

25th March, 1926

THE

# LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume VII, Part II

## FOURTH SESSION

OF THE

## SECOND LEGISLATIVE ASSEMBLY, 1926



DELHI  
GOVERNMENT OF INDIA PRESS  
1926

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# LEGISLATIVE ASSEMBLY.

*Thursday, 25th March, 1926.*

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## FAREWELL SPEECH DELIVERED TO THE COUNCIL OF STATE AND THE LEGISLATIVE ASSEMBLY BY HIS EXCELLENCY THE VICEROY.

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His Excellency the Viceroy having arrived in procession with the Presidents of the Council of State and the Legislative Assembly took his seat on the Dais at Eleven of the Clock.

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**His Excellency the Viceroy:** I have come to address you for the last time, to bid you a very regretful farewell. The Session is almost at its end; in a few days I shall say good-bye to this historic city, to wonderful India, and to the responsible position I have held during the last five years. The period of the Viceroyalty is but a very brief span in the life of India, yet these last five years have, I believe, a significance, which may not be fully appreciated until events have fallen with the lapse of time into their true perspective, and the relative importance attributable to incidents that have loomed large on our horizon has been duly weighed and recorded. It may, and I hope will, be chronicled by the historian that the foundation of responsible self-government in India was well and truly laid during this period, although it may be that some who were actively engaged in the operation chafed at what they regarded as the slow rate of progress and grumbled because they were not permitted to place the crowning dome on the edifice before the base had been made capable of supporting it. During these years since the inauguration of the Reforms we have travelled together—for you are aware that the Governor General is a component part of this Legislature—along new and hitherto untrodden paths, often hindered by obstacles and beset with difficulties, and in the earlier days not infrequently within the sound of raging tempests without. We have not always been in agreement, indeed this was scarcely to be expected. Sometimes there have been sharp conflicts. Occasionally I have felt bound to exercise the special powers vested in the Governor General. However strongly some may have criticised these actions, I feel sure you will not have doubted that they were dictated solely by my conception of the solemn duties entrusted to me. I have myself never failed to recognise that the differences between myself or my Government and Members of the Assembly have arisen from honest divergences of opinion mainly as to the methods to be pursued and as to the time of advance in the constitutional domain. There has been no difference in purpose; we have striven to attain the same end, the prosperity and happiness of India.

The sands of my office are running out, and I do not wish to dwell unduly to-day on our points of difference: rather would I concentrate upon

[H. E. the Viceroy.]

our points of agreement, which have been far more numerous and have led to results of greater importance than are perhaps always acknowledged in the turmoil of political controversy and agitation.

I came to India with a special mandate to guide the working of the Reforms, in which I took keen personal interest. During the whole period of my office my labours have been largely devoted to carrying out this policy, and my energies have been to a great extent concentrated on this question. Many problems of Commerce and Industry, of Finance and Economics, of Railway Development, Tariffs and other subjects of vast importance to India have also engaged my attention. I have had opportunities of surveying these fields of activities; my purpose to-day is to refer very briefly to a different sphere of activity of wide importance to India and of special interest to the Legislatures. As I am addressing you for the last time, when the reins of my office are about to be transferred to my successor, I shall make but few observations on the political situation. I have striven throughout to place my views clearly before you in order to remove possible misconceptions regarding the objects I had in mind, and to acquaint you with the course along which I desired to steer the Ship of State; to-day I shall refer only to a few aspects of the political problems.

Although much attention is constantly devoted in India to political and constitutional change, I am often inclined to think that the great importance attributed to the Reforms in England at the time of their inauguration and subsequently is not sufficiently realised in India. The Reforms initiated in the first place a new departure in the relations between England and India; they put India on the road to the realisation of more complete unity and higher national self-expression. In the language of His Majesty the King-Emperor the new Constitution took its place "among the great historic measures passed by the Parliament for the better government of India and the greater contentment of her people". His Royal Highness the Duke of Connaught arrived in India with a special message of sympathy and encouragement from His Majesty to inaugurate the new Legislatures, and in His Majesty's charge to me as Viceroy and Governor General a month later the following special instructions regarding the working of the Reformed Constitution were embodied: "*For above all things it is Our Will and Pleasure that the plans laid by Our Parliament for the progressive realisation of responsible government in British India as an integral part of Our Empire may come to fruition to the end that British India may attain its due place among Our Dominions*". The execution of these instructions has been a solemn obligation upon me during these five years; with full cognisance of the importance and implication of this policy, I have omitted no step which was likely, in my view, to conduce to its successful realisation. In my efforts I have had the support and encouragement of His Majesty's Government, and though I have been associated with five Prime Ministers and four Secretaries of State for India during my term of office, there has at no time during that period been any change in the main stream of this policy. There has been no desire to divert it from its channel or to alter its course; the goal of British policy remains to-day, subject to the fulfilment of the essential conditions by India, what it was when I assumed my office, that is, "the progressive realisation of responsible government in India as an integral

part of the British Empire'. I have recalled these considerations to you in order to emphasise that the policy of His Majesty's Government is definite and stable. It has not changed with successive Governments; in this respect it will not change with successive Viceroys, for my distinguished successor, Lord Irwin, prior to his departure stated that it would be his endeavour to forward whole-heartedly the advancement of India towards full self-government on constitutional lines. Nevertheless, looked at merely from the Indian point of view, the great significance of the Reforms is still at times misunderstood or underrated. Yet they give what India never had before—a guarantee by Parliament for her political progress. They open the door to the attainment of a new national status and dignity; they give an opportunity not offered before to enter into more intimate relations with England and the Empire and enable India gradually to build up her own responsible institutions within the Commonwealth of nations forming the Empire. I lay emphasis on all these considerations to-day, because as the result of my five years intimate connection with India. I have learnt to place a greater value on the new Constitution than when I first set out from Home. I am aware that it is said that the inspiration of the policy finds its origin in democratic institutions which are especially British in character and cannot be applied to India. But Indians will be the first to assert that these ideals during a long association with British rule have become ingrained in the minds of Indians as among the essentials of national progress. No useful purpose would be served by disguising from ourselves that there are inherent difficulties in adapting British democratic institutions to Indian conditions, but these must be confronted by India and her political leaders. The essential principle underlying English institutions is based on a fundamental unity of sentiment and on a general desire, in issues of cardinal importance, to waive the claims of individual or sectional advantage for the benefit of the common weal. India's internal conditions are not naturally conducive to solidarity. People by different races with separate historical antecedents and conflicting ideals of culture India possesses various elements which do not tend towards unity. Sharp inequalities of development in education and civilization divide men: creeds and castes tend to separative influences. The administrative problems are not less complex; but I shall not pursue the enumeration of difficulties. My purpose in referring to them is to emphasise again that they cannot be relegated into the background; they cannot be disregarded, they force themselves in India at every turn to the forefront. Communal differences have become more acute as all India knows. I need not elaborate them. I mention them because they loom large in India and they are not merely superficial. They have their roots deeply entrenched and will not easily be extirpated. All thoughtful men in India realise the situation; it would be idle to attempt to refer even cursorily to the political conditions of India without mention of it.—but there to-day I must leave this momentous problem in the hope that Indian patriotism and Indian intellect will help to find a solution.

Now, when my return to England is imminent, and I have given long and deep reflection to the position of India under the new Constitution. I have felt it incumbent upon me to state my views to you, to offer them in the friendliest spirit and with the purpose of securing your whole-hearted good-will and co-operation in the administration. I am not for one moment suggesting that the Constitution in its present form is perfect

[H. E. the Viceroy.]

and that it will not require revision and amendment and adaptation to conditions in new developments. This will form the subject of a great and momentous inquiry at a later date. The necessary conditions to ensure its appointment earlier than the statutory date have been too frequently stated by me and my Government to need repetition. Even so my observations are constantly misunderstood notwithstanding that I have been at pains to correct misinterpretations. In particular, I desire to emphasise that I have never required complete or abject surrender of any political party or section. I earnestly trust that my successor may be more fortunate than I in this respect and that he may find in the new regime that clear and unambiguous expression of good-will and desire for harmonious relations which I have sought to obtain.

Unfortunately the years immediately following the introduction of the Reforms could hardly have been more unfavourable to their growth. A ferment of unsettlement of feeling was at work in India as elsewhere in the world. Besides these developments India's finances were crippled; her trade and commerce were enveloped in a heavy cloud of economic stagnation; a great section of the Indian people were also troubled regarding the fortunes of an Empire closely associated with their most precious religious sentiments and beliefs. These conditions caused the acutest anxiety to me and my Government, and throughout these early years, in addition to the heavy burden of developing the new Constitution, we were faced with the constant necessity of dealing with a succession of critical developments, which not only impeded the working of the Reforms, but menaced at one time their very existence. It is freely and fully acknowledged that there is a great change in the present atmosphere; peace reigns on our borders; internal disturbances have been set at rest; law and order have been vindicated and established; the financial situation has been stabilised with beneficent reactions on the nation-building activities of the Reformed Constitution; conditions have been created which give fair prospect for trade and commerce in the development of India's resources; the anxieties of the Indian Moslem population have been allayed. Looking back over these early years I again gladly acknowledge the support given by the Indian Legislature to the Government in many important steps taken in critical situations.

I have had one other purpose in mind in making this brief summary. Quite recently Lord Irwin in a generous reference to myself claimed that credit should be given to the Viceroy when the results of his administration were deemed satisfactory. I will add that, if credit is to be attributed to me in any degree for any of these results, it should in fairness be very fully shared by those associated with me in the heavy burdens of the Government of India. No Viceroy can possibly have received more loyal and devoted service than I during these five years in which it has been my good fortune to have the great advantage of most skilled and capable assistance, not only from the Members of my Council, but also from those who have otherwise been called upon to contribute to the administration.

And now let me abandon political discussion, and for a brief moment turn to personal considerations. Throughout my address to you to-day the sad reflection dominates my mind that it is the last of these occasions. I should not be human if I could remain unmoved in the face of my impending departure from India. The memories of these years will always be

treasured by me: I cannot refer to them without associating Her Excellency in these expressions of profound regret at departure. For the moment all controversies are forgotten. I think only of the many acts of thoughtful kindness and sympathetic friendship throughout our stay in India. Inevitably my thoughts turn to the generous assistance Her Excellency and I have invariably received from India from Members of the Legislature and from all classes of the public in our labours in the cause of suffering humanity. Her Excellency with the true instinct of woman and mother has made this her special avocation, and I know that she leaves grateful hearts behind her.

While I have been in India I have always striven to labour for her best interests. I have regarded myself as a link with her imperial connection charged with a mission to advance her greater destinies. I have kept an impartial mind, free from the trammels of parties or interests and fully pledged to the implications of her particular institutions. I may not have always succeeded, for human effort has its limitations; but believe me that to the best of my ability I have never fallen short in sympathy for India or desire to serve her. I take away most kindly recollections of her and she will always be in my thoughts. It is in this light that I would wish to dwell in your hearts also—as one who did his best to serve India.

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**Hindu Coparcener's Liability—**

Presentation of the Report of the Select Committee. 1518.

**Hindu Limited Owners—**

Motion for leave to introduce. 838.

Adopted. 838.

Introduced. 838.

**Hindu Religious and Charitable Trusts—**

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Motion to recommit to Select Committee. 1541-60.

Negatived. 1560.

**Imperial Bank of India (Amendment).—**

Motion for leave to introduce. 837.

Adopted. 837.

Introduced. 837.

**Indian Arbitration—**

Motion to circulate. 807-08.

Adopted. 812.

**Indian Bar Councils—**

Introduced. 120.

Motion to refer to Select Committee. 2668-75.

Adopted. 2675.

**Indian Cotton Industry (Statistics)—**

Motion to consider. 2607.

Adopted. 2607.

Motion to pass. 2608.

Adopted. 2608.

**Indian Divorce (Amendment)—**

Motion for leave to introduce. 2012.

Adopted. 2013.

Introduced. 2013.

Motion to consider. 2610-20.

Adopted. 2620.

**BILLS—contd.****Indian Divorce (Amendment)—contd.**

Amendment to clause 2. 2620-21.

Motion to pass. 2621.

Adopted. 2621.

**Indian Evidence (Amendment)—**

Motion for leave to introduce. 837.

Adopted. 837.

Introduced. 837.

**Indian Factories (Amendment)—**

Motion to refer to Select Committee. 936.

Adopted. 936.

Motion to add the name of Mr. A. G. Clow to the list of Members of the Select Committee. 2018.

Adopted. 2018.

Presentation of the Report of the Select Committee. 2126.

Motion to consider. 2621.

Motion to add new clause 5 (1) after clause 4. 2621-35.

Negatived. 2635.

Motion to omit sub-clause (c) of clause 9. 2635-37.

Negatived. 2637.

Motion to omit sub-clause (d) of clause 9. 2637-39.

Negatived. 2639.

Motion to amend sub-clause (e) of clause 9. 2639-40.

Negatived. 2640.

Motion to omit sub-clause (e) of clause 9. 2640-42.

Negatived. 2642.

Consideration of clause 17. 2642-43.

Motion to pass. 2643.

Adopted. 2643.

**Indian Finance—**

Motion for leave to introduce. 2011.

Adopted. 2011.

Introduced. 2011.

Motion to consider. 2485.

Adopted. 2542.

Consideration of clauses and the Schedules. 2546-2602.

Motion to pass. 2603.

Adopted. 2604.

**Indian Income-tax (Amendment)—**

Motion for leave to introduce. 715.

Adopted. 715.

Introduced. 715.

Motion to consider. 1409-28.

Motion to circulate. 1417-28.

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Motion to refer to Select Committee. 1428.

Adopted. 1428.

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Adopted. 2644.

**BILLS—contd.****Indian Income-tax (Amendment)—contd.**

Motion to amend clause 2. 2644-45.

Adopted. 2645.

Motion to amend clause 5. 2646-55.

Negatived. 2655.

Motion to amend clause 8. 2655-58.

Adopted. 2658.

Motion to pass. 2658.

Adopted. 2658.

**Indian Income-tax (Amendment) — (Amendment of section 18)—**

Motion for leave to introduce. 836.

Adopted. 836.

Introduced. 836.

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Motion to refer to Joint Committee. 104.

Withdrawn. 117.

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Motion to refer to Select Committee. 935-36.

Adopted. 936.

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**Indian Lunacy (Amendment)—**

Motion for leave to introduce. 121.

Adopted. 122.

Introduced. 122.

Motion to consider. 552.

Adopted. 552.

Consideration of clause 3. 553.

Motion to pass. 553.

Adopted. 553.

Message from the Council of State intimating that that Chamber had agreed, without any amendments, to the ——. 1355.

**Indian Medical Degrees (Amendment)—**

Motion to consider. 825-30.

Withdrawn. 830.

**Indian Medical Education—**

Motion for leave to introduce. 834.

Adopted. 834.

Introduced. 834.

**Indian Naturalisation—**

Presentation of the Report of the Select Committee. 496.

Motion to consider. 937.

Adopted. 937.

Consideration of clauses. 1026-35.

Motion to pass. 1035.

Adopted. 1040.

Message from the Council of State intimating that that Chamber had agreed, without any amendments, to the — passed by the Legislative Assembly. 1727.

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 Introduced. 835.
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 Adopted. 838.  
 Introduced. 838.  
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 Motion to consider. 1540.  
 Adopted. 1540.  
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 Adopted. 1540.  
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 Adopted. 715.  
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 Motion to pass. 908-34.  
 Adopted 934.

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Message from the Council of State intimating that the —, as passed by the Legislative Assembly, was passed by the Council of State with an amendment. 1894.

Motion to consider amendment made by the Council of State. 2661-62.

Adopted. 2662.

Motion to agree to the amendment made by the Council of State. 2663.

Adopted. 2663.

## Insolvency (Amendment)—

Motion to refer to Select Committee. 117.

Adopted. 118.

Presentation of the Report of the Select Committee. 624.

Motion to consider. 1040-41.

Adopted. 1041.

Motion to pass. 1041.

Adopted. 1041.

Message from the Council of State intimating that that Chamber had agreed, without any amendments, to the — passed by the Legislative Assembly. 1727.

## Law of Property (Amendment)—

Motion to refer to Select Committee. 813-24.

Negatived. 825.

## Legal Practitioners (Amendment)—

Motion to refer to Select Committee. 118.

Adopted. 119.

Presentation of the Report of the Select Committee. 974.

Motion to consider. 1456-57.

Adopted. 1457.

Consideration of clauses. 1457-64.

Motion to pass. 1464-68.

Adopted. 1468.

Message from the Council of State intimating that the —, as passed by the Legislative Assembly, was passed by the Council of State with certain amendments. 1894.

Motion to consider the amendments made by the Council of State. 2663-64.

Adopted. 2664.

Motion to agree to the amendments made by the Council of State. 2664-67.

Adopted. 2667.

## Legal Practitioners (Fees)—

Motion for leave to introduce. 170.

Adopted. 170.

Introduced. 170.

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Adopted. 2609.

Motion to pass. 2609.

Adopted. 2609.

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**Madras Civil Courts (Amendment)—**

Motion for leave to introduce. 120.

Adopted. 120.

Introduced. 120.

Motion to consider. 538-39.

Adopted. 542.

Motion to pass. 542.

Adopted. 542.

Message from the Council of State intimating that that Chamber had agreed, subject to certain amendments, to the — passed by the Legislative Assembly. 1727.

Motion to consider the amendments made by the Council of State. 2667-68.

Adopted. 2668.

Motion to agree to the amendments made by the Council of State. 2668.

Adopted. 2668.

**Madras Civil Courts (Second Amendment)—**

Motion for leave to introduce. 1212.

Adopted. 1212.

Introduced. 1212.

Motion to consider. 2484.

Adopted. 2485.

Motion to pass. 2485.

Adopted. 2485.

**Madras Land Revenue—**

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Motion for leave to introduce. 836.

Adopted. 836.

Introduced. 836.

**Prohibition of Export of Cattle—**

Motion for leave to introduce. 836.

Adopted. 836.

Introduced. 836.

**Promissory Notes (Stamp)—**

Motion for leave to introduce. 934.

Adopted. 934.

Introduced. 934.

Motion to consider. 1469.

Adopted. 1469.

Motion to pass. 1469.

Adopted. 1469.



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Motion for leave to introduce. 835.

Adopted. 835.

Introduced. 835.

## Small Cause Courts (Attachment of Immoveable Property)—

Motion for leave to introduce. 121.

Adopted. 121.

Introduced. 121.

Motion to consider. 545-47.

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Adopted. 552.

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## Specific Relief (Amendment)—

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Adopted. 836.

Introduced. 836.

## Steel Industry (Amendment)—

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Introduced. 935.

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Adopted. 1379.

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**Transfer of Property (Amendment)—**

Motion to refer to Select Committee. 830-33.

Adopted 833.

Presentation of the Report of the Select Committee. 2047.

Motion to consider. 2675.

Adopted. 2675.

Motion to pass. 2676.

Adopted. 2676.

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