

Tuesday, 18th September, 1928

THE

The Council of State Debates

(Official Report)

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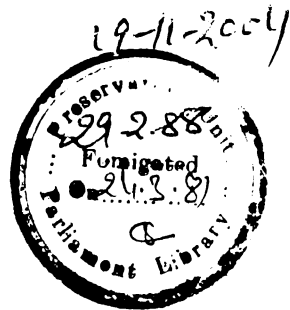
(11th September to 26th September 1928)

FIFTH SESSION

of the

SECOND COUNCIL OF STATE

1928



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COUNCIL OF STATE.

Tuesday, 18th September, 1928.

The Council met in the Council Chamber at Eleven of the Clock, the Honourable the President in the Chair.

BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, in accordance with Rule 25 of the Indian Legislative Rules, I lay on the table copies of the following Bills which were passed by the Legislative Assembly at its meeting held on the 17th September, 1928 :—

A Bill further to amend the Madras Salt Act, 1889, for a certain purpose.

A Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose.

A Bill to amend certain enactments and to repeal certain other enactments.

A Bill further to amend the Indian Succession Act, 1925, for a certain purpose.

A Bill to amend the Indian Trade Unions Act, 1926, for a certain purpose.

A Bill further to amend the Indian Life Assurance Companies Act, 1912, for certain purposes, and to provide for the collection of statistical information in respect of insurance business other than life assurance business.

A Bill to provide for the protection of the match industry.

ELECTION OF MEMBERS OF THE COUNCIL OF STATE TO SIT WITH THE INDIAN STATUTORY COMMISSION.

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH (Member for Education, Health and Lands): Sir, I beg to move the following motion which stands in my name :—

“That in pursuance of the Resolution adopted by this Council on the 22nd February, 1928, the Council do proceed, by such method as the Honourable the President may direct, to elect three of its Members to the Central Committee to sit with the Indian Statutory Commission.”

Sir, in doing so, I have to say very few words....

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras: Non-Muhammadian): Sir, I rise to a point of order. The motion that is just now

[Mr. V. Ramadas Pantulu.]

made purports to be made in pursuance of the Resolution adopted by this Council on the 22nd February, 1928. Sir, the Resolution that was adopted by the Council on that date runs as follows :—

“ This Council recommends to the Governor General in Council to take steps for the election of representatives from the Council of State to participate in the Joint Conference according to the procedure set out by the Chairman of the Indian Statutory Commission in his letter of the 6th February, 1928, addressed to His Excellency the Viceroy and Governor General and his letter, dated the 10th February, to the Honourable Sir Sankaran Nair.”

Sir, I do not wish to repeat the contents of these communications and the substance of the procedure laid down by Sir John Simon, the Chairman of the Indian Statutory Commission, for this House is now familiar with them. It clearly contemplated the election of a Central Committee by both Chambers of the Central Legislature to sit with the Statutory Commission. Now, Sir, the Resolution clearly laid down that the Council of State should proceed to elect representatives only in accordance with the procedure laid down by Sir John Simon, which is that of election by both Houses. I submit, Sir, now that the Legislative Assembly has decided not to co-operate with the Indian Statutory Commission, and no motion having been brought there, so far as I know, for the election of the quota of its representatives—and it is a matter of public knowledge that no such motion is contemplated either by the Government or by the non-official Members in that House—I submit that the motion made by the Honourable the Leader of the House here is directly in contravention of the Resolution adopted by this House, and is not made in pursuance of it. I will only add one word. A motion such as this is, in the technical language of the lawyers, said to be a fraud upon the intention of the original text of the Resolution. It was never contemplated that this Council only should elect its quota, and the rest of the Members should be nominated by the Government. Therefore, I submit, Sir, this would amount, in spirit as well as in letter, to a fraud upon the intention of the original Resolution adopted by this Council, and hence it is clearly out of order in my humble opinion.

THE HONOURABLE THE PRESIDENT : The point of order raised by the Honourable Member is hardly what I anticipated when this morning he very courteously gave me notice that he intended to raise one as to the admissibility of the motion of the Honourable the Leader of the House. His point briefly put appears to be that, because at the time the Resolution was adopted by this Council in February, it was contemplated that there should be a joint conference or a joint committee, consisting of Members elected partly by this House and partly by the Legislative Assembly, and whereas the Legislative Assembly has refused to elect its quota, therefore this Council is barred from proceeding any further in the matter. He is relying to some extent on the exact wording of the Resolution adopted on the 22nd February, 1928, which I should like to read to the Council. I read only the relevant portions :—

“ This Council recommends to the Governor General in Council to take steps for the election of representatives from the Council of State to participate in the Joint Conference.....”

For the moment, I stop there. It is no more than asking the Government to secure that the representatives from this House should be elected by the House. In so far as the Resolution goes on to say :—

“ according to the procedure set out by the Chairman of the Indian Statutory Commission.....”

That, I take it—and I never took it otherwise—refers to the procedure for participation in the Joint Conference and not to the election. That is to say, that the Resolution merely defined what would be the function of the Members of this Council elected to the Committee after they had been elected.

I see no more in the point of order than that. If it is argued—I was not quite sure whether it was argued or not—that because one course of action has been taken in another place, therefore this House is bound to that same course of action. I only have to repeat what I have said often before, that this House has its own rules, it can only follow its own procedure, and is in no sense bound by what takes place elsewhere. Therefore, the motion which is on the paper to-day in its terms merely intends to take one step further the action which was decided upon by the Council in February last. It appears to me to raise two points only, that is to say, how many Members in this Council shall sit on the Joint Committee and by what method they should be elected. I considered the point very carefully beforehand and I have no doubt in my mind that the motion is strictly in order.

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH :
Sir, I was saying that on this motion I have to say very few words. It will be within the recollection of the House that at its meeting held on the 22nd February last the Council passed the following Resolution :—

“ This Council recommends to the Governor General in Council to take steps for the election of representatives from the Council of State to participate in the Joint Conference according to the procedure set out by the Chairman of the Indian Statutory Commission in his letter of the 6th February, 1928, addressed to His Excellency the Viceroy and Governor General and his letter, dated the 10th February, to the Honourable Sir Sankaran Nair.”

Sir, at the time this Resolution was passed by the House there was no immediate need to take action on it. The first visit to the country of the Statutory Commission was purely preliminary. As the Chairman stated in his letter to His Excellency the Viceroy and Governor General, dated the 6th February, 1928, the sittings of the Joint Conference suggested in that letter would not commence until October next. In a telegram, dated the 10th September, 1928, which has been published, Sir John Simon has requested His Excellency the Viceroy to invite the Council of State to elect its proportion of the Central Committee. The motion which stands in my name and which I have now moved is the logical and inevitable outcome of the decision recommended to the Governor General in Council to take steps for the election of representatives from this House. The only two points touched upon therein are the number of Members to be elected by this House and the method of election to be adopted. As regards the latter you will, I think, Sir, give the necessary directions.

Sir, I move.

THE HONOURABLE SETH GOVIND DAS (Central Provinces : General) :
Sir, as you have already given your ruling that the motion before the House

[Seth Govind Das.]

in order, I am not going to oppose it on technical grounds. I oppose it on general grounds on behalf of the Congress Party. I am really sorry that I have to oppose a motion moved by my Honourable friend Sir Muhammad Habibullah, for whom I have great respect. I am sure, Sir, that if my Honourable friend had not been where he is to-day, had he been a non-official Member of this House, he would have been with us to oppose this motion. His views in this respect are an open secret. Pandit Madan Mohan Malaviya, speaking on the Statutory Commission in the other place, is reported to have said :—

“It deeply pains me to say that the sorriest feature in this affair is that there are Indian members of the Executive Council of the Viceroy who lent their support to the proposal for a purely Parliamentary Commission which would exclude Indians from it. The common belief is that the Law Member lent his full support to this proposal. At the same time I am glad to say that the common belief also is that Sir Muhammad Habibullah opposed the proposal and predicted that it would lead to the boycott of the Commission. I should like anybody to deny these facts if he can.”

The challenge which was thrown out by the Honourable Pandit in the other place has not been accepted and, Sir, till now nobody has contradicted the statement that Sir Muhammad Habibullah was opposed to a purely Parliamentary Commission. Besides, I am quite sure that if the term of office of Sir Muhammad Habibullah had come to a close before the Commission left India, he would have been with us to boycott the Commission like Sir C. P. Ramaswami Iyer who declared himself for the boycott as soon as he came out of the Executive Council of the Government of Madras.

Now, Sir, I enter into the merits of the question. The Committee on which the Members of this House are to sit cannot be called a Committee of the Central Legislature until the Members of the Assembly are also elected to it. According to the Government of India Act the Central Legislature consists of both the Houses. When the popular Chamber has in clear terms declared itself for a non-co-operation with the Commission, I cannot understand how this Committee, which is partly to be elected and partly to be nominated, can be called a Committee of the Central Legislature. Sir John Simon himself wrote to His Excellency the Viceroy on the 6th February :

“We suggest”—

he said in that letter—

“that the two Houses of the Central Legislature should in due course be invited to choose from their own non-official Members a Joint Committee which might conveniently be seven in number.”

He further said :—

“We have no wish to dictate the composition of the Indian wing of the Conference in more detail and we should greatly prefer that the precise scheme should be reached by agreement between the different elements in India itself.”

It passes my comprehension, Sir, how Sir John Simon, one of the acutest legal brains of England, can now suggest this course to His Excellency the Viceroy and say: “Your Excellency should complete the composition of the Committee in such manner as may seem to you most appropriate”. I am really surprised to see the change in Sir John Simon. More surprised and I

to find that His Excellency the Viceroy, who is well known for his great sincerity, has accepted this suggestion. There were two straightforward courses open to His Excellency the Viceroy. One was to write clearly to Sir John Simon saying that, as the popular House has definitely refused to co-operate with the Commission, a Committee of the Central Legislature could not be constituted. The other course was to dissolve both the Houses, as has been demanded by the majority of the elected Members of the other House. I am sure, Sir, if new elections take place, an overwhelming majority of boycotters will be returned to the other House, and even in this House their number is bound to increase, as has been made clear by the last bye-election in Bengal resulting in the election of my friend Mr. Mookerjee to this House in spite of the opposition of a Rai Bahadur. The course which His Excellency the Viceroy has adopted is, to say the least, absolutely unconstitutional. His Excellency, Sir, is very anxious to establish conventions. In his speech delivered in January, 1927, while opening the third Legislative Assembly, he said that he wanted India to achieve Swaraj by conventions. May I ask if this is the way to establish conventions? Sir, it would have given me immense pleasure if His Excellency had taken a strong attitude in this matter. India has known a Viceroy who, though subject to a masterful Secretary of State in England, refused to be dictated to by him in the matter of reforms. Sir, I am sorry that His Excellency has willingly made a surrender. He said speaking in the other place on 24th January 1927 :—

“ As long as the final control of Indian policy is constitutionally vested in the Secretary of State on behalf of the Parliament, it is the duty of the Governor General in Council, while he holds office, to guide his conduct in conformity with the general policy approved by the Imperial Government.”

But, Sir, despite this statement, His Excellency can even now assert himself as far as the composition of this Committee is concerned, because His Excellency's position is not in any way subordinate to that of Sir John Simon.

Now, Sir, as regards the Simon Commission, it may be said by some Members of this House that the spirit of the boycott was dying out. They will say that many provincial Legislatures have elected Committees to co-operate with the Simon Commission. It is true, Sir, that several provincial Legislatures have elected Committees to co-operate with the Simon Commission ; but that does not prove India's willingness to co-operate. If we exclude the official Members of those Councils, if we exclude the nominated Members of those Councils, what do we find? We find that the elected majority of every provincial Legislature and even of this Council is against the Simon Commission. It will be further said, Sir.....

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : Nominated Non-Official) : Sir, I rise to a point of order. I want your ruling as to whether we are entitled in connection with this motion to traverse the whole ground of the original motion and re-argue the same proposition which was argued in February last in this Council, or whether we are strictly confined to the Resolution now before the Council for the selection of three Honourable Members according to the rules laid down in the Manual of Business and Procedure.

THE HONOURABLE MR. V. RAMADAS PANTULU : Can we not give our reasons against the motion ?

THE HONOURABLE THE PRESIDENT : I had hoped, as apparently the Honourable Sir Maneckji Dadabhoy had hoped, that the discussion to-day would more or less confine itself to the two substantial points raised by the motion of the Honourable the Leader of the House. However, as he has asked me whether Honourable Members are entitled to go over the whole ground again, I am afraid I have to admit that they are so entitled. The Standing Order which bars the repetition of a Resolution within one year does not apply here because we are dealing with a motion and not with a Resolution; and the Standing Order which bars repetition of motions does not apply because that only remains in operation during one Session; we are now in another Session.

THE HONOURABLE SETH GOVIND DAS : I thank you very much, Sir. What I was going to say was that many Members of this House will say that, since this motion has been brought before this House and many provincial Councils have formed Committees, the boycott is dying out. One thing that they will say in proof of this assertion I have already anticipated and contradicted. The other thing that they might say is that many institutions in this country have declared themselves for co-operation with the Simon Commission. Now, there is no doubt that a few institutions here and a few institutions there have declared their readiness to co-operate with the Commission. But, Sir, if we endeavour to see how old these institutions are, we find that many of them are not even as old as the Simon Commission itself. As regards their status I will give only two instances. There are two institutions in Madras; one an association of liquor sellers and another of leather manufacturers. Both these institutions have declared themselves for co-operation. The ground for co-operation with which the Liquor Sellers' Association has favoured us is a strange ground. It is this: If India gets provincial autonomy, many provinces will become dry, and therefore it is better for us to co-operate with the Commission. Sir, this is the kind of institutions which are co-operating and which have declared themselves for co-operation with the Simon Commission.

The All-Parties Conference which met at Lucknow has decided to call a convention next December in Calcutta to consider the constitution adopted by the Conference. It has been thought advisable to invite only those institutions which are at least two years old. But the Simon Commission in its anxiety to get as much support as possible has made no such distinction. I may be excused if I say that most of these institutions which have declared themselves for co-operation with the Commission can be called associations and institutions only by courtesy, and if Sir John Simon and his colleagues are satisfied with their co-operation, I have nothing more to say on this point.

Before I resume my seat I will state my opinion that the boycotters are stronger to-day than they have ever been. To-day we have our own constitution accepted by the All-Parties Conference at Lucknow—the most representative Committee that has ever met in this country.....

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN (North-West Frontier Province; Nominated Non-Official) : What about the Muhammadans ?

THE HONOURABLE SETH GOVIND DAS : There is some opposition on behalf of Muhammadans no doubt ; but most of the Muhammadans have agreed. Leading Muhammadans like Dr. Ansari, Maulana Abul Kalam Azad, the Maharaja of Mahmudabad and Sir Ali Imam were present at Lucknow and endorsed the Report in very very clear terms.

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN : They are in a minority.

THE HONOURABLE SETH GOVIND DAS : No ; I would say they are in a majority. Even in the Punjab, I would point out to my friend, Major Nawab Akbar Khan, the majority of Muhammadans are with us as is clear from the meetings which have been held there. He must have seen their reports in the *Tribune*. The successful meeting was the one which resolved to support the Nehru Report. The other meeting which wanted to oppose it ended in chaos and confusion.

THE HONOURABLE MAJOR NAWAB MOHAMED AKBAR KHAN : The Muslim League is definitely opposed to it.

THE HONOURABLE SETH GOVIND DAS : We are not talking of the Muhammadans between whom and the Government there is very little difference. We are talking of the nationalist Muhammadans of this country, and I want to say that the nationalist Muhammadans of this country are with us.

Now, Sir, I will address a few words to my Honourable friend, Nawab Sir Umar Hayat Khan. I was grieved to read his speech delivered on the Statutory Commission.

He said :

“ We are going to ask for our rights. The untouchables are going to ask for theirs and other communities also are going to ask for them. Where will those rights come from ? They will come out of the hands of the oligarchy which is now in power. They in turn want to snatch more and more power from the hands of the present Government. That party in fact wants a Raj of their own. We have to decide whether we are going to be under their Raj or the present Raj. I may tell my Muhammadan friends that they have been enjoined by our religion, which is in our book, that the Christians will be our greatest friends, and that is why the Prophet sent the best of his relations to Africa under a Christian King of Abyssinia.”

This is, Sir, what my friend Sir Umar Hayat Khan said when the debate on the Statutory Commission took place in this House. Well, Sir, I do not want to quarrel with him for his abundant faith in Christians. What I do want to tell him is this, that he should try to see whether Christians have even one-hundredth part of the faith in Muhammadans which my friend has in Christians. In this connection I should like to read to the House a letter which Lord Clive wrote to William Pitt in the year 1759. Lord Clive, Sir, is the founder of the Indian British Empire which my friend Sir Umar is out to support, and this is what he wrote :

“ The reigning Subah, whom the victory at Plassey invested with the sovereignty of these provinces, still, it is true, retains his attachment to us, and probably, while he has no other support, will continue to do so.”

This is what my friend should hear carefully.

“ but Mussalmans are so little influenced by gratitude, that should he ever think it his interest to break with us, the obligations he owes us would prove no restraint.”

But to take an up-to-date example, Sir, the Muhammadans ought to know what the British Government did at the time of the Treaty with Turkey

[Seth Govind Das.]

after the last Great War. In spite of all this, if my Honourable friend wants to retain his confidence in the British Government more than he should in Hindus, I have no reason to quarrel with him. Sir, I am a firm believer not only in Hindu-Muslim unity, but in the unity of Hindus, Muhammadans, Parsis, Sikhs and Christians. I say, Sir, that no foreigner can do any good either to Hindus or to Muhammadans or even I say to Indian Christians. I am firmly convinced that the salvation of India lies in our united stand and not in distrusting each other.

In conclusion, Sir, I would tell the Government that one thousand and one Commissions and one thousand and one Committees to co-operate with this Commission will not solve the Indian problem. If they really want to solve the Indian problem, the best course for them is to give up their obstinacy and false notions of prestige, and to come forward and call a round table conference to reconsider the whole question. Sir, I oppose the motion moved by my Honourable friend Sir Muhammad Habibullah.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (Punjab Nominated Non-Official): Sir, as reference has been made to the speech which I made on the last occasion, I feel it my duty to make a few observations. The Punjab is a province which knows very well what had happened to it during the reign of the various Kings before the British came to this country. There had been inroads from the North-West, and every time they plundered us, and since the advent of this rule, we find peace and security; we have begun to understand the blessings of British rule under which we live without much fear and in prosperity. Sir, I endorse every word of what I said on the last occasion, because I think the House knows that I have never been inconsistent. I know the Punjab Muhammadans very well. They are all in favour of co-operating with the Simon Commission, because Honourable Members will probably remember that it was the first province in India which came forward and offered to co-operate with the Simon Commission. Generally speaking, those who are elected to the local Councils know the minds of the people of their constituencies, and if a few Members of the local Councils voted against co-operation, I do not think they have interpreted the wishes of the Muslim community correctly. When there was a split in the Muslim League what happened? Most of the Punjabis held their own conferences and their own League, and they passed resolutions agreeing to co-operate with the Simon Commission, and only those who were against the Government owing to private affairs went to Lucknow.

THE HONOURABLE SETH GOVIND DAS: Question?

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN: Just hear me, please.

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN: Those resolutions were passed by an overwhelming majority.....

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN: Leave the Punjab alone for the moment. Every province has now passed resolutions to co-operate with the Simon Commission and in fact have elected Committees. In the local Councils they have elected Committees already to co-operate with

the Simon Commission. If there are more provinces willing to co-operate and if they are taken as voting units there will be more votes in favour of the Commission. One difficulty we have always had is about the composition of the local Councils as well as the Central Legislature here. Most of the big cities like Kalpi, etc., are regarded as villages. If a big city has not got so many voters and only one polling booth in that city, naturally the rural people who are spread over a number of villages will not care to come in such large numbers to vote, and the difficulty is that some lawyer or a professional politician stands for election from the city and invariably comes out successful in the election. And what do we find? A collection of prepondering majority of lawyers and politicians in our Councils with the result that they carry things against the wishes of the whole population of the country.

Then, Sir, I have read something about my religion and also something of Christianity. I have also on many occasions held discourses on our religion in the presence of Christians, and they do agree that both religions are very much alike with very few differences. If I were to enter into a discussion of this matter, I fear I may be ruled out as being irrelevant and it may also take more time of the House, and I do not propose to take up the time of the House now as I know there are many Members who are anxious to speak to-day on this motion. But I will only say this much, that when a Committee has to be chosen from the Central Legislature, naturally the House which passed by a majority that it would not co-operate could not certainly be expected to take part in the election of a Committee, nor would it be fair for us to force its Members to come forward and take part in the elections. For instance, if the Mother of Parliaments had decided anything like that, well, I do not think anybody would venture to go against its decision. So we all felt that when one House does not co-operate, its mandate binds all Members and Government would have no better way out of this *impasse* than this, that from the House which does co-operate all the Members should be elected out of that House only. If you want Members to sit in Joint Conference with the Indian Statutory Commission, you get all the Members from the willing House. But that course is not being adopted. Up to that extent, no doubt, I would agree with the Honourable Seth Govind Das. On the other hand if there is a motion like this, then this House has to abide by its own decision and if the Members are chosen as the Honourable the Leader of the House has proposed, I think that will be quite all right. So, I really do not oppose, nor do I say anything against the motion. All that I have said till now has only been by way of observation. I know, Sir, that a great many men whom the Honourable Seth Govind Das has described as representatives of the country have gone to jail (Hear, hear) and naturally they would not co-operate with any one. There are others who are weather-cocks. When there was the Khilafat agitation, they constituted themselves into a Khilafat Committee and they were its leaders. They gave up their practice at the Bar, they grew beards and became great martyrs. What do I see now? Their beards are gone and they have resumed their practice in the courts and now perhaps they are doing better than what they did before they became non-co-operators. Now, they repent of their folly and I have heard many of them say: "We were fools, we were carried away at the time by the gust of non-co-operation". Well, if such members now go and sign the report, I do not want to say much about them.

THE HONOURABLE MR. MAHENDRA PRASAD. (Bihar and Orissa : Non-Muhammadan) : Is Sir Ali Imam one of them and the Raja of Mahmudabad ?

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN : I do know several names, Sir, but I do not want to bring in any of those names. But when any name is brought in, it is not my fault. That gentleman had his own grievance. He wanted something, but he did not get it. As regards the name of the Honourable gentleman whose name has been mentioned just now, I will only say that they are closely allied. I think the daughter of the one has been married or is about to be married to the son of the other. That is the sort of alliance. That is why, I say, Sir, that this conference which has been much talked of was more or less a packed one in which nobody who was against its proposition was allowed.

THE HONOURABLE SHAH MUHAMMAD ZUBAIR (Bihar and Orissa : Muhammadan) : Why did you not go there ?

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN : Nobody else was allowed at the Conference. It was a packed one as I already said. My Honourable friend has read certain papers. I have not brought any of them. But I would tell the House about the letter written by Maulana Shaukat Ali. You will see from an overwhelming majority of Indian papers, specially the Punjab papers, that the treatment which was meted out to the members who opposed the Conference was simply absurd. Only those persons whom the organisers of the Conference thought would abide by their decisions were allowed to enter the precincts of the Conference and others were left out. A report drafted by such a Conference surely cannot be called a unanimous report. Well, Sir, we all have said many times here and elsewhere that if Muhammadans do not choose their own representatives in separate electorates, they could not send proper representatives. I know about this so far as the Punjab is concerned, and I believe the same is the case in other provinces. The poor peasants in the Punjab are heavily indebted to the *banyas*, they are so much indebted that they cannot get out of their clutches. Now, if there were joint electorates, who will be returned as representatives of the Muhammadans ? All those who are heavily in debt up to their noses will be put up as the Muhammadan representatives at the bidding of the *banyas*. Only such Muhammadans as are willing to abide by the mandate of other classes will be returned to the Councils. Now this will be the effect of the Report of the Nehru Committee. On one side Nehru and company say they are non-co-operators. At the same time, they sit down and write this Report of theirs for the Simon Commission.

THE HONOURABLE SETH GOVIND DAS : No.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN : If it is not for the Simon Commission, why on earth did they write this Report at all. Thus they come forward to co-operate. That is the best co-operation that they can give. They have written what the Simon Commission should do, but in their Report they have endeavoured to do as much against the Muhammadans as they possibly could. If that Report were adopted, the whole Muhammadan population would much rather prefer not to be in India at all.

THE HONOURABLE SETH GOVIND DAS : Question ?

THE HONOURABLE COLONEL SIR UMAR HAYAT KHAN : That Report has done the greatest injustice to the Muhammadans and all who have read that Report are of the same opinion. The other day I presided over a meeting of the Muhammadans at Simla, and I think they are also going to put forward their protest against the Nehru Report. As is well known, the Muhammadans who come to Simla are of a very representative character. They come from all parts of India, either to seek employment under Government or for the purpose of their health or trade, etc. At that meeting there was a representative gathering of Muhammadans and they all protested against the Nehru Report.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE (West Bengal : Non-Muhammadan) : Which is of a more representative character ?

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN : I can tell you that the meeting at Simla was of a very representative character.

THE HONOURABLE THE PRESIDENT : Will the Honourable Member kindly address the Chair and get on with his speech ?

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN : I will address you, Sir. It is well known, Sir, that the best leaders of the country who know the minds of their constituents have all voted for the Commission. An overwhelming majority is in favour of co-operation with the Simon Commission. I will say, Sir, if a House had been properly constituted and if a House should consist of proper representatives of the rural masses, who form about 90 per cent. of the population, then, I say, Sir, the majority of the population will be on the side of co-operation.

THE HONOURABLE SHAH MUHAMMAD ZUBAIR : Let us have fresh elections.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN : I am not going to waste my time by replying to you. I must address the Chair.

THE HONOURABLE THE PRESIDENT : The Honourable Member is not doing that. (Laughter).

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN : Well, Sir, the Muhammadans as a whole are very much offended by this Report. It is said to be a unanimous Report. But we have got faith only in that Government which has saved us from many inroads and we want to contribute to its stability. That is why we do not want to hurry things. We want the Reforms to be given to us gradually. That is why I say I like that certain rural people should be put on the Committee. Because it is only the rural representatives who would know the minds of the rural population and not those who represent urban interests. The urban people are absolutely cut off from the rural population. The urban people have got a world of their own. The urban people are more educated and they have not got sufficient appointments. That is why the majority of the educated people

[Sir Umar Hayat Khan.]

are against the Government. They should not form the bulk of the members of the Committee. The opinions of those who are offended against the Government are naturally against the Government and their opinions should not weigh with the Government. Therefore, I hope, they would not be given a preponderance. With these few words, I heartily support the motion before the House and I think it should be carried.

THE HONOURABLE SIR MANECKJI DADABHOY : May I know, Sir, if the usual time limit applies to this motion.

THE HONOURABLE THE PRESIDENT : I regret to say that the rules provide no time limit.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay : Non-Muhamadan) : Sir, I rise to oppose this motion. My submission is that having regard to the development of events that has taken place, it is not possible to constitute a Committee in compliance with the procedure set out by the Chairman in his letter to His Excellency the Viceroy, dated the 6th February 1928. This House has passed a Resolution recommending Government to take steps for the election of representatives from this Council according to that procedure. Now, the House is aware, the Legislative Assembly has passed just a contrary Resolution, *viz.*, that it will have nothing to do with the Commission at any stage and in any form. This action of the Legislative Assembly has rendered it impossible that a Committee can be elected or constituted in the manner required. We may approve of the decision of the Legislative Assembly or we may not, but the fact has got to be recognised that the Legislative Assembly has decided to let the Commission severely alone. The result of this is that there will be no elected representatives of the Legislative Assembly on the Committee which Sir John originally desired or required, and from this it obviously follows that we cannot have a Committee in accordance with the procedure as originally laid down. The decision of the Legislative Assembly not to participate in the Joint Free Conference by means of a Joint Committee of the Central Legislature has, in fact, rendered nugatory the Resolution passed by this House in this matter. It is important in this connection for the House to bear in mind what was the precise nature of the Committee proposed by Sir John Simon. Let me read what he says in his letter :

“ We suggest that the two Houses of the Legislature should in due course be invited to choose from their non-official members a joint Committee which might conveniently be seven in number ”.

He further says :

“ We assume of course that just as we ourselves are a body selected from all British parties and both Houses of Parliament, so our Indian counterpart would be, so far as may be, truly representative.”

In other words the proposal of Sir John Simon is threefold : (1) that there should be a Joint Elected Committee of both Chambers of the Indian Legislature, (2) that the Committee should conveniently consist of seven members, and (3) that the members should, so far as may be, be truly representative of all the parties in the Indian Legislature. It may be argued that Sir John Simon has not barred some latitude with regard to the number of members of the Joint Committee and the representation of all the parties in both the Houses, I agree

that the number may be a little more or a little less than seven. I further agree that having regard to the smallness of the number proposed and the considerable number of parties and interests in the Legislature, it will be practically impossible to provide for the representation of all parties and interests on such a small Committee. It is quite true that with regard to both these points, Sir John Simon has not laid down hard and fast rules. But with regard to the first point, *viz.*, that the Committee should be a Joint elected Committee of both the Houses, his proposal till only within the last ten days was absolute. He had laid this down as a hard and fast rule.

When Sir John Simon found it was hopeless to get a Joint elected Committee to meet the altered situation he has by his telegram to His Excellency the Viceroy, dated the 8th instant, asked Lord Irwin to complete the composition of the Committee in such manner as he may think most appropriate. This is so different from the emphatic attitude in his letter of 6th February insisting upon an elected Joint Committee of the two Houses. Both Government and Sir John Simon are defeated in their original purpose and rightly so for going counter to the wishes of the people. The telegram of 8th September enables the Viceroy to take steps for the election of a Committee of this House only and this is proposed to be done by means of the motion that we are now considering. And, mark you, this telegram now permits His Excellency the Viceroy even to elect outsiders if he chooses to do so—something to which Sir John Simon and his colleagues and the Government were dead opposed at one time.

THE HONOURABLE SIR MANECKJI DADABHOY : No, no ?

THE HONOURABLE SIR PHIROZE SETHNA : I stand corrected if you can show it to me.

THE HONOURABLE SIR MANECKJI DADABHOY : Will you show me chapter and verse for your statement ?

THE HONOURABLE SIR PHIROZE SETHNA : I am sorry I have not got my library here, but I think I am right in saying so.

THE HONOURABLE MR. S. R. DAS (Law Member) : On the contrary, Mr. Baldwin expressly stated.

THE HONOURABLE SIR MANECKJI DADABHOY : Of course he did.

THE HONOURABLE SIR PHIROZE SETHNA : You may tell us in your speech what he said.

Now, Sir, I hold it will not be in keeping with the dignity of this House to agree to the course suggested by the Leader of the House in the motion. The Legislative Assembly has resolved not to co-operate with the Commission and the Resolution was passed by a large majority of elected Members. Indian opinion, as expressed by elected Members in the Assembly, is decisively and overwhelmingly in favour of withholding co-operation from the Commission. On a vital matter like this which involves important national issues, it will not be proper for this Council to set at naught the considered decision of the popular Chamber and resort to what will naturally and rightly be considered as an open conflict with a House whose decisions on national questions of this kind ought not to be lightly ignored but ought to have a final and determining authority.

[Sir Phiroze Sethna.]

Some provincial Councils, with the help of the official block have, no doubt, gone through the farce of deciding in favour of co-operation with the Commission as we have done in this Council. I can call it by no other name. At the time this matter was considered in the House of Commons those in authority gave the assurance that every possible point that would be put before them would be considered, and considered sympathetically. One of such points, if I remember rightly, was the exclusion of the official blocks in all Councils from voting on the question of co-operating or not with the Commission. Whether the point was so put or not, trusting to memory, I think it was a Labour Member, either Mr. Ramsay Macdonald or Mr. Lansbury who suggested that officials should not be allowed to vote at the elections of members to the Committee.

Will any one dare to say this was not a fair demand to make? and yet neither the Government here nor the Government at home have told us that they have even considered the matter. Officials voted both in the Central Legislature and in the Provincial Councils with the results we know. Would Government have dared to leave the decision exclusively to the vote of the elected Members or, to the combined votes of the elected and even the nominated Members? Either one of these two courses was the right, proper and legitimate course to adopt, but in that event they would of course have courted certain failure. The decisions of the Council of State and of several of the Provincial Councils cannot therefore be regarded as giving correct indications of the wishes of the people.

In reply to Sir John Simon's telegram the elected Members of the Assembly have thrown an open challenge and have asked His Excellency the Viceroy to dissolve the Assembly and order fresh elections "on the issue involved in the Resolution of the Assembly." The official blocks will not have a chance to play their role in such elections, and such elections will be the only means of ascertaining unmistakably public sentiment in the country on the boycott issue.

12 NOON.

The Government of India want to make out a case both in England and throughout the world, and particularly in America, because they know very well that much attention is now devoted to Indian questions in that country. My friend (the Honourable Mr. Vernon) may laugh, but if he reads newspaper articles and the number of books that are now written there, he will find that I am certainly in the right.

THE HONOURABLE MR. H. A. B. VERNON (Madras : Nominated Official) :
I was thinking of Miss Mayo's book.

THE HONOURABLE SIR PHIROZE SETHNA : I was not referring to that book at all. I do not regard Miss Mayo as an authority at all. I say that the Government of India are out to convince the world that the boycott is a nine days' wonder and that it is dead or dying. We say it is as strong as ever and hence the challenge; but we know too well, Government will never have the courage to take it up, for in that case they must regard their defeat as a *fait accompli*.

The decision of the Legislative Assembly expresses not only its own considered judgment but also the general opinion and feeling of the people at large. Such being the case will it be right for this Council to run counter to the views,

wishes and feelings of the popular House and of the great majority of the thinking people in this country? Only yesterday our veteran colleague, the Honourable Sir Sankaran Nair, in moving the Bill to alter the order in which certain Hindu heirs are entitled to succeed, warned this House that if we did not pass the Bill, its Members will be regarded as old reactionaries, as obstructionists and therefore recommendations might be made to the Statutory Commission to do away with the Upper House. Sir Sankaran, who is all in favour of co-operating with the Simon Commission, told us distinctly yesterday and I am repeating his exact words which I took down at the time that "the popular interests are better represented in the Assembly." This fell from the Honourable Sir C. Sankaran Nair who, we know, is out and out in favour of co-operating with the Simon Commission.

THE HONOURABLE MR. G. S. KHAPARDE : I say "question" to it.

THE HONOURABLE SIR PHIROZE SETHNA : Sir, I have faith in the second Chamber. I am one of those who believe that a second Chamber is necessary for a sound and well ordered polity. If the second Chamber is well constituted and if it keeps within its proper limits without provoking, or coming into open conflict with the popular Chamber, it will not fail to play an important and useful part in the national order. I therefore earnestly appeal to this Chamber not to allow its good name to be sullied, and its influence to be weakened, by an act of open hostility to the will of the popular Chamber and thereby the voice of the nation, as will surely be the case if we elect members to the Committee as we are asked to do by this motion.

THE HONOURABLE SIR MANECKJI DADABHOY : Sir, I am not at all surprised to-day to hear the speeches of my Honourable friends, Seth Govind Das and Sir Phiroze Sethna. I fully expected opposition to the motion from these two Honourable Members. The reason for that is very obvious and will appear to any thinking man without much trouble. This opposition to-day forms a part of the policy of certain obstructionists who have been defeated and discomfited in the country and are now opposing this motion for the purpose of whitewashing the faces of their leaders and their party men. (*Honourable Members* : "No.")

THE HONOURABLE SETH GOVIND DAS : Sir Phiroze Sethna is not an obstructionist, Sir.

THE HONOURABLE SIR MANECKJI DADABHOY : Sir, the judgment of the country has been absolutely unambiguous. (*Honourable Members* : "Question"?) The judgment has been a determined one ; and smarting under the stings of defeat, this opposition has been set forth in this House for the purpose of diverting attention from the main issue.

THE HONOURABLE MR. MAHENDRA PRASAD : It is therefore that we want to go to the country, Sir.

THE HONOURABLE SIR MANECKJI DADABHOY : My friends on the opposite side have said "Question", when I said that the judgment has been a determined one. Look at the decisions of the seven Provincial Legislative Councils in India. Except two provinces, the whole country which is represented by these Councils has expressed in an unequivocal manner its willingness, its desire and its readiness to sympathise and to co-operate with the Simon Commission wholeheartedly.

THE HONOURABLE SIR PHIROZE SETHNA : With the help of the official vote.

THE HONOURABLE SIR MANECKJI DADABHOY : No. Take the instance of your province, Sir ; take the Bombay Legislative Council. By a preponderating majority it was decided to co-operate with the Commission ; and even if you exclude all the official votes, which I understand were about twenty, there was still a non-official majority in the Bombay Council. . .

THE HONOURABLE SIR PHIROZE SETHNA : What about the votes of nominated Members ? You cannot rely on their votes as on those of the elected Members.

THE HONOURABLE SIR MANECKJI DADABHOY : Not a bit.

THE HONOURABLE SIR PHIROZE SETHNA : Absolutely.

THE HONOURABLE SIR MANECKJI DADABHOY : Absolutely not. So long as the constitution of the country is what it is to-day, the nominated Members have the same rights and privileges as the elected Members and form part of the Councils ; and you cannot possibly with any show of logic or reason make any distinction between nominated and elected Members.

THE HONOURABLE MR. MAHENDRA PRASAD : The misfortune is that the Members who cannot come in by election, even they are nominated.

THE HONOURABLE SIR MANECKJI DADABHOY : That is your misfortune. Sir, the decision of the Madras Council has also been explicit. All the provinces in India have done the same and co-operation has been readily and tacitly extended. There has not been any solid, tangible opposition displayed in the country during the last six months or even any show of apathy towards the Simon Commission. On the other hand, the leaders of the parties to have sat quite quiet during the last few months finding to their mortification that it was now a helpless and hopeless task to rouse the feelings in the country and rouse any opposition against the Simon Commission. So, so far as the judgment of the country is concerned, it has given support to the Government of India as well as to the Commission.

Then, Sir, my friend, Sir Phiroze Sethna referred to the decision of the Legislative Assembly—probably the only weapon which he could use with any reason in this Council—to support his argument. And what is his argument, Sir ? His argument is that the Assembly has by a majority passed a Resolution of non-co-operation with the Simon Commission, and therefore this Council should follow suit and not go against the decision of that body.

Is there any sense or soundness in an argument of this nature, especially when most of the provinces have supported the Council of State Resolution to co-operate with the Simon Commission ? Merely because a certain legislative body composed as it is of a large body of members of a certain party were determined to obstruct and overthrow the good administration of this country and many of them, though they profess to trade under different party labels, are in their heart of hearts no more than Swarajists, are we to follow their lead in this Council ? Sir, we are a revising, a correcting Chamber. Merely because the Legislative Assembly falls into a childish error and is out to set its face against a policy of co-operation which in our opinion is going to result in the

prosperity of this country, are we to follow their lead? Again, is the knowledge and wisdom of the world to be exclusively found in the Legislative Assembly? I submit, Sir, arguments of this character will count very little with a legislative body like the Council of State in which not only statesmanship, intelligence, aristocracy, sound judgment, position and influence are fully represented, but we at least can pride ourselves on the ground that this body always takes views upon important questions in a proper and rational manner and with sanity and reason.

Then my Honourable friend Sir Phiroze Sethna attacked the earlier announcement of Sir John Simon, and stated that Sir John Simon's original letter to the Viceroy was of a definite character and that there has now been a change in the position then taken up by the Simon Commission. I think, Sir, my Honourable friend is entirely wrong in making that statement. It is no use my offering you an explanation of that declaration. I shall only read Sir John Simon's recent cablegram to the Viceroy which makes the Commission's position absolutely clear and free from doubt or ambiguity. This is how it reads :

"As regards the proposed Central Committee, Your Excellency will remember that in our letter of the 6th February which contemplated a Committee chosen by both Houses of the Indian Legislature we laid stress on the fact that we had no wish to dictate its precise composition."

My friend Sir Phiroze Sethna will mark that—

"We had no wish to dictate its precise composition"—,

that is to say, they had no wish at any time even in February to dictate the precise composition of the Committee, nor even have they now any desire to do so, but all that they were concerned about was that :

"the Committee should not be very unwieldy and should as far as may be representative of British India as a whole."

I submit, Sir, that this cablegram to His Excellency the Viceroy is absolutely consistent and wholly compatible with the previous action and the position taken up by the Simon Commission, and to attempt to divert the vote of this Council on such a flimsy ground would mean want of sanity and judgment on the part of our opponents.

Sir, I will not detain the House much longer, as I know there are many Members anxious to speak on this occasion. All that I will say is that no case has been made out for any reasoned opposition to this motion or for asking this Council to deviate from the Resolution which they had passed by a large majority only in February last. No case is made out. (*An Honourable Member* : "Question".) I say with emphasis that no case of any kind is made out for opposing this motion. On the other hand, there are signs that better counsels even at such a late stage have prevailed among the Swarajists, because the other day my friend Pandit Motilal Nehru made a statement in the Assembly asking for the dissolution of the Assembly for an expression of the country's opinion whether they should join the proposed Committee or not. In ordinary plain English what does it mean? What is the obvious inference! It means that they have not got the moral courage now to join the Simon Commission, but they want to take this pretext of going back to the country and then say that in obedience to the country's mandate they wish to co-operate with the Commission.

THE HONOURABLE **SIR PHIROZE SETHNA** : No, no.

THE HONOURABLE **SIR MANECKJI DADABHOY** : That is the simple and true explanation. The leaders there have not the moral courage to admit their mistake when they have found themselves in a wrong position. When they find that they have not been supported in the country and by the representatives of the Provinces they have not the moral courage to face the consequences of their defeat. Such are their difficulties and drawbacks. Therefore, I feel certain that even among their leaders there is a strong feeling to go back to the country. They cannot find a *modus operandi* for the purpose, which will save their faces and save their reputation and their prestige and position with their electorates.

THE HONOURABLE **SIR PHIROZE SETHNA** : Because they are sure of the support of the majority of their countrymen if there are fresh elections.

THE HONOURABLE **SIR MANECKJI DADABHOY** : Sir, I have very great admiration and respect for many of my Hindu colleagues here. I know they have always and on all supreme occasions acted with sanity and judgment. But I will tell the House to-day that this is a most critical ordeal. Do not stultify what you have done in the past. Do not go back on your word and the Resolution you have deliberately passed ; because you will not be able to show your face to the world, you will be charged with inconsistency and accused of change of policy. I have absolute faith in the judgments of my Honourable friends here. I know the majority of them will support this motion, because our object is to send our elected representatives to this Committee or the purpose of placing our case before the Simon Commission, for the purpose of fighting our good cause. We will not allow judgment to go by default. We will not allow ourselves to be remiss in a manner which will bring discredit and opprobrium on us from a large majority of our countrymen. We must therefore take our legitimate and bold stand in this matter and support the motion that is before the House, and I have no doubt that this Council will be guided by sanity, prudence and judgment on this occasion.

THE HONOURABLE **SARDAR BAHADUR SHIVDEV SINGH UBEROI** (Punjab : Sikh) : Sir, I rise to make a few observations in support of the motion which has been moved by the Honourable the Leader of the House. I do not think that I need give very many reasons in support of the principle of co-operating with the Statutory Commission at this stage, because this point has very well been threshed out in the meeting of the Council held on the 22nd of February last in Delhi.

But I think I should make a few observations to describe to the House the improvements which have since been made in the situation regarding the question of co-operating with the Statutory Commission. It is on account of these improvements that most of the major provinces have decided to co-operate with the Commission. Their Legislative Councils have resolved, by overwhelming majorities, to co-operate with the Statutory Commission. It has been said by my Honourable friends Seth Govind Das and Sir Phiroze Sethna that the votes which were given in favour of co-operation in the provinces comprised those of officials and nominated Members. With regard to this point, I beg to say that I am not aware of any rule whereby when a Member is nominated to the Council, an oath is taken from him that he would always support the Government or abide by the wishes of the Government.

THE HONOURABLE MR. MAHENDRA PRASAD : They do.

THE HONOURABLE SIR PHIROZE SETHNA : Is not influence brought to bear upon the nominated Members to vote in a particular way ?

THE HONOURABLE SARDAR BAHADUR SHIVDEV SINGH UBEROI : I have never sat on any Committee or Council by nomination. I am positive of one fact, that is, that every conscientious man will vote according to the dictates of his conscience. If a man goes into the Council by nomination, he does not thereby sell his conscience to the party which nominates him. If he is an elected Member, it is his bounden duty to carry out the wishes of the electors.

THE HONOURABLE SETH GOVIND DAS : As far as nominated Members are concerned, they must carry out the wishes of the Government.

THE HONOURABLE SARDAR BAHADUR SHIVDEV SINGH UBEROI : Not necessarily. I need not dwell any further upon this point. Many of the provincial Legislative Councils have decided to co-operate with the Simon Commission. It resolves itself into the question, who are the representatives of the people, whether those Members who represent the people on the provincial Councils or those Honourable Members who represent the people on the Assembly. Of course, this is a point which has to be decided by the Members of both Houses amongst themselves. Who are the better representatives ? Those who sit in the provincial Councils or those who sit in the Legislative Assembly ? One fact seems to me to be quite clear, that is that the franchise for the Provincial Councils is much wider than that for the Legislative Assembly. The number of voters for the Provincial Councils is much more than the number of electors for the Legislative Assembly. Of course Honourable Members who have advanced this argument against co-operation can very well judge for themselves as to who are the better representatives of the masses. One point has been very wisely and prudently and in a statesmanlike manner decided by Sir John Simon, the Chairman of the Commission. The greatest objection to co-operating with the Commission and the greatest argument in favour of a boycott of the Commission was that the Simon Commission put the Members to be elected by the Central Legislatures in a secondary position. One great argument in support of this position was that the Simon Commission have reserved to themselves the right of examining witnesses *in camera*. That of course has been cleared up now by the last communication of Sir John Simon in reply to the Resolution which was passed by the Committee which was elected by the Punjab Legislative Council, and I think the members of Punjab Committee deserve to be congratulated on scoring this point against the Commission. So the atmosphere has since been very much cleared. Of course my Honourable friends Seth Govind Das and Sir Phiroze Sethna are welcome to entertain this idea that the spirit of boycott is existing. But I make bold to say, however, that the spirit of boycott is not permitted to enter into the walls of this Honourable House (Hear, hear), and there is a large portion of the country which still believes in the wisdom of placing their case before the Simon Commission. I cannot say that those men who believe in this line of action are devoid of all sense of patriotism. Is there any data to say that that part of the community of India which has decided to take this line of action are devoid of all sense of patriotism for the welfare of India ? It is only a differ-

[Sardar Bahadur Shivdev Singh Uberoi.]

ence of view. One might hold the view that the boycott of the Commission might bring out the desired results. Others are welcome to hold a contrary view and resolve to place their views before the Commission. What the desire of India is that the Commission should consider the claims of India and discuss those claims with the representatives of India. The position has much improved since the Commission first came here. The members of the Committee who are to be elected by the House are to sit with the Simon Commission and have equal rights and they can examine witnesses as they like, and they can write a separate report and that report will be annexed to the report of the Statutory Commission. So the atmosphere is much clearer now than it was when the House had met in Delhi.

One point which I respectfully wish to urge before Honourable Members is this, that this House having once decided to co-operate with the Simon Commission ought not to go back upon its previous decision. This House should not oppose the motion that is at present brought in pursuance of the Resolution which has already been passed by this House. Does it benefit the dignity of this House to go back upon its previous decision, which to my mind was befitting of the House and was very well and very wisely arrived at? My Honourable friend Seth Govind Das had referred to the decisions of the Nehru Conference. I think I cannot let this reference go without expressing my opinion about that Conference. I have all regard and respect for those patriots of the country who had met to frame a constitution for India, but I am not prepared to believe that that Conference was a representative Conference, representative of all the interests and of all the communities. My Honourable friend no doubt will mention the names of two Sikh gentlemen who were on the Nehru Committee. I ask my Honourable friend to prove whether those two Sikh gentlemen who were on the Nehru Committee were representatives of any body or organisation of the Sikhs of the Punjab.

THE HONOURABLE SETH GOVIND DAS : Why did you not go there ?

THE HONOURABLE SARDAR BAHADUR SHIVDEV SINGH UBEROI : I had even sent a telegram to the President of the Conference, but received no response. I was not even shown the courtesy of a reply to my telegram (Laughter). I simply say that that Conference cannot be said to be a representative one, representative of all the interests and of all the communities of India. It is a bold fact known to every body in the country and to every Honourable Member of the House that the Sikhs are the third important community in the whole of India. The Sikhs have shed their blood for the defence of the Empire and mind you, my Honourable friends the Swarajists would never be able to defend the Empire without the help of the Sikhs.

THE HONOURABLE SETH GOVIND DAS : Quite right.

THE HONOURABLE SARDAR BAHADUR SHIVDEV SINGH UBEROI : Then why have you ignored their legitimate rights? Without the Sikhs, how can you say that that Conference was of a representative character ?

I want to say one word with regard to the argument which has been advanced that the Legislative Assembly has decided contrary to what the Council of State has decided. I wish to ask those gentlemen who advance this

argument whether the two Houses are not quite separate and independent of each other. Have not both Houses separate rules, separate procedure and separate responsibilities? Are they not independent of each other? Is it incumbent or is it necessary for the Members of this House to yield to the decisions of the Assembly at all? Or are we to come to our own independent judgment and decision on matters which come before us? With all respect to the patriots who constitute the Members of the Legislative Assembly, I still hold the position that this Honourable House is quite independent to decide matters in its own way and this House has to use its mature judgment on matters of such vital importance as the present one is.

One point, Sir, which I wish to urge before the House and then I will resume my seat. The latest cablegram from Sir John Simon says that the Committee should be representative of the whole of India which I understand to mean that the Committee should be representative of the important communities and of all the important interests in India, *i.e.*, the Hindus, Muhammadans and the Sikhs. It is with this end in view that I had tabled an amendment to the motion, which of course, I informed the Secretary before entering this Chamber that I did not wish to move. That point I leave entirely to the good judgment, to the good sense of justice of the Honourable Members of this House. All I wish to say is that the Committee to be elected by the House should be representative of all the above-mentioned important communities, of all the interests at stake in the country.

THE HONOURABLE MR. V. RAMADAS PANTULU : Sir, I propose to take a very few minutes of this House. There are occasions, Sir, on which I feel some doubt as to what is the right course of action that I should take in this House, but the moment I find myself in opposition to the Honourable Sir Maneckji Dadabhoy all my doubts are cleared up. I feel I must then be right.

Sir Maneckji Dadabhoy said that the leaders who assembled in the All Parties Conference were unrepresentative of the people.

THE HONOURABLE SIR MANECKJI DADABHOY : I never said a word about the All Parties Conference.

THE HONOURABLE MR. V. RAMADAS PANTULU : It may be so in his view. As a little boy at school I was taught that two negatives make a positive. My Honourable friend Sir Maneckji Dadabhoy is the one Indian who is hopelessly out of touch with his country. Therefore, when he says that others are not true representatives of the country's opinion I take the contrary to be the case.

Well, Sir, my main object in rising at this late stage of the debate is to clear up a grave misapprehension which was expressed by my friend the Honourable Nawab Sir Umar Hayat Khan. My attitude towards the claims of my Mussulman friends is one of absolute friendliness. If my Honourable friend Sir Umar Hayat Khan convinces me that the Nehru Report is against the true interests of the Mussulmans of this country, I shall join him in fighting for an amendment of that Report. I am not fully cognizant of all the views of different Moslem parties in this country, but what I thought was that the recommendations of the Nehru Report were conceived in the best interests of the Indian nation as a whole. If they are not, then the Hindus and Mussulmans are the proper parties to set right the objectionable features of that

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Report. The Congress view point is that if there are outstanding differences between the Mussulmans and Hindus of this country, it is not for a third party but for the Hindus and Muhammadans themselves to settle those differences. I shall lend all the support that I can to my Mussulman friends if they can show me that the Report is unjust to them. Therefore the objection that we urge to the present motion is the same objection that we urged against the resolution to co-operate with the Commission on the previous occasion, that it is not for the British Parliament or the British Government to determine the fitness or the unfitness of Indians for Swaraj. As for the differences that may exist between Muhammadans and Hindus in this country, it is for either the Moslem League or for the Congress or for a joint session of the two to settle those differences. The National Congress is always ready to give a fair hearing to all and there will be many more opportunities for my Mussulman friends to unsettle anything which they consider requires reconsideration.

My Honourable friend Nawab Sir Umar Hayat Khan is generally a shrewd critic, but he has on this occasion fallen into a very grave error in saying that the Nehru Report was a gesture of co-operation with the Simon Commission. That is absolutely wrong. The Report was put forward before the civilised world to show that India knows its mind. India has made its demand. Therefore India says in so many words, "Give the members of the Commission their passages home and send them back; we do not want any more of them either in September or October 1928." Having regard to that Report I do not think there is the least necessity for the Commission to come back to India. In fact, if Sir John Simon were influenced by his own conscience, he should refuse to come back to India because representative Indians have now said what India wants. That is the course to follow if it is India that is to decide the matter. If, on the other hand, it is for the British Parliament to decide it, then the Commission may report from Whitehall and the Committee rooms of the House of Commons and it need not take the trouble to come here. In that case we must reject its report. The Nehru Report is in the nature of a direct answer to the challenge thrown out by Lord Birkenhead that India is unable to frame a constitution of her own. There it is now; we have produced a constitution for ourselves. My Honourable friend Sir Umar Hayat Khan has evidently failed to notice the press comments on that Report. All the Anglo-Indian papers have admitted that if Dominion status were our due, no better Report could be produced with that end in view. I am sorry that my other Honourable friend Sir Maneckji Dadabhoj has also failed to notice that British critics in this country and British journals have paid a great compliment to that Report. Only they said it was impracticable because India was not fit for Dominion status, but if Swaraj were to be vouchsafed to India the Report was conceded to possess great merits. The *Madras Mail* has said it; the *Statesman* has said it; the *Times of India* has said it; the *Englishman* has said it. Therefore, there is nothing wrong with the Report itself. The Report is a direct, straightforward attempt to define India's demand for self-government. If there are any differences outstanding between the communities of India it is for those communities to settle them; it is not for a third party and an outsider to decide them. Therefore, our

objection to the Simon Commission stands to-day where it did when it was appointed.

One word more, Sir, about the Honourable Sir Maneckji Dadabhoy's optimism about the unrepresentative character of the boycotters and the representative character of those who have co-operated. Even India possesses a directory of "Who's Who in India"; and I want Sir Maneckji Dadabhoy to look up the names of those who have been nominated or elected to serve on these Committees which are to help the Simon Commission, and find out for himself what their status and position is in the public life of their provinces. They are men who have been disowned by their own Councils; they are men who hold no public place in the esteem of their countrymen; they are men who have always been known to be subservient to the Government.

THE HONOURABLE SIR MANECKJI DADABHOY: Well, the so-called leaders have now been disowned by the provincial Councils for their action.

THE HONOURABLE MR. V. RAMADAS PANTULU: Therefore let the public judge. The Honourable Sir Maneckji Dadabhoy may think that people take him for a representative of the country. I say he is not. My Honourable friend says the boycotters do not represent the true interests of the country. Well, I will only throw out one challenge to him which I threw out on a former occasion also. Let him go back to his former constituency. My Honourable friend Seth Govind Das who defeated him in that constituency once will resign his membership to-day.

THE HONOURABLE SETH GOVIND DAS: I am quite prepared to do so.

THE HONOURABLE MR. V. RAMADAS PANTULU: His party have the right to ask him to resign and no doubt he will tender his resignation to-day if we want him to. Now will the Honourable Sir Maneckji Dadabhoy go to the Central Provinces on this issue of the boycott of the Simon Commission, and contest an election?

THE HONOURABLE SIR MANECKJI DADABHOY: I will accept the challenge provided Pandit Motilal Nehru does not go from village to village and district to district and beg for support for him.

THE HONOURABLE MR. V. RAMADAS PANTULU: Nobody need go there. To-day the Congress Party, the Independents, the Nationalists, the Liberals have all joined in the challenge to dissolve the Assembly and the provincial Councils and in asking for fresh elections to see whether boycotters of the Commission will succeed at the polls or not. It is therefore no use indulging in statements like those of the Honourable Sir Maneckji Dadabhoy without taking up our challenge which has been openly thrown out to all co-operators. There are only two kinds of politicians to-day in the country: co-operators and boycotters. There is no distinction in this matter between Muhammadans and Hindus. And what we Congressmen say is that those who do not co-operate represent the country faithfully.

One word more and I have done. My friend the Honourable Sir Maneckji Dadabhoy waxed eloquent about the decision of this Council on the last occasion and has asked this House to stand by its decision. I will only say that when that decision was taken by the House it was Government officials and people like Sir Maneckji himself who owe their seats here to Government by

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nomination who helped to defeat the boycotters who were mostly elected Members. Altogether 24 elected representatives took part in the voting on the former occasion and 13 voted for the boycott and 11 voted for co-operation. Therefore, the decision of this Council, so far as the peoples' representatives was concerned, was clearly and distinctly for boycott; and it is no use to minimise it and it is no use for the official benches and their nominated supporters to say that the people are for co-operation with the Commission. The representatives of the people are decidedly against the Commission.

My friend, Sardar Shivdev Singh Uberoi, on the last occasion was neutral; he has grown much more enthusiastic to-day about the Commission than he was on the last occasion. I find, Sir, that his amendment to the Government motion is merely that one of the Members to be elected by this House shall be a Sikh; and that translated into plain language means Sardar Shivdev Singh Uberoi himself should be one. That perhaps really explains the new faith my Honourable friend developed in supporting this motion so eloquently to-day. I submit, Sir, this Council should not take the least notice either of the advocacy of Sir Maneckji Dadabhojy or of the new faith which Sardar Shivdev Singh Uberoi has developed since the debate on the last occasion. I submit further that India has no confidence in this Commission; India considers that this Commission is unwanted; India resents that a third party should come to decide its constitution, and for all these reasons, Sir, I join my esteemed friend Sir Phiroze Sethna in opposing this motion with all the emphasis that I can command.

THE HONOURABLE MR. G. S. KHAPARDE (Berar Representative): Sir, one of the rules of life, when we work on cases, is to eliminate what we regard as irrelevant matter and stick to the chief point. Well, what is the matter now in this particular instance which is of importance? The British Parliament wish to advance the interests of India and for that purpose they have appointed the Simon Commission. An opinion has been expressed that Sir John Simon was quite wrong in accepting that position. That is a business which concerns Sir John Simon himself and if he chooses to come, we have nothing to do with it. In India what is our business? Our business is this: we have been all elected here—it may be under various labels, non-co-operators, co-operators, and all that kind of thing. But everyone has been instructed to be here and do the best he can to advance the interests of India. Now, if we are all here to advance the interests of India, I should have liked to hear some arguments addressed to the point that boycotting of the Commission would advance the interests of India and co-operating with the Commission would not advance the interests of India. If such an argument had been advanced here, I could understand and follow it and try to meet it. But unfortunately it reminds me of that story of a man about to be drowned struggling to reach the shore and there were two people standing on the shore and when the drowning man shouted for help each said, "I have not been introduced to him, how shall I go and save him?" That is the sort of thing you are doing here. The Parliament want to give us something and for that they have sent this Commission, and this Commission has come here and asks for help and my friends say "Oh, yes; they have come to do good; but they have not shaken hands with us and they have not asked us to do this and that."

Therefore we decline to see them or meet them." Whether this is the right or proper attitude for us to take has to be considered now. Another argument has been used—and it has been repeated by my friend, the Honourable Mr. Ramadas Pantulu—that a constitution for India should be made by Indians alone and nobody else should make it. So, if you are thirsty in a forest and if you are a Brahmin, you may wander through the forest till you can find drinking water but you must not, according to the Brahminical rule, drink water that is brought by somebody else. So India may suffer from many ills and she may not be in a position to help herself; what is wanted is help from outside. Yet, if it is offered to be done by Parliament in England or by the Simon Commission coming out here, you ought not to take it, and the Brahminical rule should be observed and you should refuse any help offered to you. I would only remark, Sir, that that is not the ordinary rule of life. If there is a diseased part in the body, the doctor cuts it out and puts in a fresh part; and in these days he prolongs life by grafting glands of animals also. But our friends here do not want it. They say in effect: "You had better die; but do not take a foreign substance. It may do good, but it is a foreign substance and therefore you should not take it." But, Sir, if I want it and if it will help me to get rid of the disease, I will have it. The question, therefore, instead of being argued from this point of view, has been argued from the point of view that Sir John Simon said something first, and then he said something else and he suggested a third thing a third time and all that. But I say that the question is not what Sir John Simon said one day or said some other day. My question is, how are the interests of India to be advanced? Parliament has given Sir John Simon a blank cheque about his procedure; he is the master of his procedure; he can follow any procedure he likes; and he may say one thing to-day and another thing to-morrow and a third thing the next day; that has nothing to do with it. All that concerns me is to see whether it advances my interests; and until it has been made clear to me that the recommendations which Sir John Simon is likely to make would not advance my interests, I think it is premature to condemn his work before it is undertaken or done. That is not statesmanship; that is not politics; it may be very good sentiment; it may be very good feeling or even patriotism, if you like to call it by that name; but the real point is that you must look at the article; and without looking at it you cannot certainly reject it; before the article is put before you, before you have seen it, before you have examined it, to condemn it in advance does not look like wise men's procedure anyhow. It has not been made out here that by our non-co-operating with the Simon Commission we shall advance the interests of the country. Nobody has up to this time maintained that, and I do not know how it can be done. In fact those people, the boycotters, say they are increasing; they may be increasing or they may not be increasing—very rightly they are not; but that does not affect me; it matters absolutely nothing to me, until it is made out that by boycotting this Commission India will get more or will be better benefited than by co-operating. I say the argument is irrelevant. We want those who oppose the Commission to say that the Commission will do injury and that our non-co-operating with it will do us an immense amount of good. Until that argument is pressed I do not see how they can convince me.

There is another point. The boycotters say they have been boycotting the Commission. Have they really been boycotting it? That is the question I

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ask. In a court of justice, the man who prosecutes and the man who defends are both of them assisting justice. Each may take different sides, weigh the evidence differently and may come to different conclusions ; but both of them are co-operating. In this case, India is the person concerned and her interests are being discussed ; and even those who maintain that this Commission is not good and that we should oppose it are after all contributing to the good of India, some say, " We do not want to do this " and some say " We want to do the work " but both of them are co-operating in the result which comes of it.

Then, Sir, a great argument has been urged that the majority of the people are against the Commission. I doubt if the majority of the people are against it. But supposing they were, what does it matter ? The majority of the people hanged Galileo because he said that the earth went round the sun and the sun did not go round the earth as the people imagined. The majority of the people hanged Christ and they killed many other people. Is the majority always right ? And is the majority called upon here to decide what is the work on which they have to pronounce ? The work has not yet begun but only preparations for it are being made. If they say they are to judge what would happen, I say my reply is : This is a *priori* reasoning : it is like the case of a man who was lying down and a rat jumped over him ; and he at once began to argue within himself, " To-day a rat has jumped over me ; to-morrow a cat will do the same ; and afterwards a dog will do it ; and then a camel will jump over me and after that an elephant will try to jump and oh ! I shall be a dead man ", and forthwith began to cry. Such is the way of a *priori* reasoning—about things which are never likely to happen. I say this is all wrong, entirely wrong. If a rat jumps over you, you simply take a stick and throw it out. Why all this trouble and why all these castles being built in the air ? I may say, Sir, that all these arguments based upon the majority and upon certain persons having co-operated and others having non-co-operated and all that sort of thing are all beside the point. The real point is : will it do good to India ? And about that point nobody says a word. I say, co-operate with the Commission and it will do us a great deal of good. Parliament wishes to see what further things can be done to advance the constitutional progress of India, and they have sent out a person to do it ; they have given him some assistance and full liberty to do it in the manner he likes. Let us put our case before him ; and then if he does not consider it then it is time enough for us to condemn him ; but it is not open to us to do so before we know what he is going to do. If he is not going to do you any good, then you can say, " It is no good to me." But at present to say, " I refuse to put my case before him " looks to me a little bit childish. It is like the Brahmin refusing water because it was not brought to him by a man of the same caste or like a man refusing to take medicine because it was foreign medicine. It all seems to me rather a peculiar way of looking at things.

I think it is our duty to try every method that can be tried and tan the best out of it. We should take whatever is the best. If the Commission will not give us anything, I shall be the first man to say that it was sent out needlessly to this country. If they give me something, I shall say it is all right ; half a loaf is better than none, and for the rest we can fight afterwards. What is the meaning of non-co-operating with the Commission and calling each other names ?

I had a friend who put his horse in a race. I told him not to put his horse in. He said, "No, I will put my horse in". Then the horses were drawn up in a line. My friend's horse began to kick about and the horse next to it also began to kick my friend's horse. In the meantime, the signal was given and the rest of the horses had their race, while these two horses went on kicking at each other. It is like this. Nothing has been done by the Simon Commission so far, and here Hindus and Mussalmans are fighting, they have a tremendous tilting against one another, and nothing is being done. I say, don't do all this; please restrain your horses, run the race and see who wins. If you win so much the better for you. What is the good of staying at home? Nobody did any good by staying at home. If there are difficulties in the way, it is your duty to surmount those difficulties and not to say that we will not co-operate with the Commission. For these reasons, Sir, I heartily support the proposition that has been just put before the House.

THE HONOURABLE SIR ARTHUR FROOM (Bombay Chamber of Commerce): Sir, in the few remarks I have to make on this motion I do not propose to follow the example of the previous speakers and wander away from the terms of the motion before the House, or to stray into other fields quite apart from the motion. It seems to me, Sir, that the question is quite a simple one. We are asked to act in pursuance of a Resolution which was adopted in this House last February. Well, this motion has given members the opportunity to make speeches, of which we had a lot this morning covering much the same ground which they covered a few months ago. However, every body is entitled to his own opinion. I have no quarrel with the Congress Party if members of that party get up and voice their opinions. I have no quarrel either with my Honourable friend Sir Phiroze Sethna, who is not of the Congress Party, getting up and airing his opinions. But what I do want to bring the House back to is the motion before it.

Let us now return for a brief few minutes to the Resolution and its voting last February. The Resolution was carried by a vote of 34 for and 13 against. Now, let us neglect what is sometimes described as an objectionable body in voting, the Government Block, which numbers, if all Members are present, 16. Deduct 16 from 34: we have a majority then of 18 to 13 for the Resolution.

I believe my Honourable friend Mr. Ramadas Pantulu quoted some figures. I did not quite catch what he did quote, but I think he mentioned something about the "elected" figures. Well, I think that when you quote figures you are treading on dangerous ground. I should imagine that the Honourable Mr. Ramadas Pantulu on the great occasion in February last must have brought up as many of his friends to vote for him as he possibly could. Now, Sir, the total number of elected non-officials in this House is 33.

THE HONOURABLE MR. V. RAMADAS PANTULU: I said that only 24 took part.

THE HONOURABLE SIR ARTHUR FROOM: Out of 33, under, I presume, a whip of extreme pressure, only 13 elected non-official Members voted against the Resolution last February.

THE HONOURABLE MR. V. RAMADAS PANTULU: No pressure of any kind was brought to bear on them.

THE HONOURABLE SIR ARTHUR FROOM : Some of the speakers have taken their stand on the rejection of a somewhat similar Resolution in the Legislative Assembly by a very narrow majority, and hold therefore, that we in this House should not go against the "voice of the people". Well, I have heard this before, and many Honourable Members of this House have heard it before: I think my Honourable friend Sir Phiroze Sethna has also heard it before, and on occasions I think he has voted against the views of the other House. Do you suggest that we should blindly follow whatever the Legislative Assembly does? What has it done on occasions in the past? I have a recollection that they passed a Budget with postal rates which would reduce the administration of the post offices in India to an absolute farce, and we in this Council set it right. I remember the Legislative Assembly passed a Budget reducing a tax, which no one would consider as an oppressive tax, down to some insignificant figure, which would have meant a loss in revenue of some crores of rupees for no useful purpose whatever. Did we swallow that in the Council of State? No, we did not. Therefore, I say that this House has acted rightly, and I cannot understand any Honourable Member of this House getting up and saying we should blindly follow the tactics—I cannot describe them as anything else—of a certain party in the other House on the cry of a fight for the people.

THE HONOURABLE SIR MANECKJI DADABHOY : It is a case of the blind leading the blind.

THE HONOURABLE SIR ARTHUR FROOM : Now, what is the motion before us? I could have understood a great outcry on the part of our friends in opposition had the Honourable the Leader of this House said, "Well, the Legislative Assembly have refused co-operation. The Council of State have agreed to co-operate by a great majority. That being so, let the Council of State elect the whole Committee, a Committee of say 8 or 9 and leave the Assembly alone." Perhaps then there would have been some excuse for the opposition to the motion which is before the House. Then the Council of State would have been taking on itself the responsibility of electing the whole Committee. We are not proposing to do that. What we are doing now is to act on our own Resolution and take part in the selection of a small proportion of the Committee to co-operate with the Simon Commission.

Look at the numbers. We are asked to elect three members of this Council to the Central Committee. We are not treading on the toes of the Legislative Assembly in any way whatsoever, and I would like the Honourable Members of this Council to remember that. We are acting—we are asked to act—in pursuance of a Resolution adopted in this Council last February, and that is the motion before us to-day. We are not interfering with the Legislative Assembly in any way whatever. I therefore heartily support this motion.

THE HONOURABLE SARDAR CHARANJIT SINGH (Punjab: Nominated Non-Official): Sir, I rise to support this motion. By the Resolution of 22nd February 1928, this Council has already decided to co-operate with the Simon Commission and the motion before the House this morning is only to carry out that con-

1 P.M.

sidered decision. To oppose this motion therefore can only mean one thing and that is to go back upon what we decided ourselves after mature consideration only a few months ago. Such a procedure, I beg to submit, would neither be constitutional nor dignified. I do hope, Sir, that in the best interests of this country, this motion will be passed by an overwhelming majority.

* THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY (East Bengal : Non-Muhammadan) : Sir, we wanted a round table conference. No Indian had raised or possibly could raise his voice against it, but the Government has flouted that request. Our self respect therefore demands that we should not co-operate with the Government. Although various local Councils have voted for co-operation, the result has mainly been obtained with the help of Government votes and the votes of Europeans, of nominated gentlemen and of some communal group who are not sure of their seats in a joint electorate. There is no difference in the country about the main points as regards the future constitution of India, except the principle of representation and allotment of public service. We ought to settle these differences. Are they so very important? Our differences have emboldened the Government to assume a stiff attitude. This is evidenced by the repressive measures which have recently been adopted by the Government. It is therefore our duty at the present juncture to make up our differences and meet the challenge of the Government by throwing out the resolution. There is one other point to which I had already referred in my speech on the last occasion. No answer has been vouchsafed by Government to it and a subsequent question of mine on the point has been disallowed by you, Sir. I wanted to know whether, when the Simon Commission had submitted their report, the Joint Committee from India that was to sit with the Joint Parliamentary Committee was to be a Committee appointed by the Central Legislature or the Central Government. The absence of an answer to the point makes the position of the Indian Committee quite uncertain and this is another reason why we should not accept the Resolution. There is another point to which I think I should draw the attention of the House. Doubt, I am told, has been raised about the validity of the certification of the Simon grant and if that is well founded, the position of the Committee, I am afraid, will be very unfortunate.

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN : Sir, I had no idea when I came up to this Council this morning to take part in the debate on this motion. To me, it is very clear that having discussed this Resolution only a few months ago, there is no reason why we should not carry out the decision we came to before. Nothing has occurred in this interval for any of us to change our considered decision. Secondly, Sir, I am not sure whether a majority of the Muhammadans, as has been alluded to by the Honourable Seth Govind Das, have decided to join the non-co-operators. Sir, I happened to be present myself at Lahore at the time of the Muslim League and I can give very full details of what took place at that conference. More than 30 non-co-operators were allowed to make speeches at that League. Some of us co-operators from the North West Frontier Province also attended that conference. The meeting lasted till late at night and after all the non-

* Speech not corrected by the Honourable Member.

[Nawab Mahomed Akbar Khan.]

co-operators had their say, the resolution was put at ten o'clock in the night and it was carried by an overwhelming majority. The Musalmans of the Punjab and the North-West Frontier Province decided to co-operate with the Simon Commission. I cannot believe how a man who had never been to that conference says that the Musalmans were for non-co-operation. I was an eye-witness at that Muslim League and I was there when the full discussion took place. We are not responsible for the views of certain other Muslims. But I can say this much that the majority of Muslim opinion in India is in favour of co-operation, and as far as the province from which I come, namely, the North-West Frontier Province, we are for co-operation with the Simon Commission. I went through a great portion of my province and I interviewed a good many people and they said: "We are a dependent country, it is for the British Parliament to decide what they are going to do with us and as the British Parliament has appointed the Simon Commission, it is our bounden duty to co-operate with the Commission and to see that proper reports are made, and if the reports are not satisfactory, then we can say something, but we cannot discuss the thing prematurely". This is what those people said. I think that, having once decided to co-operate, it will not be in the fitness of things that Honourable Members of this House should go back upon their own considered decision. Sir, the most objectionable feature seems to me to be this: When a man comes to dictate to me, I say I cannot tolerate it. Difference of opinion is permissible always. There are some of my friends who believe that they can gain much by not co-operating with the Simon Commission. They are quite welcome to hold such views. But they have got no business to come and dictate to me and say that I must come to their views. It is an honest difference of opinion. Some of us believe that by co-operating with the Simon Commission, we can gain our ends. Others might believe that it is by non-co-operation that they can achieve their purpose. I do not quarrel with them. But, I am personally of opinion that being under the British Parliament the best thing for me and for my province is to co-operate with the Simon Commission. (Hear, hear.) It will be only through co-operation that we can gain something from the British Parliament. If we begin to quarrel like children and say: "I do not want this, or I do not want that because I have not been given this or I have not been given that", then I am afraid, we are not going to get anything. That is not the way to get things. After all the British nation is ruling over one-fifth of the whole globe and a small section of Indians cannot defy the British Parliament. I do not think this attitude of non-co-operation will do good to anybody. Personally I am for co-operation and I will stick to what I said last time when this Resolution was fully discussed. That is why I extend my whole-hearted support to the Leader of the House in bringing forward this motion and I think, Sir, that those people who differ from us are quite welcome to have their views and we are also welcome to have our own views.

The Council then adjourned for Lunch till half past Two of the Clock.

The Council re-assembled after Lunch at Half Past Two of the Clock, the Honourable Sir Phiroze Sethna in the Chair.

THE HONOURABLE SIR PHIROZE SETHNA (Chairman): The Council will resume discussion on the motion of the Honourable the Leader of the House :

“That in pursuance of the Resolution adopted by this Council on the 22nd February, 1928, the Council do proceed, by such method as the Honourable the President may direct, to elect three of its Members to the Central Committee to sit with the Indian Statutory Commission.”

THE HONOURABLE MR. P. C. DESIKA CHARI (Burma : General) : Sir, as one who had moved the main Resolution in pursuance of which the present motion is brought, I think it is my duty to support my vote by a speech and not to record a silent vote. Sir, when I moved my original Resolution, the Assembly had already passed a Resolution by a narrow majority in favour of boycott, and I was surprised that my friend the Honourable Mr. Ramadas Pantulu and others thought fit to bring up the matter again which they had already discussed when my Resolution was moved. They took the objection then that, since the Assembly had passed a Resolution for boycott, it was not open to this Council, to move a Resolution in favour of co-operation. The matter was discussed both on the technical aspect as well as on its merits and we had the verdict by an overwhelming majority of this House. Under these circumstances I quite agree with Sir Arthur Froom and others who said that we were moving far away from our moorings when we discussed all these questions as regards the attitude of the Assembly in this matter. Well, it is further urged that it was a Joint Conference that was agreed upon by the original Resolution. We agreed to participate in any Joint Conference. The Joint Conference does not necessarily mean a conference in which both the Council of State and the Members of the Legislative Assembly have to take part. The Joint Conference may be of the representatives here as well as of the representatives sent out by His Majesty's Parliament. So that it is unnecessary for me to stress this point any further. And I also find that the main objections which have been brought forward to the Resolution then are being repeated again here and I find my friend Ramadas Pantulu as Leader of the Swaraj Party—of course he is quite right in stressing his point when a motion is brought—says, “We have no faith in the *bona fides* of this Commission.” They are quite welcome to their views. But I would submit to him and to others of his way of thinking that as a hard-headed lawyer I should think that, if I find that I have some doubt about the *bona fides* of the Judge, that is the very reason why I would strengthen my case as much as possible and put forward all the arguments and all the evidence that I can get hold of so that I can strengthen my case for appeal and win even in spite of the judgment of that Judge. Here the Commission is not the final arbiter of the whole thing. They have been sent out by Parliament as accredited representatives of Parliament to find out how to proceed on the lines laid down by the declaration of 1917. Under these circumstances, as I pointed out on the last occasion, it is our duty to take advantage of the vehicle of self-expression which is given to us and not to allow that body—in which certain sections have got confidence and in which certain other sections have got no confidence—to have its own way. It is our duty to take advantage of this vehicle of self-expression to see, if the Commission goes wrong, that our views are properly brought forward and Parliament is impressed with our view point. But I find, Sir, as I also stated at the time when I moved my original Resolution, that it is generally agreed, that it is not disputed that unless Parliament sets its seal of approval on an Act

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liberating the Indian people, the Indian people can never have freedom. That is agreed, I think, even by the Congressmen. And I find this statement is further strengthened by what has happened since then. Reference has been made to the All-Parties Conference. Lest Members of this Honourable Council may go away with the impression that the All-Parties Conference consisted of only boycotters, I should make this quite clear that, though the majority of them were boycotters, there were people who were distinctly for co-operation and in fact it was after I had moved my Resolution committing this Council to co-operation that I attended the All-Parties Conference, and I believe my Honourable friend Sir Sankaran Nair also attended that Conference and we were allowed to participate in it. So that there is no meaning in what has been said about co-operators not having been allowed to participate in it. If people like Sirdar Bahadur Shivdev Singh Uberoi did not care to go all the way to the Conference and tell the people responsible there that they were also interested in participating in that Conference, certainly the people who were responsible for convening that Conference should not be blamed. Certainly they would have been allowed to participate in that Conference if they wanted to.

THE HONOURABLE SARDAR BAHADUR SHIVDEV SINGH UBEROI : When I said that, I meant the chief Khalsa Dewan, one of the oldest organisations of the Sikhs in the Punjab, whom I represent. I never meant that I should have been invited personally.

THE HONOURABLE MR. P. C. DESIKA CHARI : Well, I take it the Report of the All-Parties Conference has created this agreed constitution. It was held at a time when the Royal Commission on Reforms had come out to India, at the psychological moment. Generally we do not find such Conferences in other years. Unless the object of a conference like that was to evolve a scheme of constitutional reforms which may be put forward before the Simon Commission by others interested, it is not clear what the object could be—at any rate that is how I understood it. And as there were people who were distinctly for co-operation, it was quite open to them to bring it forward before the Simon Commission ; and when they published the Report it was certainly meant to be read ; when it was published to the world at large it was naturally expected that these Royal Commissioners on Reforms would certainly go through it. In that way I regard it as an indication that those people who were originally for boycott were not averse to having their case stated. Whether they state it openly before the Commission or not, whether this Report is actually placed before the Commission by anybody who participated in that Conference or not, they were anxious that their views should be known to a body which has come out to improve the constitution and to give representative institutions in the real sense of the word in pursuance of the original Declaration of 1917.

Well, Sir, there is one other aspect. Much has been said about the Legislative Assembly deciding against co-operation. Of course I have already referred to it and I say, and I have known several people in the Assembly to say that but for the technical objection that a fresh Resolution cannot be brought within one year,—that if a Resolution were brought to-day before the Assembly

I have absolutely no doubt the Resolution for co-operation would be carried to-day. (*Cris* from the Swarajist Benches of "Question, question!") I know, Sir, that at the time when I originally moved my Resolution I laid stress on this fact that one of the greatest obstacles in the way of co-operation, one of the strongest weapons which the Commission and the Government were placing in the hands of the boycotters was this question of camera evidence and exclusion of the Indian Committee from participating in all the evidence. I was one of the very first to take early steps to intimate to the Commissioners that if this camera evidence goes and if the objections which I raised in my letter written as Secretary of my Party to the Commission go—if all those objections were removed, the people or the vast majority of the people would be in favour of co-operation. The very fact that soon after the Commissioners have revised their views—of course in answer to our objections—and have done away with camera evidence—there was a distinct change in public opinion shows that I was right when I prophesied that if this insistence on camera evidence goes the whole country or the vast majority of the population would be in favour of co-operation, and if the Assembly is asked to give its verdict to-day after this main objection has gone I am perfectly certain the verdict of the majority would certainly be in favour of co-operation.

Reference has been made to the attitude taken up by the various Legislative Councils. I know, Sir, the Legislature of the Province of my birth originally were not in favour of co-operation. In fact this distinction between Members of the Royal Commission and members of the Committee weighed heavily with a large majority of the Members of the Legislative Council in Madras. What do we find now? After the Commission made a distinct statement that no distinction would be made between the members of the Commission and the members of the various Committees co-operating with it, the main objection to co-operation disappeared.

THE HONOURABLE MR. V. RAMADAS PANTULU: Why were popular Ministers who in obedience to the mandate of the Council refused to co-operate with the Commission dismissed in Madras?

THE HONOURABLE MR. P. C. DESIKA CHARI: I will come to that also. With one voice in no uncertain terms the Legislative Council of my Province declared that the Council and the country were in favour of co-operation. My Honourable friend Seth Govind Das—I do not know whether he referred to that humourously or whether he was serious—stated that two organisations had come into existence after the Commission was appointed. He named the Liquor Association as well as the Leather Association in Madras. And he instanced only those two organisations as co-operating with the Commission. I do not myself see why for the purposes of their own trade they ought not to co-operate, but he has been very careful not to give out to the Council what happened afterwards if he really cared at all to follow the popular opinion, the public opinion, in that province. Well, Sir, though I come from Burma, all my people are in Madras. All my brothers are in Madras and I have frequent opportunities of going to Madras. I know the conditions in Madras quite as well as any Member from Madras knows them. Well, who are the persons who were in favour of boycott when the original Resolution for boycott was passed? The main party was the Justice Party besides the Swarajists.

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(At this stage the Honourable Sir Phiroze Sethna vacated the Chair which was resumed by the Honourable the President.)

My friend referred to the Ministers and the opposition of the Ministers there. Well, two Ministers who were not in favour of co-operation had to resign because there was a motion of want of confidence moved by the Leader of the Swaraj Party in the Council and there were not even enough men to stand up and support that motion of want of confidence in the Minister who had co-operated. Then immediately after this boycott Resolution was passed in the Madras Council, the Members of the Council opened their eyes and even before the Royal Commission on Reforms agreed to treat the members of the various Provincial Committees and the members of the Central Committee on the same footing as the members of the Royal Commission, even before that they thought they had committed a blunder and they at once proceeded to rectify that blunder by showing in unmistakable terms that they had absolute confidence in the Minister who voted for co-operation. If any doubt there was, that doubt was cleared up by the attitude of the Justice Party. Immediately after this the Leaders of the Justice Party came forward with a statement and if there was any doubt about the attitude of that Party it was made abundantly clear in the later Resolution for the appointment of a Committee by that body representing the vast millions of non-Brahmans in the country, declaring by their votes that they were for co-operation. And if the non-Brahmans are thus accounted for, what is the rest of the community that is left? It is the Brahmins. I know, Sir, that the orthodox Brahmin community are in favour of co-operation, except those people who are bound by the Party mandate. I know that the Association of the Brahmin community distinctly made quite clear that they were in favour of co-operation and I challenge any Member of this House coming from Madras to dispute this statement. They were not associations formed after the Simon Commission came out or was appointed, but one of the oldest associations existing in the country.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAU (Madras : Non-Muhammadan) : What about the People's Party ?

THE HONOURABLE MR. P. C. DESIKA CHARI : I am not going to go off at a tangent at the request of my Honourable friends. I think when I have stated that the representatives of the non-Brahmins and the representatives of the Brahmins are all in favour of co-operation, I do not see which other community there is to boycott. There may be one or two people who come on the Congress ticket and who may be bound by the resolution passed by the Congress body and who cannot get out of this mandate which comes from the Congress. But even in that case, now that the Nehru Report has been accepted by the Congress Committees thereby giving the go-by to the goal of independence, there is absolutely no reason why the Congress Party should not co-operate at all. If you are satisfied with Dominion status, who is to give you that Dominion status. If you are for independence I can understand boycott, because you can get it irrespective of the opinion of Parliament or the British people.

THE HONOURABLE SETH GOVIND DAS : The Congress still stands for independence.

THE HONOURABLE MR. P. C. DESIKA CHARI : I can only draw my conclusions from what is a distinct indication and I would go further and say that the Congress Committees by accepting the Nehru Report have given the go-bye to the independence resolution.

THE HONOURABLE SETH GOVIND DAS : A compromise.

THE HONOURABLE MR. P. C. DESIKA CHARI : I am very glad that my friends who were not for a compromise have now grown wiser and accepted the compromise. But whether it is on account of a spirit of compromise or for any other reason, when the Congress organisations have given the go-bye to the independence resolution, I say that it is a natural corollary, when they accept the goal of Dominion status, that we cannot get it unless we get the approval of the British Parliament and we cannot get the approval of the British Parliament unless we take advantage of the vehicle which is given to us and unless we impress upon the Parliament our fitness to do so. Under these circumstances I say that we ought not to place very great reliance upon a Resolution passed by the other House—whether you call it a popular House or an unpopular House,—at a time when independence was the accepted goal of the Congress I have always believed that you must have some respect at least for its decisions, though of course we are not bound by them ; and I have always advocated that course, but that does not mean that you should follow closely in their footsteps. The object of a revising Chamber is not to endorse every word of what the Assembly says ; but you have got every right to go into all questions and form your own opinions, taking care not to disturb the conclusions of that House very often. That has been the view that I have been advocating and after the passing of this Resolution by the Legislative Assembly, things have considerably changed, but it is not possible for any Member of the Assembly now to bring forward another Resolution before the lapse of one year from the date of that Resolution. Therefore, I ask my friends not to entrench themselves behind this technical rule, but to allow the country to draw the proper conclusions. Indications are not wanting even in the Swarajist camp that after this Resolution for boycott there has been a considerable amount of feeling in favour of the Commission. (*An Honourable Member* : “ Question ? ”) I do not want to refer to a recent incident, but Honourable Members of this House who belong to the Swaraj Party know it very well.

Well, Sir, I have spoken about Madras, the province of my birth, where I was brought up and in whose conditions I am intimately concerned and whose conditions I know quite as well as any Member coming from Madras.

Now, taking the question of Burma, the Burma Legislative Council un-animously passed a Resolution in favour of co-operation. Of course the Committee is not yet formed, because the Council had to be dissolved by efflux of time and a new Council is to be elected before the Simon Commission comes there, and in due course they will appoint a Committee. I find quite recently that there has been a great agitation over the question of the separation of Burma or of Burma remaining as part of the British Indian Empire. That is a live question. Who is to decide this question ? I find from important organisations representative of Burma, even some of those organisations which are

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in favour of boycotting have veered round to this view that it is necessary to co-operate with the Commission and to put all the available material before the Commission ; and this question being a live issue, the vast majority of the people there—I am not talking from my experience of Rangoon alone, I know intimately the conditions in the districts because very often I have more to do in the districts than in Rangoon itself—the vast majority of people in Burma are in favour of co-operation. It may be that there is a distinct section which tries to follow the Congress mandate, and being vociferous an impression is created that there is an influential body in favour of boycott. But I say, Sir, the vast majority of the people in Burma are in favour of co-operation. What about the other Councils ? A majority of the Legislative Councils with the exception of one or two, which will follow suit, I think, are in favour of co-operation.....

THE HONOURABLE SETH GOVIND DAS : Not the Central Provinces at least.

THE HONOURABLE SIR MANECKJI DADABHOY : The Central Provinces does not count.

THE HONOURABLE MR. P. C. DESIKA CHARI : It is one of the minor provinces of India ; and I am not quite sure whether even the Central Provinces is not going to follow the lead of the other provinces which are in favour of co-operation.

THE HONOURABLE SETH GOVIND DAS : It will follow the lead of the Assembly.

THE HONOURABLE MR. P. C. DESIKA CHARI : Very well ; let them follow and you had better advocate it. But I am very doubtful about the results even in the Central Provinces Legislative Council. That being the case, Sir, what is the position ? Here one half of the Central Legislature is in favour of co-operation and almost all the provincial Legislative Councils are in favour of co-operation. As one of the Members pointed out, the provincial Councils are represented by men who have got a more intimate knowledge of the condition of things in the provinces than the Members who represent a particular province in the Assembly. The franchise is wider and they have necessarily every day greater opportunities of meeting people in all walks of life and have to devote their time in the provincial Councils into dealing intimately with provincial subjects and therefore they have better opportunities of knowing what the views of the people are and their verdict is the verdict of the people. More especially is this the case when you find some of the provinces revising their views, while the Assembly did not have an opportunity of revising its views.

Something has been said as to what sort of representation there ought to be on this Committee. My friend, Sardar Shivdev Singh Uberoi, pleaded the cause of his community. Of course he is here to plead the cause of his community also ; but so long as Burma is a part of British India, Burma is bound to be represented—I do not care whether it is represented by a Member of the Assembly or here ; and unless there is a representatives in this Committee representing Burma (*Honourable Members* : “Hear, hear.”) I do not see that

it will represent all interests in British India, because you will be excluding Burma altogether.

One other point that I wish to state is this

THE HONOURABLE SETH GOVIND DAS : I want to know whether, if Burma is not represented, Mr. Chari will co-operate with the Commission.

THE HONOURABLE MR. P. C. DESIKA CHARI : Burma has been co-operating as you find. It does not make it a condition precedent ; it does not attach any condition to co-operation at all. In fact my attitude from the very beginning, when it was quite uncertain whether there was going to be any committee or not, has been that I was distinctly in favour of co-operation. I was in favour of co-operation even if there were no committees at all : and that being the case I am surprised that my friend Seth Govind Das puts this question

THE HONOURABLE SETH GOVIND DAS : Unconditional surrender ?

THE HONOURABLE MR. P. C. DESIKA CHARI : It is not a question of unconditional surrender ; it is a question of putting our case before Parliament and, as I pointed out on the last occasion, it is our duty and a sacred duty to take all steps we can in furtherance of this object. Of course, now, fortunately, we are given this vehicle of expression. We can make our own reports ; but even apart from that, unless you treat these Commissioners as accredited representatives of Parliament, how can you advance your interests ? How can they find out what your needs are ? They want co-operation for the purpose of ascertaining in what way your interests can be furthered. That being the case, I was distinctly in favour of co-operation from the very beginning, whether there were to be committees or no committees.

One word more, Sir, and it is this. Some Honourable Members said that now that the Assembly is not to elect its representatives it is not proper to send any representatives at all from the Assembly. The Assembly as a body might have non-co-operated, but does it mean that those Members of the Assembly who are for co-operation cease to represent their constituencies ? Of course, if these people are nominated from the Assembly, they cannot say that they are the representatives of the Assembly. There is a doubt with reference to that question. But they do not cease to be representatives of the constituencies whom they represent, and the best course which the Government can follow is to adopt the method of nominating people in whom their constituencies have reposed confidence. It will be a sort of indirect representation because those people have been elected by their constituencies, and instead of sending out a number of people as representatives of the Assembly, the representatives of the people will be represented, at any rate the co-operating section in the Assembly will be represented on the Committee. With these words, Sir, I heartily support the motion which has been moved by the Honourable the Leader of the House.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE : Sir, as one of the Members of this House who had to face the electorate only last month, I think I can speak with some authority on the question as to what the

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electorate wants in my part of the country. One cannot say what opinion would be expressed if there is a new election in every part of India, but so far as I am concerned, I represent West Bengal, and I gave it out in my manifesto that I had accepted the Congress ticket, and the plank on which I was elected was that I would not support any co-operation with the Simon Commission. An attempt was made by some important public men in Bengal to set up candidates against me, but they would not get, except one, to stand against me, and he also was defeated. I cannot, therefore, so long as I retain my seat here on the Congress ticket, support any proposal for co-operation with the Simon Commission.

But apart from that, Sir, what is the position of the Council of State at the present moment? Any Honourable Member who has cared to go through the Parliamentary debates that took place when the Government of India Act was amended by the Parliament or when the Resolution for the appointment of the Commission was passed in the Houses of Parliament knows that there was a very strong opposition from certain sections of the House that there ought not to be any Commission sent out to India unless that Commission was acceptable to the major portion of the Indian public. Whether Indians should be associated with the Commission or not was the question which arose at that time. The method that was suggested by the Ministry then was to appoint representative Committees in India so as to remedy the defect of non-representation of the Indian element on the Parliamentary Commission. It is not in one place, but I think it is in three or four places in these debates that the Prime Minister, the Secretary of State for India and the Under Secretary of State for India have given out that the Committee to be appointed should be elected by the Central Legislature. Great emphasis was laid by Honourable Members in the Parliament on the fact that the Members who would be elected by the Central Legislature would be representatives of the people, who would really represent the interests of the people in a much more representative character than it may be possible for a Parliamentary Commission which would include two or three members from India. Sir, on the 8th of November, 1927, when the Prime Minister made his statement before the House of Commons, he said as follows :

“ His Majesty’s Government cannot, of course, dictate to the Commission what procedure it shall follow, but they are of opinion that its task in taking evidence would be greatly facilitated if it were to invite the Central Indian Legislature to appoint a Joint Select Committee, chosen from its elected and nominated unofficial Members, which would draw up its views and proposals in writing and lay them before the Commission for examination in such manner as the latter may decide.”

Sir, this was the opinion expressed by the Prime Minister in the House of Commons. But as the discussion went on, it was recognised that the position which would be occupied by the Indian Committee, which was termed by Lord Olivier as the “ Indian Commission ”, would be much more important, and that it would not only co-operate with the Commission, that it would not only take evidence, but it would also sit in joint conference.

Then again, Sir, on the same date, when Lord Birkenhead was making his statement before the House of Lords, he also mentioned the same fact before that House, that it would be a Joint Select Committee, chosen from its elected and nominated unofficial Members.

Sir, the same statement was made by every Noble Lord, including Lord Olivier, and Lord Reading; and Lord Reading, speaking with the experience which he had as the head of the administration in this country, said that it would not be possible for any Commission to do any real work unless the vocal public, the Indian aristocracy of intellect joined with the Commission, and that the only way that could be done was by appointing a Committee in India, a Committee which would be appointed by the Central Legislature,—by the Assembly and the Council of State,—and also by the Provincial Councils electing their own Committees. There is one important passage here which I cannot but read to the House, because that also shows unmistakably that it was not a Committee of the description which Sir John Simon now wants to co-operate with him, that was anticipated or thought of by the Members of the House of Commons when they approved of the appointment of the Commission. At page 174 of the Parliamentary Debates, Earl Winterton, the Under Secretary of State, made this statement :

“Surely it cannot be contended that the chosen representatives of the Indian electorate who will form the Select Committee of the Indian Legislature to meet the Commission are likely to find a lack of sympathy on the part of those who are really in one sense their colleagues, since the Indian Central Legislature is affiliated to the Empire Parliamentary Association.”

On this point it is necessary to say a few words more about the intentions of the Parliament, about the Joint Committee of the Central
3 P.M. Legislature and the Committees of the Provincial Councils. There seems to be some misunderstanding on this point.

Lower down, Earl Winterton says :

“I have said that I will try to make one or two points clear in regard to the committee of the Central Legislature—I have called it the joint committee, because it will be representative both of the Council of State and the Legislative Council—and the committees of the Provincial Council. They will be more than mere witnesses. They will be able to prepare a case for further self-government as it appears to them in the Central Legislature and the provincial Councils respectively and present it to the Commission. They will be available for consultation by the Commission on those proposals.”

Then, again, at page 184, he says :

“Now in the examination of those witnesses I would strongly urge our commission to agree to have the Indian Commission sitting with them, the right honourable and learned Gentleman the Member for Spen Valley (Sir John Simon) presiding over the joint sitting and the Indian representatives having exactly the same rights and privileges and status as the members of our own section. The adoption wherever it is possible of the idea of joint sessions will, I think, remove a large amount of Indian suspicion, that being done in such a way as to secure to our Commissioners the absolute right, the previously announced right, so that there can be no dispute about it of saying in respect to this, that, and the other witnesses or subject, “We are going to take evidence upon these matters ourselves.”

What was attempted to be done in Parliament was that the elected representatives of the Assembly and the Council of State will be there to join in the deliberations of the Royal Commission. Now that the Legislative Assembly has rejected that offer, what is the use of the Council of State Members going there? I do not for one moment suggest that because the Legislative Assembly has rejected the proposal to co-operate with the Commission, it is not open to the Council of State to join in co-operation. But what is the practical value of such a co-operation? What was attempted to be done and what was attempted to be shown to the world at large was that the elected Indian

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representatives would act in collaboration with the Commission. But when you have such a large section of the public not joining with the Commission, what good will these three Members from the Council of State do? The Government will assert in the Parliament that Indian public opinion has been taken and the Commission had the representatives of the Assembly and the Council of State to co-operate with them though the representatives of the Assembly might be nominated. Some Honourable Members may even say that nomination was better than election. But that is not the view which the Imperial Parliament would certainly take of nomination and that is not certainly the way in which in any democratic country nomination would be looked upon. But, Sir, if we are going to have Assembly Members by nomination to sit on that Joint Committee, I for one would not like the Council of State to elect members to that body. Because, although there would not be elected representatives from the Assembly, yet it would be given out that the representatives of the elected Members have joined in the Joint Conference and that they voice the representative opinion of the Indian public.

Much has been attempted to be made of the decision that has been arrived at in the different provincial Councils to co-operate with the Commission. It has already been pointed out that if we analyse the voting strength of the different Councils we would find that in the majority of them, the majority of the elected representatives were against such co-operation. What by the official Members of the Government, what by the nominated Members of the Government, they have often a majority in the provincial Councils. The Montagu-Chelmsford reforms by the introduction of communal representation has made it easier for Government by division and therefore it is only fair and proper for us here to look not on the face value of the opinion expressed by the different provincial Councils, but to analyse it deeper and see how many of the elected representatives of the people were agreeable to join the deliberations of the Commission. I for one speaking of the Bengal Council may say that the majority of the elected non-official Members in the Bengal Council were against co-operation. Certainly the Resolution for co-operation has been passed in the Bengal Council, but that is with the help of the nominated members and with the help of the official block. You should also know that you should leave the non-official European Members also out of account, because the non-official European Members are not so interested in the Commission from the point of view of the people and when you want to gauge the opinion of the people of India you should look to the opinion as given by the elected non-official Members of the Council and especially Indian Members.

I was surprised at the Honourable Sir Manekji Dadabhoj's characterisation of the proposal that has been made by some Members of the Legislative Assembly that the Councils ought to be dissolved and there ought to be a fresh election on this issue. He stated that the gentlemen who were concerned with the proposal has not the courage of their conviction to own that it was not right for them to give out that they ought not to co-operate with the Commission. He said that they have changed their views and that they want to fizzle out through the backdoor. I was really surprised that he made that statement. Any reader of constitutional history would certainly characterise that statement of the Honourable Member as against all constitutional pre-

cedent. An appeal to the electorate means that you want to see what the general body of the electorate would think about it, and whether you have the support of the country behind you on a particular point.

THE HONOURABLE SIR MANECKJI DADABHOY : The representatives of your province have shown what they want. Is there more distinct evidence than this ?

THE HONOURABLE SETH GOVIND DAS : What has your province shown ?

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE : This question did not come as a principal question when the elections were held some time ago and certainly it is only fair to the Government and the people of India that there ought to be fresh election so that the Government and the gentlemen elected may know for certain which way the opinion of the country lies. I may give out one opinion, the Honourable Sir Maneckji may hold another and it is only fair and constitutional that a fresh election should be held so as to state without any question what the opinion of the country is.

THE HONOURABLE SIR MANECKJI DADABHOY : You want to delay and obstruct the work of the Commission.

THE HONOURABLE SETH GOVIND DAS : There is no hurry.

THE HONOURABLE SIR MANECKJI DADABHOY : I think you are in a hurry.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE : After all how long will it take to hold fresh elections ? It may take about six months at the most and not more than that. At the outset, on a very important question like this, a period of six months in the life history of a nation is not a very long period. Does my Honourable friend think that by co-operating with the Commission during the next six months, he will be in a position to get from the Commission such recommendations as would compensate for the delay that he would not like to brook now. It was stated, Sir, that he expected this Council to act with sanity and judgment. Certainly he does not expect this Council to lapse to senility. What is the attitude of the public towards this Council ? He regards the provincial Councils to be more representative bodies. Certainly there is a larger body of electors for the provincial Councils. It is a much smaller electorate for the Legislative Assembly and it is a still smaller one for the Council of State. The position occupied by this Council of State has been characterised by one Honourable Member to-day as that of a "corrective Chamber." Yes, it is a corrective Chamber, it corrects, but which way. That is more than I need say at this stage. If you review the history of this Council for the last few years and if you take the general opinion of the country you will find that it almost always corrects the Assembly the other way.

THE HONOURABLE SIR MANECKJI DADABHOY : Then why are you here ?

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE : I am here for a very good reason—to correct the impulse of those Members who want to correct the Assembly. I know that it is not possible for a humble

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Member like me to correct the impulse of the Honourable Members who sit here in this hall, but still a time may come when by dinning these facts into their ears continually they will think twice before acting in a way which is not acceptable to the general body of people in the country. Sir, I do not think that any useful purpose will be served by my continuing this debate any more. I do not think that we will be helping the interests of India by co-operating with the Simon Commission at this stage.

But one word more about the Nehru Committee Report. That has been trotted out by some Honourable Members opposite as a gesture by some members of the public who do not want to co-operate with the Commission but at the same time want to help them. But, Sir, it is not such a gesture. It is an answer to those remarks made by Members of Parliament and specially Lord Birkenhead that Indians are not in a position to chalk out their future. It is an answer to those who say that it is not possible for Indians to sink their mutual differences when there is a common enemy to be faced. If you go through the debates in Parliament you will find that one of the principal reasons that were advanced for not bringing in Indian members or members with Indian experience was that there were so many divergent views in India that it was not in the interests of India herself to introduce Indian Members or Members with Indian experience. The Nehru Committee Report is a fitting reply to those remarks for it goes to show that, in spite of those great differences of opinion, or differences between the different communities or the different sections of the public, it is possible for the public to present a united front when there is a common danger ahead. What did England do during the war? England is governed by party politics; but all party politics were kept in abeyance and every person joined in managing the affairs of the country. So also I think that this is a most opportune time for the leaders of the different sections of the public to join together and say in no unmistakable voice what is the minimum demand that is to be put before the public or before the world in general. It was given out at the time when the Peace Treaty was signed that every country in Europe was for safeguarding the interests of the smaller States, for the self-determination of the dependencies, and if by publishing this Nehru Committee Report or by such amendment as may be introduced into it by common consent, we show to the world at large that the statement by England that she wants self-determination in every part of the world is falsified by the actual practice in India, that would be a gain in the long run which cannot be neutralised by any other factor. The Nehru Committee Report therefore is a substantial contribution to the proper development of the political consciousness of the people. There will be something before the people on which they can argue, on which they can carry on a discussion for the purpose of finding out what is a common basis for which they ought to fight.

Sir, on these grounds I oppose the motion that has been moved by the Honourable the Leader of the House.

THE HONOURABLE SIR GEORGE GODFREY (Bengal Chamber of Commerce): Sir, I little thought when I came to this House this morning and viewed the business on the paper that we should be let in for this very full and most interesting debate. I thought the Resolution which we were

discussing would go through quickly and easily and that we should not be indulged with all the eloquence much of which we heard in February of this year. But listening as things went on, I came to the conclusion that the discussion had undoubtedly done a great deal of good. In particular, before I go on, I should like to congratulate the last speaker on the very able way in which he has put his case. He spoke with great fluency and with great dignity quite worthy of this House, but I am afraid that I for one must consider that he was only making the best of a very bad case. Now, some of the Opposition Members who have indulged in the boycott have stated that their party voice the people. They lay claim to knowing what the people think about this Simon Commission. I ask you whether it is really possible that the people in the full sense of the word, can possibly take any interest whatever in whether the Simon Commission is supported or boycotted. These gentlemen who have supported the boycott and who lay claim to voicing the people are probably influenced mostly by the actions and sayings of the inhabitants of their own particular constituencies or by their political friends with whom they come into contact day after day. But I very much doubt whether they really know anything about the feelings of the people themselves. In the course of my time in India I have had to travel about in various out of the way places. I have had opportunities of talking to the people, the peasant classes, the agricultural classes, and my own personal knowledge is that those people are not the staunch supporters of these—whom I might almost describe as political professional politicians, these boycotters. I am quite sure that the people themselves, in that sense of the word, look to the moderate Indians who are helping to carve out a destiny for their country and also look to the British Officials with whom they are constantly coming in contact and whom they can appeal to and approach when they are in difficulties. I am speaking as a practical business man,—I do not lay any claim to being a politician, and the practical view is that this House has passed a Resolution deciding to co-operate with the Commission and it is now called upon to adopt the Resolution, to elect a Committee. Surely the practical way is to agree to that Resolution. It would be stultifying the decision of the House and its past action to attempt to resile from that position. I thought that my Honourable friend Sir Phiroze Sethna, being a business man himself, would have viewed this proposal also from a practical point of view. But no. He has taken up the opposite position. He lays very great stress on the fact that he amongst others is voicing the people of the country.

He seemed to me later on to contradict himself because I understood him to say that he was also voicing the majority of the thinking people of the country. There is a good deal of difference between these two, but I feel that he, business man as he is, has been drawn into the very unfortunate position which the boycotters fell into on the first announcement from home of the appointment of the Simon Commission. Without waiting to consider the full purport of the announcement, without considering all that it meant, they got together in a hurry and they said that as there were no Indians on the Commission it must be boycotted. They then announced this policy publicly. They got in more disciples and they were finally left in a position which they cannot now easily withdraw from without feeling that they have lost some dignity. It is not a practical position, this of theirs. I feel that as a business

[Sir George Godfrey.]

man it reminds me of somebody who has embarked upon a rather wild financial speculation. He is either bearing or bulling. He has brought forward or he has sold forward. The market goes against him. He knows that he is going to lose all or else make a great success. The wise man says the chances of making a success are very poor ; it looks as though I was going to lose all. Therefore he promptly proceeds to sell out or cover up as the case may be. He cuts his losses and endeavours to consolidate his position and to start again to make good. These gentlemen are rather in that position. They have gone so far now that they cannot summon up enough courage to cut their losses and to recover their position. I make a very great appeal to them. I make a very great appeal to the gentlemen in this House, the Honourable Members of this House who have so far endeavoured to do all they can to boycott the Commission, to reconsider their position now, to see if this afternoon they cannot display that courage which is necessary to vote in favour of the Resolution. With these few remarks, Sir, I support the Resolution.

THE HONOURABLE MR. H. A. B. VERNON : Sir, in making the few observations which I have to make in favour of this Resolution I shall confine myself to one point and to one point only. I could advance many excellent reasons why this Council should not behave like the old woman crossing the street in traffic who gets half way across and then sees a bus coming and bolts back. But Sir, those reasons have been so well set out by other speakers that I am going to confine my remarks to the position of an official. Usually in this Council the official Member who is not a member of the Government has to sit in discreet silence while his conduct and general activities suffer very grave disparagement ; but, Sir, there are some occasions on which the worm will turn and this is one of them. A great deal of capital has been made by speakers on the other side of the relative value of the official vote as compared with the elected vote,—I should say the official vote and the nominated vote as compared with the elected vote in this Council and in the Legislature generally and in the provincial Councils. Well, Sir, it seems to me that we are working under a constitution by law established and that constitution provides that the Members of the Legislature should consist of three different classes, (1) elected Members, (2) nominated Members and (3) official Members. There is nothing in the law of the constitution under which we work which differentiates in any degree between the value of the votes of those three classes of Members.

THE HONOURABLE MR. V. RAMADAS PANTULU : The legal value.

THE HONOURABLE MR. H. A. B. VERNON : Quite so, Sir, the legal value,—I am coming to the moral value later. Well, this non-co-operating party or Swaraj Party or whatever they like to call themselves—I never quite know — choose to come to this Legislature and thereby they accept this constitution. They therefore have no earthly right to discount the value of the vote of any one of these classes. And further, Sir, supposing the Legislatures did not have these official Members, there must be somebody in their place. That I presume would mean a wider franchise and a

larger number of elected Members in the Legislature. Is there any guarantee, Sir, that the new Members who would come in to replace the nominated and official Members would regard as their leaders the Congress members? We must remember, Sir, that there are some 50 million of the depressed classes who we all know do not regard the tenets of the Congress Party as infallible and they certainly would not support the non-co-operative party in the Legislature. Well, Sir, as regards the actual value of the vote of the nominated and official Members, I can leave the nominated Members to take care of themselves with the passing remark, in answer to the taunt that they vote as Government directs them, that I think I remember in the debate in February on this very same subject, that a nominated Member spoke strongly in favour of non-co-operation.

THE HONOURABLE RAI SAHIB DR. U. RAMA RAU: That was a single exception.

THE HONOURABLE MR. H. A. B. VERNON: Thereby showing that the nominated Members are in the habit of voting according to their conscience. I am more immediately concerned with the value of the official vote. The official who is not a member of the Government is as a rule a district official. He has worked many years in the districts of this country. He has an intimate knowledge of Indian life, of village life. He knows the agricultural problems. He knows the health problems, and the housing problems; and he sees a great deal of the home life of the Indian people. Well, Sir, I maintain and I am perfectly convinced that I am correct in saying that as a general rule the experienced district official knows as much if not more than the average Indian politician (*Cries of "Question, question."*) as to the economic condition of the Indian people. I have, Sir, on more than one occasion visited villages with Indian politicians and I was astonished at the colossal ignorance which they displayed of the conditions of their own countrymen, specially the conditions of the depressed classes. I have been also, Sir, in a district where non-co-operation had for a time gained complete ascendancy and I know, Sir, what the real feeling of the people was. I know the nature of the propaganda which was in vogue in that district; and I say, Sir, that I was in a far better position to tell the people the truth or rather I was far more disposed to tell the people the truth than those politicians who succeeded in stirring up strife in a hitherto peaceful district.

The official, Sir, has also an intimate acquaintance with the methods by which selections are conducted; he is, I believe, the official returning officer at all elections and he is in a position not only to know how the elections are conducted but to see by what methods the majorities of the many of these elected Members are secured. Therefore, Sir, I say that to disregard the value of the official vote or to consider his opinion as of no value is absolutely without justification.

THE HONOURABLE RAI BAHADUR LALÁ RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I do not like to give a silent vote in favour of this motion. So I stand to support it with a brief observation. I gave expression to my views on this subject in my speech delivered in the Delhi Session of the Council on the 22nd February last. I hold those views even now....

THE HONOURABLE SETH GOVIND DAS : But the position is changed.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Yes, the position is changed for the better, and even now I hold the same views which I do not want to repeat and thus waste the time of the Council. In that speech I offered a few suggestions to the Royal Commission and those suggestions were that the Royal Commission should extend their helping hand to those who want to co-operate with them on equal terms. I also suggested or rather pressed the point that the Joint Committee in India should not be excluded when evidence is being taken *in camera*, that members of the Joint Committee should have equal powers of cross-examining witnesses appearing *in camera* and that they should have full access to all the records and memoranda of evidence that are to be placed before the Commission. It is a matter of satisfaction that the Royal Commission has practically accepted all my suggestions and this wise decision of theirs has turned many boycotters into co-operators. It has been mentioned to-day in this House, Sir, that Government generally dictates to nominated Members of various Legislatures to follow blindly what the Government says. In this connection I may state that I had the privilege of being returned more than once to the Punjab Legislative Council as an elected Member ; once the Government was pleased to nominate me to the said Council. If I rightly gathered from the talk I had on several occasions with Sir Michael O'Dwyer, the then President of the Punjab Legislative Council, one of the reasons why I was nominated to the Council was because I was a critic. At least in my term of nomination I exercised my free will in Council and was never directly or indirectly asked to follow the Government view, though at times I opposed and strongly criticised Government. Constitutionally speaking, Sir, the provincial Legislatures represent the various provinces and their verdict of co-operating with the Commission is a substantial proof that the various provinces are for co-operation. I therefore, Sir, request this House to support fully the motion put forward by the Honourable the Leader of the House.

THE HONOURABLE SIR MUHAMMAD HABIBULLAH : Sir, I must own to a feeling of surprise that the motion which I moved this morning should have elicited such a full dress debate as we have listened to the whole of the forenoon and the afternoon. I have no mind to traverse the ground which has been already covered by the large number of speakers who have preceded me. If I attempted to do so I should perhaps be guilty of attempting to put on the gramophone the records which had been placed on the last occasion and to which I think we listened with the greatest interest. My motion, Sir, was in strict conformity with the demand made by this House. This House definitely and in unequivocal words recommended to the Governor General in Council that he be pleased to take steps for the election of representatives from the Council of State to participate with the Indian Statutory Commission. At the time the House passed this Resolution, it was fully aware of the attitude that was being adopted towards the Commission generally in the country ; it was equally aware of the atmosphere which prevailed at the time—nay, more. It was also aware of the fact that the other House had already refused to co-operate with the Simon Commission. In the light of these facts, I say, this House expressed its willingness to co-operate ; but it went a step further. It did not stop merely with an expression of its willingness to co-operate ; but it definitely asked the

Governor General in Council to take the necessary steps for the purpose of securing the election of that proportion of the Members of this House which should sit with the Central Committee which was to be attached to the Simon Commission. It is, therefore, too late in the day now to attempt to reopen the same question and to say that we shall not co-operate with the Commission. Indeed, those of the Honourable Members who had then definitely expressed their views against any such co-operation may stand aside and not take part in the elections nor agree to be elected. I can quite understand their position to that extent ; but what I do not understand is why this whole question which had been so exhaustively debated upon on the last occasion and which as a result of that exhaustive debate had resulted in the passing of the Resolution of the 22nd February 1928, should again be reopened on the floor of this House. A good deal of water has flown under the bridge since the 22nd February 1928 when the Council of State solemnly passed this Resolution to which I have referred. I said, Sir, that at that time the House was fully aware of the atmosphere in the country, of the attitude generally of some of the leaders of the parties, and also of the definite verdict which the other House had passed. In spite of that, they took the bold step to record their own verdict in favour of co-operation. What has happened since ? Seven provinces have already elected their provincial Committees to co-operate with the Simon Commission. So since the 22nd February last it can hardly be said that conditions have so worsened as to justify this House to reconsider the verdict which it passed only 7 months ago.

My Honourable friend Sir Phiroze Sethna with his usual vehemence and eloquence, which, I admit, I cannot emulate, tries to lay emphasis on the fact that while one House has declined to co-operate, is it not up to this House to follow suit ? But, Sir, as I have already stated, it was only after the other House had declined to co-operate, that this House recorded its verdict in favour of co-operation. That, therefore, is no new argument and does not need any consideration. The arguments advanced by the six Honourable Members of this House who spoke against co-operation have more than been met by the other ten Honourable Members who have supported my motion. As I said already, I shall not weary the House by trying to recapitulate the arguments used by them.

But, Sir, I feel that I owe a word of personal explanation, if I may say so, in regard to the speech which my Honourable friend Seth Govind Das made this morning. I feel highly flattered by the encomiums and compliments which he was good enough to shower upon me in exuberance. He has also foretold my place in public life after I shake off the robes of this office, and I am indeed glad that the regard and consideration which he has for me has tempted him to prophesy my future. At the same time, Sir, may I remind my friend that he asked me a certain question which in all fairness it was not decent on his part to have done. He realises, I hope, that I am holding a position under the Crown by a Royal Warrant, and he recognises equally well, I expect, that as such I have to take an oath of secrecy in regard to all matters which not only come within my cognisance as a Member of the Cabinet, but also in regard to all advice which I may tender to His Excellency the Viceroy and Governor General. Did he therefore seriously ask me the question on the floor of

[Sir Muhammad Habibullah.]

the House what advice I gave to the Governor General in regard to this matter ? I only wish he had not raised that question. He ought to have been wiser,— I hope he will pardon me for using that word—because when a similar question was raised on the floor of the other House the Government Member thought it proper not to respond.

I feel, Sir, and I am glad, that there is a consensus of opinion in the House in favour of the motion which I have made. Let me repeat that this is not my own motion. Let me repeat that this motion did not emanate from my own brain. Let me again repeat that this is a motion which, as in duty bound, I as Leader of the House should have put forward before the House. There is the Resolution of this Honourable House asking the Governor General to take certain steps, and I am only trying to give effect to that Resolution by means of this motion. By doing so I have only paid respect to the sentiments of the House, and I only hope that Honourable Members will vote in favour of it, except of course those who have already expressed their views against it.

THE HONOURABLE THE PRESIDENT : The question is :

“ That in pursuance of the Resolution adopted by this Council on the 22nd February 1928, the Council do proceed, by such method as the Honourable the President may direct, to elect three of its Members to the Central Committee to sit with the Indian Statutory Commission.”

The motion was adopted.

THE HONOURABLE THE PRESIDENT : The motion just adopted by the House throws upon the Chair the onus of deciding in what way the election should be conducted. As a first step towards election, I propose to fix Thursday, the 20th of September, up to the hour of noon for the receipt of nominations. Nominations may be handed in to the Secretary of the Council any time up till noon on the day after to-morrow. When nominations have been received, I shall be in a better position to decide what form of election will best achieve the result the Council desires.

INDIAN MINES (AMENDMENT) BILL.

THE HONOURABLE MR. A. G. CLOW (Industries and Labour Secretary) : Sir, I must ask the House to descend, after they have been discussing high constitutional theory, to a matter of minor importance, but of importance none the less. I move that the Bill further to amend the Indian Mines Act, 1923, for certain purposes, as passed by the Legislative Assembly, be taken into consideration.

The primary object of this Bill is to place a daily limit on the hours of work in mines. That limit has been fixed at 12 hours. It is perhaps not surprising, therefore, that there have been demands for a lower limit, and there have even been suggestions that those responsible for the Bill are anxious to see that the miner works for twelve hours a day. I can readily assure the House that there is no such sinister motive behind this measure. As a matter of fact, we already have in the Indian Mines Act provisions limiting the weekly hours of work, for those who work above ground to 60 and for those who work under-

ground to 54. This gives an average of 10 hours and 9 hours per day respectively, and it is obvious from these facts that if the main object of this Bill were to protect the Indian miner from overwork it would be a singularly ineffective measure. The real object is not so much to effect a reduction in the hours of work as to secure greater regularity in the hours for which the miner works. The miner at present does not as a rule work up to the limits allowed him by the Mines Act, but he is apt on occasions, particularly in the coal mines, to work very irregularly. He may stay underground for considerably more than 12 hours and be employed partly in working, partly in sleeping and eating and partly, I think, in expectation and meditation. All that we propose to do is to take the first steps to make it obligatory on the mine owner to introduce some sort of system in his mines. Under the measure he will have a choice between two alternatives. He can either keep his mine open for work for only 12 hours in the day, or he can introduce a system of shifts. If he elects for shifts, the shifts may not overlap and no shift may exceed 12 hours so that the net effect is that the working hours of the miner must fall within a specified period of 12 hours. It may be urged that a 12 hours' shift is a long one even if it is not occupied—and it is certain not to be occupied—entirely by work. I readily admit that; but the only feasible alternative to 12 hours' shifts is 8 hours' shifts and those who have examined the question are mostly agreed in reaching the decision that it is impracticable to introduce 8 hours' shifts at present. As a matter of fact, the 8 hours' shift is the commonest in the not inconsiderable number of mines where shifts are at present worked and I hope it will be the commonest when this Bill is passed.

If the Bill is passed into law, those concerned will have over 18 months in order to make the necessary adjustments. For, as Honourable Members will observe, the only operative clause which comes into effect before the April 30th is the last one, and that clause merely makes a minor change in the manner of making rules under the Act and is entirely unconnected with the main purpose of the Bill.

THE HONOURABLE THE PRESIDENT: The question is :

“That the Bill further to amend the Indian Mines Act, 1923, for certain purposes, as passed by the Legislative Assembly, be taken into consideration.”

The motion was adopted.

Clauses 2 to 7 were added to the Bill.

THE HONOURABLE THE PRESIDENT: The question is :

“That clause 1 do stand part of the Bill.”

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE (West Bengal : Non-Muhammadan): Sir, with regard to this clause 1, I have one question to ask. In clause 1, sub-clause (2), I find that the date mentioned is the 7th day of April, 1930, but in the Statement of Objects and Reasons, it is the 1st April 1930. Has that been intentionally done or is that a mistake?

THE HONOURABLE MR. A. G. CLOW: It is not a mistake. It was a change which was introduced for reasons which have been explained in the Report of the Select Committee in the other House.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. A. G. CLOW : Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

ELECTION OF A PANEL FOR THE STANDING COMMITTEE FOR THE DEPARTMENT OF COMMERCE.

THE HONOURABLE SIR GEOFFREY CORBETT (Commerce Secretary) : Sir, I beg to move ;

“ That this Council do proceed to elect in the manner described in the Rules published in the Home Department Notification No. F. 49, dated the 22nd August, 1922, as amended by the Home Department Notification No. D.-794-C., dated the 30th January 1924, a panel consisting of six members from which two will be nominated to serve on the Standing Committee to advise on the subjects in the Department of Commerce.”

I should explain that the life of the present Committee expires on the 23rd of this month, and it is desirable that a new Committee should be formed before the end of this Session.

The motion was adopted.

STATEMENT OF BUSINESS.

THE HONOURABLE SIR MUHAMMAD HABIBULLAH (Leader of the House) : I ask for your ruling, Sir, regarding the date on which the Government Bills laid on the table to-day should be placed on the List of Business. The earliest day on which they can be taken without a curtailment of the usual period of notice is Friday next and I would suggest that the Council might conveniently meet on that day instead of on Thursday. I may add for the information of the Honourable Members that the business of the Session is not likely to terminate before the end of the next week.

THE HONOURABLE THE PRESIDENT : There will accordingly be a meeting of the Council on Friday and not on Thursday as originally fixed. On Friday, as many of the Bills laid on the table to-day as the Governor General in Council choose to put on the list of business will come up for consideration.

The Council then adjourned till Eleven of the Clock on Wednesday, the 19th September 1928.