most effective means of guarding India consists in the Indian Army and its loyalty and efficiency. In the past, the Indian Army has proved itself to be a highly efficient and trustworthy instrument of war and its splendid record is largely due to the ability and devotion to duty of its British officers and to their extraordinary capacity for gaining the respect and affection of their men. The present organisation of its officer establishment, where it differs from the organisation of the corresponding British units, hinges on the employment of British officers in certain posts. His Majesty's Government, taking, as needs they must, a serious view of the high responsibility which rests upon them, are not prepared to risk the efficiency and traditional reputation of the Indian Army by embarking on any large and revolutionary change, such as would be involved by immediately replacing British officers in large numbers by Indian officers, without—without I say—having the proof of some well chosen experience that the risk will not be unduly great. Accordingly, for the time being, Indianisation has been limited, so far as formations are concerned, and apart from the employment of individual officers, to the gradual substitution of Indian officers for British officers in eight selected units of the primary combatant arms—cavalry and infantry. And it must be recognised that on the facts as they are known His Majesty's Government have grounds for their reluctance to go further. There is no evidence to show that, if the present basis of Indianisation were largely widened the larger number of candidates required as King's commissioned officers would be forthcoming. On the contrary, it has unfortunately to be admitted that a sufficient number of thoroughly suitable candidates is at present obtained only with difficulty for the small number of vacancies annually reserved for Indians. Further, it is true, it must be admitted, that the selected Indian candidates have not yet shown themselves fully capable of attaining the educational and other standards required of other cadets at Sandhurst. I have some figures here which, I am sure, will interest the House. The first batch of Indian cadets who went to Sandhurst in accordance with the measure introduced in 1918 attended the course beginning in February 1919. The number of Indian cadets admitted since February 1919 amounts to 43. Of these, 9 were withdrawn as unsuitable, 2 unfortunately died, 14 were commissioned, and of these 2 subsequently resigned their commissions while the commission of one was cancelled. The number of Indian cadets still at College is 18. I have not yet received progress reports on the 6 cadets who went to the College in February 1923.

Now, Sir, it must be borne in mind, in considering these facts and figures, that, as I have said before, Indian cadets are given preferential

[Mr. E. Burdon.]

treatment over British cadets in that they are admitted to Sandhurst on passing a simpler examination. Further, in the case of Indian cadets, the upper age limit has been temporarily raised to 20 years of age, for a reason which I gave just now. There is, however, I am glad to say, a very much brighter side of the picture. Those who have been concerned throughout with the examination in India of Indian cadets for Sandhurst have found a noticeable improvement in the quality and educational attainments of the candidates who have recently presented themselves. I can say definitely that the military authorities feel justified in taking an optimistic view and a much greater improvement is expected when the Dehra Dun School begins to produce a full quota of boys who have gone through a complete course of preliminary training there. At the last examination, the first two boys from Dehra Dun appeared, and, although they had only been at the College for a little over a year, they displayed a marked superiority over the other candidates who had not had even this small advantage. I need hardly assure the House that the utmost care and attention is devoted to seeking out, encouraging and selecting suitable candidates. The day to day supervision of the matter has been in the hands of experienced and enthusiastic educationists in the Military Training Directorate of the General Staff Branch. A Central Board already exists. It does not actually contain non-officials : the association of non-officials in the selection of candidates is limited to the Local Governments. The Central Board consists of a military officer of very high rank, another military officer specially selected from the Indian Army, and the third is generally an officer of high position in the Educational Service. In addition, of course, there is always the necessary medical examination, and in the end, as my Honourable friend recognises, the ultimate choice is made by His Excellency the Viceroy and His Excellency the Commander-in-Chief, who interview personally every candidate admitted to the examination. These observations which I have made cover the whole of the unfulfilled recommendations including the establishment of an Indian Sandhurst. For while Government recognise the advantages that would accrue by enabling Indians to obtain an adequate military training in their own country, it is clearly impracticable to create an Indian Sandhurst while the number of cadets is limited to 10 a year. For so small a number, it would be an entirely uneconomic proposition to employ, for example, a staff of instructors as efficient as those at Sandhurst and capable of teaching the same range of subjects. Moreover, there is an advantage, which may in the long run be the greater, in requiring for some time to come that Indian boys who wish to qualify for a King's Commission in the Army should receive their military training in the parent institution in England. Sir, I will not detain the House any longer. The sum and substance of my remarks is that while Government continue to identify themselves, as in 1921, with the principle and policy of the Indianisation of the Indian Army as expressed by this Assembly, they desire to be allowed to choose their own time for making the further representations to His Majesty's Government which my Honourable friend urges. It is necessary, it is only expedient that the Government of India, before renewing their proposals, should be in a position to

produce some convincing evidence that the measures already undertaken are proving successful. Insistence out of season will do the cause of Indianisation more harm than good. The amendment which I have proposed embodies the course which Government have set before themselves and which in their opinion is the best designed to secure the object in view. Honourable Members of this House need have no fear that the questions in issue will suffer from avoidable delay or neglect on the part of the Government of India.

Sir Deva Prasad Sarvadhikary (Calcutta : Non-Muhammadan Urban) : Sir, I am quite sure that my Honourable leader, Sir Sivaswamy Aiyer, and the non-official Members of this House have not the least desire to minimise the good work that has been done in this direction, which has been effectively detailed by Mr. Burdon in moving his amendment. We are conscious that a step in advance—I would almost say a great step in advance—has been taken under the auspices of His Excellency the Commander-in-Chief, for which we are all thankful, and it is that that encourages us to bring before this House, and through this House before His Excellency the Viceroy and the Government in England the supreme necessity of taking further steps—of course within reason—that will convince the Indian people that the Government is really in earnest with regard to the recommendations of the Esher Committee's Report that have been accepted by the Government of India. To-day, Sir, somewhat to our surprise, although by implication, we have been told by the Government Benches that what this House accepted and the Government of India accepted were large and revolutionary changes and that the Imperial Government, which is finally and ultimately responsible for the defence of India, and through it the Empire, cannot countenance such changes. We have been told to-day that what was accepted and agreed to two years ago really amounts to revolutionary changes which the Imperial Government does not see its way to accept. His Excellency the Commander-in-Chief who was in good company before is now in extremely bad company, company of the Assembly who were responsible for advocating these large and revolutionary changes, changes that did not appear large and revolutionary in 1921. My Honourable friend Sir Basil Blackett is looking at me and almost reminding me of what he said yesterday in the Banking concern that the Government of India to-day was not the Government of India in 1917. (*A Voice* : "1913.") I wonder whether he was going to tell me to-day that the Government of India to-day was not what it was in 1921, because he was not here then. Sir, very modest proposals were put forward by Sir Sivaswamy Aiyer and the Government of India found no fault with them then, and I take it that on the statutory basis, the Assembly and the Government here agreeing, the Right Honourable the Secretary of State had no fault to find with those recommendations, and our information is.....

The Honourable Sir Malcolm Hailey (Home Member) : How do you draw that conclusion ?

Sir Deva Prasad Sarvadhikary : Because, that is the unavoidable statutory conclusion. Even if the Secretary of State individually had to find fault with it, that must go by the Board under the law. But our information is, otherwise if it is not the information of the Government

[Sir D. P. Sarvadhikary.]

of India. Sir, this emphasises the necessity of insisting on our demands in time and out of time, as Mr. Burdon has called it, the need of keeping the thing in view, not Oliver Twist like asking for more, but adhering to what we have asked for and what has been agreed to. Sir, the proposals of the Incheape Committee with regard to military retrenchment and His Excellency the Commander-in-Chief's announcement in this Assembly, which gave encouragement in many quarters, although in other quarters it was received with some pessimism, that 8 units would be Indianized, with regard to which there have been many difficulties already, created unaccountable excitement outside India amongst people who deemed themselves finally responsible for the defence of the Indian Empire. It has therefore become all the more necessary to emphasise our demand and to keep it in constant public view, not only in India but also in England, so that due effect may be given to those recommendations without delay. I am sorry, Sir, I cannot see my way to agreeing to the amendment moved by Mr. Burdon. By some irony of fate, there has been a change of places. It is for the lawyer—Sir Sivaswamy Aiyer to make a blunt, straightforward demand, and the military now want to indulge in lawyer-like euphemistic periphrases, adverbs and adjectives, the value and possibilities of which we in our profession know too well. We have made the demand, which was agreed to ; and what is proposed now is further to whittle it down as far as possible with all the adjectives and adverbs that the armoury of the diplomatic English language furnishes. The soldier is unaccountably trying to avail himself of it. We do not agree to it. What does Sir Sivaswamy Aiyer ask for ? That what was agreed to two years ago should be promptly given effect to. Whatever safeguards were necessary were provided in the original Resolutions with which the Government of India had no fault to find. But I shall not be long on this part of the question, because I desire to express my emphatic disagreement with another statement that Mr. Burdon has made.

Sir Sivaswamy Aiyer has, I think, correctly introduced the need of improving Auxiliaries and Territorials into the consideration of this question because it was one of the most important planks on the platform that he was occupying at the time when these Resolutions were accepted. And further, I regard the due development of civic soldiering as a supremely important educational propaganda without which, what we call Indianization of the Army, will never be possible. I quite agree with Mr. Burdon that it is difficult to find suitable candidates in adequate numbers in the present state of education and culture—military education—for the purpose of filling the commissioned ranks. But why is this ? Have the Military authorities found any difficulty in getting recruits in any number they wanted for the ranks ? If they have not, why should it be difficult to find recruits for commissioned ranks ? For the very obvious reason that there have been no facilities, that there has been no encouragement, that there has been no propaganda work such as has been necessary even in England in times of crisis. People have to be induced, they have to be encouraged, have to be given facilities and have to be trained. What facilities have we had ? Sir, I must recall to mind what happened when

the Auxiliary and the Territorial Forces Acts were passed. Reference has been made to the existing statutory situation as if that were the last word on the subject. Those of the Members of this House who were Members of the previous Imperial Legislative Council will remember and bear me out that the matter was then left open and promised to be improved. His Excellency the Commander-in-Chief was not here, then; his predecessor was there. We raised an objection exactly of the kind that Sir Sivaswamy Aiyer has voiced to-day, that there should not be this racial differentiation between the Auxiliaries and the Territorials and that the objectionable limitations with regard to the Territorials would really amount not to an attraction but to an obstacle in the way of the middle class educated people. Whereas the Auxiliary forces were not to be held responsible for going out of the country, the Territorials, some of whom come from the ranks similar to those from which Auxiliaries came, were to be, and what was the reason urged? That the Auxiliaries would come from commercial ranks and business people who would not like to leave their business and go away. But, I ask from what ranks are the Territorials to be recruited, particularly if they are to be recruited from the middle class educated people? They belong to the same classes as those from whom the Auxiliaries were to be recruited, and if you want to make the Territorial forces really agreeable and attractive to the educated middle class Indian and if they are to be limited to the Territorials and are to be excluded from the Auxiliaries, you must place them on the same basis as the Auxiliary force. That is an important point that should be taken into consideration in connection with this question and cannot be given the go-by as Mr. Burdon has suggested. Considerable changes are here needed.

In passing, Sir, I desire to pay my tribute to the work done by the present incumbent who is in charge of the Territorial organization as well as by his predecessor. They are doing all they can in spite of the handicaps to which they are subject. In the first place, the grant with regard to the development of Territorials is small and in the second place the facilities in the provinces are not adequate. I myself can bear testimony to what is happening in Bengal and in spite of it Bengal is giving a good account of itself, particularly in its University Corps. (*A Voice*: "Mr. Burdon is shaking his head.") Now, my friend will not shake his head in the same way when I mention the Calcutta University Corps. I am glad he has now corrected his shake for these head shakings are becoming valuable as in the case of a Labour Member in Parliament in recent times. I am glad he has corrected himself with regard to the Calcutta University Corps. But the Territorials in the other branches have failed exactly for the reason that there are not facilities enough and there is not encouragement enough; you have laid down obstacles and embargoes that will make the Territorial force even more unattractive (*A Voice*: "And unpopular") and unpopular as I have been reminded. Unless you create an atmosphere, and that you can and ought to do—unless you encourage real citizen-soldiers as they used to be called, these Territorials and Auxiliaries will alike fail—you have to create an atmosphere, you have to create attractions, else you are not going to get in abundance recruits anywhere, here, or in England or anywhere.

His Excellency the Commander-in-Chief: We have no complaint of the atmosphere. It is excellent.

Sir Deva Prasad Sarvadhikary : Well, opinions differ with regard to that.

His Excellency the Commander-in-Chief : So is recruiting.

Sir Deva Prasad Sarvadhikary : That I regard as a very important question which has to be dealt with, which can easily be dealt with without the intervention of the Imperial Government or without its embargo. His Excellency the Commander-in-Chief and his advisers would be able to deal with this part of the question and make it easy for those who want to take to soldiering in larger numbers than it is now possible.

Coming to the question of the ranks my friend has referred to the necessity of an Advisory Board. I am sorry the Honourable the Education Member is not here, but the late Education Member is here and he will be able to testify to the good work which the Educational Advisory Board that has just been abolished was doing in this direction. I was present at its last Lahore meeting, and what was it that Lahore martial people told us ? The President of that body is here and he will bear me out. We were definitely and specifically told that there was no encouragement in the Punjab for martial people to take to education that would enable them to compete for and obtain commissioned ranks. In fact the organization was quite the other way. They have not got educational facilities which would enable them to compete on equal terms with those who take these commissions in other countries and who do not always come from the educated middle classes. That I am afraid is one of the reasons why from the Viceroy's Commissioned ranks it has not been possible to find many who would have taken the commissions now going to be thrown open. They have not got enough educational qualifications, and training ; they cannot compete on equal terms with those who have already obtained these commissioned ranks. Therefore the whole question is one of providing facilities, and of propaganda work, of making things attractive so that more people may and can take to soldiering and furnish recruits for the commissioned ranks. Recruits for other walks of life have been found in abundance. I shall not refer to the success of Indians in law and legislation ; wherever there have been facilities, wherever there has been lack of discouragement, recruits have come in abundance and have justified themselves in all ranks of life. What reason have you to believe that it will be otherwise in the military line, particularly in the martial areas where people are furnishing all the recruits you want for soldiers and the ranks ? For all these reasons it appears to me that while we are about to come to an end as an Assembly some stock-taking and consequential insistence is necessary. Resolutions of this kind should therefore be pressed upon Government with all the emphasis we can command. It has often been said and said with great effect that people who cannot and will not take part in the defence of their country have no right to self-government. We are putting in large claims for self-government and we are also making our claims and our desires manifest to take our due share in the defence of the country. And, when modest proposals like these are brought forward we are told that the Imperial Government do not see eye to eye with the Government of India and therefore things have to be hung up. I quite realise that in military matters you cannot but hasten slowly. It would be foolhardy to proceed otherwise, but things that can easily be done

without detriment to any interest whatsoever should not lag behind. Therefore, Sir, I have great pleasure in supporting the Resolution and must oppose the amendment that has been moved by Mr. Burdon.

Mr. T. V. Seshagiri Ayyar (Madras : Nominated Non-Official) : I would like to say only a word in opposing the amendment which has been put forward by the Army Secretary. The amendment seems to furnish a clue as it were to the attitude of the Government towards popular demands since the Assembly came into existence. In the first year it was their desire to placate the members and the Resolutions that were then moved on the Esher Committee's Report were accepted by the Government. Now we find that, after two years when we want effect to be given to the recommendations an amendment is moved which is as vague and as unsatisfactory as anything can be. I hope the House would permit me to read word by word this amendment. It says that at the first favourable opportunity (and who is to be the judge of the first favourable opportunity ?) we should represent once more to His Majesty's Government the necessity and desirability of giving effect as soon as circumstances render it practicable and advisable. What do these words mean ? They mean that the Government may never give effect to any of the recommendations and never address the Government at home. In these circumstances it seems to me that the Government really by this amendment want to shelve the recommendations made by this House and accepted by the Government. I must therefore request my friends on this side of the House not to accept the amendment which has been moved by the Military Secretary.

Dr. H. S. Gour (Nagpur Division : Non-Muhammadian) : Honourable Members seem to think that the Honourable Mr. Burdon in giving notice of his amendment and moving it was quite serious. Well, Sir, I seriously doubt whether Mr. Burdon meant all that he has put down on paper. I discern a peculiar tragic tone in the whole of his speech particularly in that passage which looked like a quotation from Lord Sydenham's speech at some Anglo-Indian dinner, where he stated that the British Army in India is one to be proud of but only so long as it is officered by English people. That is the new paraphrase.....

Mr. E. Burdon : I made no statement of that kind and in particular made no mention of the British Army.

The Honourable Sir Malcolm Hailey : It is a very gross distortion.

Dr. H. S. Gour : The British Army in India requires the steel frame of the British officer.

The Honourable Sir Malcolm Hailey : That again is a gross distortion of what my Honourable friend said.

Dr. H. S. Gour : Well, Sir, that is what he meant. It is absolutely necessary, the Army Secretary said, for the maintenance of the highest standard of efficiency of the Indian Army that it should contain a large number of British officers.

Mr. E. Burdon : That again is incorrect.

Dr. H. S. Gour : Am I then to understand that my Honourable friend is in agreement with members on this side of the House that the 25 per cent. of Indian officers that we recommended is acceptable to the occupants of the Treasury Benches ?

The Honourable Sir Malcolm Hailey : In order to prevent further misrepresentation of what my Honourable friend said, may he be allowed with your permission to read the passage to which reference is now being made ?

Mr. E. Burdon : The passage to which, I think, my Honourable friend must be referring is this :

“ In the past the Indian Army has proved itself to be a highly efficient and trustworthy instrument of war and its splendid record is largely due to the ability and devotion to duty of its British officers and to their extraordinary capacity for gaining the respect and affection of their men. The present organisation of its officer establishment hinges on the employment of British officers in certain posts.”

Dr. H. S. Gour : I am glad, Sir, the Honourable the Home Member asked Mr. Burdon to refresh the memory of this House on that subject and I leave it to the judgment of the House as to whether the statement I have made is not borne out by the quotation which Mr. Burdon just now read out for the information of Honourable Members. I submit, Sir, that the angle of vision of the Home Government has entirely changed with the disappearance from office of Mr. Montagu, and I submit, Sir, that the difference between the Government of India and the Home Government is due to the change in the policy of the India Office. If that be the case I sympathise with His Excellency the Commander-in-Chief and the Government of India. I can only say that if the Honourable Sir Sivaswamy's Resolution is once more re-affirmed by this House it will strengthen the hands of the Government of India in fighting their battle with the British Cabinet in accordance with the wishes of the people of this country and their representatives in this Assembly. The Honourable Mr. Burdon rightly pointed out that of all the recommendations the three that have not been carried out are the recommendations regarding the establishing of an Indian Sandhurst, the recruitment of 25 per cent. of the total of Indian officers and the eligibility of Indians to serve as officers in the Artillery, Engineers and Air Force. Honourable Members will remember that when we passed a Resolution upon the report of Lord Esher's Committee we clearly indicated that the establishment of a preparatory college at Dehra Dun or elsewhere was welcome but it was not the final solution of the problem with which we are concerned. Our sole aim then was, as it is now, that a large percentage of Indians should be employed and obtain King's Commissions in the Indian Army. The Honourable Mr. Burdon says the establishment of an Indian Sandhurst depends upon the percentage of Indians entitled to receive King's Commissions and that it would be uneconomic to establish a Collège for the training of 10 annual recruits. It is perfectly true. Consequently, the first and foremost Resolution which we want the Government of India to accept and to see accepted by the Authorities in England is a Resolution in favour of 25 per cent. of King's Commissions being offered to Indians. Now, Sir, it is on that point that we and the Government of India were in agreement at the time when the Resolution on the subject was passed. I have no doubt that the Government of India recommended that

percentage to the British Government, and what is the reply of the British Government? You have had it read just now; and you have read it in the newspapers sometime back. What is the view of Lord Sydenham and his coterie? That is the prevailing view, and I submit therefore that the blame does not lie with the Government of India or with His Excellency the Commander-in-Chief but with the authorities at Home; and that is the secret of Mr. Burdon's amendment in which he says: "as soon as circumstances"—political circumstances—"render it practicable and advisable to do so." Well, Sir, I suggest that if the amendment of the Honourable Mr. Burdon is passed, it practically neutralizes and negatives all the Resolutions that we have passed on a review of Lord Esher's Committee's Report; and I therefore suggest that the House should accept the Honourable Sir Sivaswamy Aiyer's Resolution, and reiterate their previous view and reinforce the Government of India with the united voices of the Members of this Assembly that we adhere to the position we took up two years back, and that is a position from which we cannot recede,—we shall not resile. I submit that when we asked for 25 per cent. of King's Commissions being reserved for Indians, we certainly did not ask too much. Can His Excellency the Commander-in-Chief say that our demand was exaggerated? I do not think he can say so. When we asked for 25 per cent. of Commissions, and if the Government of India's recommendation had been accepted by the War Office or by the British Cabinet, then I am certain that the question about the institution of an Indian Sandhurst would have solved itself. The objection which the Honourable Mr. Burdon raises to the paucity of candidates for the Indian Sandhurst would have been no longer tenable. Now, Sir, as regards the last point, the officering of the Artillery, Engineers and the Air Force. Honourable Members will remember that three Indians were given the King's Commission in the Air Force in England. I shall give their names. Mr. H. S. Malik, who was twice wounded, and is now serving as an Assistant Commissioner in the Punjab, Mr. L. Roy, son of Mr. P. L. Roy, late Legal Remembrancer in Calcutta—I believe he was killed in action, and another gentleman from Ceylon was given the King's Commission. I ask, Sir, that if Indians are eligible for the King's Commission and as a matter of fact were given Commissions in the Royal Air Force in England, why should they be incompetent to receive the King's Commission in their own motherland? And I ask, Sir, what objection could there be to Indians being employed in the artillery and the engineering services? No reply has been given. The only reply that has been vouchsafed is that these are parts of the British Army. But at the same time it cannot be forgotten that they are paid out of the revenues of India, and out of the taxes paid by the people of this country.

The Honourable Sir Malcolm Hailey: When they are in this country, when in India.

Dr. H. S. Gour: Undoubtedly, when in India. My submission is that it ought to be the policy of the Government of India to Indianise the military services and they cannot discriminate between the Infantry and Cavalry and the other branches of the military services. They cannot say 'thus far and no further.' So long as they do so the people of this country will feel that they are subjected to a racial bar and I submit

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neither the Government of India nor His Excellency the Commander-in-Chief will be a party to this and I am certain that if it was left to His Excellency the Commander-in-Chief, he will be the first to admit that Indians should be made equally eligible to serve in the Royal Artillery, Engineering and Air Force. We strengthen His Excellency the Commander-in-Chief's hands in passing the Resolution. I ask the House to reject the amendment and to support Sir Sivaswamy's Resolution.

Lieut.-Colonel H. A. J. Gidney : (Nominated : Anglo-Indians) : Sir, as a Member of the Select Committee that sat on the Esher Report I feel I must take a part in this debate. My desire to do so is, because since that report was accepted by this Honourable House, as my friend Sir Deva Prasad Sarvadhikary has just said, India to-day is not what it was in 1921. I felt when I sat on that Committee, that we were like a lot of children trying to play with the report and evolve an army on paper. There were one or two of us who had a theoretical knowledge of what we thought should be done to improve the Indian Army but we very wisely allowed ourselves to be guided by the proper expert authority, His Excellency the Commander-in-Chief. Certain Resolutions were passed to which I subscribed my name. Those Resolutions have not been carried out in their entirety and to-day we find another Resolution, the one under discussion now which has been very lucidly, reasonably and very soundly moved and discussed by my Honourable friend Sir Sivaswamy Aiyer complaining of the slowness with which these Resolutions are being carried out by the Army authorities. I agree in principle with Sir Sivaswamy Aiyer's Resolution, because these Resolutions were passed by this House, but I maintain that with a very few exceptions there is not one Member in this Honourable House—I mean the non-official Members—who has done a day's military work and who therefore can adequately realise what we are asking to-day. When we talk of indianisation of the Army we must not talk of it so lightly as Indianisation of the Civil Services. They are two totally distinct things. Whereas India seems or is said to be rapidly qualifying itself for a more rapid advance in Indianisation of the Civil Services, yet, with all respect to those Members who have put forward their views and given their support to to-day's Resolution, with all respect I say to them, I consider that we must go very slowly in regard to Indianisation of the Indian Army. It is not a thing with which we can play. We have, in a measure, passed through the experimental stage in regard to the Civil Services and we have I hope gained by that experience. The experiment we are to-day undertaking in the shape of 8 Indian Army units has, I believe, proved not the success that we anticipated. The causes of this apparent failure I am not going to enumerate ; but at the same time I think it is a very dangerous thing to ask us to run before we can crawl so far as the administration of the Army is concerned. Whilst I admit I supported some of these Resolutions in 1921, I feel I cannot support the Resolution put forward to-day by my Honourable friend Sir Sivaswamy Aiyer and I must give my support to the amendment moved by the Honourable Mr. Burdon, because, I prefer to be guided and to leave the administration and composition of the Army in the hands of experts and not in the hands of amateurs such as we undoubtedly are. I mean no offence to the

Honourable the Mover and his supporters when I make this blunt yet undeniable and irrefutable statement. There are however one or two points, Sir, which I think require an explanation. A reply was given by the Honourable Member in charge that only 10 per cent. (*The Honourable Sir Malcolm Hailey* : "10 places.") I mean that only 10 places or vacancies exist every year in the King's Commissioned ranks of the Indian Army. I would like him to tell me. If that is true, then, is it a fact that certain Indian regiments, according to the public press, are depleted of their normal strength of officers? The other day in the papers I read that there were certain Indian regiments that had only five and six officers where they should have 12.

The Honourable Sir Malcolm Hailey : Stated in Parliament.

Lieut.-Colonel H. A. J. Gidney : Possibly—stated in Parliament. There is another point, Sir, to which I wish to refer, *viz.*, the training schools in India for British soldiers. I submit, Sir, that we have legitimate reasons for objecting to these training schools. I submit that Sir Sivaswamy Aiyer has opened out a very legitimate and sound ground for complaint, a sound ground for retrenchment, and sound reason for asking that the money expended in those schools should instead be spent for the training of Indians to fit them for the Indian Army. Sir, we have the Honourable Member in charge of the Department stating that these British soldiers are trained not so much from an ordinary educational point of view, but are given a vocational training. He, moreover, made the astounding statement that these men were drafted or loaned or given for employment to various European commercial firms in Calcutta. I am surprised to hear the Member make this admission considering that the streets of Calcutta, Bombay and other cities are to-day lined by hundreds of our European and Anglo-Indian unemployed war heroes begging for food and unable to obtain employment even at Indian wages. If the facts are, as have been stated by the Honourable Member in charge of the Department, then, I ask this House to put a stop to it. The Indian Exchequer must not be depleted for the vocational education of British soldiers; that is the duty of the Home Government. The British soldier should enter the Army with a certain amount of education. To provide him with that education in India, at the expense of the Indian taxpayer, is, I submit, absolutely wrong in principle.

The other point to which I wish to refer is the present-day method of the selection of candidates for King's Commissions in the Indian Army. Looking through the lists of candidates it strikes me that it is not a correct way of selecting these candidates. You will find that most of those who have been selected are the sons of Nawabs and other noblemen. It evidently does not much matter what the son is, but what the father's services are or were. The result is that many a suitable and brilliant Indian lad has been tabooed and excluded from selection. I consider that the field of selection should be enlarged and should not be confined to those lucky few whose fathers have done some meritorious service. Why I ask—because a father has done good service should his son, *ipso facto*, be given preference over a boy who may be much fitter? Another point raised by an Honourable Member was that this selection

[Lieut.-Colonel H. A. J. Gidney.]

should be thrown open to sons of the middle class Indians. In other words that the educated Indian lad should be given the same chance as what seems to be now exclusively given to what some might call, the blue-blooded Indian lad. I quite agree with the principle underlying this suggestion, but, here creeps in a very delicate and a very dangerous point, one that was very fearlessly and freely criticised when this very Resolution was moved in 1921. It is this. I personally cannot conceive of an efficient Army worked with its rank and file recruited from the martial races and its officers recruited from the non-martial races. I repeat, I cannot conceive of it. If these officers were recruited by means of a competitive examination, with India in its present state of unrest and its multanimity of castes and creeds I consider that it would very likely tend to wreck the Indian Army. It is for this reason that I consider that we should move very slowly and cautiously in this matter. That the selection of young lads for King's Commissions should be largely confined to the martial classes I do not for a moment question, but, at the same time, I opine that those communities or those races who have not been given a fair chance should be offered some encouragement. I think I am right in saying that two-thirds of these selections are generally made from the North of India, including the Punjab, and I consider the other parts of India should be given at least an encouraging proportion. (*His Excellency the Commander-in-Chief* : "They are given a proportion.") If the selection for King's Commissions in the Indian Army, as it exists to-day, and which the Honourable Member says, depends upon the good work done by the fathers of these lads, it would be interesting to know whether this applies only to good work performed in the Military Department or also in the Civil Department? It would also be very interesting to be told whether the sons of Civilian Officers, have been taken in.....

Mr. E. Burdon : May I explain? I think the Honourable Member is confusing two issues. I referred to the grounds on which King's Indian Cadetships were granted. That is an entirely separate matter from the selection of candidates for Sandhurst. That selection is done by nomination and by competitive examination among the selected Indian candidates. One of the last boys that went to Sandhurst was the son of a daffadar, not in any sense the son of a Nawab or a rich man.

Lieut.-Colonel H. A. J. Gidney : Thank you, I see from my notes that I am wrong, I am sorry. Referring to the Inchcape Committee's Report, as Dr. Gour has done in his very well known but rather monotonous style—I feel inclined to add to his oratorical efforts the words 'Alone I did it,' when he talked about the Inchcape Committee's Report on Retrenchment in the Indian Army. I do sincerely hope that the Government of India will not allow the Inchcape Report on Retrenchment to so influence them as to introduce into the Indian Army administration a battle royal between "efficiency" and "economy." I opine you cannot have that battle fought in the administration and formation of any up-to-date Army. The best is the only Army India must maintain and needs to-day, and, if you want the best, the Indian Army, the Territorial Army or whatever Army it may be *must* be maintained and judged by its "quality" and not by its "quantity."

With these words, Sir, I very heartily support the amendment moved by the Honourable Mr. Burdon and oppose the original Resolution.

Dr. H. S. Gour : You have been attacking it all the time.

Baba Ujagar Singh Bedi (Punjab : Landholders) : Sir, coming as I do from the Punjab and representing the interests of the landed and martial communities of that Province, I think it my bounden duty to say a word or two on their behalf. Sir, it is well known that the Punjab has produced many veterans and soldiers like Hari Singh Nulloo and she is ready to produce more now if proper education is afforded. Sir, I cannot allow to pass the remarks of the Honourable gentleman, Mr. Burdon, when he suspects our loyalty, when he says that trustworthy men should come forward for the Army. Sir, we have fought in the sanguinary battles like Flanders and elsewhere, and that is a testimony to our loyalty, and what more does the Government require ?

Mr. E. Burdon : May I explain, Sir, that I made no such statement.

Baba Ujagar Singh Bedi : That is all I wanted to say. With these few words I oppose the amendment and support the Resolution which has been so ably moved by the Mover of the Resolution.

Mr. S. C. Shahani (Sind Jagirdars and Zamindars : Landholders) : Sir, I rise to oppose the amendment which has been proposed by Mr. Burdon, and my first reason for doing so is that this amendment has been very wrongly worded. If by the word "favourable" is meant "distant," then honestly it ought to be directly so stated in the amendment. What is meant by saying that a favourable opportunity will be seized by the Government of India to make representations to His Majesty's Government to give effect to the Resolutions of March 1921 "as soon as circumstances make it practicable and advisable." The amendment really means that this is not a fit time to represent ; nay, that for a long time to come no representation will be made by the Government of India to the Imperial Government to increase the opportunities afforded to Indians for military training, or to increase the number of Indian Commissioned Officers, or to admit Indians to all departments of the Indian Army. And, if that is not his meaning, I would request Mr. Burdon to withdraw the amendment for otherwise it does not differ from the main Resolution. Mr. Burdon's amendment, as I interpret it, will create a lot of misunderstanding. It is true, that the Government is very powerful just now ; it is true, that the parties in the Assembly are disorganised just now ; and possibly the Government will find it easy to carry the amendment. But that, I think, will be only a doubtful success for Government. The people feel very strongly in this matter. The soul of India pants for high responsible Government, and it would on that account be extremely undesirable on the part of Government to come forward with devices such as the one that is being employed on the present occasion. I heartily support the Resolution that has been moved by Sir Sivaswamy Aiyer ; and I want to point out that India will never be content if her demands for additional facilities for managing her own defence, that were reckoned reasonable in 1921, are reckoned unreasonable to-day. Why not admit Indians to the Royal Air Force ? Why not admit Indians to the

[Mr. S. C. Shahani.]

Royal Engineers? Why not admit Indians to the Royal Artillery? It has been said by Colonel Gidney that expert knowledge and expert experience are missing. But how are expert knowledge and expert experience to be acquired without training for and admission to various Army Departments. It reminds me of the story of a hunter who refused to watch the movements of a bird as it flew over his head, who chased its shadow on the ground, and who, when he was unable to grasp it, came forward to say that he concluded it was nothing. This is exactly the position that is being assumed by the Government of India and its supporters now. Give the requisite opportunities to Indians, and Indians will show themselves capable of all military art. And do not distrust them—they are loyal. I honestly state I do not wish that we should have exclusively Indian Swaraj at the present day. This is my honest opinion. I feel that we cannot yet carry on the Government of India without the co-operation of the British, and the British should, on that account and on account of the potentialities involved therein, fraternise with us. The most potent factor, moreover, in Indian life is not the Bureaucrat, nor is it the Imperial Government: it is God; and if the panting of the soul of India for responsible Government is what it is, never mind the dance of plastic circumstance in the midst of which India is placed to-day. It may appear a dreamland to some; but I think it is our real training ground for the nation's highest virtues. It would behove Government to realise this, and to avoid letting it be understood generally in India that the most cherished and legitimate aspiration of the Indian is not endorsed by the Government of India.

Mr. W. M. Hussanally (Sind : Muhammadan Rural) : Sir, I had intended to give a silent vote upon this subject and support our leader Sir Sivaswamy Aiyer in the proposition he has brought forward; but a few remarks made by my Honourable friend Colonel Gidney have induced me to say a few words and not to give a silent vote.

Colonel Gidney, Sir, says that Indians, however fit they be for the Civil Services, are not fit as yet to take up a military career. I dispute that proposition, Sir, not only in the interests of the *bona fide* Indians, but in the interests of the community to which he himself belongs. I never thought, Sir, that Anglo-Indians who call themselves Indian are unfit for a military career. I thought Colonel Gidney was a champion of his own community. He belongs himself to that distinguished Service, the Indian Medical Service, and I suppose he has himself served in the Military Department for a long term of his life; and I do not think he believes in the unfitness of his community for a military career.

Lieut. Colonel H. A. J. Gidney : Sir, may I rise to make an explanation? I am afraid my friend Mr. Hussanally is a little bit wide of the mark. He has got the bull by the wrong horn. I did not mean Indians as a nation or as a class. All my remarks were directed at the martial as against the non-martial races.

Mr. W. M. Hussanally : I see he now makes a different statement. I heard him use the words "run before crawl." We have heard these

words very often, and I believe he meant that Indians as a class were not able to trawl and therefore they were not fit to run. If we judge aright the words re used, I suppose he meant what he does not now wish to admit. Sir, I do admit that the military or martial classes of India do deserve preference so far as their selection for a military career is concerned, but I do not admit that that privilege should be given only to the martial races of India. Given the opportunities and the training required for a military career, I think every Indian will be fit to serve in the military department and fight for his country's cause. (Hear, hear.) Therefore, I think it is befitting that early opportunity should be taken to establish more institutions of the kind at Dehra Dun to train up the middle classes for a military career. The more the institutions we have, the larger will be the number of fit persons, whether they belong to the martial races or not, who will come forward to undergo training and prepare themselves for a very good military career. But at present, as has been pointed out by our leader, the only institution we have got is at Dehra Dun, and that is certainly not sufficient to train a very large number of future Indian officers required for the military services. We ought to have at least half a dozen institutions of that kind spread all over the country, and eventually a Sandhurst as well, at least one, if not more. However much we Indians and the Members of the Assembly have been grudging the enormous expenditure over the Military Department, I am perfectly certain that the Assembly will be only too glad to vote more money upon institutions of this kind, and I am sure that Anglo-Indians too will take advantage of such institutions if they are started in larger numbers. Therefore, I cannot agree with my friend, Colonel Gidney, when he says that selection for a military career should be only confined to, or reserved for, martial races, and I am perfectly certain his own community will not agree with him in that opinion, because if that is done, his community as a community will be excluded.

Sir, conscription has been advocated even in India and by Indians. Why? Because the Indians are anxious to have a military career for their sons, and they want to take an active part in fighting for their country's cause and to save their country from foreign aggression. If that is so, I do not see any reason why a sufficiently large number of persons cannot be obtained from the middle classes and from martial races as well for all services in the Military Department. All that is required is opportunities and good training.

Sir, the amendment of my Honourable friend, Mr. Burdon, as has been pointed out by a friend of mine, creates a distrust and suspects the loyalty of us Indians; and if I may add a word, distrust begets disloyalty, and that is just the thing which the Government should avoid. Trust the people and you will make them perfectly loyal. So far as the Muhammadans of India are concerned, I have no hesitation in saying that their loyalty is proverbial. I do not think the Government will at all suffer if they trust the Muhammadans so far as their loyalty is concerned.

Mr. N. M. Joshi (Nominated : Labour Interests) : What about the Hindus of India ?

Mr. W. M. Hussanally : I do not, by any means, by these words mean to imply that other communities are disloyal. No, far be it from me to

[Mr. W. M. Hussanally.]

suggest it. My claim for Muhammadans is that their loyalty is proverbial, and if His Excellency the Commander-in-Chief makes a larger selection from amongst the Muhammadans in India, he will not repent it. With these few words I support heartily the proposition of our leader Sir Sivaswamy Aiyer and oppose the amendment.

Sir P. S. Sivaswamy Aiyer : Sir, I wish to make a few remarks on the amendment which has been moved by my Honourable friend, Mr. Burdon. The points which Mr. Burdon wishes to bring out by his amendment are these :

In the first place, he wants it to be recognised that some portions of the Resolutions have been already carried out. I have not the least objection to the proposition being amended, if he really considers it necessary, so as to recognise the fact that some portions of the Resolutions have been already carried out. I should be the last person to refuse to acknowledge what has been done. But, it will be clear from the language of the Resolution itself that it cannot possibly ask for giving effect to what has been already given effect to, and necessarily the Resolution implies that effect should be given to the Resolutions only in so far as effect has not been given to them. Therefore, there is really no difference in substance.

Then, the next point that Mr. Burdon wishes to bring out by his Resolution is that, instead of the words "urge upon" we should substitute the words "take the first favourable opportunity of representing once more to His Majesty's Government." Here again, I may point out that this amendment is not necessary because, when we recommend that the Governor General in Council should urge upon the Imperial Government the necessity of doing certain things, we do not mean that the Governor General in Council should do so within the next 24 hours. It certainly means that the Governor General in Council will take such time as may be reasonable for making the necessary representation to the Home Government. The language of the Resolution need not be taken to preclude the Government from taking such time as may be really necessary and reasonable for conveying our request to the Home Government and reinforcing it with all the weight of their support. Of course, we do not mean that he should take the first unfavourable opportunity. He will take a favourable opportunity and he will take the earliest possible opportunity. That is really our wish. By introducing these words "the first favourable opportunity and so on" we are afraid that it will be really shelving it and putting it off to the Greek Kalends. The words are sufficiently elastic and may be interpreted in any way. (*The Honourable Sir Malcolm Hailey* : "Reasonable steps. Would not that be better?") I have no objection to the words "take the earliest opportunity."

The next point which he brings out in his amendment is that effect should be given to these proposals "as soon as circumstances render it practicable and advisable to do so." We cannot possibly agree to that qualification which may mean anything and which may cover any amount of indefinite delay. It may mean years, it may mean decades. (*Dr. H. S. Gour* : "It may mean centuries.") The introduction of the words

“ as soon as ” does not have the effect of reducing the vagueness and indefiniteness of the qualification “ circumstances render it practicable and advisable to do so.” Of course, as to whether it is practicable and advisable to do so, etc., all these are matters which will be taken into consideration by the deciding authorities.

They won't do things which they consider impracticable or inadvisable. It seems to me, Sir, that it is not necessary that Mr. Burdon should lay stress upon this amendment, because the proposition, if accepted, does not really deprive the Government of that reasonable interval which will be necessary to enable them to place the matter properly before the Imperial Government. I quite recognise the force of some of the considerations which perhaps are present to the mind of Mr. Burdon and his colleagues, that if the Home Government has sent a despatch on the subject a few days ago or one or two weeks ago, it might not be advisable to send up a representation in the next week, and it might perhaps be desirable to allow a certain reasonable interval to elapse. But, at the same time the object of this Resolution being to give expression to the wish of the Assembly, I think that we are justified in adhering to this proposition as moved, and that it does not really deprive the Government of that reasonable interval which they consider necessary for the purpose of making the representation. It seems to me that the amendment is hardly necessary.

(*Honourable Members* : “ Let the question be now put.”)

Mr. President : The question is that the question be now put.

The motion was adopted.

His Excellency the Comander-in-Chief : The discussion this morning has travelled over a fairly wide area and I do not propose to wander into some of the more remote areas through which it has passed. The Honourable the Mover has raised many points some of which are, I admit, highly controversial. To a good many of these the Army Secretary has already replied. There are, however, three points which have been raised not only by the Honourable the Mover but have also been referred to by several Honourable Members, and I think it is only right that I as responsible for the Army should this morning say a few words to the Assembly. The Honourable the Mover as well as other Honourable Members have pressed the need for the admission of Indians into the Royal Air Force and into the Artillery and the Engineers, all of them British units. I think there is some misconception in the minds certainly of some Honourable Members of what they mean actually by the admission of Indians into these units. The units, as Mr. Burdon has told us, are essentially British units. For instance, the Air Force squadrons that are now serving India and that are paid for by India are British units in the sense that they are now here for a certain period. They may be here for one year or two years or three years, but then, they must pass away and go and do their various duties in Mesopotamia or Constantinople or England or wherever they may be required. I am quite sure it is not the intention of Honourable Members that Indians should go into these services and thus be obliged to serve outside India. (*Sir P. S. Sivaswamy Aiyer* : “ I did not ask for it.”) If you put Indians into British units they must serve outside India just as the British

[His Excellency the Commander-in-Chief.]

officer, and for that reason their admission into the British units is not a feasible proportion. What you can do, what you might perhaps do under certain circumstances is to have special Indian units. (*Several Honourable Members* : "That is what we said.") (*Sir P. S. Sivaswamy Aiyer* : "That is what I said.") That is what you meant, but it is not what you said. I wanted therefore to make it quite clear and so that this House might realise the position in view of this rather difficult situation. I will do all I can to help you, but I cannot get Indians into British units. I tell you that perfectly straight. I cannot do it. I am urging your case, I am doing all I can to help you but I cannot do the impossible.

The next point I want to refer to is the Territorials and the condition under which the Territorials in India now serve. The Territorials in India just as the Territorials in the United Kingdom, are liable to service beyond the frontiers both of India and of the British Isles respectively. Sir Sivaswamy Aiyer produced an ancient book from which he quoted a decision that Territorials in England were not liable to serve outside the British Isles. That is dated 1913, and is not applicable to the present time and would not be accepted by the Home Government or by the Territorials themselves at Home to-day in the light of the experience of the Great War and the magnificent services that were rendered by the Territorials in France and in India during the Great War.

It has been urged by one or two Members following Sir Sivaswamy Aiyer that the activities of the Territorials should be confined to internal defence in this country and should not be asked to serve beyond the frontiers. I very strongly deprecate anything of the kind. If you do that you will ruin your Territorial Force. I flatter myself that I know more about the Territorials, young as they are, than most Honourable Members of this House. I have been pleased and gratified with the progress that the Territorial Army has made in the very short time in which it has been in existence. I have been quite surprised at some of the units that I have had the opportunity of inspecting and I may say that in most of the areas, and in the great majority of districts in which Territorial units have been started the response has been most gratifying, the standard of efficiency that has been attained, certainly by some units in the Punjab, has been quite surprisingly good, and they have only failed in certain areas where they have not had the same encouragement. But it is curious that an Honourable Member coming from Bengal who advocated this particular condition should represent a place where the Territorial Force has been least satisfactory. We still have hopes but in Bengal they have not yet been the success that they have in other parts of India. After all I am the person responsible and whatever the Assembly may say, I would take no steps that in my view are likely to ruin the Territorials and for that reason I cannot accept the proposal that has been put forward by the Honourable Member.

Sir P. S. Sivaswamy Aiyer : I wanted an Indian unit of the Auxiliary Force.

His Excellency the Commander-in-Chief : That is a different matter. That has nothing to do with the Territorials. I know there are some representatives of the Domiciled Community who in answer to that will want an Anglo-Indian unit of the Territorials.

Dr. H. S. Gour : We welcome it.

His Excellency the Commander-in-Chief : But why ? What is the object ?

Sir Deva Prasad Sarvadhikary : In order to suit different sections of the Indian people who want Indian units, both in the Auxiliary and in the Territorials.

Dr. H. S. Gour : And to remove racial discrimination.

His Excellency the Commander-in-Chief : I am prepared to consider it, but I do not think it will be a favourable consideration. There is one other matter I wish to refer to. Mr. Burdon has given certain facts in connection with the Dehra Dun College. From what Honourable Members have said, it seems to me that there is a good deal of misapprehension, want of understanding, as to what the Dehra Dun College really is and the purpose for which it was instituted. I have been very well satisfied with the progress that that College has made. I have visited it several times and certainly the standard of education, the curriculum which is carried through, and I would add, the remarkable improvement in the physique of the cadets have been most gratifying. I am very keen about the Dehra Dun College because although that College contains only 50 or 60 students to-day I envisage a very considerable increase to that number, the College attains the degree of success which I anticipate, and I already see signs of it. We should do all we can to enlarge that College, so that it may produce young Indians capable of going to Sandhurst under the best auspices and making in the military profession a lifelong career. That is what we want the Dehra Dun College to do for India. There is one point in which I confess I have been seriously disappointed—and which I want to bring home to Honourable Members. We have established this College at Dehra Dun. Do Honourable Members realise what it means now and is going to mean in the future to India ? It has been opened by the Prince of Wales and has been called after him. It has been in existence for more than a year and yet not one single Member either of this House or the Council of State has ever been near the place. That is not right. I have been doing all I can for the College and I want the Legislature to take an interest in it and to give me their support and assistance in developing that College. Why don't you go and see it ?

In conclusion I just want to add these few words. I feel considerable sympathy with what many Honourable Members have said in this debate. I sympathise with their desire to press the questions that have been raised by this Resolution. I sympathise with their anxiety to Indianise the Army more rapidly than I think is possible. I have been doing my very best during the two years that I have been here to help them in this direction. I want their support and for that reason I wish they would accept the amendment rather than press the Resolution,

[His Excellency the Commander-in-Chief.]

because it makes my task more difficult. I want to do all I can to get the various proposals, which the Honourable Mover has referred to, laid before the Secretary of State at the earliest suitable moment. These things are often a matter of negotiation, that is to say, it is quite easy to put up a rather controversial matter at the wrong moment with the certainty that it will not be accepted. Honourable Members on the Government Benches have no doubt already experience of that in this House. Therefore I should have liked to have been given a little more latitude by the House's acceptance of the terms of the amendment : and would have liked the House to have trusted the Government and myself to get these things through as soon as opportunity offers. If you press us, if we are forced to put them forward at an inauspicious moment, we shall very likely not get them through at all. It is not by sitting and passing Resolutions in this House that these matters become law. If we cannot put them up reasonably and practically to the Secretary of State so that they will be accepted by the Home Government they will never be the law of this country. And surely the Government are in a better position to judge the psychological moment than is this House. For this reason I wish the amendment proposed by Mr. Burdon could be accepted. If it is not I only add that you are making our task more difficult and we must, I am afraid, press the amendment to a division.

Mr. President : Order, order. The original question was :

“ That this Assembly recommends to the Governor General in Council that he will be pleased to urge upon the Imperial Government the necessity for promptly giving effect to Resolutions 7, 8, 10 and 11 of the Assembly passed on the 28th of March, 1921, in connection with the Esher Committee's Report with the concurrence of the Government of India.”

Since which an amendment has been moved :

“ That for the words ‘ urge upon ’ to the end of the Resolution, the following be substituted, namely :

‘ take the first favourable opportunity of representing once more to His Majesty's Government the necessity and desirability of giving effect, as soon as circumstances render it practicable and advisable to do so, to those portions of Resolutions 7, 8, 10 and 11 of the Legislative Assembly passed on the 28th of March, 1921, which have not yet been carried out ’.”

The question I have to put is that those words be there inserted.

The Assembly divided :

AYES—30.

Abdul Rahim Khan, Mr.
Ayyangar, Mr. R. Narasimha.
Bardswell, Mr. H. R.
Barnes, Mr. H. C.
Bhanja Deo, Raja B. N.
Blackett, Sir Basil.
Bray, Mr. Denys.
Burdon, Mr. E.
Butler, Mr. M. S. D.
Calvert, Mr. H.
Chatterjee, Mr. A. C.
Clarke, Mr. G. E.
Faridoonji, Mr. B.
Gaskell, Mr. W.
Gidney, Lieutenant-Colonel H. A. J.

Graham, Mr. L.
Gwynne, Mr. C. W.
Haigh, Mr. P. B.
Hailey, the Honourable Sir Malcolm.
Holme, Mr. H. E.
Ikramullah Khan, Raja Mohd.
Innes, the Honourable Mr. C. A.
Mitter, Mr. K. N.
Nayar, Mr. K. M.
Percival, Mr. P. E.
Richey, Mr. J. A.
Sassoon, Captain E. V.
Sim, Mr. G. G.
Singh, Mr. S. N.
Stanyon, Colonel Sir Henry..

NOES—52.

Abdul Hamid Khan Khudadad Khan,
Mr.
Abdul Majid, Sheikh.
Abdulla, Mr. S. M.
Agarwala, Lala Girdharilal
Agnihotri, Mr. K. B. L.
Ahmed, Mr. K.
Ahmed Baksh, Mr.
Aiyer, Sir P. S. Sivaswamy.
Akram Hussain, Prince A. M. M.
Asad Ali, Mir.
Asjad-ul-lah, Maulvi Miyan.
Ayyar, Mr. T. V. Seshagiri.
Bagde, Mr. K. G.
Barua, Mr. D. C.
Basu, Mr. J. N.
Bhargava, Pandit J. L.
Dalal, Sardar B. A.
Das, Babu B. S.
Das, Pandit R. K.
Faiyaz Khan, Mr. M.
Gajjan Singh, Sardar Bahadur.
Ghulam Sarwar Khan, Chaudhuri.
Ginwala, Mr. P. P.
Gour, Dr. H. S.
Gulab Singh, Sardar.

Hussanally, Mr. W. M.
Jamall, Mr. Ashruff O.
Joshi, Mr. N. M.
Mahadeo Prasad, Munshi.
Majumdar, Mr. J. N.
Man Singh, Bhai.
Muhammad Hussain, Mr. T.
Mukherjee, Mr. J. N.
Mukherjee, Mr. T. P.
Nabi Hadi, Mr. S. M.
Nand Lal, Dr.
Neogy, Mr. K. C.
Pyari Lal, Mr.
Rajan Baksh Shah, Mukhdum S.
Reddi, Mr. M. K.
Samarth, Mr. N. M.
Sarvadhikary, Sir Deva Prasad.
Shahani, Mr. S. C.
Singh, Babu B. P.
Sinha, Babu Ambica Prasad.
Sinha, Babu L. P.
Sohan Lal, Mr. Bakshi.
Subrahmanayam, Mr. C. S.
Ujagar Singh, Baba Bedi.
Venkatapatiraju, Mr. B.
Vishindas, Mr. H.

Yamin Khan, Mr. M.

The motion was negatived.

Mr. President : The question is that the following Resolution be adopted :

“ This Assembly recommends to the Governor General in Council that he will be pleased to urge upon the Imperial Government the necessity for promptly giving effect to Resolutions 7, 8, 10 and 11 of the Assembly passed on the 28th of March, 1921, in connection with the Esher Committee's Report with the concurrence of the Government of India.”

The motion was adopted.

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

The Assembly re-assembled after Lunch at Three of the Clock.
Mr. President was in the Chair.

RESOLUTION *RE* CERTIFICATION BY GOVERNOR GENERAL.

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

Dr. Nand Lal (West Punjab : Non-Muhammadan) : Sir, I beg to move the Resolution which stands in my name and reads as follows :

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

Sir, I need not go into the provisions of various historic Acts, as for instance, the Act of 1773 and that of 1784, and again those of 1858, 1861 and 1909. They deal with the political changes in India and the political development in the same country. It will suffice to say that the provisions of the Act of 1861 sowed the seed of representative

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institutions in India, and the Act of 1909 quickened that seed into political life in this country. But I may say that that political change was not to the expectation of the legitimate aspirations of India. Now I wish to refer to the genesis of the present Act, namely, the Government of India Act of 1919. As you know, Sir, India is proud of her ancient civilization, her scholarship and the ability of her people. She wanted to achieve certain political rights which she, rightly deserved. Her people's unflinching loyalty and their law-abiding character appealed to England, and I am glad to say that this legitimate claim of India was appreciated and the result thereof was the Act of 1919. The policy, inaugurated in this Act, I concede, was to give better political rights to Indians, but it may be said, at once, that the rights, so conferred, were not adequate and the craving of Indians, namely, their growing aspirations were not satisfied at all. The Royal Proclamation, which was made by His Gracious Majesty, threw a flood of light on it. The consequence of the aforesaid Act was that the Reforms were brought into force. Now let us see how these Reforms were received. One section of the people, in India, did not extend reception to them (Reforms). whereas the other section, and I may say, without fear of contradiction, that a very large number received them with respect, but at the same time they held that they (Reforms) were not adequate and that they did not come up to their expectations. There was a mass of criticism against the inadequacy of the Reforms. One school of thought expressed their view saying that these Reforms were practically nothing and that they were not a whit better than political jugglery. The co-operators who had given a reception to the Reforms, as I have already submitted, received it with respect and they endeavoured to work out these Reforms and to make them a success. Some of them were elected and came to this Assembly. The work which they have done is well known to all. The quality of the work done by this Assembly does not require any elaboration to explain it. The various social measures passed by it (this Assembly) and the various useful Resolutions passed including the Resolution, which brought into being Lord Incheape's Committee on retrenchment. The retrenchments, which were recommended, speak for themselves and the work done by this Assembly. There was a mass of criticism levelled against the co-operators. They were told that they were not doing any practical work. The critics said that this Assembly was nothing but a debating society. They further criticised it saying that the Assembly was benevolent in supplying funds to the Government of India, but that, so far as its own Resolutions were concerned, they were not carried out and that its decisions were not respected. Consequently it was a powerless body. This Assembly very rightly met this criticism and tried to combat the hostile opinions of its critics. But, Sir, with what hope? The hope was that it is the good conduct of this Assembly which would achieve the final goal, that is, full self-government, namely, Swaraj, and not the non-co-operation. That was the incentive which prompted this Assembly to maintain its equilibrium of mind and to honestly co-operate with the Government. What do we find, Sir? In March 1923, which may be considered a critical time, there occurred a great catastrophe. The question of an increase in the salt duty was placed before the Assembly.

The whole country was opposed to it ; the Assembly, as its sacred duty, felt bound to oppose it and rejected the Bill. What was the result ? His Excellency the Governor General certified the Bill and did not, I may be permitted to submit, pay sufficient regard to that decision. The main ground which was taken to support the certification was :

“ My Government hold that, in view of the past accumulated deficits, it was essential in the interests of India to balance the Budget.”

His Excellency says : “ It was urged on me, the vital necessity of securing financial equilibrium ”.

That has been the main ground on which this special emergency power was exercised by His Excellency the Governor General. With the most profound respect for the honest convictions of His Excellency, I may be permitted to submit that at that juncture it was a political error to resort to certification and to exercise that special power.

Mr. President : Order, order. I must draw the Honourable Member's attention to Standing Order No. 29—that a Member shall not reflect upon the conduct of His Majesty the King, or the Governor General or any Governor.

Dr. Nand Lal : This is my humble and respectful submission, Sir, but I shall not repeat it. This was my submission which is based on popular opinion. The very expression, namely, the words, “ with the most profound respect ” clearly indicates that I am respecting the honest convictions of His Excellency ; but at the same time, I must honestly state my case, otherwise I shall be failing in my duty if I do not place the message of the country before this House. After this certification, as you know, there was a great stir and the critics of the present Assembly and the Reforms substantially said, particularly in the columns of a good many papers, that it is now established to the hilt that these Reforms are practically nothing, and these Reforms have given us practically no more political rights. When our Resolutions and our decisions are not given full appreciation, then, Sir, it amounts to this that these Resolutions will remain on paper alone and we shall not, in effect, be able to do any good to the country. There were two schools of thought : One school was of this opinion, that this Assembly—specially the elected Members—should resign as a body, and that if that could not be done, then they should follow the policy of indiscriminate obstruction. The other school, whose follower I am, was of a different opinion, saying that we believe in honest and active co-operation, that we believe in making constitutional petitions, that we believe in submitting that the present law may be changed, and that we do not countenance the view of the first school that we should resign or adopt the policy of indiscriminate opposition. Some of us having been prompted by the honesty of convictions resigned and the result, which has been known to the world, is that their various constituencies returned them again, thereby showing that this was the wish and this was the real desire of their constituencies. Now, Sir, as I have submitted, we are in a peculiar predicament. We are on the horns of a dilemma and do not know what to do. If we take drastic measures, then it is quite probable that England may think that we are sentimentalists and that we have not got sufficient power of controlling ourselves. With that point in view, we thought, we must try to show ourselves fit to have full restraint over ourselves, we should endeavour to show

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that we are capable of holding responsible positions, and that we are fit to hold this responsibility which has been taken by ourselves. With this view we have been working in a very peaceful manner. Now the opinion of one section of this country is, if I rightly understand it, that our Resolutions and our measures will prove ineffectual ; they will not be of any avail. On the other side, the opinion and the honest conviction of us, the co-operators, is that this, namely, honest co-operation, is the only legitimate manner in which we should steer ourselves and that we should pursue this method. We have been seriously contemplating as to what course should be adopted ; and the conclusion at which most of us have arrived is that this provision, under debate now, should be amended so that there could be no repetition of this kind of certification. I may most respectfully submit that there was no justification for certification ; there was no foreign invasion ; there was no disturbance in the country to render this certification justifiable. You will agree with me, Sir, that " the interests of British India " did not really require that this special emergency power should be exercised. If there was the question of deficit alone, then that deficit could have been met by adequate retrenchment and by other wise methods. Therefore, the grounds on which this power was exercised, I may very respectfully submit, are not very very strong. Then naturally the fear arises, where is the guarantee that this sort of certification may not be repeated again. Hence the wise course which this Assembly has thought fit to adopt and which is contemplated by the present Resolution, is this, that the provision, so far as those powers in connection with the certification goes, may be deleted. Now naturally the other side would say, " this is a sweeping amendment. If this amendment is made, if this Resolution is accepted, then it will naturally give a higher status to India than is occupied by the self-Governing Colonies and Dominions."

In reply it may be submitted that the result of my study, of various Statutes relating to this matter in the various Dominions, is that there the Governor has the power of vetoing, of reserving and of suspending, but nowhere has the Governor got the power of certifying and overriding the decision of the Assembly in connection with money matters and money Bills. The power which has been conferred upon the Governors in the various Dominions may be considered a power of " negation," vetoing and disapproving the decision of the Assembly, but nowhere has it been laid down that the Governors have got positive powers, namely powers which may be considered the positive power of legislating. Here, in this section, which is desired to be amended, we find it laid down that, where either Chamber of the Indian Legislature refuses leave to introduce or fails to pass, in a form recommended by the Governor General, any Bill, the Governor General may certify the passage of that Bill if it is essential for the safety, tranquillity or interests of British India or any part thereof. Now you will agree with me, Sir, that placing the right construction on this provision, it means that His Excellency the Governor General has got the positive power of legislating—not the power of negation—that is, not the power of disapproving or vetoing or reserving or suspending, but the power of making a legislation in contravention of the decision of the Assembly, namely, in opposition to the popular will. It is not right to throw out

a general challenge but, in my modest way, I am prepared to submit before this House—is the Honourable the Home Member prepared to cite a single Statute in which the Governor in any Dominion, in any Colony, has been given this power? This power is an extraordinary power which has got no parallel at all. And, in the face of these facts, I think, Sir, you will accede to my contention, which I raise, that it is meet and proper that this extraordinary power may be taken away. The other criticism which could be levelled against it (my motion) would be: Then, if this power is taken away, then the Viceroy will be considered not responsible to the Parliament but to the people of India. Since the Viceroy is responsible to the Parliament, therefore he must have power which may be considered special or emergency power to veto the decision of the Assembly.

I have already submitted that this provision does not give the power of vetoing. This is much more than that, and, therefore, I submit that this House should accept the recommendation which is embodied in this Resolution. It is just probable that it may be urged on behalf of the opposite side that, if this amendment is accepted, then the various other provisions will be required to be amended. With this point in view, I have couched my Resolution in terms which suggest that the Imperial Parliament, with a view to effect this proposed amendment, may amend the other provisions, in order to maintain the consistency of the Act. So, therefore, on this ground, the Resolution, which I have moved, cannot be challenged very seriously.

The question before the House is this, whether the Government will be in favour of unconstitutional acts, on the part of some people outside the House or the legitimate and constitutional step which is contemplated by this amendment. If this is acceded to that the certification has given rise to discontent, and dissatisfaction and there is a great stir, then the official benches will agree with me that it is better to seek for some effective remedy, and the remedy which this Resolution suggests is the only remedy. I submit that the question, in the main, is this. Whether England will place the unconstitutional conduct of some people on a premium, or will she put the present peaceful and constitutional conduct of the Assembly and other co-operators on a premium? That is the main question which requires serious determination. I am afraid that if this Resolution is not accepted, then the people will be fully justified in saying that these reforms are empty reforms as they had openly said before. I submit that with a view to meet that argument, this House will be pleased to accept this Resolution which speaks for itself. I have seen some of the amendments. I need not make reference to them in the interest of economy of time. I may briefly say that the real object will be attained if this special and emergency power is taken away, especially in connection with money Bills. But when I say especially in connection with money Bills, I do not mean to say that the entire recommendation, which is incorporated in this Resolution, is such that it is not acceptable. It is acceptable. But to be on the safest side. I may repeat my submission that, in any case, so far as the question of money Bills goes, the Resolution has got the greatest possible force. With these few remarks I commend this Resolution to the House and I hope that the whole House will extend its wholehearted support to it. I can understand that the National Party

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and the Democratic Party will be in favour of it, though I entertain some-doubt so far as the Official Benches are concerned. I may respectfully suggest to them, with your permission, Sir, that this is the proper time, this is a fit occasion when they should exercise their right discretion in the interests of the maintenance of peace and order and that the Resolution deserves to be supported by them also. It should never be forgotten that the law has to be made according to the wishes of the people. The wish and desire of the people is already well-known to the Honourable the Home Member and this Resolution has been moved simply to meet those wishes of the people of this country. Therefore I very respectfully submit that this House should accept this Resolution wholeheartedly.

The Honourable Sir Malcolm Hailey (Home Member) : This Resolution raises a constitutional issue so important that I address myself to it at once, and I intervene at the earliest opportunity because I wish to get the main issue clear and clear beyond any doubt. The House might well, in view of what the mover has said, be in some confusion of mind as to the exact matter on which we are arguing. Here we have the case of an exceptional power, granted by law, which has twice been utilised ; and I am aware that in this Legislature resentment has been felt at the fact that it has been so utilised. Whether the resentment has been equally great outside I prefer to offer at the moment no opinion. For the moment, I do not wish to distract attention to that point, and I content myself with expressing a doubt whether the certification of the Princes' Protection Bill has really stirred India to universal indignation, or whether that " messenger of revolution " as the certification of the salt-tax was called in this House, really produced those heart-rending results that were predicted in our last Session. At all events, this unwarrantable exercise of autocratic power has certainly caused less trouble, less harm to the peace and contentment of the country than that programme of peaceful and soulful persuasion of which we have just seen the decline and I hope I may say the fall. But let that be for the moment. Our modern Hampdens are now returning to us. They have made their protest and their sacrifice. They are returning to us not with scars of martyrdom, but with the satisfaction that they have inflicted a staggering blow at autocracy by fighting an unopposed bye-election. Mr. Seshagiri Ayyar has failed, and I am glad that he has failed, in his attempt to punish an iniquitous bureaucracy by bringing it down to the plains to hold a special Session before the break of the rains. But as I have said, I am not for the moment on the question of the justification of the past use of certification nor am I on the question of its effect on the country. The immediate issue is different. You may have a provision of law quite justifiable in itself and based on sound grounds, but it may be misapplied in time and in place and in manner. Yet such misapplication would not necessarily imply that it must be abolished or repealed. You must keep the two propositions separate, for the proof of the first, even if conceded, would not argue the correctness of the second. When in 1871 it was proposed to abolish the purchase of commissions in the Army, the Legislature refused, and the step was carried through by Royal Warrant. Many hard things were said at that time about the use of the Royal Prerogative for the purpose, but I do not recollect that any

steps were taken to make its further use impossible. Or again, to go to another hemisphere, when Mr. Cleveland, President of the United States, exercised his power of veto no less than 301 times in the course of his tenure of office, no suggestion was made that the law of the constitution should be altered in order to remove from the President the power of exercising a veto in the future. On the contrary, as Lord Bryce tells us, the American people rather admired a President who had an opinion of his own and was not afraid to enforce it. But Dr. Nand Lal apparently is not of this type. Like the famous Captain Boanerges of old, he prefers the harder text, "if a member offend thee, cut it off". He claims that the executive has misused its powers, and the only remedy is to repeal those powers once and for all ; for whatever the form of his Resolution, that is his meaning. He proposes that the Governor General should not be allowed to use the power of certification as against the Legislative Assembly. Then the Governor General cannot be allowed to use the power of certification at all ; for no one here, I suppose, would pretend that it is necessary to retain this exceptional power simply that it may be exercised against the Council of State.

That, then, is the proposition which I have to meet now. If subsequently any one raises the question whether these powers have been used rightly or wrongly, I will meet him ; if any one proposes modification of the law granting these powers, there again I will meet him ; but for the present, I have only to consider first whether there was any justification for the insertion of this section in the law, secondly, whether there is any justification for maintaining it, and, thirdly, what alternative can be proposed if it is repealed. And if in arguing this important issue I have to go into the history of origin of this power, it will not be from any mere desire to satisfy a craving for research. For it often happens in important constitutional laws, that the history of their enactment is not merely the explanation of their origin, but is in no inconsiderable measure the justification of their retention. I shall not take you far back ; I have no desire to follow the example of my Honourable friend, Mr. Majumdar, whom I am sure we are glad to see amongst us here again, and recall the constitutional methods of Chandra Gupta or Asoka. I merely wish to take you back to the Montagu-Chelmsford Report. Now, you will remember that the authors of that Report stipulated that "Government must have power to place on the Statute Book after full publicity and discussion measures to which the majority of Members of the popular Assembly may be unwilling to assent." The Congress League Scheme of course had postulated full control by the Legislature ; the authors of the Report said that the Congress League scheme "is compatible with Parliamentary Government but fundamentally incompatible with an executive which retains any responsibility towards the Secretary of State and Parliament." In that view, as they said, they "sought deliberately when the purpose justifies us to depart from popular methods of legislation." For the present, I note only that was their full intention. They were convinced of the necessity (I am quoting them again) "of enabling the executive Government to secure its essential legislation and supplies" and I would emphasise the word "supplies". How then did they seek to effect that purpose ? They proposed to constitute a Council of State of 50 Members

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of which only 21 would be elected and 4 nominated with 3 nominated President, that should leave Government with a small working majority ; and if the Council of State with such a majority amended a Bill in a manner unacceptable to the Assembly, the Governor General could certify the amendments " as essential to the interests of peace and order or good Government," in which case the Assembly would not have power to reject or to modify the amendments. And I emphasise again their definition of good government, for it is also important in this connection. The term, they say in their summary " includes sound financial administration," and that definition is thoroughly in accord with what they say in an earlier part—" so long as the executive remains nominated and irremovable, it must be in a position to secure money necessary for its essential purposes." Well, it was with a Council of State of this composition that the Bill first came before Parliament. And I proceed to ask, how did the numerous deputations from India which met the Joint Committee in order to consider the Bill—I see some members of those deputations here—how did they criticise those particular provisions ? I may say at once that most of the deputations were opposed to a Council of State on the lines suggested by the Montagu-Chelmsford Report, but the particular point I am on is their attitude toward a provision granting exceptional powers to the Governor General. Certainly no one of them suggested that this was a function or a sign of autocracy. The necessity of it was almost universally admitted, although there was some divergence of opinion about the method. Take first the National Home Rule League, speaking by the mouth of Mrs. Besant. Mrs. Besant a short time before had compared what she called the autocracy of the British Emperor over India with similar autocracies, that of the Czar over Russia, that of the Austrian Emperor over Austria, and that of the Kaiser over Germany ; so that the word ' autocracy ' was not an entirely unusual argument with her ; yet she did not use the word ' autocracy ' in this connection. I will read what was said on behalf of the National Home Rule League ;—" We do not deny that during the period of transition the Government should have an instrument for passing what it considers to be necessary legislation." The League did not like the Council of State as then proposed ; they thought it was too certain an instrument of Government, and if they were to have two Chambers they would have preferred the old plan of a Grand Committee, for that implied the existence of reserved subjects in the Central Government. But they admitted the necessity of certification though they would have confined it to what was necessary " for peace and order or defence of the country for foreign affairs or for carrying on relations with Indian Princes." Then again, I will take the Indian National Congress. Now, in those days they were comparatively moderate people and capable of some constructive thought. In their Bombay meeting of August 1918 they had agreed to waive for a time their own Congress-League Scheme, and to accept the Reform Scheme with such modifications as they could get. They stated those modifications in their Delhi meeting of December 1918, but they also did not object to the use of exceptional powers where necessary. I will read what they said :

" In the case of reserved subjects, if the Legislative Assembly does not pass any measure desired by Government, the Governor General in Council may provide for

the same by regulations, such regulations to remain in force for one year, and not to be renewed unless 40 per cent. of the Assembly present and voting are in favour of them."

Their spokesman on this occasion before the Committee was that highly conservative person, Mr. V. J. Patel. It is true that he adopted a somewhat different test in limiting the use of the power, namely, the safety, tranquillity and defence of India ; but there the power was. Mr. Tilak representing the Indian Home Rule League had a somewhat different scheme ; there should be no second Chamber but the Governor General should have power to regard any measure as passed if 40 per cent. of Members of the Assembly were to vote in its favour. This, he said, would constitute a statutory majority. After that, it will hardly be necessary for me to quote the views of the All-India Moderate party. They of course were willing to allow certification for a year, and they clearly contemplated that the power should be a fact, for they provided that the Instrument of Instructions should contain an express injunction to the Governor that he must not frequently resort to this extraordinary action. Then, again, there was Mr. Sastri—he was a Grand Committee man on the whole ; he recognized that the Montagu-Chelmsford Report was correct in claiming that Government must have some way of getting through its essential legislation and supplies. He was quite prepared to assent to certification in some form, though he had great difficulties about its exact definition : he did not like the word " interests " but went so far as to admit legislation essential for " good government ". Take again, Sir Sankaran Nair, who certainly did not see eye to eye with us on every aspect of the Reforms Scheme as then proposed ; he was prepared for the exercise of exceptional powers, though he would make the use of them subject to the sanction of the Select Committee and of the Houses of Parliament. Is it to be wondered that in view of this evidence the Joint Parliamentary Committee accepted without a dissent the necessity for a provision of exceptional powers ? I have looked up their day by day proceedings, and I find that even Mr. Ben Spoor did not object to the insertion of some such provision, even though it might be an instrument of autocracy. It is true of course that the Joint Parliamentary Committee liberalized the original provision of the Bill regarding the Council of State. They did that in a way which I have always thought to be a little unfair towards the Governor General, for they gave an elective majority in the Council of State and put on the Governor General the whole onus of carrying through legislation of this type ; it is a burden which he has to bear alone and does not even share with his Council. At the same time they made it perfectly clear what they meant by this provision. They said that they had no doubt that " the Governor General should in all circumstances be fully empowered to secure legislation which is required for the discharge of his responsibility ".

Now for the next stage. How was that recommendation of the Joint Committee received in Parliament ? We know, from the interview that Mr. Patel gave when he arrived in Bombay immediately afterwards, that his friends in Parliament put forward every amendment he desired to suggest. What did they do with this section ? Mr. Macallum Scott merely proposed to substitute the requirements of the maintenance of discipline of our forces, or safety or tranquillity, for the words used in the Act. That is all ; and he was supported by Colonel Wedgwood. But what did

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Colonel Wedgwood say ? " I quite agree that the Governor General ought not to be deprived of the opportunity of passing legislation which he thinks is essential for the safety of India or the British Empire. . . . " the last words perhaps may cause a little resentment to some of our friends here. But they are there. All he boggled at was the exact definition that was contained in the Act. He did not object to the existence of these special powers which Dr. Nand Lal has now proposed to repeal. They took no division on the amendment. If that was the attitude of the House of Commons, it is hardly to be expected that there would be much objection in the House of Lords. Lord Sinha pointedly invited attention to this provision of the law, and Lord Selborne further declared the mind of the Joint Parliamentary Committee in words which have been often quoted. They will bear quotation again : " The powers which we propose to confer upon the Governor General are real powers, meant to be used if occasion unhappily arises, but always subject to the control of Parliament. "

I have now brought you up to the passing of the Act, and I propose to take you as rapidly as possible over the intervening period after the passing of the Act. The National Congress had not yet entirely broken away from any kind of political sense. At its Amritsar meeting in December 1919 the President discussed every provision of the new Act with great care, in a speech which I may say one might still read with interest and even profit. He objected strongly to the powers being left in the hands of a single individual, and he finally concluded that, " India had now only to trust to the extra good sense and statesmanship of the race of Governors promised and to the interest in Indian affairs which the House of Commons is expected to evince in future. " But what was the result when it came to be discussed by the Congress itself ? This is interesting,—because the Congress at that time included so many variant elements. Mr. Gandhi, Mr. Tilak, Mr. Das, Mrs. Besant, Pandit Malaviya, I think even my Honourable friend, Sir B. N. Sarma, was there. Anyhow, there were a large number of men who are now classed as Liberals. In spite of the President's strictures, the Congress decided that as far as might be possible it would work the Reforms so as to secure early establishment of full responsible Government. That is the last I shall have to say of the Congress, because soon after it passed into that welter of destructive opposition which has been its only contribution to the history of India in the last three years. What about the Moderates ? They met in Calcutta in 1919. They considered the Reforms Act in some detail. There was no word of opposition to this autocratic section ; Sir Sivaswamy Aiyer presided and I know he will bear me out. Nor did his successor in 1920, Mr. Chintamani, refer to the matter. There was some discussion on the scope of Reforms in the National Liberal Federation of 1921 ; but there was no word about this section. Indeed it did not come to be considered definitely until the National Liberal Federation meeting of December 1922. You must remember that the Federation had in the meanwhile had experience of the certification of the Princes Protection Bill, and yet how did they view the matter ? I quote from the President's speech. It characterised the use of certification as regrettable, but added that " it was open to question with the clear sight which comes after the event, whether the Assembly was wise

to refuse leave for the Bill to be introduced." There was no word about the unwisdom of leaving this section and its powers in the Act, and I think I am correct when I say that the matter was not even referred to at the National Conference of February last in which many Members of this House took so great an interest.

Well, then, how is it that at the second use of this exceptional power, its exercise has been hailed in that dramatic language to which some of our friends are prone, as the breakdown of the Reforms and the triumph of autocracy? The necessity of such a power had from the first been fully acknowledged; there was never indeed any real attempt to question it. Well, Sir, the explanation is simple enough, though the historian of the future will view it with some amazement. It was Mr. Jamnadas who first gave us the clue to the mystery last March. He confessed that he and his friends had persuaded themselves that these powers would never be used. But on what authority? Certainly not on the authority of anything that has been stated in Parliament, for from the day—the 4th of December 1919—that Mr. Montagu had emphasised the necessity of these provisions, from that day nothing has been said in Parliament that could even be misconstrued into a promise that these powers should never be used. Like many others I sought further enlightenment and at last we have found it; not indeed in the proceedings of this House but in the Press. The Duke of Connaught had said in February 1921 that the principle of autocracy had been abandoned, and in March of the same year I had used these words "If we incur expenditure it will be by your mandate; if we impose taxation, it will be by your vote." I would honestly have refrained from taking up the time of the House in mentioning these statements, if it had not been that they have been so often quoted in the press, have been repeated in the press at Home, and have actually been used as an argument. I can only say that their constant reiteration shows how very hard put to it some of our friends must have been to find any valid ground for their confident assumption of a new constitutional convention. They forget that His Royal Highness went on to define in words which were almost a warning exactly what were the limits of the new powers given to the Legislature. He said:

"It is the clear intention of the Act of 1919 that the policy and decisions of the Government of India should be influenced, to an extent incomparably greater than they have been in the past by the views of the Indian Legislature; and the Government will give the fullest possible effect,"

mark these words:

"consistent with their responsibility to Parliament, to the principle of the new constitution."

And as for my words, did anyone at the time or could anyone seriously now imagine that they were a formal declaration that the Governor General would never exercise the powers conferred by the Act? Why a second before I used them, I referred pointedly to the existence of a similar clause, section 67-A. The Governor General had addressed the House a fortnight before, and if he had intended to make any such startling abdication of his own powers and of the duty which he owed to Parliament and the Crown, it was for him and not for me, to make that statement. Did he make it? Far from it; he said that "in the interval before full self-government was

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attained, certain powers of supervision, and if need be, intervention, would be retained."

That then is the history of the reserved power almost up to the present day. As I have said, the existence of these powers was a condition precedent when the Government of India Act was passed ; it was accepted as such even by critics of the Bill ; and I defy anybody to quote even the shadow of a promise that they would not be fully employed. Nor are they themselves any proof that we were clinging to the methods of autocracy ; they rest on the soundest constitutional basis. Do not let us mistake desires for facts, or aspirations for actualities. What was it that the Government of India Act granted to India ? Parliament had never, to use Mr. Montagu's words, agreed to give to the Indian Legislature for the present anything more than a transitional constitution ; as he said, " a bridge between Government by the agency of Parliament and Government by the representatives of India." The Government of India was still responsible to Parliament and not to the Indian Legislature. Lord Sinha defined the position even more fully. " Government must be in a position to secure the legislation and supplies it needs for the discharge of its responsibilities. It has not the natural means of a sure majority in the House and must therefore be given an artificial means." And again : " You will see that the Government is necessarily given the fullest powers to reject adverse votes, since its responsibility is not to the Indian Legislature but to this Parliament for the proper administration of its charge." What then would be the implications of accepting this Resolution ? It would be equivalent to the grant of full control to the Indian Legislature, limited only by the power of the veto, and by the existence of a power to issue Ordinances which would be in force for six months. I certainly must have cited my authorities wrongly if this House thinks that Parliament would grant such power, and I draw no distinction at all between the Parliament which passed the Government of India Act and the Parliament which sits in Westminster to-day. The Resolution seems to propose only the simple repeal of a single section ; in all truth, it involves a radical reversal of the system of transitional Government which has been sanctioned under the Government of India Act. The Executive, as was then intended, and was rightly intended, has come under the immediate influence of the Legislature to an extent never before contemplated. It has pushed forward in one way ; it has held back in others. The extent of that influence over Government has been amply recognized in many quarters ; I need only quote the speech of Mr. Sastri at the meeting of the Liberal Federation in 1922 as an answer to those who question the great possibilities of the influence the Legislature can exercise. But the Executive still retains, as it must retain, an ultimate power of complying with its responsibilities to Parliament. I am myself confident that any future historian, however democratic or liberal he may be in his tendencies, would agree that Parliament was on sound constitutional ground in insisting on the retention of this reserved power in the existing circumstances of India. That view was taken by the Liberal and Labour Party in 1919 and I am much mistaken if you will not find that it is again taken by the Labour Party to-morrow. Every student of politics, whether

on the practical or theoretical side, will agree that full responsibility can be given only to a Legislature on certain well acknowledged conditions ; and no honest thinker could argue that these conditions are yet fulfilled in India. We have not yet an electorate which is politically conscious ; it has not yet formed itself into the parties which reveal the true and permanent cleavage of interests and which not only dictate lines of policy but afford the guarantee of continuous and stable administration. Nor have we yet an electorate which has determined to exercise to the full its electoral powers. It is no use to quote to-day in this connection the facts regarding the strength of the English electorates in the pre-reform days of England. The fact is that in those days England was not a democracy at all but an oligarchy ; what we are attempting now is to set up some form of democratic or representative government. Until, therefore, the Indian population decides to exercise its powers to the full, the result in the strict sense of political science is that its Legislature is rather illustrative than truly reflective of the real views of the great mass of people in India. Now, if in these circumstances the English Parliament decides that its agents here should retain in the last resort some means of enforcing their responsibility to the Parliament and Crown of England, what alternative do you offer it ? Do you prefer to go back to the old plan of the Council of State with a small official majority, or the system of Grand Committee, or do you prefer that the British Parliament itself should on occasions of emergency legislate for India, or do you prefer again the exercise of the Royal Prerogative ? If I were an Indian, I should on every ground prefer the retention of the present power, for it is a power over the exercise of which India can expect to exercise far greater influence than were any other alternative adopted. Moreover, are you yourselves confident that the times are such that a power of this kind can be justifiably or safely withdrawn in the best interests of India itself ? Look for a moment at the possibilities of the future ; it is by no means impossible that what now seems to be an obstacle to your constitutional progress may be welcomed as a safeguard and guarantee of stable government. Our Legislature was once to be swept away from outside by the peaceable and non-violent revolution which has produced so much riot and bloodshed in this country. It is now apparently to be paralysed from inside by the intrusion of pacific Goths and constitutional Huns. As I say, India may yet be grateful that her constitution contains some power which enables the executive to pass into law enactments necessary to preserve the essentials of a stable government ; it may yet be grateful that it contains a provision which enables that executive to discharge its responsibilities to the Parliament which is not only the power that in the ultimate resort must protect India from external enemies, which is not only the authority which secures a fair field for the conflicting castes and communities in India, but is itself the guarantor of India's progress towards a fuller form of self-government, the foundations of which it has itself laid in the memorable legislation of 1919.

Mr. T. V. Seshagiri Ayyar (Madras : Nominated Non-Official) : Sir, I may at once state that it is not my intention to move my amendment. Therefore, if after making a speech I say I do not wish to move the amendment, you may think I have taken up unnecessarily the time of

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the House. I therefore wish to make the position clear. I am simply speaking on the proposition moved by Dr. Nand Lal.

Sir, the Leader of the House has spoken with that consummate skill which makes him a delightful speaker to listen to but a very dangerous opponent. Sir, he has referred to certain conclusions which I am about to show are not justified by the facts mentioned by him. The first instance he mentioned was this. He said or implied that the agitation which has been set up indoors has not found its counterpart outside the Assembly rooms ; and I believe one other prominent Member on the Government Benches told me the same thing. Sir, I think that is a grave misapprehension under which the Government is labouring. I have been outside the Assembly rooms. I have been touring in the districts and I may tell them that there is a real feeling of distrust against the Government in consequence of the Salt Tax and in consequence of the certification. One unfortunate circumstance is this—and I say it in all good faith,—that the Englishmen in this country do not realise that there may be a permanent discontent which might undermine the prestige of the Government and which might make the position of Government very irksome. He only recognizes the force of circumstances when there is violence or when there is speechifying and Resolutions are passed at meetings. He apparently is not able to see that without speechifying or violence there may be discontent which will not be conducive to the administration of the country. Sir, I believe the Government are aware that a large number of people in this country have taken to non-co-operation with the Government. They do not care to have meetings or pass Resolutions protesting against the Salt Tax. They are anxious only that things should go from bad to worse and they do not care to tell you that you are wrong. But we, who want to befriend you, tell you that you are in the wrong, and you tell us to our face that there is no agitation in the country. I believe that is an attitude which the Government should not adopt, and I hope they will reconsider their position in regard to that matter. There is really strong feeling in this matter and real discontent, and I think the Government will be justified in taking note of that feeling and that discontent, and adopt measures to allay the discontent.

Sir, the Honourable the Leader of the House referred to my failure to get a special Session. I wanted a special Session in order that the prestige of the Government may be enhanced and it may get out of a very awkward situation. I can assure the Leader of the House that it would have done good if he had acceded to my request. But he succeeded and I failed, and that is why there has not been a special Session. I assure you if there had been a special Session it would have been in the interests of the Government and the people as well.

Sir, the Honourable the Leader of the House traced the history of the powers that have been conferred on the Government as regards certification. If I were inclined to doubt the wisdom altogether of certification, I would have followed the Honourable Member by quoting other sentences to show that certification was objected to ; but it will be clear to the House that I do not object wholesale to certification. But I object to the exercise

of powers in the way in which it has been done, and that is my objection to the existence of the powers. He has referred to the fact that the National Liberal Federation over which my Honourable friend there presided did not say that the powers ought not to exist; and he also referred to the National Congress which met just at that time. They did not pass these Resolutions because at that time the power was not misused. The occasion for protesting against the power can only arise when you misuse it. If it is simply in the Statute Book without its being misused, there is no necessity either for the Liberal Federation or for the Congress to say that the power should not exist. When we find that an opportunity has been availed of for using it for purposes wholly inconsistent with the spirit of the Act, then we will certainly say "you should not be entrusted with this power and that it is desirable that this power should be either curtailed or wholly taken away from you." That gives the reason why the Liberal Federation and the Indian National Congress did not consider it desirable to say that the power should not exist there.

The Honourable Sir Malcolm Hailey : That covers the Princes' Protection Bill.

Mr. T. V. Seshagiri Ayyar : It was after the Princes' Protection Bill, the Honourable the Home Member will remember, that the Conference met in Delhi and said that this power should not exist. Then we were aware that the power was beginning to be used badly, but it was the second occasion that it was wholly misused, and therefore we say that, having once badly used it, and having misused it a second time, you should not be.....

Mr. President : I would draw the attention of the Honourable Member to Standing Order No. 29 (2) (iv). The Honourable Member is approaching dangerous ground. I drew the attention of Dr. Nand Lal to it when he was speaking. I will read the Standing Order again to the House.

"(iv) reflect upon the conduct of His Majesty the King or the Governor General

Mr. T. V. Seshagiri Ayyar : Sir, if I have said anything to reflect upon the conduct of the Governor General, I would apologise to the House for any expression that might have fallen. I used that expression because I thought it was not unparliamentary, but as you say it is unparliamentary I unconditionally withdraw it.

Mr. President : It is only a warning to the Honourable gentleman and those who follow him. To say that the power has been misused is dangerously near the infringement of that Standing Order.

Mr. T. V. Seshagiri Ayyar : I consider, Sir, that the power should not have been used. I hope, that will meet the circumstances of the case. That power should not have been used at all. If that will satisfy the House, I am willing to use that expression instead of 'misuse.' What I want to point out is this. It is not only necessary that some curtailment of the power should be made in the interests of the Assembly but also in the interests of Government there should be some restrictions imposed

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on the power of His Excellency the Viceroy. If it was made clear instead of being vague, I take it that His Excellency would not have certified the Salt Bill. It is because the words are there, it is because he has been given too much power, that he availed himself of the prerogative. It is for that one reason and in the interests of Government itself there should be some restriction placed upon the exercise of the power by His Excellency the Viceroy. There can be no doubt that the country has felt that the recommendation and the certification are wrong in law. Some eminent lawyers have taken that view. The questions that arise naturally are whether the recommendation should be at the inception of a Bill, whether it can come in after it has been rejected and goes to the second Chamber and whether the recommendation can be with reference to a part of the Bill or whether it should not be to the whole Bill. These are matters upon which grave doubts have been felt by eminent lawyers. Certainly, I believe the Honourable the Leader of the House will agree with me that it is not desirable to leave the law in such a confused state as to give room for all these possible doubts, and it is desirable only for that reason that the law should be amended. Sir, then there are these three clauses which enable His Excellency the Viceroy to certify. He may certify that the passage of the Bill is essential for the safety, tranquillity or the interests of British India. So far as safety is concerned, with regard to the question of the Salt Bill, I do not think even the Honourable Sir Malcolm Hailey will say that it was necessary for the safety of the Empire that the Salt Bill should be certified. And as regards tranquillity, I do not think he would say that the tranquillity of the country demanded that the Bill should be certified. On the other hand, by certifying you have created disturbances in the country. You have made the country less tranquil than it was before by certification. Now, Sir, come the words "interests of British India." Who are to be the judges of the interests of British India? We, who are sitting here from day to day, we who move among the people and who understand their feelings, are we not better judges of the interests of India than persons—I say it with all modesty—persons who sit in the Council Chamber but who do not move among the people? Sir, I submit that we can be trusted to know the feelings of the people better in these matters—to know the interests of the people much better in these matters than the Executive Government. And yet our wishes so plainly expressed have been put aside and this certification has been made. Sir, the existence of these words "interests of British India" is capable of grave misapprehension, and it is desirable that that clause at any rate should be deleted altogether. Sir, as I said, I am not speaking on the amendment. I am only trying to follow the Honourable the Leader of the House and to point out the mistakes he has made in some of the observations he has made. I think that the time has come when the Bill should be redrafted and amended. If it is allowed to exist, it is dangerous to the Assembly and it would not be safe to the Government itself, because it is making the Government more unpopular than ever.

Colonel Sir Henry Stanyon (United Provinces : European) : Sir, the mandate I received from the constituency which I have the honour to represent—the Europeans of the United Provinces—may be put in these

words : " Take every step to justify the reforms and to move along the path of constitutional progress towards the attainment of responsible self-government within the Empire." The acts and words by which this mandate is to be given effect to have been left, as they must be left, to me. It has been my strong desire and my feeble effort not only as a Member of the Council in the United Provinces but in this higher Central Legislature, to fulfil that trust by independent and unfettered exercise of my opinion and judgment guided by the great assistance which I obtain from what is said by other Honourable Members on each particular Resolution as it comes up. I quite admit that in many cases my own judgment must be a poor guide. In this particular proposal now before the House I am following that judgment after the best consideration that I have been able to give to the question, and I readily admit that I may be wrong ; but, while I think and feel about the matter as I do, it is my duty to give utterance to that opinion. By the Government of India Act, the Imperial Parliament established for India the constitution under which we are now working, and *inter alia*, expressly provided that that constitution, as it stands, should be tried—I will not say as an *experiment*, because that word raised a good deal of controversy after it was used by the late Prime Minister in his " steel-frame " speech last year—but that this constitution should be tried as an instrument of transition from one form of Government to another and that this trial should go on for a definite period of 10 years ; after which, in the opinion of the Imperial Parliament, sufficient experience will have been gained to justify the issue of a Royal Commission to inquire into all the faults and defects, advantages, disadvantages, points of undue friction and the rest of it, of this constitution for the purpose of a report on the basis of which the Imperial Parliament would be able to frame another Government of India Act. We who have come to this House as Members of this constitution have bound ourselves to help in working that constitution as entrusted to us.

Mr. N. M. Samarth (Bombay : Nominated Non-Official) : Although defective ?

Colonel Sir Henry Stanyon : We are handling its machinery under the watching eyes of the whole British Empire. What is our duty ? Surely, to try the machine made over to us, to learn its complications first, to make ourselves adept in the use and control of it, and then to point out, as we shall be in a position to point out, what are its defects, and in what respect it can be improved. Above all, we are expected and hope to gain that experience and knowledge and those qualifications in a novel form of government—novel in this country at all events—which will justify us in demanding a much larger measure of autonomy after the prescribed time shall have passed. Now, self-praise is no recommendation ; but I think that we may claim that a great deal of good, honest, solid work upon the proper lines of Parliamentary administration has been achieved. But unfortunate diversions have undoubtedly taken place. They have laid us open in some places to ridicule, in some places to those " die-hard " opponents of this form of Government who cry " Did we not say so-and-so ? Are they not unable entirely to govern themselves ? Do they not miss the substance in running after the shadow ? " and criticisms of that kind. We have had

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diversions from the path upon which Parliament placed us and which it expects us to follow. One notable form of them has been a series of futile attempts to get over the period prescribed for this trial by some system of short cuts. One of these diversions is now before the House. I have too great a respect for the high ability and ripe experience of my esteemed friends—I say so in all sincerity—my esteemed friends Dr. Nand Lal and Mr. Seshagiri Ayyar, to believe for a moment that they fail to appreciate the absolute futility of the proposal which is now before the House. Surely, they know as well as we all do, that it is from His Excellency the Governor General in Council, not the Viceroy, that certification comes. (*A Voice* : “The Governor General, not the Governor General in Council”.)

Dr. Nand Lal : It is His Excellency the Governor General who has got this special power.

Colonel Sir Henry Stanyon : I stand corrected. I thank you, Dr. Nand Lal. I said Dr. Nand Lal was my esteemed friend and he has come to my help at once. I say that we all know that His Excellency the Governor General and the Imperial Parliament will not stultify themselves by giving effect to any proposal for a premature amendment of a most material section of the Government of India Act. That Act has been carefully worked out in the way mentioned by the Honourable the Home Member and it is the result of those labours which Parliament seeks to have tried. No one pretends that it is perfect ; no one says that it is not full of defects ; but Parliament has decided that we are to take ten years to find out all those defects and then Parliament will see to putting them right. Therefore, I say that my esteemed friends who know the futility of this attempt to obtain a premature amendment have some other purpose in bringing it before us. That purpose Dr. Nand Lal, at all events, has not attempted to conceal. It is another strong protest against the imposition of the Salt Tax. Let it not be supposed that, in taking the attitude I am doing with regard to this proposal, I seek in one iota or one tittle to justify that tax. With all respect to Government, and with ready admission of the possibility that I am wrong, I say without hesitation, (as I would have said in the course of the Budget debate if I had been fortunate enough to catch the eye of the Honourable the President last March), that I regard the action of Government in insisting on that tax, after brushing aside on purely theoretical and speculative, and to my mind, in many cases, most unconvincing grounds, every alternative project advanced by the House, by Members who were as anxious to balance the budget as the Honourable the Finance Member himself—I say that in taking that course the Government fell into a political error of the first magnitude. The optimistic declarations of Government as to the incidence of that tax—the small increase that it would make in the household of every tax-payer seemed to me to have overlooked the profiteer who would make, and has made, the tax an excuse and quoted Government as the authority for doubling not merely the *duty* but the *price* of salt.

The Honourable Sir Basil Blackett : Has the Honourable Member any foundation for that statement ? (*Several Voices* : “Yes”). (*A Voice* : “Go to the market.”)

Colonel Sir Henry Stanyon : What members say here must necessarily be near say. I heard of it in Lucknow myself. (*A Voice :* " Will the Honourable Member take the trouble of going to any market and finding out the price ? ") I am not attempting to revive the debate on the salt tax. I made this *post-mortem* examination of what is really a dead horse (which I think and I would suggest to my esteemed friends on this side of the House it is quite useless to flog) merely to anticipate and destroy any misapprehension of my attitude on the proposal now before the House. I oppose that proposal because it is futile and useless and even if it is constitutional—which I respectfully doubt—if adopted it will add nothing and take away a good deal from the reputation of this House as a Legislature of sagacity and sobriety and capacity for the management of its affairs upon Parliamentary lines. Let us think for a moment what we are trying to do. We in this Assembly are engaged now in singing our " swan song." We are shortly to have a new Assembly. From the events that have happened with regard to municipal and other elections, I do not think that I say anything very improbable when I say that it is not unlikely that we may have an Assembly of non-co-operators hereafter, committed to destroy the reforms. Now, suppose that an Assembly like that came up. They could make government impossible if they had final power to refuse supplies for such essentials as establishment, roads, railways and posts and telegraphs. Now would this Assembly like to leave, as a legacy for that coming Assembly, a Governor General shorn of his power to correct procedure of that kind ? I do not think so. Let us by all means fight the salt tax but let us do so openly, constitutionally as men and legislators, not as children by devious means, by impulsive resignations, by perpetual obstruction and by futile proposals. An opportunity will come with the next Budget. Let us prepare ourselves for that. If the experiment of governing ourselves is to be fairly tried, the majority vote of the House, at least on a mode of taxation, must be given effect to at least for one year as a tentative measure. This constitution is under trial. Let our proposals, however bad they may eventually prove to be, be tried for one year. It cannot do much harm. If some of the proposals advanced last March had been included in the Budget, perhaps at the end of this year Government would have been able to say, ' Look, we have tried and have failed.' Then Government would have been in a very much stronger position to say, ' Now we are going to try our own measures.' But what Government did in this case was to throw out everything on speculative grounds as not likely to succeed saying, " We will only have our own measure." That was not trying the constitution and therefore was possibly a political error. It may not have been an economical error. Probably it was not an economical error. But, at all events, it was a refusal by Government to do the very thing that the Imperial Parliament wants us to do, that is to try our methods, and if they prove inefficient, to put them aside. But that is a constitutional matter. Government are free to follow their own opinion. They acted with the very best of intentions. I for one can say that the arguments in favour of their action were immensely strong, but there is this one argument that I have now advanced against it and that is they did not fairly try the new mode of government because they

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did not think it was likely to work. However that is how the matter now stands. So far as the certification is concerned His Excellency the Governor General had no alternative. The whole House was of one opinion that the Budget must be balanced. By the time the Bill reached the point of certification there was no other alternative between leaving the Budget unbalanced and balancing it in the way insisted on by the representatives of Government in this House. Therefore, I do not see that His Excellency used his powers on this occasion in either an exceptional manner, or that His Excellency could have used them otherwise, having regard to common sense to give effect to the unanimous opinion that the Budget must be balanced. With these remarks I would strongly urge on my friend the withdrawal of the proposal. I think the view of this House and its resentment at not being given a chance of holding the steering-wheel for a little while by itself has been sufficiently indicated, and to carry on this proposal and ask for something that there is not the slightest chance of getting will only tend to lower the reputation of this House.

Mr. N. M. Samarth (Bombay : Nominated Non-Official) : Sir, I should have preferred not to intervene in this debate, but the speech of the previous speaker has impelled me to do so. Unfortunately he was not here in this Assembly when a Resolution was moved by my friend, Mr. Mazumdar for further reforms and the Government then brought in an amendment to that Resolution, and that Resolution in an amended form was carried unanimously by the House. What was that Resolution ? What was the position which Government then took ? The position which we advanced was that the 10 years' limit which had been laid down in the Act was an impossible limit, that the momentum of public opinion which would be gathered by the working of these reforms would be such that if you left them untouched for 10 years, it would be too late for you to give at the psychological moment the needed reforms and the country would demand much more revolutionary changes than perhaps you will be inclined to grant. The Government proposed an amendment and the House passed a Resolution.....

The Honourable Sir Malcolm Hailey : If the Honourable Member will allow me to correct him, Government did not propose that amendment.

Mr. N. M. Samarth : Sir William Vincent.....

The Honourable Sir Malcolm Hailey : Sir William Vincent did not propose an amendment. He helped to draft it and handed it up to the Chair and that is the only part he took in the matter. Government was entirely opposed to the Resolution ; it spoke against it and did not formally propose any amendment. Sir William Vincent only drafted it.

Mr. N. M. Samarth : I will not go into that controversy and the quibble. The proceedings are there. The amendment was handed over and the President ruled that the amendment was moved by the Honourable Sir William Vincent. It was put as the amended Resolution and the House carried it. Government never challenged it to a division and they acquiesced in it. That amendment stated that the Commission must

come before the 10 years laid down in the Act, and that is the position with which my Honourable friend was not acquainted.....

Colonel Sir Henry Stanyon : Perfectly well. I said that that was one of the diversions which this House has indulged in.

Mr. N. M. Samarth : To which the Government was a party. (*The Honourable Sir Malcolm Hailey* : " No, No. ") Yes, yes.

Mr. President : The Honourable Member has brought in the name of the Chair and I think I must say a word in this connection. There was undoubtedly a misunderstanding. Where exactly it arose I was not aware at the time and I am not aware now, but I am satisfied that there was a misunderstanding. He was perfectly right in saying that the Resolution was carried unanimously by the House, but there was a misunderstanding regarding the paper handed up to me by Sir William Vincent.

Mr. N. M. Samarth : Well, the fact is there that the Resolution of the House was carried unanimously. Government did not have the courage to challenge it to a division and it stands on the records of the debates of the Assembly as having been passed by it unanimously.

The Honourable Sir Malcolm Hailey : I regret it exceedingly for I have since heard that we should have carried the day.

Mr. N. M. Samarth : Well, I do not know whence this information was received by him and who has given it. But he must not be a friend, he must be, well, I won't say, an informer but an unreliable person. Whatever it is, that is the situation, and I hold strongly that this present form of government and the present position cannot last for ten years. And if that is your conviction, why not say it, and why not bring it to the notice of Parliament ? Now, Sir, the Leader of the House has made some quotations from what took place before the Joint Parliamentary Committee and in Parliament. I do not know what he means by relying on those quotations. Does he mean to say that because some men did not object to it then, therefore it is now *res judicata*, in the language of law ?

The Honourable Sir Malcolm Hailey : They supported it.

Mr. N. M. Samarth : I am going to show what took place in the House of Commons at the time. I hold in my hand a copy of the Parliamentary Debates on the Government of India Bill. When this clause about recommended Bills came before the House of Commons, the provision for certification was in it, namely, that " the Governor General may certify that the passage of the Bill is essential for the safety, tranquillity or interests of British India or any part thereof," and Mr. MacCallum Scott proposed an amendment to it ; he said, " I beg to move, in subsection (1), to leave out the words, ' safety, tranquillity or interests ' and to insert instead thereof the words ' maintenance or discipline of any part of His Majesty's naval, military or air forces or for the safety or tranquillity ' ; and he explained that the word ' interests ' is so wide that one does not know what you mean by " interests." Mr. Montagu then gave the guarantee, gave an assurance, that all that was meant was this. In the first place, he tried to outwit the mover of the amendment and said in effect :—' Look here, it is too late now to propose an amendment in this section when you left the previous section to go by unamended,' and then

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he proceeded to say : " I cannot for the life of me see why you should make a difference between the maintenance of discipline of any part of His Majesty's forces and other interests. The only reason for excluding His Majesty's forces is that the Viceroy and the six Governors are responsible to the Secretary of State and to this House and not for the internal arrangements for those forces. Under the scheme of the Bill we make the Government responsible to Parliament still for the whole government of India. I know that some of my Honourable friends think that if you have an Executive responsible to Parliament not only for the maintenance of discipline in any of His Majesty's forces but also for the interests of India, you must give them power to discharge that responsibility and to pass legislation which they regard as essential." He then proceeded to say and I invite attention to what he said :—" It is not any measure which affects the interests ; it is a measure which the Viceroy can say is essential. He does not now, as he used to do, pass that legislation by means of what used to be the official block. If he passes it frankly as an executive order of his Government." Then he proceeds to mention the provision as to laying it before Parliament, but he gave a further guarantee which has not been given effect to. He proceeded to say that a Member of Parliament will have in order to deal with that subject " the opportunity of a report upon the measure by the Standing Committee appointed by this House itself." " Therefore " he said " I do think that the use of the power is guaranteed both by the form and by the appeal to Parliament itself." " With these guarantees," he proceeded to say, " I do submit, if the Viceroy and his Government, who are responsible to this House for the good government of the Empire of India, feel that legislation is necessary, they ought not to be deprived of the opportunity of getting it." Then followed Colonel Wedgwood, and he said, ' well I do not know what you mean by it.' He said, ' I quite agree,' he said, and that was the sentence read out, not completely but partially. I am sorry to say, from a brief which has not been properly prepared for the Leader of the House, " I quite agree that the Viceroy ought not to be deprived of the opportunity of passing legislation which is essential to the safety of India or of the British Empire." So much was rightly read out. But what follows and which was not read out to us is this. " But what is the meaning of the word ' interest ' ; it is a perfectly vague terms."

The Honourable Sir Malcolm Hailey : I was keeping that for the Amendment.

Mr. N. M. Samarth : I am going to read it, so that.....

The Honourable Sir Malcolm Hailey : Unlike my Honourable friends I do not speak at the same time both on the amendment and the Resolution.

Mr. N. M. Samarth :

" Every piece of legislation is held to be essential in the interests of this country. But this clause gives the Viceroy *carte blanche* to introduce any legislation. I think that is too wide a power."

Then Colonel Wedgwood says :

“ Even if this amendment is not carried, I hope the Right Honourable Gentleman will inform the Viceroy, or any one who is to have power to initiate such legislation, that by the word ‘ interests ’ what is meant is exactly that which the Honourable Member has put down in his amendment.”

Then Mr. Inskip followed and he said :

“ Is not too much stress being laid on the wrong word? Should it not be on the word ‘ essential ’ rather than ‘ interest ’? And does not the word ‘ essential ’ ensure all the protection which is necessary? ”

and then the amendment was negatived.

The Honourable Sir Malcolm Hailey : Will you read the figures of the division ?

Mr. N. M. Samarth :

“ Amendment negatived and the clause ordered to stand part of the Bill.”

The Honourable Sir Malcolm Hailey : Unanimously.

Mr. N. M. Samarth : Unanimously.

The Honourable Sir Malcolm Hailey : Just like Mr. Majumdar's Resolution.

Mr. N. M. Samarth : Mr. Montagu gave the double guarantee that in the first place it is not every measure which is for the interests of British India that will be certified (*Mr. Harchandrai Vishindas*: Where is Mr. Montagu?) That makes all the difference; and secondly he gave a guarantee that even if a measure was certified, it will go to the Joint Parliamentary Committee and then it will be placed before Parliament. With this double guarantee there was really no likelihood of any harm being done by retention of the words as they were. Now, I do say that I am not in favour of the Resolution as it stands. I do not say that in any constitution the prerogative of the Sovereign is not guaranteed in some form or other, for instance, in Dominion Acts, you have the provisions as to the Governor General's right to withhold assent to any Bill or reserve it for the assent of the Crown; or, even if assent is given by him to a Bill, it is liable to be vetoed by the Crown. So, I am not in favour of doing away with the powers of certification altogether, but I drew attention to this debate with a view to show that the word ‘ interests ’ was objected to at the time and it is the word ‘ interests ’ which has been misapplied and misused, to my mind. Supposing the original wording was “ safety or tranquillity of British India ” not “ or interests ” which are the words to which objection was taken and which have been used with India rubber elasticity by the Governor General, no objectionable step could have been taken by him. Take this measure, the salt tax. My friend Sir Henry Stanyon objected to it. I objected to it. I do not want to go into its demerits in this debate. All I will say is that it is an unimaginative and short-sighted Government that could have insisted on it and it is an obstinate Government that could have persisted in it. This is not the occasion to go into it. I am only on the point that the understanding of those who took part, however humble, in seeing that the Government of India Bill went through was that this was a power which would be used under the circumstances mentioned in the debate by Mr. Montagu himself. Those have not been followed, and consequently it becomes necessary to

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limit the powers of the Viceroy and bring them into conformity with what was the understood sense in that debate ; and when it comes to voting on an amendment of the Resolution, I shall be happy to support an amendment to that effect.

Prince A. M. M. Akram Hussain Bahadur (Calcutta and Suburbs : Muhammadan Urban) : Sir, much as I should like to accord my support to a Resolution of this nature, I fear that at the present time and in the circumstances in which it has been introduced into this House, I cannot but withhold my support from it. My reasons for doing so are not the same as have been pointed out by the Honourable the Home Member. He has taken one point of view, but I take quite a different point of view, the point of view of the layman. In the first place, Sir, I think that the introduction of this Resolution is a sequel to the imposition of the salt duty, the enhancement of the salt duty, and if I may be permitted to use the expression, I think this Resolution has been conceived in a huff. I think, Sir, in the first place that for a body like ours, dignified as it is, it is unseemly that we should show any temper. In the second place, Sir, the procedure which is proposed to be adopted seems to me rather strange. At any rate, it does not seem to be a common-sense proposal. The Resolution suggests that this Assembly should recommend to the Governor General in Council that such and such a thing should be done.

The Governor General in Council is represented here. The Members of the Council are Members of this body. Do you for a moment think, do my colleagues in this House for a moment imagine that the Members of the Governor General's Council, who have in the Governor General their chief, are likely to suggest that the powers of the Governor General should be curtailed and that he should be shorn of those powers ? That seems to me, Sir, a very unreasonable view to take. Then, Sir, the Governor General is none other than the Governor General in Council. (*Cries of "No."*) The Governor General certainly is none other than the Governor General in Council. (*Cries of "No."*) I beg your pardon, but I maintain it is the same personality. (*Cries of "No."*) Is it likely, if he is responsible to Parliament, to expect that his powers should be taken away ? I doubt it very much. Well, as has been pointed out by Colonel Sir Henry Stanyon very rightly, the proper course for this Assembly to adopt would have been to ask the country to demand a committee of inquiry from Parliament to come and inquire into the working of the Reforms, and then to report to that committee that they desire the modification of section 67-B of the Government of India Act. I think, Sir, when we came as co-operators to this Assembly, it implied that we were fully pledged to all that was laid down in the Government of India Act, and I think it is only reasonable that we should abide by it for, at any rate, if not 10 years, something like 10 years. With these observations, I think this Resolution should be rejected.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I had no intention of speaking on this original Resolution, my intention being to speak when we came to the amendment dealing more specifically with financial questions; but I rise at the present moment, before we reach that

amendment, in order to make sure that I have an opportunity to-day of correcting what I think would be a very unfortunate misapprehension to go out to the country if Sir Henry Stanyon's statement in regard to the effect of the Salt Tax were not categorically denied. I am sure Sir Henry Stanyon would not have made that statement if he had been aware of the real facts. The Government of India were well alive to the danger that existed, that there were people in India who would take advantage of the increase in the salt duty to increase the price unduly. Steps were therefore taken to obtain regularly from all over the country statements week by week of the wholesale and retail prices of salt. I will not trouble the House with any very lengthy figures on this subject.....

Mr. President : Before I let the Honourable Member go further, I must point out that if I allow this explanation to be made in answer to certain remarks made, I shall have to regard anything further on the same lines as irrelevant. Having allowed the Honourable Member to refer to it, I must allow the Finance Member to make his statement.

The Honourable Sir Basil Blackett : I am grateful for this opportunity, as I think it would be a great pity if this misstatement were to go out. When the duty on salt was 1 rupee 4 annas a maund a calculation was made for typical centres in various places, and it was found that the wholesale price to the retail dealer was on the average Rs. 2-8 per maund. This was in the United Provinces. Similar calculations were made for other centres. The extra charges in the United Provinces for cost of manufacture, freight, cost of bags and departmental charges, the wholesalers' profits were on the average just Re. 1-4, the same as the amount of the old duty. When, therefore, the duty was raised to Rs. 2-8, one would have expected the wholesalers' price to rise to a little over Rs. 3-12, that is, by a little over 50 per cent. The figures are not quite the same for each province, because questions of the quality of salt, questions of freight and other things enter in. The actual figures for the week ending the 2nd of June, which I take because they are the latest monthly figures that we have and correspond almost exactly with previous month's figures, show that the average increase in retail prices in Madras is 44 per cent. (*Mr. T. V. Seshagiri Ayyar :* "Are they the retail figures or the wholesale figures?") They are the retail dealers' prices. Whereas you would expect the wholesalers' price to have gone up—in Madras it would be a little more than 50 per cent. to the retailer—we find that the actual retail price on the average has gone up by only 44 per cent. ; in Bombay the figure has only gone up by 32 per cent. ; in Bengal by 41 per cent. ; in the United Provinces where the exact figure that I gave for expected wholesale increase was 50 per cent., the retail price has only gone up by 38 per cent. ; in the Punjab by 34 per cent. ; in Burma, 38 per cent. ; in Bihar and Orissa, 28 per cent. ; in the Central Provinces, 20 per cent. and Assam 27 per cent. I really think, in view of these facts, that it is most undesirable that the statement should go forth either that there has been anything like general profiteering or that the result of the salt tax has been an increase in the price over and above the increase in the duty. As a matter of fact all our evidence—we are still watching—is that the increase in the price has been considerably less than the increase you would expect. There is one rather simple explanation of that, and that is that the dealers

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had an inkling that the tax might go up and there were very heavy withdrawals of salt at the lower rate of duty during January and February. But I do want the House to understand that the Government has kept a very close watch on this matter and that, so far from profiteering having taken place hitherto, the tendency has been for prices to go up less than ought to be justified by the increase of the tax.

Sir, I do not propose at the present moment to make a speech on the general subject, as I understand that an amendment will be moved, whereupon I shall have another opportunity.

Mr. President : I want to know exactly where we stand in regard to the amendments. I understand that Mr. Seshagiri Ayyar does not move his amendment.

Mr. T. V. Sheshagiri Ayyar : No, Sir.

Mr. President : Mr. Agnihotri, do you move ?

Mr. K. B. L. Agnihotri : No, Sir.

Mr. President : Lala Girdharilal Agarwala, do you move ?

Lala Girdharilal Agarwala : No, Sir.

Mr. President : Mr. J. N. Basu.

Mr. J. N. Basu (Barna : Non-European) : Sir, my amendment which runs as follows puts this matter in a nutshell :

“ That for the original Resolution, the following be substituted :

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

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

(2) The Proviso be amended as follows :

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

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

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

It is not opposed to the original Resolution of Dr. Nand Lal or to the amendment of my Honourable friend Mr. Seshagiri Ayyar. (*The Honourable Sir Malcolm Hailey* : “ It knocks it right out.”) It really relates to the constitutional crisis brought about by the certification of the salt tax. We are not at present concerned with the economic or financial aspect of that tax. It is the constitutional aspect of the tax that ought to engage our attention to-day. The certification proceeded under section 67-B of the Government of India Act. At the outset I might say that we proceed on the assumption that every Government should have certain emergency powers. That assumption, I believe, will relieve my amendment from the onslaughts of the Honourable the Home Member.

The certification was made, as I say, under section 67-B. I beg to submit that that section has no application to any taxation measure. The only section that is applicable is 67-A. Section 67-A deals with budget affairs, and this House will find that in sub-section (7) and sub-section (8) the emergency powers are given to the Governor General

in Council, and Governor General respectively. Now sub-section (8) says :

“ Notwithstanding anything contained in this section the Governor General shall have power in cases of emergency to authorise such expenditure as may in his opinion be necessary for the safety or tranquillity of British India or any part thereof.”

I wish to invite the attention of this House to those two words “ safety or tranquillity.” The omission of the word “ interests ” is significant and is designedly made. For budget purposes, for taxation measures, the word “ interests ” was designedly omitted, and therefore if His Excellency the Governor General thinks fit to exercise this power he must do so when an emergency exists and it is necessary “ for the safety or tranquillity of British India or any part thereof.” He could not invoke this section in execution of this power in the interests of the British Empire. Therefore when there is a complete provision made by Parliament in sub-section (8) for the exercise of his emergency powers, I do not think it is permissible to any one to resort to other sections in order to avoid these restrictions placed by those words “ safety or tranquillity ” on such power. There was no question of safety ; no question of tranquillity ; there was no danger to these two things in British India, and therefore the certification could not be made under sub-section (8). Resort was had to section 67-B. Section 67-B is an omnibus section, it is a section of general legislation. It does not refer particularly to the Budget Section 67-A. It is an omnibus general section which apparently could not have meant to include the Budget powers or to deal with them. There may be cases in general legislation to provide emergency powers wider than was given in the case of Budget affairs. Therefore the word “ interests ” was added in section 67-B. Section 67-B runs :

“ Where either Chamber of the Indian Legislature refuses leave to introduce, or fails to pass in a form recommended by the Governor General, any Bill, the Governor General may certify that the passage of the Bill is essential for the safety, tranquillity, or interests of British India or any part thereof.”

Here is a different situation. Here is a situation quite different from the Budget situation, and therefore the conditions being different, the phraseology is also different. I submit, therefore, that resorting to this section was illegal. Well, that is the opinion of my humble self, and my reading of these two sections fortifies me in that opinion, and my subsequent quotation of circumstances will also show that this opinion is similarly fortified even by the Honourable the Home Member. There is a proviso that ‘ if a state of emergency exists, the Governor General can., etc.’ Therefore, my amendment is that the words ‘ or interests ’ should be deleted. If His Excellency the Governor General or anybody else who is in charge of the Government of India wants to apply section 67-B to the Budget affairs, then the words ‘ or interests ’ should be deleted in such a case at least, if not wholly from section 67-B. The words ‘ or interests ’ are very wide. I need not dilate upon this matter, because what my Honourable friend Mr. Samarth has just now said amply justifies my amendment to delete the words ‘ or interests.’

Then my second amendment with regard to the word ‘ emergency ’ should be preceded by the word ‘ grave ’ ; the word ‘ grave ’ should

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be inserted before the word 'emergency.' That was the view taken by the Joint Select Committee. What is the meaning of 'emergency' ? I think its meaning is clear, namely, a certain juncture calling for immediate action. That is the definition I gather from the dictionary in the Library. Now the word 'emergency' implies grave emergency, and this is the interpretation given and accepted by the Parliamentary Joint Committee. Clause 13 of the Parliamentary Joint Committee puts the meaning clear when it says, "Should be specially consulted about acts of this character. Provision, however, is made in the Bill to avoid delay in cases of grave emergency." This is in reference to provincial matters ; however, the principle is just the same, and in ordinary parlance the word 'emergency' can only mean grave emergency. I therefore think that there will be no opposition from the Treasury Benches to the proposed amendment. Now unless it is grave emergency the consequences will be far-reaching and disastrous. In this case the emergency has been created. It does not exist at all. It has been created to enable the exercise of this power under section 67-B ; to provide fresh safeguards against the misapplication of this section or misusing it or creating emergencies, I have proposed a further amendment that the following be inserted after the word 'emergency.' Now that matters have been brought to a head, it is expedient both for the Government of India and for the British Empire that these emergencies should be illustrated and exemplified by the following amendment "such as foreign invasion, civil war or widespread internal commotion and in no other circumstances." "Such as" is meant to include foreign invasion, civil war and internal commotion. But there may be circumstances which might necessitate the exercise of this power not covered by my amendment. Therefore, I have advisedly chosen the words "such as" so as to include other cases as well. There can be no opposition, therefore, to my phraseology. It will include circumstances which are *ejusdem generis* but not to other circumstances. These amendments, I submit, are quite illustrative of what is meant by the Act. The amendment only defines the position more clearly and is in the spirit of the Government of India Act. The Government of India Act, under section 67-A gave full power to the Legislative Assembly to refuse or assent to any demand as they thought fit. Full power was given to us by this section, subject only to emergency powers as given in subsection (8). In no circumstances except as stated above could this power be curtailed ; by the certification of the salt tax this power has been taken away. That such was our power, was strengthened by Lord Chelmsford's declaration which the House knows well—the Royal Declaration communicated through His Highness the Duke of Connaught, and the Honourable the then Finance Member, (now Sir Malcolm Hailey). In 1921, he gave that assurance that amounted to a pledge. He did not give it in his personal capacity : that pledge was given by the Government of India through the mouth of Sir Malcolm Hailey and the Government is bound by that pledge. That pledge placed the matter very clearly. We began to work the reforms under the belief that complete power over the purse was given to us, subject to exceptional circumstances. That belief was strengthened, supported and substan-

tiated by all the above references. We are fortified now in thinking that that power has been curtailed, taken away, wrenched away from us. It is further confirmed by His Excellency the Viceroy himself in accepting the Assembly's decision last year, when the budget was uglier than this year. There was no emergency then. There was no emergency for the last five years. There was no emergency in 1922 when the budget was heavier—11 crores. When did this emergency arise—when was it discovered? That seems to show that the balancing of the budget would not have thrown India into the vortex of revolution, not have subjected it to foreign invasion, nor shaken her credit; nothing of the kind, it was simply a budget affair. The Bill was passed by this Assembly with certain reductions only. It was the normal passage of a money-Bill, nothing extraordinary, nothing emergent, nothing which called for the exercise of this exceptional power. One of the reasons for the exercise of this emergency power, it was said, was that the credit of India was shaken. I do not know whether it was shaken at all. It is said that it was in the interests of India that this balancing of the budget should take place as soon as possible to establish her credit.

The Honourable Sir Basil Blackett : It has greatly improved her credit.

Mr. J. N. Basu : It would have improved even if the Budget was not balanced, and without the imposition of the salt tax. The foreign lenders have not complained anything.

Mr. President : The Honourable Member is straying from the subject. In view of the Clock, I must ask him to bring his remarks to a close.

Mr. J. N. Basu : I shall be very brief, Sir. India did not suspend her payment of interests to foreign capitalists. India did not suspend her payment of pensions. Therefore, there was no emergency. I will quote one passage only and sit down. I quote Sir Valentine Chirol's remarks that "India's credit has not suffered at all; what has suffered terribly is the reputation of British statesmen for sincerity of promise." I appeal to the House to carry this amendment and I appeal especially to those Members who supported the salt tax that this question is not an economic or a financial question. They must disburden their minds of that idea. Now they are face to face with a serious constitutional issue, and in considering this aspect of the case, I submit that they can freely, honestly and conscientiously support my amendment. We are bound in the interest of the British Empire itself to move this amendment. This power of the purse should not be taken away from us; liberty of the people lies with the power of the purse, and if it is at stake, the whole Empire is at stake. We are for the union of Britain and India, and that union is endangered by these illegal and unconstitutional use of powers of certification. It is the noblest duty of us—I think, we are in the position of His Majesty's opposition—it will be the noblest duty of us who are for that union and for the maintenance of the British Empire to see that we check the misuse of these powers, which take away the liberties of the people. I beg, therefore, to move my amendment and I appeal to the House to carry the amendment.

Mr. President : Amendment moved.

‘ To omit all the words after the word ‘ amended ’ in the original Resolution in order to insert the words :

‘ as follows :

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

(2) The Proviso be amended as follows :

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

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

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

The Honourable Sir Malcolm Hailey : Our friends here do not always treat us very kindly. We are busy men, but they leave us to study a considerable variety of amendments in complete uncertainty as to which they will move and which they will subsequently withdraw. And even now, if one would ask me what is the real opinion of Mr. Seshagiri Ayyar on the subject of Dr. Nand Lal's Resolution, or indeed what are the opinions of those who have spoken after him, I should be in a state of mystery. That they are not complimentary to that Resolution is certainly true, and indeed I think that I may take it that I am summing up the general opinion of the House when I say that it is clear that that Resolution, as a Resolution, must go. It has no support. Not a single Member that I have heard has supported the main proposition that the exceptional powers.....

Dr. Nand Lal : Have you consulted every Member ?

The Honourable Sir Malcolm Hailey : ...that the exceptional powers of the Governor General should be withdrawn. Mr. Seshagiri Ayyar, apparently not agreeing with the extreme view of Dr. Nand Lal, merely suggests that it is right that the Assembly should move for the withdrawal of the word “ interests.” Finally, then, we come down to Mr. Basu's amendment. It is on this amendment that I have to give an answer. I purposely avoided, in the somewhat long oration which I have inflicted on the House earlier in the day, to deal with the many variations of the terms of this particular section that were from time to time suggested before the Joint Parliamentary Committee and before the House of Commons. As I informed Mr. Samarth I was keeping this for the amendment. Great efforts were made by many of the Deputations which appeared before the Joint Parliamentary Committee to provide a watertight definition of the Governor General's powers framed so accurately and minutely that the Governor General would not be able in any way to abuse or misuse them. The Congress Committee were willing to give him powers for exceptional purposes for the safety, tranquillity and defence of India. Mr. Sastri was willing to give him powers which as the result of a long examination by the Committee finally emerged as providing for purposes essential to the peace, order and good government of India. We have heard from Mr. Samarth exactly what was proposed by the representatives of the Liberal Party in the House of Commons. It was no purpose of mine to conceal from the House the discussion on exact terms of the amendment that was put forward ; but I did not consider it relevant

to the main Resolution which I was then discussing. He has given it in full now ; but the point to which I wish to call attention' is that while the word ' interests ' was objected to by Mr. MacCallum Scott and was also objected to by Colonel Wedgwood, the latter would have given a far wider extension to the powers of the Governor General than any one has proposed here to-day, that is to say, he would have allowed the Governor General to introduce special legislation under his own authority for the safety of the British Empire.

But I must now consider what substitute Mr. J. N. Basu proposes for the terms of the Act itself. His examination of the subject ranged over the two sections, section 67A and section 67B. Far be it from me to lay claim to any knowledge of law, but I must confess that, were I at any time in a difficult position before the Courts, I should not care to be obliged to rely upon the advocacy of Mr. Basu. For, Sir, he has hopelessly confused the relation of these two sections. He actually believes that the amendment which he has proposed in section 67B would place it entirely beyond the powers of the Governor General to pass over the head of the Assembly any law which affected finance. He believes that because he finds in section 67-A sub-section (8) a reference to the powers of the Governor General in cases of emergency to authorise such expenditure as may, in his opinion, be necessary for the safety or tranquillity of British India or any part thereof, the Governor General is estopped from using section 67-B to certify any legislation of a financial nature. But these two sections refer to two entirely different matters. Sub-section (7) of 67-A deals with the power of the Governor General to restore expenditure provided in the budget but refused by the Assembly ; sub-section (8) of the same section deals with the emergency power of sanctioning expenditure not provided in the budget at all ; but it is an entirely different thing for the Governor General to sanction expenditure, and for the Governor General to be able to certify legislation which would provide him with the means of incurring that or any other expenditure. One section refers to sanction or appropriation of expenditure, the other to the making of Acts of the Legislature ; and it is absurd to suggest that because reference is made to certain powers for certain definite purposes in 67-A, this fact excludes the use of an entirely separate class of powers under 67-B. In the first place therefore Mr. Basu certainly does not by his proposed amendment of the Act attain the object at which he aims, and if any Member of this Assembly desires that the Governor General should be stopped by Parliament from using his exceptional powers to certify financial legislation, then he had better not support Mr. Basu, for that certainly would not be the effect of Mr. Basu's amendment. Now I go to Mr. Basu's attempts to improve in other respects on the language of the Act. He proposes to omit the word " interests " from 67-B, that is, he would assimilate the terms on which the Governor General may use his exceptional powers of legislation under 67-B to those on which he may sanction emergency expenditure in 67-A, sub-section (8), that is only for purposes required for the safety and tranquillity of British India or any part thereof. Let us take it that the Governor General may certify that the passage of a Bill is essential for the safety or tranquillity only of British India or any part thereof, " interests " being

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omitted. Then all the numerous persons who agreed before the Joint Parliamentary Committee, and I see one at least sitting here, that the words 'good government' should be inserted were obviously wrong. I heard only a few minutes ago from Mr. Seshagiri Ayyar, who should know something about it, that people at large did not take any serious exception to the use of the certifying power in regard to the Princes Protection Bill. At least he said that when the Liberal Federation dealt in 1922 with the working of the Act, no such instance of misuse had arisen that it was necessary for them to protest against it, yet the Princes Protection Bill had been certified before they met in 1922. I take it therefore that there was no grave objection in other peoples' minds, as obviously there was no objection on the part of the President of the Federation, Mr. Sastri, to the use of the certifying power of the Viceroy in that connection. It would have been entirely excluded by Mr. Basu's amendment.

Sir Deva Prasad Sarvadhikary : Not on the question of safety ?

The Honourable Sir Malcolm Hailey : The Princes Protection Bill was not put forward in the interests of the safety of India. Now I pass on. If I found Mr. Basu confusing in his view of the law, I confess I find him an even more dreadful draftsman. Obviously he had in his mind an intention to limit and confine in some way the interpretation of "safety and tranquillity," but he actually attaches his illustrations or definitions to the proviso which only refers to purely emergency legislation, the difference of which is that it is not subject to the condition of sub-section (2) of section 67-B. But let us turn to his draft proviso.

"Provided that where in the opinion of the Governor General a grave state of emergency exists, which justifies such action, such as foreign invasion, civil war or widespread internal commotion and in no other circumstances, the Governor General may direct that any such Act may come into operation."

Now you will notice that the decisive words are of course "the opinion of the Governor General" and lawyers will I know agree with me when I say that if the matter is specifically left by Statute to the opinion of the Governor General, the opinion is final. If it is final, the insertion of the word "grave" adds nothing whatever to the case.

Let us go on: He proceeds to give a number of illustrations which are to serve as a guide to the Governor General as to what constitutes a grave emergency, such as a foreign invasion, civil war or widespread internal commotion. But they are not as he thinks illustrations; they are an exclusive list, for he adds the words "and in no other circumstances." He removes thereby the matter from the sphere of discretion; certification for any purpose not actually complying with the cases given by him would be illegal and could be contested in the Courts. But suppose he redrafted, in such manner as to clearly carry out his real intention. Then I ask Mr. Basu what would happen in such circumstances. I said that I could not foresee into the future. I do not know what class of representatives we may get in our future Legislature. On present indications there will be at all events a certain

number of persons who will not be prepared to vote supplies for carrying on the ordinary administration ; I do not know whether they will be in the majority or not. Assume that they are in the majority at any time. What will then happen ? The Governor General is not faced with foreign invasion or civil war or even widespread internal commotion ; but on Mr. Basu's intention he could not use his certifying powers in order to get enough money to carry on the administration itself on the most economical terms. Now, this Assembly has had with us many a difference of opinion about retrenchment. We have not gone as far as they have wished ; they have urged us to go further. We have had many differences of opinion again about military expenditure ; they have pressed reductions which we as a Government have not thought it safe to make. But it has never been pretended here for a second that after all retrenchment possible to be made in civil expenditure had been made, after everything had been done in the way of reducing British troops and other combatants, the administration should not still be carried on or that the army should not be maintained. And if you have people here—as it is not impossible that you may have—who were to refuse to renew our annual taxation in order that they might prevent the administration being carried on at all—if you had such a party here in the majority, then the Governor General would not be able to get the necessary supplies for carrying on the administration. (*A Voice*—Yes, by more retrenchment). The Honourable Member will remember that my hypothesis was that we had already made sufficient retrenchment to satisfy an Assembly as now constituted and the supplies were being refused for different reasons and for different purposes by an Assembly of a different complexion. Well that is the class of emergency with which Mr. Basu would not allow the Governor General to deal. He proposes that we as an Assembly should propose to Parliament that they should enact a provision drawn up in these extraordinary terms. What we have at present is a general form of words which some of our friends tell us have been mis-used, which at all events they say are capable of mis-use. The right way to obviate that possibility is not by changing your law but by extending your influence, as it was intended you should do, over the Executive. You can do little, when you are dealing with ultimate and exceptional powers such as the Royal prerogative or the like, by attempts to forecast every direction of their use, or to define in your Legislature every possibility or contingency which may call for their exercise. The method by which progressive Legislatures have exercised their influence over the Executive or over the Crown has not been the meticulous definition of reserved or exceptional powers. As Macaulay said in a well known passage : “ Constitutions, charters, declarations of right, electoral colleges, representative assemblies are not good government, nor do they, even when most liberally construed, necessarily produce good government. It is something quite different which produces good government.” Equally, I say, it is something quite different which produces a reasonable use of exceptional powers by those on whom such exceptional powers have been conferred : it is the growing pressure of an informed public opinion and the disapproval of an enlightened and responsible Legislature. But let me conclude. Mr. Basu proposes that we should ask Parliament to adopt

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this amendment of the Act—a Parliament which itself has always proceeded in such matters by means of unwritten but well understood conventions. I oppose the proposal not only on those wider constitutional grounds which I took before ; I oppose it because I do not wish this Assembly, of which I am a Member and for whose reputation I have some concern, to put itself into a position in which its proposals will be met with ridicule in Parliament. I say that if we were to propound a proposition drafted in these extraordinary terms to Parliament, there is no one there who would not smile, and there are a large number of people there who would simply deride it.

Sir Deva Prasad Sarvadhikary (Calcutta : Non-Muhammadan Urban) : Sir, a position has arisen out of the speech of the Honourable the Leader of the House which requires some examination. The question is one of interpretation of section 67-A and section 67-B. Section 67-A deals with the Budget stage, supply, where the powers provided under sub-section (a) absolutely restrict the exercise of certificating powers where the safety and tranquillity, safety and tranquillity alone, are concerned.

The Honourable Sir Malcolm Hailey : No certificate is required there.

Sir Deva Prasad Sarvadhikary : I am using the expression in a generic sense : expenditure that does not find a place in the sanctioned Budget cannot be restored, (unless declared to be necessary for carrying out the Viceroy's responsibility) by that restoration procedure and is therefore illegal so far as it is in excess of sanctioned Budget. The means of meeting such expenditure is, according to the Leader of the House, provided by section 67-B.

The Honourable Sir Malcolm Hailey : No, no.

Sir Deva Prasad Sarvadhikary : What else is it ?

The Honourable Sir Malcolm Hailey : I can answer at once if the Honourable Member wishes. Sub-section (8) of section 67-A applies to sanction to expenditure or to incurring expenditure purely and simply ; the Governor General in certain emergencies has power to sanction and incur expenditure. That expenditure could be sanctioned whether we had the money, or we had not the money in the Treasury to meet it. Section 67-B refers to legislation. It is true that one way of replenishing your treasury, as the House knows very well, is by legislation in regard to finance ; but incurring expenditure and making Acts of the Legislature are two entirely different things.

Sir Deva Prasad Sarvadhikary : Absolutely so, exactly. I am glad that the Honourable the Leader of the House has taken the trouble of explaining what hardly needed explanation. But it makes my position absolutely clear, at least from my point of view. In the Budget stage you are denied powers to restore expenditure that has not been sanctioned, and you have that power only in certain contingencies, when it is required for meeting the Viceroy's responsibilities. And you can incur expenditure, namely, where the safety and tranquillity of British India is concerned. There your stage of Budget estimate or whatever you may choose to call it ends. No expenditure which does not find place there is from my point of view legal or authorised. Then comes section 67-B, which is very

general and applies to legislation *ad hoc*, not merely to Finance Bills but all Bills that could be conceived of. The inclusion of what is called a Finance Bill is a safety valve, a safeguard. With regard to sanctioning of expenditure the Finance Bill has to follow it, in order to regularise it, so to speak, and to give sanction for the levy of taxes and tariff without which such a levy would also be illegal. We come to that stage, and I therefore purposely and deliberately call it a safeguard, a safety valve. It may be something else, but it is certainly a safety valve and a safeguard, in that sequential incidents of Budget sanctions come up as a legislative measure before the Legislature for further deliberate consideration. In our first conception of things it was the Assembly alone that had to deal with sanctioned expenditure when it came up again in the shape of Finance Bill.

The Honourable Sir Basil Blackett : May I try to explain, Sir ? Sanctioned expenditure has nothing to do with the Finance Bill. The Finance Bill is a Bill to permit the raising of taxation. Sanctioned expenditure has nothing to do with that.

Sir Deva Prasad Sarvadhikary : The Honourable the Finance Member must not think that I do not follow such a very simple proposition as that. The point I want to make is this. The Finance Bill furnishes you with weapons, if I may say so, or ways and means for the purpose of collecting revenue that you could not otherwise collect. Having come to that stage, you cannot begin to think of other things and cannot say to yourself, "there was certain expenditure that I should have liked to have restored in the Budget when it came up before the Assembly but which was not restored because it had nothing to do with safety and tranquillity, or with the discharge of the Viceroy's responsibilities. But let us see whether we cannot avail ourselves of the Finance Bill." As to legislative measures section 67-B gives the Governor General powers and limitation which are detailed there. I would not call the certification of the salt section of the Finance Bill abusing or misusing but it is certainly using section 67-B for purposes that do not seem to be warranted because it is inconsistent with the earlier Budget stage detailed in section 67-A. That is the evil against which we have now to guard.

Sir, when the matter came up in connection with the salt question, some of my friends called this a constitutional crisis. I refused to subscribe to that proposition. I said it was no such thing, and I say so now in spite of what others might say. These matters are bound to arise every now and then during the course of our existence as a Legislature and if we call every one of these constitutional crisis, we do not know where we should stand. The Council of State which has nothing to do with the expenditure stage later on came to be permitted to have their say really in a circuitous sort of way because the Finance Bill as a Bill and as a legislative measure had to come before them, that is how the Council of State has now come to have their say with regard to the salt question. And I looked upon it as healthy growth of convention and not another constitutional crisis. The position that has arisen is this. This power has been construed and used in a way that is not agreeable to this House and to those they represent. I do not congratulate the Honourable the Leader of the House upon the gratification that he has allowed himself

[Sir Deva Prasad Sarvadhikary.]

because the salt tax agitation was not as violent as he thought it would be. I won't say expected and wanted, but might have anticipated. As a matter of fact there was some bloodshed.

The Honourable Sir Malcolm Hailey : Where ?

Sir Deva Prasad Sarvadhikary : In Bengal.

The Honourable Sir Malcolm Hailey : That had nothing to do with the salt tax.

Sir Deva Prasad Sarvadhikary : Let me assure the Leader of the House that the reason why the agitation was not violent was due largely to moderate leaders, who exercised restraint in the matter to an extent, at least in Bengal, that I should not have thought would have been possible. It was felt that if these public meetings and demonstrations were indiscriminately held, positions would arise which would have been extremely regrettable. Therefore they put their heads together and exercised all the restraint they could, and I believe they exercised it with some success. Well, Sir, reference has been made to the pronouncement about the regrettable action of the Assembly in not supporting the Government in regard to the salt tax, by the President of the last National Federation. If I am not mistaken, that President was the Honourable Dr. Tej Bahadur Sapru who had his own ideas in the matter formed elsewhere earlier in his existence. That sentiment to the contrary did not figure in the Presidential speech was therefore to be expected. But let that alone. The question having arisen in the shape that it has, we could deal with it only in two ways, in the way the Leader of the House has suggested by continuing influence on the Government and building up of conventions, by gradually working up constitutional steps. That would be one way. The other way would be by amendment somewhat on lines suggested by Mr. Basu in the first portion of his amendment and on the lines that found expression in Parliament and that did not arouse smiles of derision of which the Leader of the House has warned us again. Experience shows that the views then placed before Parliament must again be pressed. It is not as if by our passing a Resolution to-day we could bring it into force to-morrow. The only thing we can do is to have debates here and pass Resolutions indicating lines from time to time upon which amendments should be made in due time. Therefore I think before this Assembly comes to an end, its mind ought to be made very clearly known in regard to the position in a more effective way than Sir Henry Stanyon has indicated. From his point of view the Members of the Government who led up to a state of things that left no option but for the Viceroy to certify the salt tax would be very fit subjects for impeachment. Later on that might occur when Members of Government are responsible and the Viceroy, who represents the King, will be left alone, but that is not yet to be. What Sir Henry Stanyon said amounts to this, that the Government had bungled so hopelessly that the Viceroy had no other alternative but to certify. That is not a compliment either to the Government or the Viceroy.....

Colonel Sir Henry Stanyon : May I say I did not say the Government had bungled hopelessly ; all I said was that they had fallen into a political error,

Sir Deva Prasad Sarvadhikary : I put it in other terms. Bungling or political error does not really signify. We are anxious that such bungling should not occur in the future. The Leader of the House has already told us, and I think the temper of the House has clearly shown, that it is out of the question for it to demand that the certifying powers should be entirely taken away. We do not assent to this sweeping change. Dr. Nand Lal practically indicated these in his speech and Mr. Seshagiri Ayyar does not press his amendment ; but that is not the whole question. We are anxious that failing the building up of conventions, which it is not possible now to build up, we should recommend amendments which would adequately meet the requirements of the future. This ten year limit that we have often heard of has been regarded by some as a minimum. It has been regarded by others as the maximum period, and the talk I had with some Members of the Joint Select Committee gave me the impression that some of them, although they had not voiced their opinion in the Report, regarded it, not as the minimum, but as the maximum. Be that as it may, we have Mr. Majumdar's Resolution to which reference has been made which gave the start to the subject and was not objected to nor was ridiculed ; we shall have this Resolution if we can carry it as a further landmark, and we shall have other factors soon before Parliament that will probably make it reconsider its position and induce it to take up the question of the examination at all events of the reform measures, before the whole of the ten years has elapsed. If we were to wait for the entire period of the ten years, before we at all moved in this matter, what would happen ? The Committee of Inquiry would then be appointed and begin to sit and then there would be the usual delay attendant upon such a situation, and your second set of reforms could never come at the end of 10 years. In the meantime a very grave situation might arise. Therefore, you have got to be ready and, make out your case step by step. There will be nothing amiss therefore if this House were to adopt a part at least of Mr. Basu's amendment to-day and we could now do no less. Other amendments would also be desirable. I am free to say that I do not sympathise with any portion of that amendment excepting that relating to the deletion of the words " or interests." I think he would be well advised to withdraw the rest of his amendment. If he does not do so, I would appeal to you to put the different parts separately. We do feel that we ought not to hamper either the Government here or the authorities elsewhere to any avoidable extent. At the same time we feel it our duty to bring home to the authorities who will deal finally with the realities of the case. From that point of view I am prepared to give my support to Mr. Basu's amendment so far as the deletion of the words " or interests " is concerned. With regard to the rest of the amendment it will be difficult to give him support.

Sir P. S. Sivaswamy Aiyer (Tanjore *cum* Trichinopoly : Non-Muhamadan Rural) : Sir, may I suggest the adjournment of the debate till to-morrow ; it is now nearly six o'clock. If it is adjourned now, it will give us time to think over the questions that have been raised.

The Honourable Sir Malcolm Hailey : To-morrow is reserved for Government business.

Sir Deva Prasad Sarvadhikary : This is Government business.

Mr. President : No. The day to which the business will be adjourned is already provided for in the Standing Orders. It must be adjourned to the next day on which non-official Resolutions are set down on the list of business, July the 10th. If this debate is postponed, it will be taken up as the first item on the list of business on July the 10th. Do I understand the Honourable Member to move that as a motion ?

Sir P. S. Sivaswamy Aiyer : I move, Sir, that the debate be adjourned till the next non-official day, July the 10th.

Mr. President : Motion moved :

“ That the debate on this Resolution be adjourned till the next day upon which business of this class is set down.”

The Assembly divided :

AYES—40.

Abdul Hamid Khan Khudadad Khan, Mr.	Joshi, Mr. N. M.
Abdul Majid, Sheikh.	Mahadeo Prasad, Munshi.
Agnihotri, Mr. K. B. L.	Majumdar, Mr. J. N.
Ahmed, Mr. K.	Man Singh, Bhai.
Ahmed Baksh, Mr.	Mukherjee, Mr. J. N.
Aiyer, Sir P. S. Sivaswamy.	Nand Lal, Dr.
Asad Ali, Mir.	Neogy, Mr. K. C.
Asjad-ullah, Maulvi Miyan.	Pyari Lal, Mr.
Ayyar, Mr. T. V. Seshagiri.	Rajan Baksh Shah, Mukhdum S.
Bagde, Mr. K. G.	Reddi, Mr. M. K.
Barua, Mr. D. C.	Samarth, Mr. N. M.
Basu, Mr. J. N.	Sarvadhikary, Sir Deva Prasad.
Bhargava, Pandit J. L.	Sassoon, Captain E. V.
Das, Babu B. S.	Shahani, Mr. S. C.
Ghulam Sarwar Khan, Chaudhuri.	Singh, Babu B. P.
Gour, Dr. H. S.	Sinha, Babu Ambica Prasad.
Gulab Singh, Sardar.	Sinha, Babu L. P.
Hussanally, Mr. W. M.	Sohan Lal, Mr. Bakshi.
Ikramullah Khan, Raja Mohd.	Subrahmanayam, Mr. C. S.
	Venkatapatiraju, Mr. B.
	Vishindas, Mr. H.

NOES—33.

Abdul Rahim Khan, Mr.	Gaskell, Mr. W.
Agarwala, Lala Girdharilal.	Gidney, Lieutenant-Colonel H. A. J.
Akram Hussain, Prince A. M. M.	Graham, Mr. L.
Ayyangar, Mr. R. Narasimha.	Gwynne, Mr. C. W.
Bardswell, Mr. H. R.	Haigh, Mr. P. B.
Barnes, Mr. H. C.	Hailey, the Honourable Sir Malcolm.
Blackett, Sir Basil.	Holme, Mr. H. E.
Bray, Mr. Denys.	Innes, the Honourable Mr. C. A.
Burdon, Mr. E.	Mitter, Mr. K. N.
Butler, Mr. M. S. D.	Muhammad Hussain, Mr. T.
Calvert, Mr. H.	Nabi Hadi, Mr. S. M.
Chatterjee, Mr. A. C.	Percival, Mr. P. E.
Clarke, Mr. G. R.	Richey, Mr. J. A.
Dalal, Sardar B. A.	Sim, Mr. G. G.
Faridoonji, Mr. R.	Singh, Mr. S. N.
Gajjan Singh, Sardar Bahadur.	Stanyon, Colonel Sir Henry.
	Yamin Khan, Mr. M.

The motion was adopted.

• The Assembly then adjourned till Eleven of the Clock on Thursday, the 5th July, 1923.