

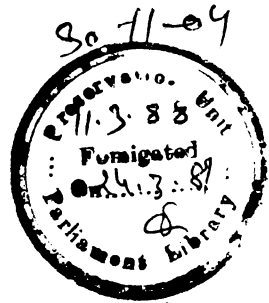
Tuesday, 1st March, 1932

**THE
COUNCIL OF STATE DEBATES**

VOLUME I, 1932

(25th February to 6th April, 1932)

**THIRD SESSION
OF THE
THIRD COUNCIL OF STATE, 1932**



CALCUTTA : GOVERNMENT OF INDIA
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COUNCIL OF STATE.

Tuesday, 1st March, 1932.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable Mr. G. S. Khaparde, Chairman, in the Chair.

QUESTIONS AND ANSWERS.

BALLY BRIDGE.

43. **THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :** (a) Will Government be pleased to state whether the provincial Government of Bengal has contributed any sum towards the expenses for the construction of the Bally Bridge in Bengal ?

(b) Was the construction done entirely at the expense of the Government of India ?

(c) Will Government be pleased to state what was the total cost of the construction of the Bally Bridge ?

(d) Will Government be pleased to state the names of the expert or experts whose plan of the said Bridge was accepted by Government ?

(e) What amount had Government to pay as fees or remuneration to the plan-maker or makers ?

(f) Was any tender called for the plan of the said Bridge ?

(g) If the answer to (f) is in the affirmative, will Government be pleased to state if there were any Indian expert or experts who submitted their plan for this Bridge ?

(h) Was there any plan submitted by the Consulting Engineers of the Government of India, Messrs. Rendel, Palmer and Tritton of London ?

(i) Will Government be pleased to state what amount the Government of India pays annually to this firm, Messrs. Rendel, Palmer and Tritton of London, as Consulting Engineers to the Government of India in respect of Railway matters ?

(j) Will Government be pleased to state with what object in view the Bally Bridge has been constructed and what special benefit and advantage the public will derive from it ?

(k) Will Government be pleased to state to what extent steels, girders, frames and other materials required in the construction of the Bally Bridge were supplied by any Indian firm ?

(l) Was there any tender called for the supply of the above mentioned materials, especially rails, bolts, nuts, etc. ? If not, why not ?

THE HONOURABLE MR. J. C. B. DRAKE : (a) Yes. The Bengal Government are contributing Rs. 34·62 lakhs.

(b) Yes, except to the extent of the Bengal Government's contribution.

(c) The total cost of the Bally Bridge is estimated to be Rs. 354·59 lakhs, inclusive of the roadways and footpaths.

(d) and (h). The plans for the Bally Bridge were drawn up by the Engineer-in-Chief of that project, Mr. A. Johnstone, in direct consultation with the Consulting Engineers, Messrs. Rendel, Palmer and Tritton. The latter designed most of the details of steel work in the girders and wells in conformity with these plans.

(e) Nothing.

(f) No.

(g) Does not arise.

(i) The Consulting and Inspecting Engineers receive £7,800 a year as remuneration for their services to the Government of India and Provincial Governments as a whole and in addition certain actual costs incurred by them in connection with the work for Governments in India. It is not possible to say exactly how much of this expenditure is borne by railway revenues since the recovery from those revenues is made through the charges for stores.

(j) The main objects were as follows. Firstly, to avoid having to construct works, such as the quadrupling of the Ondal-Khana Section and the Howrah-Burdwan Chord, and the strengthening of the Jubilee Bridge at Naihati, which would to a large extent be thrown out of use by the construction at the Bally Bridge if carried out at a later date. Secondly, to remove the danger of having the whole of the East Indian Railway communications with the docks and Calcutta dependent on a single line of communication over the Jubilee Bridge at Naihati. Thirdly, to speed up the coal traffic to the docks, as strongly recommended by the Coal Committee.

(k) Practically all the steel work for the Bally Bridge including girders, caissons, curbs and rails, was manufactured and fabricated by firms in India.

(l) Tenders for the steel work were called for. Rails were supplied by Tatas under a standing contract with Government.

APPOINTMENT OF INDIANS AS COMMISSIONED OFFICERS IN THE ROYAL INDIAN MARINE.

44. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (a) Will Government be pleased to state if facilities are given to Indians for training in the Royal Indian Marine Service?

(b) If so, how many Indian cadets are there in the Royal Indian Marine Service and since when are Indians being taken in the Royal Indian Marine Service?

(c) If the answer to (a) is in the negative, will Government be pleased to state why Indians are not given training in the Royal Indian Marine Service?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a), (b) and (c). Indians are eligible for appointment as commissioned officers in the Royal Indian Marine, and since the re-organisation of the Service in 1928 one-third of the appointments have been reserved for Indians. The first Indian officer of the Service was appointed in 1928 and the second in 1931. Since June, 1929, four open competitive examinations for admission to the Service have been held, in addition to two special examinations confined to cadets of the

Indian Mercantile Marine Training Ship "Dufferin". On the results of these examinations three candidates have been selected for admission to the executive branch and four for the engineer branch. Three candidates are now under training in England and four will shortly proceed there.

NUMBER OF INDIAN CADETS UNDERGOING TRAINING ON BOARD THE INDIAN MERCANTILE MARINE TRAINING SHIP "DUFFERIN".

45. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Will Government be pleased to state how many Indian cadets are in training in the Mercantile Marine Service on board H. M. S. "Dufferin" in Bombay Port?

THE HONOURABLE MR. J. C. B. DRAKE: The total number of cadets at present undergoing training on board the Indian Mercantile Marine Training Ship "Dufferin" is 96.

PROSPECTS OF OBTAINING EMPLOYMENT IN THE MERCANTILE MARINE OF EX-"DUFFERIN" CADETS.

46. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (i) Will Government be pleased to state the number of Indian cadets with their nationalities in the different years of their training, recruited by competitive examination, from each of the following provinces:—Bombay, Bengal, Madras, United Provinces, the Punjab, Bihar and Orissa, Assam and the Central Provinces?

(ii) Will the Indian cadets after finishing their training be eligible for such posts as Second or Third Officer on board sea-going vessels?

(iii) Will Government be pleased to state what sort of posts these Indian cadets are likely to have after completing their course of training on board H. M. S. "Dufferin"?

(iv) Will Government be pleased to state why Bombay has been selected for the training of the Indian cadets? What special advantages does Bombay possess for this training?

THE HONOURABLE MR. J. C. B. DRAKE: (i) A statement is laid on the table giving the information desired.

(ii) and (iii). No. For the posts in question it is usually necessary to possess a certificate of competency as First or Second Mate, and this involves a minimum of three years' sea-service after the completion of a cadet's training, and also the passing of the prescribed examinations. Full particulars regarding the qualifications necessary for appointment as an executive officer of a ship and the prospects of *ex*-"Dufferin" cadets of obtaining employment in the mercantile marine are given on pages 4—6 of the prospectus of the Indian Mercantile Marine Training Ship "Dufferin," a copy of which is available in the Library of the House.

(iv) Bombay was selected on the recommendation of the Indian Mercantile Marine Committee. The reasons for considering Bombay to be the most suitable port for the location of the Training Ship are stated in paragraph 12 of the Committee's Report to which the attention of the Honourable Member is invited.

Statement showing the number and nationality of cadets in the different years of their training on the Indian Mercantile Marine Training Ship "Dufferin" belonging to different provinces.

Name of Province.	1930.							1931.							1932.													
	Hindus.	Muhammadians.	Anglo-Indians.	Indian Christians.	Parsees.	Sikhs.	Burmans.	Jews.	Total.	Hindus.	Muhammadians.	Anglo-Indians.	Indian Christians.	Parsees.	Sikhs.	Burmans.	Jews.	Total.	Hindus.	Muhammadians.	Anglo-Indians.	Indian Christians.	Parsees.	Sikhs.	Burmans.	Jews.	Total.	
Bombay	4	...	1	1	3	...	...	...	9	1	...	3	2	1	1	...	...	6	3	...	2	1	2	...	...	...	1	9
Bengal	1	...	...	...	...	...	...	1	1	...	1	...	...	...	...	...	...	1	...	...	1	...	...	...	...	...	1	1
Madras	1	...	2*	...	...	...	...	3	4	...	3	...	...	...	...	...	...	7	...	...	4	1	...	...	...	...	6	4
United Provinces	5	2*	1	1	...	...	...	9	4	1	3	...	...	...	...	...	...	8	3	1	1	...	...	...	...	...	4	5
Punjab	2	1	...	...	...	...	...	3	1	...	...	...	...	2	...	...	...	3	2	1	...	...	...	...	...	...	1	1
Bihar and Orissa . . . . .	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...
Assam . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Central Provinces . . . . .	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Other places	2	1	1	2	...	...	1†	7	1	1	1	...	...	1	1	1	...	6	...	...	4	2	...	...	...	...	6	
Total	15	4	6	4	3	...	1	33	11	3	10	3	1	4	1	...	33	6	1	13	4	2	3	1	1	33	33	
								30										30										96

* One of these left the ship in 1930.

† Left the ship in 1930.

Total receiving training

APPOINTMENT OF INDIANS TO THE PILOT SERVICES IN INDIA.

47. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (i) Will Government be pleased to state if Indians are taken in the Pilot Services in India ? If not, why not ?

(ii) Will Government be pleased to state if they have any scheme of Indianising the Pilot Services in India ?

THE HONOURABLE MR. J. C. B. DRAKE : (i) Indians are appointed to the Bengal Pilot Service which is the only Pilot Service in India under the direct control of Government. As regards other Pilot Services in India there is no bar to the appointment of Indians provided they possess the requisite qualifications.

(ii) The rules for the appointment of candidates to the Bengal Pilot Service provide that preference shall be given to candidates who have passed through the Indian Mercantile Marine Training Ship "Dufferin." Appointments are made in England only when the Governor General in Council has been unable to make suitable appointments in India.

THE HONOURABLE SIR PHIROZE SETHNA : How many Indians are there in the Bengal Pilot Service at present.

THE HONOURABLE MR. J. C. B. DRAKE : I am afraid I have not that information, Sir, ready to hand. If the Honourable Member cares to put down a question I shall be very happy to give the information.

PROVISION OF BATHROOMS IN INTERMEDIATE AND THIRD CLASS CARRIAGES.

48. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (1) Will Government be pleased to state whether there is any arrangement for bathroom, washing and lavatory in the intermediate and third class compartments of Railways, for passengers travelling long distances ?

(2) If the answer is in the negative in respect of bathroom and arrangement for washing, will Government be pleased to state whether they are going to take steps to supply these wants ?

THE HONOURABLE MR. J. C. B. DRAKE : (1) Bathrooms are not provided in either intermediate or third class compartments : but in both classes of compartments lavatories are provided, and a tap for washing purposes.

(2) Government do not propose to provide bathrooms in intermediate and third class carriages. The Honourable Member is perhaps not aware that India is about the only country in which bathrooms are provided in ordinary first class carriages and railways could certainly not afford to provide them for the other classes. I understand that some railways are, as an experiment, fitting wash basins in the lavatories of some intermediate class compartments.

DATE ON WHICH THE INCREASED RATES ON POSTCARDS AND ENVELOPES CAME INTO FORCE.

49. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (1) Will Government be pleased to state the precise date from which the newly increased rates of postcards and envelopes under the provisions of the latest Supplementary Finance Act, have come into force ?

(2) Is it a fact that the Dacca General Post Office was charging the enhanced rates for postcards and envelopes from the 15th of December, 1931 although postcards and envelopes with old rates were found in circulation upto 31st December, 1931? If the answer is in the affirmative will Government be pleased to state as to how this anomaly happened in Dacca?

THE HONOURABLE MR. J. A. SHILLIDY: (1) The 15th December, 1931.

(2) Government have no definite information that envelopes stamped at the old rates were found in circulation up to 31st December, 1931. For a short time after the introduction of the revised postage rates, postcards prepaid at old rates were permitted, as a special case, to be delivered.

RENT PAID FOR THE BUILDING OCCUPIED BY THE OFFICE OF THE
ACCOUNTANT GENERAL, BOMBAY.

50. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (1) Is it a fact that the Accountant General's Office in Bombay is located in a rented house?

(2) If so, what is the exact rent of the house?

(3) What was the rent of the house from 1922 to 1930?

(4) Will Government be pleased to state since how long the Accountant General's Office in Bombay has been located in a rented house? Where was the Accountant General's Office, Bombay, before it came to the present rented building and why was it shifted?

(5) Does the provincial Government of Bombay contribute any sum towards the rent of the Accountant General's Office, Bombay?

THE HONOURABLE MR. A. F. L. BRAYNE: (1) Yes.

(2) The rent has been Rs. 6,200 per mensem since 1st December, 1930.

(3) Rs. 10,000 per mensem from 1st December, 1923 to 30th November, 1930. Prior to 1st December, 1923, the office was located in the Bombay Government Secretariat and a rent of Rs. 8,700 per mensem was paid to the Local Government.

(4) (a) Since 1st December, 1923.

(b) In the Bombay Government Secretariat building.

(c) The Accountant General's Office was moved to a rented building because the Government of Bombay required the portion of their building occupied by the Accountant General for accommodating their own Ministers, additional officers and establishment who came into existence under the last Reforms Scheme.

(5) The Government of Bombay contribute Rs. 331-9-0 per mensem on account of the space occupied by the Local Audit Department.

RETRENCHMENT OF ASSISTANTS AND CLERKS IN THE OFFICE OF THE
ACCOUNTANT GENERAL, BOMBAY.

51. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Will Government be pleased to state if there has been any retrenchment of assistants and clerks in the Accountant General's Office, Bombay? If so, will Government be pleased to state their number with their nationalities?

THE HONOURABLE MR. A. F. L. BRAYNE: Yes. The number retrenched or proposed to be retrenched and their nationalities are as follows :

3 Superintendents	Hindus.
26 Clerks	Hindus.
3 Clerks	Parsees.
4 Clerks	Indian Christians.

TOTAL NUMBER OF PERSONS UNDERGOING IMPRISONMENT IN CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT.

52. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (on behalf of the Honourable Rai Bahadur Lala Jagdish Prasad) : What is the total number of persons imprisoned in India up till now in connection with the civil disobedience movement since the restart of the movement ?

THE HONOURABLE MR. H. W. EMERSON: The total number of convicted persons serving sentences in jail in connection with the civil disobedience movement on the 31st January, 1932, was 12,111. This excludes figures for Madras Presidency which are approximately 750.

In addition 2,753 persons were detained in jail on the same date under section 3 of Ordinance No. II of 1932.

INCREASE IN THE RATE OF THE PASSENGER TAX LEVIED IN THE HARDWAR MUNICIPALITY.

53. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (on behalf of the Honourable Rai Bahadur Lala Jagdish Prasad) : (a) Is it a fact that the Government of the United Provinces sent up to the Government of India a proposal recommending an increase in the rate of the passenger tax levied in the Hardwar Municipality (District Saharanpur) for the sake of financing schemes relating to the improvement of the town of Hardwar ?

(b) If so, when was the proposal received by the Government of India ?

(c) What decision, if any, have the Government of India taken in the matter ?

THE HONOURABLE KHAN BAHADUR MIAN SIE FAZL-I-HUSAIN: (a) Yes.

(b) In March, 1931.

(c) The matter is still under consideration. Further information has been called for from the Local Government.

RECOMMENDATIONS OF THE DRUGS ENQUIRY COMMITTEE IN REGARD TO QUININE.

54. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (on behalf of the Honourable Rai Bahadur Lala Jagdish Prasad) : (a) Is it a fact that the Drugs Enquiry Committee has in its report drawn attention to the utter inadequacy of the supply of quinine in India and to the necessity of extending the cultivation of the species of cinchona best suited to the Indian climate, on a sufficiently large scale, to make India self-supporting with regard to cinchona alkaloids ?

(b) Is it a fact that according to Sir Patrick Hehir nearly one million lbs. of quinine are required to meet the minimum needs of India ?

(c) Is it also a fact that according to Dr. Charles Bentley, Director of Public Health, Bengal, 100,000 lbs. of quinine must be consumed in Bengal alone before any appreciable effect could be shown ?

(d) Is it a fact that the two State-owned factories in India between them produce only about 70,000 lbs. of quinine ?

(e) Is it a fact that 198,228 lbs. of quinine was imported into India from abroad in 1928-29 ?

(f) Has it been estimated that in India there are 100 million untreated sufferers from malaria and that only eight million receive partial or complete treatment ?

(g) Is it a fact that the Committee is of opinion that if free use of cinchonidine and cinchonine is advocated the problem of making India self-supporting in the matter of treatment of malaria would be made quite easy to solve in a few years ?

(h) Do the Government of India intend to arrange cinchona cultivation on a much extended scale or what other steps, if any, do they propose to take with a view to make India self-supporting in the matter of supply of quinine ?

THE HONOURABLE SIR FAZL-I-HUSAIN : (a)—(d), (f) and (g). Yes.

(e) No, the amount imported was 133,795 lbs.

(h) The recommendations of the Drugs Enquiry Committee in regard to quinine and the other alkaloids of cinchona bark have been referred to the Governments of Madras and Bengal, which are the only Provincial Governments owning cinchona plantations, for opinion. On receipt of their replies the question will be further considered.

FOSTERING AND DEVELOPMENT OF INDIAN INDUSTRIES ON THE LINES OF THE "BUY BRITISH" CAMPAIGN IN ENGLAND.

55. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (on behalf of the Honourable Rai Bahadur Lala Jagdish Prasad) : (a) Has the attention of Government been drawn to the "Buy British" campaign in England ?

(b) Is it the intention of the Government of India to consider the advisability of starting some such similar campaign in this country in the interests of fostering and development of indigenous industries in India ?

THE HONOURABLE MR. J. A. SHILLIDY : (a) Yes.

(b) The fostering and development of Indian industries is ordinarily a provincial subject. The Government of India have directed their policy, in respect of stores purchase and other matters, with the express object of encouraging Indian industries, and the Honourable Member may have observed that the Post Office has been endeavouring for some years to familiarize the public with the motto "Support Indian Industries."

RESOLUTION *RE* IMMEDIATE INTRODUCTION OF PROVINCIAL AUTONOMY.

THE HONOURABLE SIR SANKARAN NAIR (Madras : Nominated Non-Official) : Sir, I move that :

“ This Council recommends to the Governor General in Council to request the Secretary of State for India to take such steps as may be possible to introduce immediately provincial autonomy into all the provinces or at least in such provinces as are in his opinion fit for the same.”

Sir, the scheme of government now prevailing in the provinces and what is usually called dyarchy was intended to be and admitted to be only a transitory stage to lead to a unitary government or provincial autonomy. The question has recently been examined by the Simon Commission as the Government of India pointed out almost all the provinces were for a great advance towards provincial autonomy. The Government of India itself was of that opinion ; those who wish to refer to it will find it in the Despatch* of the Government of India on pages 17 and 18. I refer to it because I do not wish to say anything about my own Committee. The Government say there :

“ We agree with the Commission that the time has come to remove the boundaries set up between the compartments of which Ministers may take charge and those from which they are excluded”.

Then they say—“ To reserve law and order ”—because that is the one point on which there was a great difference of opinion, many people insisting that law and order should be reserved in the hands of Government—then they say :

“ To reserve law and order would be to concentrate attack on the most delicate part of the machinery. The arguments in favour of transfer have been authoritatively and to our minds, conclusively stated by the Statutory Commission and the Indian Central Committee”.

Then they say :

“ On the main issue that a great step forward should be taken the unanimity of the provincial Governments is complete”.

So far the Government of India. The Central Committee recommended it. The Simon Commission recommended it. Now, when it went to the Cabinet in England, the Prime Minister is equally clear. It will be found on page 113 of the Report.† He says there :

“ We are all agreed that the Governors' provinces of the future are to be responsibly governed units, enjoying the greatest possible measure of freedom from outside interference and dictation in carrying out their own policies in their own sphere”.

Then as to carrying it out he says there will be no great difficulty. He says‡ :

“ It is equally plain that the framing of a scheme of responsible government for the provinces would be a simpler task which could be more speedily accomplished. The adjustments and modifications of the powers now exercised by the Central Government which would obviously have to be made in order to give real self-government to the provinces should raise no insuperable difficulties”.

*Paragraph 22 of Government of India, Reforms Office Despatch to the Secretary of State, No. 1, dated the 20th September, 1930.

†Indian Round Table Conference (Second Session), statement made by the Prime-Minister on 1st December, 1931, paragraph 8.

‡*Ibid.*, paragraph 11.

[Sir Sankaran Nair.]

What was it then that stood in the way? The Prime Minister states* it :

“It has therefore been pressed upon the Government that the surest and speediest route to Federation would be to get these measures in train forthwith, and not to delay the assumption of full responsibility by the provinces a day longer than is necessary”.

Then he gives the answer* :

“But it is clear that a partial advance does not commend itself to you. You have indicated your desire”—(I suppose he means really the Indian Delegation)—“you have indicated your desire that no change should be made in the constitution which is not effected by one all-embracing Statute covering the whole field, and His Majesty’s Government have no intention of urging a responsibility which, for whatever reasons, is considered at the moment premature or ill-advised”.

That then is the real reason—that is, the opposition of the Indian Delegation there. But the Prime Minister adds this warning* :

“It may be that opinion and circumstances will change, and it is not necessary here and now to take any irrevocable decision”.

Clearly enough he saw that it is possible that circumstances may change, that conditions might come into existence which might require a reconsideration of the problem. I am not now concerned with the question—at any rate whether I am concerned with the question or not, I do not now propose to examine the question whether the Indian Delegation were right at that time in insisting that provincial autonomy by itself should not be taken into consideration, that the whole thing should form part of one scheme. I accept it. I accept also the fact that since all of them had made up their minds at that time, the Prime Minister, the Indian Delegation and moreover the admitted and well-known friends of India like Mr. Wedgwood Benn and Professor Lees-Smith, they had all accepted this decision that there should not be anything like provincial autonomy at that time, the burden of responsibility falls upon me to show why we should reopen and consider that question. Rightly or wrongly they settled it so at that time. Why then, instead of waiting for some time more, should I be impatient or should the Council be impatient to ask the Government now to reverse that decision and to go on with the scheme of provincial autonomy at once? The reasons are two-fold. First of all, I cannot disguise from myself the fact that responsibility at the centre for the purpose of framing a scheme of government for the whole of India will take some time—a few years, may be two or three years—that is what everybody hopes for—it may be more than that; half a dozen years or it may be never. By “never” I mean not within any reasonable period of time, because conditions are arising from day to day in addition to the difficulties pointed out by the Prime Minister and the Secretary of State that already exist that make it recede from our vision day by day. I have that in my view. The other reason which I have is that conditions in India have entirely changed since that decision was adopted. At that time there was no civil disobedience movement. Now there is a civil disobedience movement. Let us see how it has altered the situation; let us see whether it has any bearing upon this question. I think it has got a decisive bearing on this question. You find now that almost all the Congress leaders are in jail. Men like Gandhi and other leaders of the Congress movement are in jail. The Congress are

*Indian Round Table Conference (Second Session), statement made by the Prime Minister on 1st December, 1931, paragraph 11.

holding aloof from the Government. Not only are many in jail, but there is a rush now to go to jail. Young girls are going to jails. What class of girls are going to jails? You find amongst them the families of the old rulers of the country now drawing *malikhanas* represented. You find amongst them descendants of men whose names are well-known in Indian history, men like the late Sir T. Madhava Rao and others. You find amongst them persons closely related to men holding very high appointments in the country. You find all of them going to jail; others waiting to be appointed "dictators," applying to be appointed "dictators" simply for the sake of going to jail. You find amongst them the highest class of Brahmans, men to whom the mere shadow of a man of another caste is pollution. They are applying to the Congress committees and are waiting to be arrested, men who have never taken any part in political agitation. They are applying to the Congress committees to be appointed "dictators" so that they may be arrested and sent to jail. Young girls are wanting to be arrested and they are acting as a magnet for young men to follow them. All these arrests are taking place. In some localities it reminds one of the days of early Christianity, the martyrdom of those days. In other places you find the *lathi* being used, physical violence being used by the officials. You find them using violence against men who violate all these laws. Men are struck down by *lathis* openly in public. What is the result? By sending persons to jail their immediate relatives become disaffected with the Government. When respectable men are struck down in the streets there is a general feeling of indignation in the country. Disloyalty is mounting like anything on account of these *lathi* charges. What is the result of this picketing that is going on? I do not refer to the fall in imports because that is known to everybody. The English Government can see that. I refer to what may be learnt by simply walking into any European shop. Formerly, when you went into such a shop, it was difficult to get attended to. Such was the rush of intending purchasers. They had English assistants, Anglo-Indian, European and women attendants to attend to you. Now the shops are all deserted. Now you find a few Indian servants who are meanly clad to attend to you because the shops whose daily collections were over Rs. 2,000 are now realising only Rs. 50 or Rs. 60. That is the result of the picketing in the country. What is the result of the *lathi* charges? I said that it creates disaffection. Not only that. Now that the pressure of the leaders is gone, you find that there is a feeling of violence on the other side too. You find means of resistance being organised. In all these activities, to check civil disobedience, who is taking part except the Government officials? They are not receiving any support from those who are on the side of law and order. Every day the cause of the civil disobedience movement is gaining in strength, and the other party, the Government, are losing in strength. The so-called moderates—I use the term in no disparagement—and others who want to stand by law and order are not taking any part in it. The large mass of the people of the country who are on the side of law and order are not taking part in it either. If you allow this state of things to go on what is going to be the result? In a few years' time a situation will be created in India which I do not say it will be quite beyond the power of the Government to control, because the Government can control everything; there is the Army at their back; but it will be very difficult. Disloyalty throughout the country will be such that the country will have to be governed by terror. It cannot be governed peacefully. It cannot be governed in the way in which a country ought to be governed. That will be the situation. Is that to be allowed to go on? We must take steps then to rally round the Government, to bring into the field all those who are on the side of law and order. How is that to be done? I say

[Sir Sankaran Nair.]

that if you now grant provincial autonomy, you will have taken a good step towards it. The question may naturally be asked: "What is the guarantee that if we grant provincial autonomy, then we will have the support of men whose support we do not get now? You admit that they are not helping the Government now. Why do you say that if provincial autonomy is given, then men will assist the Government?" I say that the situation which will then be created is in itself the guarantee. Let me explain it. Suppose provincial autonomy is granted. Then you will have revenue and rent transferred. They will then be administered under the control of the local Councils whose behests will be carried out by Ministers. Look around now and what do you see? In the United Provinces, in Bombay and in Madras what is the dispute? The dispute is as to the rent or revenue which is payable. Whether it is a genuine dispute or a dispute engineered by Congress, there is the fact that you cannot get over; that those who have to pay the Government revenue and rent are raising these difficulties and parties to the civil disobedience campaign. And that it is a genuine and not altogether imaginary grievance we know, because Government are affording relief to some of them and are reducing the revenue which should be paid to them. In Bombay it is the same thing. This dispute has been going on now for more than ten years. I remember when I was a Member of the Government of India I had to deal with it. In Madras just the same settlements are going on in regard to revenue payable to Government. Landlords of the highest respectability, men whose loyalty is beyond doubt, those men are asking the Government that revenue should not be enhanced. The same dispute exists between landlords and tenants. Tenants are saying we cannot pay. Now, suppose revenue administration was taken over by Ministers and they and the local Councils have to deal with it. Now, either the Congress come in or they do not. If they come in there is an end of the question; they will discuss it with other parties in the Council and the Council will settle it. If the Congress do not come in, still the Council will come to decisions and those decisions will be carried out. A foreign Government will not have the obloquy of an unpopular measure, and the British Government does not stand to lose anything by that. The Ministers and the Council have to find the revenue, and if they can safely remit some revenue they will do it. Why should the British Government trouble themselves about it. If they cannot remit any revenue they will say so, and that will be an issue between them and the Congress. I say, therefore, that these disputes which are now creating such a lot of trouble in the United Provinces and in Bombay and in Madras will take a different turn, if you grant provincial autonomy and transfer revenue administration. Of course I cannot imagine provincial autonomy without the transfer of revenue and of law and order. Suppose law and order is transferred to Ministers under the jealous supervision of a democratic Council. What will happen? I will not refer to certain unfortunate incidents that have taken place of late for which the Government have expressed their regret. I will only refer to one circumstance, that the position is not here the same as in England. If an error is committed and something lamentable has occurred, the fact that Government express regret for it does not get rid of the evil. It soaks into the mind of the common mass of the people. Government's apology or expression of regret is practically unheeded. They say: "This has been done. The Government has done it." Therefore you have to see not only that a remedy is applied to those sort of things, but you must see that they do not occur. And I venture to submit that subordinates would not commit such errors if they know that there is a jealous democratic Council above them acting through Ministers responsible to that Council.

It is the present bureaucratic form of the Government which enables its subordinates to do these things which hurt the mass of the people. I say therefore that if law and order is transferred to the Councils, these things may not occur. If they occur the responsibility will be on the Indian ministers who will deal with the culprits. I am myself satisfied that when the administration comes into the hands of Indians steps will be taken which will have the same effect as these Ordinances are intended to have. But those steps will have to be worked out by the local Council. Take some of the things which are being done to-day, not by subordinates, but under the express orders of Government. I do not think an Indian Government would countenance them. For instance, it was reported in the papers yesterday or the day before that for the recovery of a fine imposed upon a man for some offence his wife and children were turned out of their house. Well, Sir, according to the Hindu law the Government is the guardian of all the women and of children, if they have no other protectors, and it is to me inconceivable that an Indian Government or an Indian minister would have allowed a woman and child to be turned out of their home because the husband has done something illegal. It is true that they were turned out by the civil courts for a legitimate debt incurred by the husband. But, even so, to the Indian mind that is very distasteful, and I have no doubt whatever that these things would not be tolerated under an Indian Government. I say again there are ways of stopping all these things, not by means of Ordinances which place tremendous power in the hands of low paid subordinates, but means which can be enforced by the ordinary courts. And then, when it is open to you to take this step, to grant provincial autonomy, which you know has to be granted in the course of a short time, why not take the step at once, why allow these lawless civil disobedience men to carry on this propagandist work day by day increasing disloyalty to the Government, when you have it in your power to take the step now and which you have promised you would take in any case within a few years? It is to me inconceivable why this step is not taken now. I have no doubt that if His Excellency the Viceroy accedes to this prayer of mine and places all the facts of the situation before the Cabinet in England, the Prime Minister will now say—I hope so at any rate—that conditions have changed and that it is now necessary to carry out provincial autonomy. It is lamentable that this spirit of propagandism against the Government should be allowed to be carried on like this. I can well understand some people saying: "Oh, but for heaven's sake let it go on, because this Government is an utterly unreliable Government. It is only by this propaganda of the civil disobedience movement through which thousands go into jail, and it is only if these assassinations continue, that Government can be changed. Otherwise we cannot trust this Government." It may be that there is that feeling that the Government cannot be relied on. There are some men who think on those lines, but I do not think we should play into the hands of those people, and therefore I say let provincial autonomy be granted at once. If you are going, along with it, to bring a responsible Central Government, well and good; I welcome it. If you cannot do that, if it will take some time—and I myself am disposed to think so, because there are difficulties in the way of carrying it out. Difficulties moreover are coming to the surface day after day. In the face of all those difficulties and certain others which are understood and realized only by those who were Members of Government during wartime, I do not think that for a shadow of central responsibility which alone we can get now we should be waiting. Let us get something substantial. It may be, on the other hand, by waiting indefinitely for that shadowy responsibility you may even lose the thing which you now have in hand. Let us have it. I would therefore strongly press, Sir, this Council to support this Resolution.

[Sir Sankaran Nair.]

There are a few other facts which I have to notice. We have to take note of the fact that such friends of India as Mr. Wedgwood Benn and Professor Lees-Smith have said that Indians would not mind waiting three or four years. I cannot help thinking that it is because they think that this Government and this Parliament are not in sympathy with us we are not going to get anything substantial, and they think that in two or three years' time this Government would be off, then there will be a dissolution and they think that a Labour Government—they are perhaps sanguine—will be better in the interests of India and a Parliament more favourable to India would come in. That may be their hope, but you have to take into calculation the other fact too. You may get a Parliament which is worse off than this; it may not even give the support which the present Parliament may be inclined to give to us. Then, Sir, there is the other fact to be considered—the further fact that our Indian Delegation have expressed at that time their view that it should be done under one scheme alone. But I say that the conditions have changed, conditions are different now. Are we now to allow—I say that again—are we now to allow this feeling of disloyalty and disaffection to grow in India like this against the Government to render all good government impossible? It is against the interests of Indians, because we already know that there are men in England who say that “So long as there is this disorder prevailing in India we shall not give anything to India. Let this disorder subside, then we will take it in hand.” Supposing now this spirit of violence spreads and goes on increasing—and it has already shown itself—what will be the result? The result will be that good government will be impossible and people will say that “We shall not give them any responsible government.” I say we should not allow that state of things to go on and we must face the problem. There are some who say that provincial autonomy which the Government are likely to give is not worth having. If it is not worth having, the sooner we know it the better. If they say it is not worth it, that they do not want any assistance from people in checking the spirit of resistance, let them go on unaided. Whatever the reasons may be, the sooner we know the thing, the better. For all these reasons, Sir, I commend this Resolution to the favourable consideration of the House.

THE HONOURABLE SIR BROJENDRA MITTER (Law Member): Sir, if I take part in this debate at this early stage it is for the purpose of explaining the attitude of Government on this Resolution. I shall not deal with the merits of the Resolution. Sir, the matter rests, so far as the Government of India are concerned, with the general observations of the Prime Minister made on the 1st of December, 1931.* The Honourable Sir Sankaran Nair has read a portion of that observation. With your permission I shall read the declaration once more. The Prime Minister said*:

“It has, therefore, been pressed upon the Government that the surest and speediest route to Federation would be to get these measures in train forthwith, and not to delay the assumption of full responsibility by the provinces a day longer than is necessary. But it is clear that a partial advance does not commend itself to you. You have indicated your desire that no change should be made in the Constitution which is not effected by one all-embracing Statute covering the whole field, and His Majesty's Government have no intention of urging a responsibility which, for whatever reasons, is considered at the moment premature or ill-advised. It may be that opinion and circumstances will change, and it is not necessary here and now to take any irrevocable decision. We intend, and have always intended, to press on with all possible despatch with the federal plan”.

* See footnote on page 78, ante.

Sir, in view of this statement of the Prime Minister the Government of India have not yet considered the question. The policy of His Majesty's Government in this matter will be guided by public opinion. In these circumstances, the Government of India refrain from any expression of views on the merits of this Resolution and they have decided that official Members will not vote if the Resolution is pressed to a division. I can, however, undertake on behalf of the Government that a copy of the debate will be forwarded to the Secretary of State for the information of His Majesty's Government.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : Nominated Non-Official) : Sir, if I understand this Resolution correctly it means that our Honourable friend desires that provincial autonomy should precede responsibility in the Centre. Sir Sankaran Nair is pre-eminently a leading figure in the public life of India and has occupied a prominent position also in the Government of India and has been for many years a Member of this Council and as such he is always entitled to be heard with consideration and respect. But, Sir, it is a matter of some regret that in the discussion of this very important Resolution he has brought in to-day many extraneous subjects which could possibly have been avoided, and also he could have to a certain extent avoided that measure of warmth with which he spoke against the recent policy of the Government of India in suppressing disorder in this country. I shall not enter into a discussion of those subjects now because a great deal can be said on both sides and if I entered into the arena of the debate to-day on this subject I would point out chapter and verse and would rather rebuke the Government of India for not adopting a firm policy a little bit earlier. Sir, if my Honourable friend had brought this Resolution two years ago or immediately after the publication of the Simon Commission Report I would have warmly and wholeheartedly supported it. But I am afraid to-day after many important events that have intervened it would not only be impossible but it would be a folly for this Council in my humble opinion to pass this Resolution. Sir, it has been pointed out in no measured terms that all the cause of this political trouble to-day is because the Provincial Governments are not armed with a full measure of responsibility and they are not in a position to exercise plenary powers in the Revenue Department—the exercise of which would probably have avoided the serious troubles which have taken place in the United Provinces and in some parts of Gujerat. Sir, if I had the assurance, if I had the guarantee, if I had even a reasonable hope that those troubles would disappear immediately provincial autonomy is granted to the provinces whatever my views may be on this Resolution to-day I would immediately adopt this Resolution and support it. But I am afraid Sir Sankaran Nair has wholly misapprehended the entire political situation in this country. Sir Sankaran Nair has spoken about picketing, about *lathi* charges, about the imprisonment of men and girls and many other matters. I shall not refer to those matters. I do not think that the genesis of the troubles in India is attributable to the recent arrests or to the recent firm policy adopted by the Government of India. The problem is a more comprehensive one. It is both a political and an economic problem. It is partly of foreign and Bolshevik growth. Sir, I do not think for a moment that if provincial autonomy is given to the Bombay Government to-day the people in Gujerat, the cultivators and ryots of Bardoli will immediately climb down and accept provincial autonomy as a panacea for all their troubles and afflictions. The whole question has been an economic one and I also beg to differ from my friend Sir Sankaran Nair when he told us that if provincial autonomy were given the revenue administration of the Bombay Government would be managed in a way different from what it is now. I make myself

[Sir Maneckji Dadabhoj.]

bold to say that those who have followed the course of the troubles in Gujerat know this very well and I assert with all the emphasis at my command that if we get self-government in Bombay to-day the policy in the matter of rent collections there will be in no wise different from the policy which is now in vogue there. My friend has also referred to the trouble in Madras and in the United Provinces. The troubles in the United Provinces are mostly economic ; there may be here and there cases of political exuberance and disturbance but on the whole the trouble in the United Provinces has been incontrovertably of an economic character and since heavy remissions have been made by the Governor of that Province things have very considerably improved and that fully shows that the diagnosis made by my Honourable friend Sir Sankaran Nair is neither tenable nor supportable.

Sir, coming now to the Resolution itself, what is the real position ? My friend said : Let us have provincial autonomy immediately. The Honourable the Leader of the House a few minutes ago has told us that in view of the pronouncement made by the Prime Minister the Government have not considered the question from that point of view. Sir, my own view is that it is now too late to think of provincial autonomy without some measure of responsibility in the Centre. And if I have understood the public pulse rightly I say with some measure of emphasis that my friend Sir Sankaran Nair will have a very thin support throughout India for the Resolution which he has brought here to-day. During the last two years the whole question of responsibility in the Centre has been carefully examined. The representatives of all sections, of all races, have gathered on two occasions, in 1930 and 1931, at the Round Table Conference in England which was opened and inaugurated by His Majesty the King in person. The whole Conference have met and deliberated in 1930 for a period of nearly two months and in 1931 they have done laborious work in the deliberations of the Federal Structure Committee, the Finance Committee and also the Minorities Committee has met and the delegates have expressed their views on the subject. Sir, in my humble opinion their work has not only been carried out with all reasonable expedition and despatch but has received a great deal of public approval and support in this country. The people throughout India have watched with considerable enthusiasm and interest the work and the labours of the two Round Table Conferences. People have now naturally come to the conclusion that they are positively going to obtain some measure of responsibility in the Central Government. People have come to the conclusion that it is not possible for the Government any longer to carry on the administration on the basis on which it has been conducted hitherto. And not only the highest officials but His Majesty's Government have promised responsibility in the Centre through their spokesman the Prime Minister as well as by Government making a statement in the House of Commons approving of the policy which the Prime Minister has indicated. Even the other day His Excellency the Viceroy addressing the other House stated this—I would like to quote a small passage from His Excellency's speech* :

“ Notwithstanding the many difficulties which we have had to surmount during the past few months and the serious problems that still lie before us, with the recollection of all I owe to this country in my public service of years gone by, I feel it a great pride and privilege towards the end of my public life to be leading India on to her promised position as an absolutely equal partner with the other Dominions under the Crown ”.

Sir, with our hopes and ambitions buoyed up by a statement of this kind is it right, is it proper, is it prudent, is it advisable, I ask this Council, to support this Resolution to-day? Sir, my feelings to-day are entirely of a different kind. If I gauge the public pulse correctly, the position is this, that there will be no permanent or lasting peace in this country till some measure of responsibility in the Centre is given to India. We are all wanting and clamouring for peace in this country. The King's Government must be carried on. The people, merchants, traders, manufacturers and business people have all been thoroughly disappointed and disgusted with the state of affairs which have been existing during the last two or three years. The trade of this country has been absolutely wrecked and ruined. I do not for a moment think that the public in India will be satisfied with the Resolution of my Honourable friend Sir Sankaran Nair, nor do I feel that they will accept it as either judicious or sane or consider it as a reasonable compromise if this Council adopts or accepts it. My friend said in his speech that it may take perhaps a dozen years to get responsibility in the Centre. I take an entirely different view of the matter. The Consultative Committee is now sitting in this very town for the last ten days, and I am credibly informed that their labours will be completed early next month at the latest. Other committees are also progressing with their work. I am sure His Majesty's Government in England and the Government of India will not delay the matter unnecessarily and will endeavour to expedite the consummation of the scheme as early as possible, particularly in view of the troubles that are now prevailing in this country. I go further and say that even if we have to wait for a year or two or more to complete the scheme of self-government in this country, we would prefer to wait when we have made such excellent progress than agree to the taking of the first and piecemeal instalment of only autonomy for the provinces. The result of passing such a Resolution as this will be that the country will misjudge the situation. If the Government concedes to this proposition, then even the Government will be blamed, misunderstood, and misinterpreted and perhaps also abused, and it will be freely said and suspected that the Government proposes to go back on its promises. I therefore advise my Honourable colleagues here to consider the matter carefully and dispassionately and to come to the conclusion that it would be prudent to wait than to precipitate at this present moment autonomous government for the provinces.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I rise to oppose the Resolution. I presume that the provincial autonomy, the immediate introduction of which the Honourable Mover proposes, is autonomy of the type which the Central Committee, of which the Honourable Mover himself was the President, recommended. The type of provincial autonomy now recommended by the Provincial Sub-Committee of the Round Table Conference, or the division between Provincial and Central subjects and the relation between the Central and the Provincial Legislature proposed by the Federal Structure Sub-Committee is not on lines very different from those adopted by the Central Committee. In either case the Central Legislature has some sort of control over Provincial Legislatures. As instances I allude to the power given to the Central Government of protecting the interests of the minorities, of intervening for the maintenance of peace and tranquillity in the provinces. In the report of the Federal Structure Committee there is a list of provincial subjects subject to legislation by the Indian Legislature.* There is also a list of subjects in respect

* Indian Round Table Conference, 12th November, 1930 to 19th January, 1931, Proceedings of Sub-Committees, Volume I, p. 671.

[Rai Bahadur Lala Ram Saran Das.]

of which extra-provincial control is to be exercised.* Legislation by the Provincial Legislature in certain matters is subject to control by the Central Legislature.

I quote below from the report of the Legal Sub-Committee appointed by the Federal Structure Sub-Committee† :

“ To preserve the uniformity which at present exists the present arrangement should be maintained under which certain important Acts cannot be repealed or altered without the previous sanction of the Governor General. The Acts are specified in rules made under section 80A (3) (h) of the Government of India Act but the list requires certain alterations and additions ”.

The Legal Sub-Committee further reported in the following words :

“ The Sub-Committee think that if this plan were adopted Provincial Legislatures would have in the field of civil and criminal law a power of legislation which would be sufficient for their needs ”.

These recommendations were made with the concurrence of all communities—Hindus, Muslims and Sikhs and all other minorities. In no system of Federal Government is there complete independence of the federating units, not even in countries in which independent states existed before the Federal Legislature was formed.

In India in which the historical process has been just the reverse in which unitary government of a highly centralised type has existed, complete independence of the federating units is practically impossible. The Federal Structure and the Provincial Sub-Committees were prepared to concede the maximum of independence to the federating units, but the degree of control by the Central Government which they have recommended is the irreducible minimum. The question therefore is whether this control over the Provincial Legislatures should be exercised by a Legislature responsible to the people or by a Government completely irresponsible. I am confident that no section of the House would hesitate in the choice between the two alternatives. Control by a government responsible to the people of the country is better than control by a government responsible only to the Secretary of State for India.

But there are other and more cogent reasons for not introducing provincial autonomy before introducing responsibility in the Centre. What guarantee is there that the federating units would not demand right to recede from the Federation before entering the Federation ?

This contingency can only be avoided if the Federal Constitution were formed simultaneously with the Provincial Constitution, and the relation between the two determined at one and the same time. Therefore in separating the two there is the danger, on the one hand, of too much control and on the other of too little control.

It would be ruinous to the country if the federating units demanded the right to recede as a condition precedent to their entry in the Federation. India would fall back into that state of chaos and anarchy from which under the ægis of British rule it has emerged. Under this head I would invite the attention of the House to the remarks made by a supporter of the unitary type of government at page 3 of the pamphlet written by Sir Sivaswami Aiyer criticizing the recommendations made in the report of the Statutory Commission.

* Indian Round Table Conference, 12th November, 1930 to 19th January, 1931, Proceedings of Sub-Committees, Volume I, p. 674.

† *Ibid.*, p. 677.

This evil has been clearly pointed out. Sir Sivaswami Aiyer appears to be a supporter of the unitary type of government. In my humble opinion it is unnecessary to quarrel about words and phrases. No two federal Governments are exactly alike. The degree of independence enjoyed by the federating units is different in different federal Governments. There are cases for instance in Germany in which the Central Government controls even secondary education. But what are the reasons on which it is demanded that the question of responsibility in the Centre may be deferred? The preliminary inquiries for the introduction of provincial autonomy involve the determination of issues as difficult as those which are necessary to decide before introducing responsibility in the Centre.

The Franchise Committee would take longer to frame definite recommendations than Committees whose main object is to decide the issues necessary for the introduction of responsibility in the Centre. There are hardly any communal problems involved in the question of responsibility in the Centre. The question of provincial autonomy teems with communal problems in the settlement of which proletariats have to be satisfied. In matters relating to Federation we have to deal with Princes and to bring them on mutual agreement, which is a much easier task than that of bringing different communities on a common agreement.

We should not be oblivious to the condition prevailing in the country and the attitude assumed by different political parties. Even the Moderates of whom the Liberals form a majority would not look at a constitution which does not give responsibility in the Centre. The Congress which is the most influential party is so suspicious as to refuse to co-operate; the leaders of the Congress are suspicious of the intentions of the British Government and they would not think of co-operation and have launched on civil disobedience. It would be highly unwise to drive even the Moderates into an attitude of suspicion hardly distinguishable from that of the Congress. The Muslim demand is only this, that their interest should be safeguarded. They are not opposed to responsibility in the Centre. This point was made abundantly clear by Sir Muhammad Shafi, whose loss we all mourn, and Mr. Jinnah in speeches on the 26th of November in London.

I am aware there are certain sections who demand immediate provincial autonomy and wish that the question of responsibility in the Centre to be deferred but those sections have always been characterised by an attitude of hostility towards all political advance in India.

The protection of the interests of the Hindu minority in provinces where it exists can be more satisfactorily exercised by a Central Government responsible to the Legislature than by a Central Government not so responsible.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay: Non-Muhammadan): Mr. Chairman, for so long has there been such a demand on the part of the political-minded in India and so insistent has been this demand for self-government, by which has been meant not only provincial autonomy but responsibility at the Centre, that I cannot help observing that the notice of the Resolution given by my friend the Honourable Sir Sankaran Nair has caused great surprise throughout the country. Like my friend Sir Maneckji, I hold that because of his position in this Council and because of his having filled the very responsible position of Member of the Executive Council of the Government of India, Sir Sankaran's views are entitled to respect and consideration. I have therefore listened to him with the greatest attention possible, but I cannot help stating that I remain unrepentant and unconvinced. Sir Sankaran's Resolution, if passed, would simply set back the hands of the clock. It

[Sir Phiroze Sethna.]

is distinctly a retrograde motion. Sir, at the two Sessions of the Round Table Conference the work done was of a character which enables the delegates to believe that Government will, and I may say must, give both provincial autonomy and responsibility at the same time. My friend Sir Sankaran observed that the views of the Provincial Governments some years ago were against dyarchy and in favour of provincial autonomy. He may have also added that some of the Provincial Governments at the same time observed that they would not be satisfied with provincial autonomy alone but insisted upon responsibility at the Centre—and that was some years ago.

When we went to attend the First Session of the Round Table Conference we felt that perhaps because the Government in power was the Labour Government, we had them on our side so far as provincial autonomy and responsibility at the Centre at the same time were concerned. We were of course very doubtful as to the attitude that would be adopted by the representatives of the other two leading political parties in England, the Liberals and the Conservatives. Fortunately for us the Leader of the Liberal Party was no other than an ex-Viceroy, the Marquess of Reading. Although he hesitated at first, when he discovered that the Indian Princes were willing to come into the Federation, he readily accorded his assent. He was followed in that view by the other delegates of the Liberal Party and the Conservatives later on came to the same view of thinking. It was because of this that the Prime Minister on the last day of the First Session, namely, the 19th January, 1931, made a statement which I propose to read. The portion I want to quote consists of a very few lines. He said :

“The view of His Majesty’s Government is that responsibility for the Government of India should be placed upon Legislatures, Central and Provincial, with such provisions as may be necessary to guarantee during a period of transition the observance of certain obligations and to meet other special circumstances, and also with such guarantees as are required by minorities to protect their political liberties and rights.”

The Honourable the Law Member has read from the statement made by the Prime Minister at the end of the Second Session, and only a portion of that same quotation which suited the purpose of my friend Sir Sankaran was read out by him. The reason why I have quoted what the Prime Minister said at the end of the First Session is this, that before the Second Session was opened Government were able to prevail upon the Congress party to send their representative. Their sole accredited representative was Mahatma Gandhi, but the House will remember that while he was the only representative of Congress as recognized by the Congress itself, Government also appointed amongst the additional delegates some others who were distinctly Congressites. I refer in particular to Pandit Madan Mohan Malaviya, Mrs. Sarojini Naidu and Mr. Rangaswami Iyengar. Now, all these four, in the speeches they made at one place or another, distinctly laid stress on the quotation which I have read out from the Prime Minister’s declaration on the last day of the First Session. They said that it was only because of that assurance that they accepted the invitation to come to the Second Session of the Round Table Conference and that they would not have gone otherwise. I quote this with some emphasis in order to convince my friend Sir Sankaran Nair that the Congress itself, the largest political organisation in this country as it has been recognised everywhere, is distinctly in favour of provincial autonomy and responsibility in the Centre at one and the same time.

Now, Mr. Chairman, after we proceeded on our mission to the Second Session of the Round Table Conference, things went on very well for the first

two months, that is to say, there was no reference to any change in the policy laid down by the Prime Minister. Towards the end of October, 1931, or perhaps in the first days of November, it leaked out in the course of conversations with British M. P.'s and others, and delegate after delegate discovered that it was the clear intention of Government, in spite of the contradiction in the press, that if possible they would introduce provincial autonomy in the first instance to be followed by responsible government in the Centre at some date, however remote. When this came to the knowledge of the delegates, who I may say used to hold informal meetings day after day, they thought that action must be taken. I remember it was on a Friday—to be precise it was Friday, the 6th of November—when several of us delegates who had met together thought that it was high time that a letter should be addressed to the Prime Minister. That letter was drafted there and then and sent off to 10, Downing Street, because we knew that the Prime Minister had gone to spend the week-end at his home in Lossiemouth. The letter was despatched that night and we learnt later that it was sent from Downing Street by a courier to the Prime Minister. In that letter, we, who signed it, said as follows :

“ Dear Prime Minister,—It is with deep concern that we hear rumours to the effect that provincial autonomy will be introduced as a first step in the political reconstruction of India, leaving Federation and responsibility at the Centre to follow later. We have read the statement to the contrary which appeared in the daily press this morning. The rumours, however, are so strong and persistent that we must ask leave to place our views before you beyond the possibility of doubt. The needs of the present situation can be met only by a complete and comprehensive scheme, of which responsibility at the federal centre must be as integral a part as the autonomy of the federating units. To divide the scheme into parts and bring into immediate operation one of the parts and postpone the other is to arouse fears of uncertainty and suspicions of the intentions of the Government”.

This letter, I may inform the Council, was signed by 28 delegates who were present. There were besides some Indian States-Ministers who were entirely in accord with the views embodied in this letter but they refrained from signing simply because this was absolutely a British Indian question. When the contents of the letter were published in the papers on Monday morning the other delegates were very indignant that their signatures were not obtained to this letter. We had to explain that we could not possibly do it for want of time, that we wanted the Prime Minister to read the letter before he returned to town. At the same time, we informed them that should they so desire they would have ample opportunities of placing their views before the Conference at the Plenary Session of the Conference itself, and this opportunity they certainly availed of in a very large measure.

Sir, the printed proceedings of the Second Session of the Conference are not yet out, but from what notes I had taken and from what cuttings of newspapers I have, I shall be able to quote to you the views of some prominent delegates. I will say that amongst our Muhammadan friends, I am very sorry that I have not with me the views expressed by our late lamented friend Sir Muhammad Shafi, whose death Hindus, Sikhs, Christians and Parsees mourn just as much as our Muhammadan friends. He, as well as Mr. Jinnah, two recognised leaders of the Muhammadan delegation, very strongly supported what we have stated in this letter which I have read out. At the Conference there were a few dissentient voices—that is bound to happen anywhere. Sir A. P. Patro was the first to start a discordant note. He said we might be content with provincial autonomy and wait for responsibility in the Centre. I am very happy to find that within the last week the same Sir A. P. Patro has publicly declared that he was wrong in his first views and that he entirely supports the idea which is embodied in this letter. My friends, Dr. Shafaat

[Sir Phiroze Sethna.]

Ahmed Khan of Allahabad and Mr. Ghuznavi of Bengal, also sounded a discordant note, and barring these, I think the majority of our Muhammadan friends were entirely with us. A prominent Muhammadan, himself a Member of the Executive Council of Bombay, Sir Ghulam Hidayatullah, said :

“ that provincial autonomy without responsibility at the Centre would not work. The building of a federal constitution might take a few years, but what were a few years in the life of a nation ? ”

Now, Sir, let me come to the views of the other delegates who strongly support what we are now contending for. As this House knows, and as I may say it is generally acknowledged, the most outstanding figure in both Sessions of the Conference from amongst the Indian delegates was Sir Tej Bahadur Sapru. Sir Tej Bahadur Sapru made the following observation at the Plenary Session* :

“ He warned Government to think twice before adopting the old-fashioned instalment system of reforms in regard to India. The time had come when they should think out and evolve a comprehensive scheme which would cover both the Centre and the Provinces, and introduce them simultaneously ”.

My friend Sir Sankaran Nair thinks that it would take anything from three to fifteen years in order to frame a scheme for responsibility in the Centre. Let me quote Sir Tej Bahadur Sapru's views he expressed on that subject on another occasion :

“ Provincial self-government could never work successfully without responsibility at the Centre, and he definitely laid it down even if three years were required to bring the Central Federal Authority into operation it would be better to postpone the introduction of provincial self-government for that period ”.

I may mention here that in the course of discussion with the Prime Minister and other statesmen it was stated that three years was too long a period and generally agreed that if they worked in right earnest everything could be accomplished within a period of twelve months.

THE HONOURABLE SIR SANKARAN NAIR : The Prime Minister said “ a few months ” at one time. He did not then realise the difficulties.

THE HONOURABLE SIR PHIROZE SETHNA : I say twelve months. I want to quote again a sentence from a letter which Sir Tej Bahadur Sapru addressed to the *Manchester Guardian* on the same subject. He said :

“ The problem with us is not to create a Central Government but to alter its character and its powers in relation to the provinces. The course now suggested in certain quarters seems to me to be the surest way of destroying the work hitherto done, destroying all chances of destroying India's hope and faith ”.

Mr. Chairman, Mr. Jayakar was a valuable coadjutor of Sir Tej Bahadur Sapru, and the House, I am sure, will be interested to know his views :

“ The scheme—Federation, Central Responsibility and Safeguards—has been accepted in India by the greatest political organisation, the Congress. The question now was, would the British Government accept the scheme, or would it reject the scheme, or—what was perhaps a greater danger than rejection—would it mutilate the scheme ? About rejection, he had no fear, because it would restore all parties to the *status quo ante*. What he and many of his colleagues were afraid of was that for Parliamentary exigencies the scheme might be mutilated in the sense that they might be offered the trunk, the head or the legs. That would be a great mistake. They wanted the scheme to be offered to India

*Report of Indian Round Table Conference, Second Plenary Meeting held on 30th November, 1931, p. 306.

as a whole. They knew that there were many details of the scheme which had to be worked out; patient investigation and inquiries had to be carried out; but that would be no reason for mutilating the scheme in the sense of offering to India something which was only a part of the scheme”.

Another stalwart holding the same views is Sir Chimanlal Setalvad of Bombay. He said :

“ Any attempt to give these reforms by instalments, as has been suggested in various quarters—for instance, to begin with provincial autonomy and then work up to Central responsibility and Federation later—is a scheme that is doomed to failure.

Provincial autonomy without Central responsibility will really be a sham and an illusion. If you look at the matter squarely you will recognise that the need for Central responsibility is more urgent than any other reform in India. Take the present state of things at the Centre. You have there a standing hostile elected majority, and the Government always in a minority. That engenders, and must engender, irresponsibility on both sides. The elected Members of the Legislative Assembly know that whatever they do the King's Government will be carried on, and therefore, as they have not the burden of responsibility cast on them, as would be the case in any democratic institution, they are bound to be, and have in fact become, and will still more become, irresponsible. On the other hand, in the same manner the Government, knowing that they have the power of certification, that they have the power of doing everything over the heads of the Assembly whatever the vote of the Assembly may be, are equally irresponsible on the other side. I therefore say, Sir, that responsibility at the Centre is the most urgent need of India, and you should take that in hand instead of quarrelling about provincial autonomy and things of that character”.

As the Council might also like to know the views of the Congress I shall quote from the speech of Mr. Rangaswami Iyengar :

“ The only proper and the only correct step for His Majesty's Government to take if they want to confer responsible government upon India, is to divest themselves of this responsibility and to hand it over to legislatures responsible to the people of the country and that we considered, Sir, was implicit in the declaration made in January last.

If that is so, then I as one who was invited, took it to mean two things. In the first place, it cannot connote the idea that mere provincial autonomy as such is possible without Central responsibility. If Parliament is going to cease to be responsible for the Government of India, then it is not possible for Parliament to say that the provinces shall be governed without responsibility to Parliament, but that the Central Government in India shall continue to be responsible to Parliament. It seems to me to be a politically inconceivable conception that provincial autonomy and Central responsibility to Parliament can go together”.

If I may take the liberty of quoting two or three sentences from my own remarks I will do so. I observed :

“ Provincial autonomy had been thought of, or was believed to be thought of, as an initial instalment. If that was the idea, then the consequences would surely be disastrous. There would be agitation (for immediate responsibility at the Centre) and it would rest on Ministers in Provincial Governments to try to check that agitation. How could they possibly expect such Ministers, who did not believe in provincial autonomy alone but also expected responsibility at the Centre at the same time, to check such agitation ?”

Mr. Chairman, whilst these arguments of my Indian friends will have convinced the Indian Members of this Council, I want to quote in particular an opinion which I am sure will appeal to every European Member of this House. I quote the opinion of the Leader of the European delegation from British India, Sir Hubert Carr. He observes :

“ We should much prefer provincial autonomy instituted previously to any change in the Centre or even before it is decided on at the Centre. We realise, however, while deploring it, that there is not sufficient confidence existing between India and Great Britain to-day for India to be content with merely provincial autonomy and a declared intention of development at the Centre. We are, therefore, united with our fellow-delegates in demanding that the whole framework of Federation and provincial autonomy shall be determined at the same time”.

[Sir Phiroze Sethna.]

I have done with these quotations. I apologise for their length.

We had discussions with the Prime Minister and others on the subject of our letter and we do believe our letter was most timely and had the desired effect. The Prime Minister in the same connection asked a prominent delegate the question: "Supposing an architect was building a house with a ground floor and upper storey, would you expect him to erect the upper storey before he had completed the work of the lower storey?" This delegate answered in the Irish fashion by putting another question to the Prime Minister. He said: "Supposing the architect was building that house and the upper storey was not started or half complete, would he ask the owner to come and live on the ground floor" implying that the whole house would tumble down. We want the whole thing or nothing. In the course of these discussions it was again pointed out that the communal troubles are so great that it was no use introducing responsibility at the Centre at present. We pointed out: "Will not the same question arise in the provinces when provincial autonomy is granted them?" If we have provincial autonomy in the provinces at first and federal government is to follow later we will find that each of the provinces will try to exact its own price before coming into the Federation making the task difficult and impossible. These are very important considerations and for these reasons it is very necessary that they should both come in at the same time. Rather than give you any more reasons myself or the views of the other delegates, let me wind up by quoting from an article which appeared in the London *Times* of November 9th on the subject of this letter. About the middle of the article it says:

"It was recognised that the work of establishing a Federal Legislature and Government will inevitably take time, and that in the abstract a half-way house might be attractive. But the more the situation was examined the more convinced were the signatories that the intermediate bestowal of provincial autonomy would be a grave mistake".

And the paper concluded the article by saying as follows:

"It is held that the scheme of Federation, with responsibility at the Centre, subject to transitional safeguards, and with provincial autonomy, is a unity, and that if one part is adopted without the other parts there would be great difficulties in bringing the structure to completion. To begin with it would lead to constitutional difficulties, for the Princes would not be prepared to negotiate Federation with the provinces and the change would tempt many of them not to federate. Further, it is contended that it would be open to any single province to dictate terms for joining the Federation or to remain outside, and thus block the way of union. It was also felt that while the half-way scheme might possibly satisfy the larger minority communities the great bulk of the politically-minded people would not be satisfied. There would be behind it no real force of popular welcome. Another objection was that since provincial autonomy would presuppose a settlement of the communal difficulty where it is least tractable—in the Punjab—there would be no justification, on the communal issue at least, for withholding responsibility from the Centre. Reference was made to the administrative difficulties of a system under which the Central Government, remaining responsible to the Secretary of State, would be seeking to impose its will on nominally autonomous provinces, particularly at a time when law and order might be difficult to maintain. The objections of the signatories may be summed up as arising from the fear that the half-way house might remain the stopping place in the march to Indian unity".

What is the gist of the remarks which fell from my Honourable friend in support of his Resolution? He advocates provincial autonomy to begin with for two reasons. First, that it will take indefinitely long to settle all details about responsibility at the Centre. I think I have answered that already. His second point is that conditions are so altered since the Prime Minister made the declaration that only the granting of provincial autonomy will check civil disobedience if Indians are put in responsible positions as

Ministers to collect revenue or placed in charge of law and order. I say distinctly "No." And I will give you my reasons for the same. If my Honourable friend were a Minister, say for Madras, in charge of law and order, and if he found that there was an agitation amongst the public and they were demanding responsibility in the Centre immediately, as a Minister he is bound to be loyal to the Government and try to check that agitation

THE HONOURABLE SIR SANKARAN NAIR : No.

THE HONOURABLE SIR PHIROZE SETHNA : I am sorry. He will be very different from other Ministers. I take another Minister. What will he do ? He may at heart be himself in favour of responsibility in the Centre. If he cannot check the agitation the result is that he will give the diehards in this country and in England a chance of saying : "Let alone responsibility at the Centre ; even provincial autonomy is a failure." That will be the result of the Resolution which my Honourable friend has moved. I hope the Council will think twice before they pass this Resolution, and I am very grateful to the Honourable the Law Member for asking the Government Members not to vote.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal : Muhammadan) : Sir, the Resolution before the House to-day comes to me as a surprise. That Sir Sankaran Nair with more than a quarter of a century of public life to his credit should have thought fit to bring in such a Resolution at this juncture of the history of constitutional advancement is to me really startling.

Sir, at the outset, before I oppose, I must declare that this is the most inopportune moment for discussion of such a matter on the floor of this House. Sir, I oppose this Resolution, and I oppose it as it is too premature, risky and hasty to hazard any recommendation to the Secretary of State for India regarding the future constitution at a time when the Consultative Committee and the various other Committees have not yet finished their labours. My Honourable friend Sir Sankaran Nair bluntly and frankly asks the Governor General in Council and recommends to the Secretary of State for India for immediate provincial autonomy for all the provinces and appears to me to be very eager to see his own province cut off from the central authority in order to be formed into a political complex run by a super-imposed oligarchy. Such an eventuality, to my mind, Sir, will go a great way against the interest of both the Central and the Provincial Governments, leaving the constitution of central responsibility in the lurch. Sir, coming as I do from Bengal, representing more than half of Bengal including Calcutta, I feel that provincial autonomy without readjustment of the Meston Award about the finances is merely chimerical and will prove to be illusory. Sir, for the last two years, Bengal is having a deficit budget of two crores of rupees. All the activities of the nation-building schemes have been brought to stagnation and yet the finances are not sufficient to cover the ordinary day to day expenses of the administration. At a time like this what will be the benefit of provincial autonomy if there is no money to be spent for education or sanitation or for the improvement of the health of the rural population and to give relief to the flooded and malaria-infected millions of Bengal ? Sir, there is no room for further taxation. The limit has been reached. Any addition will break the back of the proverbial camel. So, Sir, I cannot think of immediate provincial autonomy apart from the whole question of responsibility in the Centre and readjustment of finance between the provinces and the Central Government.

[Mr. Mahmood Suhrawardy.]

So far as Bengal is concerned, she cannot be divorced of her share of her jute tax, income-tax and salt tax if she has to run on smooth lines. But, Sir, when I notice that our persistent demand for the transfer of the income of jute to the provincial exchequer has been treated with scant courtesy and when I notice that the Congress delegates at the Round Table Conference failed to set forth any communal solution of the communal problem in this country, and after the statement made by the Prime Minister to the Conference at the close of its Second Session last year—*vide* page 111 of the report—it is the better and wiser course for us to wait since we have waited so long. If we are now to take hasty steps and be now satisfied with provincial autonomy, then the other interest of central responsibility will be indefinitely postponed. We have waited so long; let us wait a few months more and let the whole constitutional question be settled rather than hastily be satisfied with a moiety of our demand. Sir, as a Muslim Member, I like to remind this House, and with your permission, Sir, I will read from page 41 of the Fourth Report of the Federal Structure Committee of the Indian Round Table Conference :

“The Committee when discussing the subjects covered by this report, namely, Defence, External Relations, Financial Safeguards and Commercial Discrimination, did not have the advantage of hearing the views of the Muslim members of the British Indian Delegation who reserved their opinion on such questions until such time as a satisfactory solution had been found of the problems which confronted the minority communities. Some other representatives of the minorities similarly reserve their opinion”.

Sir, in my view I am not singular amongst Muslims. The very last words of the late Mian Sir Muhammad Shafi are still ringing in my ears, who stated in clear and unmistakable terms :

‘that no constitution would be acceptable either to him or to his community or to the rest of British India which did not visualize simultaneously of responsibility both at the Centre and in the provinces”.

That was his last great public speech and that was the last great contribution that he made to the settlement of a grave constitutional issue. In view of the above facts, I beg to oppose strongly the Resolution of my Honourable friend Sir Sankaran Nair, opposite. The name of my Honourable friend Sir Sankaran Nair is so well-known throughout India, the wealth of his experience is so large and varied, his earnestness and sincerity for the progress of our constitution is so real and so great that instead of pressing for this Resolution, I hope he will kindly see his way to withdraw it.

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN (East Punjab : Muhammadan) : Sir, the proceedings of the Round Table Conference show that the scheme of future provincial constitution is ready and that the framing of a constitution for the Centre on the basis of an All-India Federation may take some time, perhaps some years. Therefore why leave the provinces during these years to continue to be handicapped by their present dyarchic constitution? Provincial autonomy may be enforced immediately, as proposed by the Honourable the Mover. Some members of the Round Table Conference had hesitation in the matter as they thought that there was an apprehension that the introduction of provincial autonomy will delay the framing of a constitution for the Centre. There need be no such apprehension now. On the contrary it is a big step towards the completion of the constitution. The work of the Round Table Conference should in the meantime be pushed forward rapidly. The introduction of provincial autonomy will to a large extent settle the communal question, as representation in provincial

Legislatures will have to be settled first. It will also make federation a practical proposition, as units will then be working as autonomous and could take part in framing the constitution as units of the proposed Federation. His Excellency the Viceroy has made it clear in his recent speeches that the Government of India is anxious to see constitutional progress continue with increasing momentum. The recent action of the Government in initiating reforms in the Frontier Province has resulted in a general improvement in the situation there, and I believe that the twin policy of "progress and firmness" in India at this juncture would result in eradicating the evil of terrorism and anarchy, and would restore confidence. I therefore support the Resolution moved by the Honourable Sir Sankaran Nair with the exception that there should be no discrimination between the provinces, as suggested by him at the end of his Resolution.

THE HONOURABLE MR. BIJAY KUMAR BASU (Bengal: Nominated Non-Official): Sir, I must confess that I was not a little surprised when I saw that it was my Honourable friend Sir Sankaran Nair, a man who is well known in public life as well as a man who has large experience in Government departments, who was moving this Resolution at a time like this. Sir, if Sir Sankaran Nair's idea about provincial autonomy be to substitute a set of brown bureaucrats for white bureaucrats, I do not think it will take us even an inch further from the place where we are at present. It has been often said, I think by various people who are taking the trouble of framing the constitution, that provincial autonomy cannot be attained unless a settlement of the communal question is first of all reached. He has not examined those difficulties. He has not examined the financial position of the provinces. I can say almost without fear of contradiction that if to-day the provinces are asked: "Are you prepared to carry on provincial autonomy; you will have nothing to do with the Central Government about finances or anything else," would any province accept the proposal? I think not. Then, Sir, my Honourable friend Sir Sankaran Nair who comes from Madras having moved this Resolution gives me an opportunity to point out that in the Madras Council itself, there was a Resolution of exactly this nature, which was balloted for and entered on the Order paper, but it was not moved. Does that show that the province of Madras wants it? I just take this opportunity of asking Sir Sankaran Nair if he thinks that the country is prepared to accept his panacea for the *lathi* charges and the civil disobedience movement. The whole idea of a federal structure, so far as I can see it, is to try and unify India in some way or other. That is the best way to unify India and that is what the Government both here and in England have been telling us, that we must have a federal India. There have been various declarations and statements made by Prime Ministers and other responsible people from their places in the House of Commons time after time, that Britain wants to give us such a constitution that India might realize her own position as a component part of the commonwealth of nations known as the British Empire.

Now, for whose benefit has this Resolution been tabled. I find that Sir Sankaran Nair has left his place, but anyway I hope he will give me an answer. It cannot be for the Government, because Government has, as I have said, both here and in England, given us statement after statement, undertaking after undertaking, that they want to give us a sort of federal structure with responsibility at the Centre and it is too late in the day, I might remind Sir Sankaran, to delude the people with anything else. You cannot do it. Then, Sir, if I may be permitted to quote a few sentences from the speeches of several

[Mr. Bijay Kumar Basu.]

people in the sitting of the Federal Structure Committee on the 25th November, 1931. The Honourable Mover has referred to Professor Lees-Smith and I am going to quote a few lines from his speech made on the 25th November. The question discussed on that day was, when is the Federal Government to come into being and is it to come into being simultaneously with the Provincial Governments or later than the Provincial Governments, and this is what Professor Lees-Smith said—I am only quoting an extract :

“ I have discussed with a great many members of this Committee and I am convinced myself that in spite of its difficulties the second alternative—the alternative of simultaneously bringing into being provincial autonomy and federal responsibility—is the safer of the two ”.

He goes on :

“ If the Provincial Governments are established before the Federal Government, that they will be established amidst suspicion, that there will be belief that the Federal Government is postponed into the indefinite future, that it will not be established with goodwill, that they may be wrecked before they are begun, that they will never have a proper chance of success, and circumstances may then arise as a result of that, as a result of the general suspicion and ill-will which will postpone the Federal Government to some indefinite future ”.

I found when I was listening to the speech of the Honourable Mover that he was quoting Professor Lees-Smith with some amount of deference and respect, and that is why I have quoted Professor Lees-Smith. Again, Sir, in that meeting on that day other delegates from India expressed their convictions in no ambiguous language. Some of them have been quoted by my friend Sir Phiroze Sethna and I will content myself with quoting a passage or two from others. Sir Tej Bahadur Sapru said :

“ So far as I am concerned, I am an irreconcilable opponent of provincial autonomy divorced from responsibility at the Centre ”.

Then another gentleman coming from the same province as my Honourable friend Sir Sankaran Nair, the Right Honourable Srinivasa Sastri, said :

“ Of the step that Professor Lees-Smith has spoken of being taken up by the Government and provincial autonomy being introduced in advance of responsibility at the Centre, I should like to point out one grave danger there is of the country being not at all willing to accept it ”.

I do not know, Sir, if Sir Sankaran Nair knows more of the country than the Right Honourable Srinivasa Sastri. Another gentleman who also hails from the same province as my friend Sir Sankaran Nair does, and who I believe is in closer touch with the present movement in the country, being a younger man, Dewan Bahadur Mudaliar, says :

“ I feel that a mere announcement of provincial autonomy without simultaneously providing for responsibility at the Centre will fall flat in the country, will put men like myself, who are anxious to co-operate, in an absolutely bewildering and hopeless position if we do not take care of ourselves ”.

1 P.M.

Further down in the speech he says :

“ The country will say that one result of the Round Table Conference has been, as in fact was hinted on the last occasion, the separation of Burma and the acceptance of the Simon Commission Report ”.

What I feel is, Sir, that if we accept this Resolution to-day we shall be exactly where we were when the Simon Commission Report was published. Then,

Sir, I again quote Mr. Gandhi who, as has been told, was the sole accredited agent of the Congress, the largest political organisation in the land. In the same meeting from which I am quoting these extracts, Mr. Gandhi said :

"I close by saying"—this is the last portion of his speech—"I close by saying that I sail in the same boat as Sir Tej Bahadur Sapru and others, and I feel convinced that real provincial autonomy is an impossibility unless there is responsibility at the Centre, or unless you are prepared to weaken the Centre so that the provinces will be able to dictate to the Centre".

And I am almost sure that neither the British Government nor the Government of India will like to weaken the Centre so that the provinces will be able to dictate.

Then, Sir, about the nature of the provincial autonomy that Sir Sankaran Nair wants to be immediately introduced, I am afraid he has not given any indication. This phrase, provincial autonomy, has been interpreted by different people in various ways. For example, Mahatma Gandhi himself says that the provincial autonomy that he wanted was a provincial autonomy that will have control of the finances, of the army and of external relations. I really do not know if that is provincial autonomy that is talked of by Sir Sankaran Nair. He described the form of provincial autonomy which he defined in his speech. He said that that was the genuine provincial autonomy and the other thing was a bogus one. What the other thing was he never said. But I take it so far as I could follow Sir Sankaran Nair when he introduced this motion that his sole idea has nothing to do with the system of government. It is only a change in the personnel. If that is so, I am very sorry that it is not possible for me to support Sir Sankaran Nair at all. Then, Sir, the other objection that Sir Sankaran Nair took about the introduction simultaneously of responsibility at the Centre and in the provinces was, that it would take a long time. This thing has been going on for some time past, and however much the delay may be, he puts it at, say, half a dozen years. Six years certainly may be a very long time in the life of an individual, but considering the life of a nation it is an absolutely negligible length of time. Sir, I oppose this Resolution.

The Council then adjourned for Lunch till Twenty Minutes Past Two of the Clock.

The Council re-assembled after Lunch at Twenty Minutes Past Two of the Clock, the Honourable Mr. G. S. Khaparde in the Chair.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal : Non-Muhammadan) : Sir, I would have most gladly supported the Resolution of our Honourable friend Sir Sankaran, but when I find that he has qualified his Resolution with such a clause as "or at least in such provinces as are in his opinion fit for the same", I am extremely sorry I cannot find my way to lend my support to his views or to his Resolution which, I think, being actuated by a sincere motive, he is now moving in this House. Sir, first of all with due deference to our Honourable friend Sir Sankaran who has grown gray in politics and in matters relating to administration, I should like to point out that the Resolution has been so vaguely worded that it becomes unacceptable to one who is even a tyro in politics. Moreover, it appears to me to be too previous, nay, too premature to come to this House with such a Resolution when the Franchise Committee have been touring in our country and the Consultative Body of the Round Table Conference is sitting here to find out

[Mr. Jagadish Chandra Banerjee.]

data to help in working out the details of the scheme which is popularly known as the Sankey Scheme and which was approved by the Premier in his speeches at the Round Table Conference. It puzzles my understanding to find Sir Sankaran come forward with such a Resolution when so many things have happened since the Congresswallahs cried, "Simon, go back" with black flags. Sir, we have all read the Report of the Simon Commission, but I do not know, if all of us here have cared to go through that valuable document produced by the genuine labours of the members of the Central Committee of which Sir Sankaran as our friend Sir Chimanlal Setalvad characterised, was the "Green spot in the desert." But no where in that interesting Report of the Central Committee which is perhaps rotting in the archives of the Government of India and Whitehall have we found any recommendation for the shadow—not to speak of the substance—of provincial autonomy in India. But now, Sir, when we have advanced so far with regard to the real beginning of the work in connection with the granting of self-government within the Empire with certain safeguards, I think it is unwise to pass such a Resolution which appears to be in itself, the very negation of the principle of the Round Table Conference and its honest labours when one comes to a Legislature with such a Resolution, it is but meet that he would enlighten the House with the broad details of his scheme and then and then only he can commend his Resolution for the acceptance of the House. Sir, provincial autonomy, I think, is wanted by all of us here, but what type of provincial autonomy we should have is a thing to be decided by His Majesty's Government in England because Parliament is the final authority to grant us that thing. Yes, we can request the Secretary of State for India to take such steps as may be possible to introduce immediately provincial autonomy in India, but knowing the position of the Secretary of State for India as we all do, it seems to be a preposterous task on our part to charge him with such a noble mission of granting provincial autonomy in India. Sir Sankaran knows, as well as we do, that nothing short of provincial autonomy with responsibility at the Centre would satisfy the Indians but when honest endeavours are being made by prominent leaders of India and the representatives of His Majesty's Government, to arrive at a settlement as to what sort of autonomy should be given to India, it is, I think, unwise on the part of the Mover to come to this House with such a motion. Provincial autonomy, indeed, I want; provincial autonomy that will be workable, that will be practicable and suitable to the requirements and meeting the demands of the country we all want, but not of the type as Sir Sankaran advocates. His conception of the provincial autonomy and that of the House is, I believe, are as poles asunder. In view of such circumstances, I believe, as he has failed to convince the House of the appropriateness and usefulness of such a Resolution, it should be abandoned as a still-born child.

THE HONOURABLE MR. G. A. NATESAN (Madras : Nominated Non-Official) : Sir, it is to me nothing short of a tragedy in Indian politics that a suggestion so behind the times, so reactionary and so retrograde should have found a mouthpiece in the person of our very distinguished friend, the Honourable Sir Sankaran Nair, I felt a great deal depressed when I listened to his speech and the arguments he advanced. It was with some sense of relief that I heard the speech of the Honourable Sir Maneckji Dadabhoy in which he unhesitatingly and unequivocally declared that provincial autonomy by itself at the present moment is out of the question unless it is accompanied by responsibility in the Centre. And I may be permitted to remark that the speech of Sir Maneckji Dadabhoy who is generally known to be a Conservative

is quite in contrast with the proposal and the speech of my Honourable friend Sir Sankaran Nair of historic fame as an ex-President of the Indian National Congress, and an ex-Member of the Governor General's Council. Sir, it is unnecessary that I should add to the chorus of condemnation of the proposal that he made this morning and I do hope it will meet with the fate it deserves—that is, rejection. My first reason is that the reasons which the Honourable Sir Sankaran Nair himself has given are reasons in favour of rejection of his Resolution. If Sir Sankaran Nair thinks that the civil disobedience movement will stop the moment provincial autonomy is given in all humility let me assure him and the authorities concerned a greater and profounder mistake could not be made by any one who has eyes to see what is going on. Whatever may be your views about the propriety or otherwise of the civil disobedience movement everybody knows, my friend Sir Sankaran Nair, one of the active participators in the Congress movement knows, that for years we have been agitating for a proper place in the government of the country and for establishing India's claim to a proper place as an equal partner in the commonwealth of nations, for India's claim to be treated as a Dominion. In the face of the declaration of the Prime Minister, not once but again repeated in the House of Commons that there would be responsibility in the Legislature, Central and Provincial, I cannot possibly for a moment think how a responsible politician like Sir Sankaran Nair can come forward even in the Council of State with a motion of this kind and the fact that many Members who have hitherto been known to be sobering and conservative influences in Indian politics have spoken so loudly and enthusiastically against it ought to be an eye-opener not only to himself but to the Benches opposite as to present conditions. Sir, the civil disobedience movement or the non-co-operation movement, by whatever name you call it, is nothing but an index of the yearning of this country to be what other people are in their own country and in so far as the ideal of Dominion Status has been promised to us by His Majesty's declaration which was repeated by Lord Irwin when he was Governor General here and in so far as in pursuance of it not only at one Conference but at a number of Conferences held in England who are still doing their work, it seems to be the proper thing to drop this question altogether and help, if you want to help, the Government of the country in the preservation of law and order—about which Sir Sankaran Nair was so enthusiastic—is to drop this proposal altogether. Sir, I was glad that at a very early stage of the debate Sir Brojendra Mitter on behalf of the Government made a statement. But instead of saying they have not considered this aspect I wish he had said the Government of India cannot in the circumstances, having regard to His Majesty's Government's declaration, not once but twice in the sessions of the House of Commons, they could not consider it. For, mark you, all the present troubles in this country, the civil disobedience movement and all the concomitant troubles are due to the fact, which has been stressed not once or twice but a number of times, not only during the debate in the First Session of the Round Table Conference but also in the Second Session and also here in the Central Legislature itself, that there has been a distrust, a growing distrust, in the *bona fides* of British rule. Prime Minister Ramsay Macdonald thought it necessary to make the statement, that they are by no means going backward, and that they stand by the pledges and proclamations of the past. Lord Irwin, when he was Viceroy and Governor General here, thought it necessary to make a public statement that they are not going backward. If any sort of countenance is allowed by the Government to such a reactionary and retrograde proposal like this, the consequences will be disastrous. I was amused when my Honourable friend Sir Sankaran Nair said this morning that the moment you

[Mr. G. A. Natesan.]

have provincial autonomy and the Ministers are put in charge of power things will be quiet. Surely, Sir, that is not my reading of the situation.

THE HONOURABLE SIR SANKARAN NAIR : I did not say that.

THE HONOURABLE MR. G. A. NATESAN : I am glad that my Honourable friend Sir Sankaran Nair did not suggest that, and I hope he will to some extent repudiate some of the other statements to which I have taken objection and my Honourable colleagues have taken objection. I do not think that the moment you grant provincial autonomy, there will be peace in the country. If I am not mistaken, I think my Honourable friend Sir Maneckji Dadabhoy said, and said very correctly, that there will be no peace in this country unless you fulfil as early, as quickly, as earnestly and as honestly as you can the promises made by His Majesty's Government and repeated twice in the House of Commons. That is to say, give us a constitution which will give us responsibility in the Centre and also in the provinces. There is enough trouble in the country, and if at this stage, even a discussion like the one that has taken place this morning, is reported in the papers, it is likely to add to the seriousness of the conflict with which Government and all those who are anxious that there should be peace in the country are faced. Sir, it is always difficult to play the role of a political prophet, but whatever happens in this country, I have no doubt that if the suggestion made by my Honourable friend Sir Sankaran Nair is taken up seriously by the Government of India at the instance even of a Conservative Government in power, a more disastrous thing for the continuance of British rule in India could not possibly be thought of. In the concluding sentence of his speech, my Honourable friend Sir Sankaran Nair hoped that this Resolution will be passed by the Council of State, and he desired that the Viceroy be asked to communicate with the present Secretary of State and ask him if the time has not arrived when this suggestion of provincial autonomy could be thought of. May I conclude with only one sentence? It will perhaps be nothing short of an act of cruelty on the part of the Honourable Sir Sankaran Nair and others of his way of thinking in this House if they expect a Resolution so retrograde and so reactionary as this to be passed by this Council and expect also a Viceroy who has been the Governor of more than one province in India and also the Governor General of a free constitution like Canada, who has repeated only the other day that he hopes ere long to see this country advance on the lines of a Dominion constitution, to communicate it to the Secretary of State. A greater act of cruelty I cannot conceive of, and I certainly would not participate in this most unkind suggestion.

THE HONOURABLE MR. Y. RANGANAYAKALU NAIDU (Madras : Non-Muhammadan) : Mr. Chairman, the Honourable Sir Sankaran Nair's Resolution on provincial autonomy without Central responsibility appears to me to be the result of confused thinking. Sir Sankaran Nair is known to fame as a great and independent Judge of the Madras High Court and a powerful and patriotic Member of Lord Chelmsford's Executive Council. Readers of the late Edwin Montagu's diary are aware of the embarrassment he caused and rightly caused to Lord Chelmsford and his reactionary colleagues in the Executive Council who were opposed to anything in the nature of radical reforms. The *Madras Mail* described Sir Sankaran Nair then as "the emasculator-in-chief of the Government of India." As high as he had risen then in his fight for India's freedom, so much has he come down to-day in his flight from it. Sir, provincial autonomy without central responsibility will be but a

colossal sham. The Round Table Conference, the Prime Minister, successive Secretaries of State, both Socialist and Conservative, are committed to provincial autonomy and responsibility at the Centre. But Sir Sankaran Nair would have provincial autonomy with a Central autocracy. That would only make provincial Legislatures something like exaggerated district boards or glorified municipal councils. Even the Moderate or Liberal Party in India consisting of such distinguished men as Sir Chimanlal Setalvad and Mr. C. Y. Chintamani of the Franchise Committee will not touch provincial autonomy without Central responsibility. At such a time, it requires some courage to come forward with a Resolution which my Honourable and distinguished friend Sir Sankaran Nair has tabled. Courage he has always had in abundance. But the latest form it has taken is embarrassing in the extreme. Public opinion will not be satisfied if Sir Sankaran Nair's ideas are embodied in Statute. This Resolution is calculated to put back the hand of the clock. One word more and I have done. Sir Sankaran Nair does not want provincial autonomy for all provinces.....

THE HONOURABLE SIR SANKARAN NAIR : I did not say so.

THE HONOURABLE MR. Y. RANGANAYAKALU NAIDU : I will explain that..... but only for those which are in the Secretary of State's opinion "fit".

THE HONOURABLE SIR SANKARAN NAIR : No, I did not say that.

THE HONOURABLE MR. Y. RANGANAYAKALU NAIDU : The controversy about fitness and unfitness has long been relegated to the past. To-day His Majesty's Government stand committed to a scheme of provincial autonomy in all the provinces and federal responsibility at the Centre. It is too late in the day to reverse the scheme of simultaneous responsibility at the Centre and in the provinces though every nationalist and patriot will urge that the electorates should not be separate but joint. Be that as it may, Sir Sankaran Nair's Resolution is going counter to the popular demands and Britain's pledges. Alike from the standpoint of the public and the fulfilment of the pledge of Mr. Macdonald at the Round Table Conference that responsibility at the Centre will be introduced *pari passu* with autonomy in the provinces, the Resolution of Sir Sankaran Nair must be rejected. I would respectfully appeal to our Honourable friend to withdraw his Resolution.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (Madras : Non-Muhammadan) : Sir, I am in entire agreement with the Resolution moved by the Honourable Sir Sankaran Nair. I have the highest regard and respect to the Mover for his patriotism and independence. There is a great deal in what he says. He is not against Federal Government. What he says is, let us have an All-India Federation, but meanwhile let us have provincial autonomy. I cannot conceive of any objection to this course. If Sir Sankaran Nair is against an All-India Federation, then one can see the objection. But he is not against it. What he wants is immediate provincial autonomy to all the provinces. Therefore I cannot but agree with him. The Resolution is not however very happily worded. He says "Such of the provinces as are in his opinion fit". I would say that provincial autonomy should be extended to all the provinces, leaving it to the province to work it out. I am quite in agreement with what I consider to be almost the unanimous

[**Diwan Bahadur G. Narayanaswami Chetti.**]

opinion of every political party in India, at least in my province, *viz.*, that there should be early Parliamentary legislation establishing an All-India Federation with Central responsibility subject to such safeguards as may be necessary in the interests of both India and Great Britain. I am for nothing less, especially as the great statesmen who voiced forth the views of His Majesty's Government at the end of the last Round Table Conference have expressly stated their intention to legislate for the Central responsibility with safeguards. The great nobleman that presides over the destinies of British India at the present moment—I mean His Excellency the Viscount Willingdon—has also stated that he envisages the raising of India to the full status of a Dominion during his term of office in this country. The setting up of the various Committees for carrying on the work of the Round Table Conference and the expedition with which the Committee are going about their duties show the sincerity and earnestness with which the statesmen who have the destinies of India in their hands are anxious to implement their promises at an early date. In spite of their best efforts and expedition, I may be pardoned for feeling a doubt as to whether the necessary mechanism of a Federal Government can be set up in full working order within less than three years, or at any rate, two years. The question of the entry of the Indian States into the Federation is likely to involve various difficulties, once the question is taken up for practical solution. There is no reason why pending the setting up of the new constitution, steps should not be taken at once to grant as much autonomy to the provinces as can be done under the existing law of the Indian constitution. For instance, I conceive that it is possible under the existing Government of India Act to transfer all the provincial subjects to the control of Ministers, reserving only a few unimportant subjects in the hands of an Executive Council Member purely for the purpose of satisfying the statutory requirements of dyarchy. The only subjects with reference to the transfer of which to the Ministers the Government could have any doubts are the subjects of Finance and Law and Order; but in various provinces these subjects are even now administered by an Indian Member and I am sure that the Provincial Legislatures would be perfectly competent to control these subjects. For the purpose of fostering the spirit of responsibility which will be required when the Federal Government is brought into being, it is necessary to give responsibility at once, so that the change from the present system to the future may be gradual. I would therefore put in a plea for immediate provincial autonomy in the sense of transference of as many subjects as possible under the existing constitution into the hands of the Ministers. But I would make this clear, that I am only in favour of transference of subjects under the existing constitution and not for undertaking Parliamentary legislation for the purpose of giving provincial autonomy. If Parliamentary legislation is to be undertaken, it is best undertaken for the purpose of implementing the promises made by the Prime Minister and the Secretary of State at the end of the Round Table Conference. I have very great pleasure in supporting the Resolution of Sir Sankaran Nair.

THE HONOURABLE MR. SYED ABDUL HAFEEZ (East Bengal : Muhammadan) : Sir, I have listened to the speech of the Honourable Mover with the care and attention which a subject of this nature deserves. I need not recapitulate the arguments he has brought forward. I have no desire to elaborate them. Every Honourable Member knows how keen is the desire for provincial autonomy in the provinces. Every one knows also how long and persistent has been the demand, and how sustained is the zeal for autonomy in the provinces. I cannot do better than refer you to the demand that was made in

the Legislative Assembly in 1922. Ever since that period, the provinces have been knocking at the gate clamouring for admission, and insisting on the recognition of their rights. The Simon Commission recommended provincial autonomy in no uncertain terms; the various Provincial Legislative Councils have passed Resolutions to the same effect, while public opinion has been eager to acquire rights, and anxious to show its capabilities in the only way it can be shown—by successfully working it.

Sir, the Round Table Conference agreed to the scheme of provincial constitution sketched by the Provincial Constitution Sub-Committee in 1930. The draft constitution suggested by the Sub-Committee of the Conference was approved at the Plenary Session of the First Round Table Conference, and we expected an immediate fulfilment of our wishes. We thought that the British Government would not keep the provinces on the tiptoe of expectation, and confer immediate provincial autonomy. We have been disappointed, our wishes have not been realised, and the provinces are still in the same state in which we found them in 1922. The speech of the Prime Minister on 1st December, 1931, has made it quite clear that provincial autonomy is to be given to any province that desires it. Sir John Simon's speech on the India debate in the House of Commons was no less clear. He said on behalf of the Government that the door is not closed. If any province demands provincial autonomy, its request will be most carefully considered. Let me refer you to the speeches of Lords Peel and Hailsham in the House of Lords. Both these gentlemen strongly pleaded for a chance to be given to the provinces, while Lord Hailsham, who spoke on behalf of His Majesty's Government, expressed the willingness of the Government to concede the demand made carefully if such a request is made. I have deemed it necessary to refer to the speeches of English statesmen in order to remove an impression which seems to have gained currency in certain quarters. It is said by some person that the British Government are committed to simultaneous advance and that there can be no progress in the provinces without responsibility in the Centre. The two, say these gentlemen, are bound together. Nothing could be more incorrect and more misleading. The British Government is not committed to set a policy. Indeed, it could commit itself. All that the Prime Minister said in the House of Commons as well as in the Plenary Session of the Conference, on 1st December, 1931, was that though the Government has decided to follow the policy of simultaneous advance, it was quite prepared to change its policy if circumstances rendered it unnecessary. This is a perfectly correct and a perfectly reasonable and constitutional position. For you cannot impose provincial autonomy against their will. You certainly cannot commit yourself to them. It is for the constitutional and legitimate organs of public opinion to give expression to their demands. It is for this Honourable Body, as well as for the various Provincial Legislatures and other organised bodies of public opinion to demand provincial autonomy. When this is done, we are sure we will succeed. I am, therefore, exceedingly glad that the Honourable Mover has brought forward this Resolution. It is one of the soundest and most memorable Resolutions which it has been my privilege to discuss. The Resolution asks for nothing but what we have been demanding for over eleven years. The position was very clearly put by Dr. Shafaat Ahmad Khan, a prominent delegate to the Round Table Conference, on the 30th November, 1931. I cannot do better than quote his words :

“ It is perfectly clear to everybody who has had any experience that if we are really desirous of removing the grievances from which many of the provinces have suffered—it is absolutely essential that something should be done immediately to satisfy their legitimate claims. I know how important the beneficial effect of provincial autonomy would be upon

[Mr. Syed Abdul Hafeez.]

Ministers who are responsible to the Provincial Legislatures. If the Police department is placed immediately in the hands of the Ministers responsible to the Legislature much of the present agitation will die down, because when the Minister has to defend the policy of the Police, he will have to have a majority of the Legislature, that is to say, the majority of the province on his side, if Law is to be maintained and as the Minister supports the policy, automatically a party will be formed in the Provincial Legislature for the Police policy of that Minister. That party exists now. It has always existed. But it has no control over the Police, and possessing no control, it possesses no responsibility when the Police policy is being discussed".

This is a remarkably clear and lucid statement of the position. The provinces have shown by years of beneficent work their capacity for responsibilities of office. Take Education, the progress made by the provinces has been so remarkable; the enthusiasm as showed by the various measures so great that it will be no exaggeration to state that there has been a veritable renaissance of Indian people. Take any other measure of beneficent departments. The position in the country calls for prompt and effective measures. This is no time for a hinking and a haggling policy, a policy which aims at exploding our difficulties will be injurious to the largest interests of the Empire. India is keen on provincial autonomy, because she wants control over Law and Order. She is keen because she is conscious of solid strength, and is filled with a young appetite for freedom. I have no desire to take up the controversies of the past or of the present, but I think it is necessary to say that the present state of irresponsibility cannot last long. For what have we at present? We allow the Police department to be reserved. We permit unlimited freedom for criticisms. We are free to criticise but have little opportunity for constructive work or work demanding responsibility. Again, it must be admitted that much of the odium which attaches to the Police is due to the fact that it is reserved. We have no control over it. It is something external to us. It is not felt to be a part of our ordinary political framework. The Government is represented by the police in the mind of the public. If we have to avoid mistrust, remove misunderstanding, create a feeling of confidence between the Government and the people, we should be given provincial autonomy without further delay. Had I been assured that federation would be an accomplished fact this year; had some guarantee been given to us that the process of indefinite waiting will soon be over and you would soon have responsible government both in the Centre and in the Provinces, I would most certainly have demanded simultaneous advance. But, Sir, it is well known to every one that we are not yet sure that federation will come into existence. Again it is equally clear to every one who has kept in touch with the development of constitutional progress that even if Indian States agree to come into the federation it will take at least five years to work out the details of the federation. Meanwhile, what happens—simply nothing. There is no progress and there can be no progress. Why? Because it is now a part of the policy, both of constitutional parties in India and of the British Government that there can be no Central responsibility without federation. Hence, if there is no federation or if it takes five or seven years to work out the details of the federation, the provinces must sit with folded hands and pray to God for the day when the Princes will condescend to walk into the British parlour. Is not the position simply absurd? Can any province wait for such a long time? Is it really for a practical person to assert that every province must await the consummation of the happy marriage between British India and Indian India. We do not know yet even if the *mangni* has been performed. I am sure it will not be denied by anyone that while the preliminaries for an alliance are being enacted we have yet to witness the day when the projected alliance will

be changed into a happy ceremony. Let me add that I shall be happy to witness the nuptials. I want the alliance. I believe the couple have no objection to each other, and the union may, let us hope, be attended by supreme happiness to both parties. But it is not necessary to keep the provinces waiting for the performance of that ceremony. Let us go ahead, and show our own capacity for freedom, and our unanimous desire for demand by voting for the first part of the Resolution.

I regret I cannot support the second part of the Resolution. I oppose it because I believe not only some but every province is immediately fit for provincial autonomy. It would, indeed, be most invidious if one selected one or two provinces and labelled the rest as depressed provinces unfit to be trusted with power and capable of managing their own affairs. I say without the least fear of contradiction that the question concerns not one or two provinces, but all provinces in India and it would be most unfortunate if the desire for advance is checked at the present juncture. Sir, I will conclude by saying that we cannot wait ; we cannot remain stationary ; we can only go forward.

THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH (Bihar and Orissa : Non-Muhammadan) : Sir, I rise to oppose the Resolution. It has been made abundantly clear by the Honourable Members who have preceded me by quotations from the literature of the last Session of the Round Table Conference that even His Majesty's Government came to see eye to eye with the majority of the Indian Delegation that [the constitutional problem must not be dealt with piecemeal and that provincial autonomy must go hand in hand with responsibility at the Centre. In spite of what is said to the contrary it is as clear as daylight, Sir, that such a *piecemeal* solution is foredoomed to failure, as no section, worth mentioning, of the people can accept it. It is calculated to lead to greater discontent and dissatisfaction than if the present state of things is allowed to continue. It is also well established that there can be no real autonomy in the provinces unless an adequate measure of responsibility is simultaneously granted at the Centre.

Sir, I therefore request the Honourable Mover to withdraw his Resolution.

THE HONOURABLE RAJA SIR RAMPAL SINGH (United Provinces Central : Non-Muhammadan) : Sir, with all the respect that I have for the Honourable Mover of this Resolution, I am sorry to say that I am not prepared to support him. He laid a little too much stress on the point that many of our young men and leaders are going to jail and he pointed out that if provincial autonomy is given to the provinces, this state of things will subside

THE HONOURABLE SIR SANKARAN NAIR : No, I did not say so.

THE HONOURABLE RAJA SIR RAMPAL SINGH : At least the blame for sending these men to jails will fall on Ministers. Sir, in my opinion, for this purpose it is not desirable that the claim of India which is based on justice should not be taken into consideration. We claim that India is fit for self-government like the other Dominions and it is very desirable for the sake of India as well as for the sake of England that the whole structure should be planned and set up at one and the same time. It would not be proper to introduce reforms piecemeal. The time has past long ago and to delay the question by giving such piecemeal reforms would be very disastrous. It is

[Raja Sir Rampal Singh.]

very desirable that the whole structure should be planned out and at one and the same time provincial autonomy as well as responsibility in the Centre should be given to India.

THE HONOURABLE SIR SANKARAN NAIR: Sir, I do not think I shall be long in my reply. Before I begin will you, Sir, allow
3 P.M. me to read a communication to me from Sir A. P. Patro. It is to the effect that what he had said was that:

“ Pending final completion of an All-India Federation immediate provincial autonomy should be introduced in the provinces together with corresponding changes in the Central Government. The press report quoted by Sir Phiroze Sethna is not correct, that he had receded from his old opinion ”.

Now, Sir, coming to the matter under discussion, when I heard all these speeches, when I heard that Sir Sankaran Nair is absolutely wrong in this and in that, I wondered myself what did Sir Sankaran say? Sir, first of all, the fundamental basis, the very root of the argument which I put forward, has not been touched—I will not say by any, perhaps they have been hinted at by some. I said that when this decision was taken at the Round Table Conference by the Prime Minister, the conditions were not the same as now, that the civil disobedience movement has made all the difference. Nobody has said a word about it. I said that if the civil disobedience movement goes on like this unchecked, a situation will be created which it may not be in the power of the Government to control. Nobody has said a single word about it. They had not even the courtesy to refer to that argument. I did not say that when provincial autonomy comes all these things are going to stop at once. I never said anything like that, though I contradicted my friends again and again. What I said was that if provincial autonomy is granted the Government will call into existence a force which will meet the Congress face to face and oppose them. Not one of the Members had the courtesy to refer to it or to tell me if it was so or not. Not one of them has denied my statement that if provincial autonomy is granted the result of that will be either that the Ministers to whom all these subjects will be transferred will be able to carry on and stop the movement or they will fight the movement. Not one of them has denied it. Not one of them had the courtesy to refer to it. Not one of them has controverted it. Yet that is the fundamental basis of the whole of my argument. What is the use of reading speech after speech of men who made those speeches when the Conference was sitting and when the Conference was dissolving when the whole point of my argument was that there has been a change since then in the circumstances of the case, when conditions have now arisen which are entirely different from the conditions that existed at the time when the Prime Minister made that announcement? What is the use of reading speech after speech made at that time or speech after speech made before that time without reference to these conditions, which can possibly have no reference to the conditions that have come into existence later. All that must be thrust aside as useless and irrelevant to the discussion. Now, let me state once again. I said if provincial autonomy is brought into existence, then the result will be a new force will be called into existence which will meet the civil disobedience. Well, as to that it was only Sir Maneckji who made a slight reference to it. He said even if you grant provincial autonomy the policy will be the same. Well, it may be the same. I do not say it will not be the same. But what I said was that the burden of the responsibility will be on the shoulders of the Ministers. They will carry on the policy which the present Government is carrying on and then the Congress will have to fight them and they will have to fight

the Congress : either co-operate with them or not. The same thing with regard to law and order.

Now, as to the reasons. It is not necessary for me to go into these things but I would like to make a slight reference here. The real reasons were given by my friend Mr. Natesan here and I agree with him. I did not want to mention it so bluntly. He said the real reason is that behind the minds of all there is the fear that you cannot trust this Government, that the Government is not to be trusted ; therefore if provincial autonomy is granted now the other is relegated to Doomsday. You may not get that at all. It appears from the speech which Sir Phiroze Sethna read out of the Leader of the European Party in the British Indian Delegation.....

THE HONOURABLE MR. G. A. NATESAN : On a point of personal explanation, Sir. What I said was that the suspicion of the people has always been that Great Britain is not likely to take earnest steps to see the fruition of our attempts for complete responsible government. If therefore provincial autonomy alone was to be introduced the suspicion will be aggravated and the task of Government will be rendered more difficult than ever. That is fundamentally different from the explanation which my Honourable friend Sir Sankaran Nair is trying to put upon my statement.

THE HONOURABLE SIR SANKARAN NAIR : Very well, I will leave it there. I have nothing to add. That is the same thing which the Leader of the European delegation said. Now, I say that is really the root of the matter. That fear does not exist now as steps are being taken. One other speech was read out by Sir Phiroze Sethna which gives the other reason. That gentleman said that if they allow this provincial autonomy now to be carried out, the opposition will be great. That is so. Because the Congress is against it, because the Congress do not want anything now like provincial autonomy. They want the whole thing or they want nothing. Now, the answer to that is simply this. Whatever might be the form of government which the British Government might give now, the Congress will not be satisfied. We know that from what Gandhi said at the Conference. It will never be satisfied. It will go on fighting and from their point of view they may be quite right. Only I say I am free to differ from the Congress. To say that we do not want provincial autonomy now in deference to that opinion is not good policy ; my friends, at least many, are giving up provincial autonomy in deference to or in fear of a party who can never be satisfied, who do not want to be satisfied.

Somebody congratulated me on my courage in bringing forward this Resolution in opposition to public opinion. It is not public opinion. It is Congress opinion. I wish some of my friends tackled this question with courage and were not yielding to the Congress even in this Council. One of the reasons why I brought forward this motion that provincial autonomy should be granted is to induce the people who want to follow law and order to come out into the open, into the field, in order to fight the Congress, and to enable men who have not the moral courage to come out, to come out and to know that there are men with whom they can stand shoulder to shoulder in fighting the Congress.

Then, somebody asked what I mean by provincial autonomy. What I mean by provincial autonomy is what the Prime Minister means. The Prime Minister says that responsible government may now be given with certain adjustments between the Central Government and the Provinces which can

[Sir Sankaran Nair.]

be easily carried out. What he means I mean also. The Prime Minister was in favour of provincial autonomy and we know what sort of provincial autonomy he is in favour of, i.e., "the Governors' Provinces should be responsibly governed units enjoying the greatest possible measure of freedom from outside interference and dictation". That is what I mean saying that you must have provincial autonomy. Then, some Members asked how we could have provincial autonomy without an improvement of the financial condition. I was surprised to hear one of the Members saying that for that reason there should be no provincial autonomy. Why, provincial autonomy is intended for that very purpose. It is intended to enable the Local Governments to get as much as possible of the revenue which they themselves collect. Then they asked, "What about the control? What about this thing and that?" I would not go into these things for the simple reason that the Prime Minister has said that all these things will require consideration. The point of his argument is that the whole of this thing can be settled far sooner than you can settle the other thing. My Honourable friend Rai Bahadur Lala Ram Saran Das opposed the Resolution. I can well understand that opposition. We know why. When we, the Central Committee, went to the Punjab, we found that the Hindus and Sikhs were mortally afraid of the Muhammadans, and they did not want provincial autonomy. If the Muhammadans are to have an upper hand in the Provincial Government, it is only natural that the Hindus and Sikhs there should have their qualms of conscience and they may not want it. I recognise that situation. It is there. That is one reason for my saying that if you are not prepared to grant provincial autonomy for all the provinces, you can grant it for some provinces. It is possible that they may not grant provincial autonomy to the Punjab because the Sikhs, Hindus and Muhammadans there are flying at one another's throats. It is possible that the Government might say there that until you settle the communal question, they will not grant provincial autonomy to the Punjab. It is in order to meet that objection that I have said in my Resolution "to such provinces as the Secretary of State may see fit". I do not want to be definite. Since my Honourable friend Rai Bahadur Lala Ram Saran Das has forced me, I am obliged to put the case of his province forward.

Then they said :

"The Prime Minister's declaration says that the two things are to go together. What is the meaning of your now coming forward and asking that provincial autonomy should be taken up first?"

The Prime Minister said in that statement : "We want to give you provincial autonomy". He said this in the same speech in which he said the other thing. He knows much better than anybody else what he had in his mind. He said :

"The responsibility for the Government of India should be placed on the Central Legislature and the Provincial Legislatures".

Then he went on to say :

"As to the Provincial Legislatures, we are prepared to grant it at once; but as to the Imperial Legislature, it will take some time".

What he means is this. I never felt any difficulty about it. The plain meaning is this. Responsible government in the provinces will be conferred upon the Legislative Councils of the provinces; responsible government for

the whole of India, subject to safeguards, will be given to the Viceroy's Council. That is what he meant. Otherwise he would not have afterwards said the other thing at all.

I have finished, Sir. I do not think I have any other point to answer to. I trust that the Council will pass this Resolution.

THE HONOURABLE SIR PHIROZE SETHNA : I ask your permission, Sir, to make a personal explanation in regard to the note which the Honourable Sir Sankaran Nair read out and which was addressed to him by Sir A. P. Patro. In that note, Sir A. P. Patro takes exception to the observation which I made this morning that he has changed his opinion which he expressed at a meeting of the Consultative Committee, and that he is now in favour of provincial autonomy and responsibility in the Centre at the same time. My authority for saying so was a telegram which appeared in one of the Bombay papers—I believe the *Bombay Chronicle*—in which it was distinctly stated that Sir A. P. Patro now held a different view to what he had expressed at the Plenary Session of the Conference. Sir A. P. Patro saw me during the lunch hour in the lobby. I quoted to him my authority. He said he knew of the telegram but he had not contradicted it. If he does not choose to contradict, how are we, the Members of the Council, to know whether the paper was right or whether Sir A. P. Patro was right? In any case, Sir, now that he says that he adheres to his old opinion, all I can say is that I am perfectly prepared to withdraw the compliment I paid him this morning and to say that I am as sorry for him to-day as I was along with the other delegates when he made what statement he did at the Plenary Session of the Conference in London.

MR. CHAIRMAN : The question is that the following Resolution be adopted :

“ This Council recommends to the Governor General in Council to request the Secretary of State for India to take such steps as may be possible to introduce immediately provincial autonomy into all the provinces or at least in such provinces as are in his opinion fit for the same.”

The Council divided :

AYES—4.

Chetti, The Honourable Diwan Bahadur G. Narayanaswami.	Muhammad Din, The Honourable Khan Bahadur Chaudri.
Hafeez, The Honourable Mr. Syed Abdul.	Nair, The Honourable Sir Sankaran.

NOES—16.

Banerjee, The Honourable Mr. Jagadish Chandra.	Naidu, The Honourable Mr. Y. Ranganayakalu.
Basu, The Honourable Mr. Bijay Kumar.	Natesan, The Honourable Mr. G. A.
Charanjit Singh, The Honourable Sardar.	Pandit, The Honourable Sardar Shri
Dadabhoj, The Honourable Sir Maneckji.	Jagannath Maharaj.
Ghosh Maulik, The Honourable Mr. Satyendra Chandra.	Raghunandan Prasad Singh, the Honour- able Raja.
Israr Hasan Khan, The Honourable Khan Bahadur Sir Muhammad.	Rampal Singh, The Honourable Raja Sir.
Jalan, The Honourable Rai Bahadur Radha Krishna.	Ram Saran Das, The Honourable Rai- Bahadur Lala.
Mehta, The Honourable Mr. H. M.	Sethna, The Honourable Sir Phiroze.
	Suhrawardy, The Honourable Mr. Mahmood.

The motion was negatived.

RESOLUTION ~~RE~~ TRAINING OF YOUNG SCIONS OF THE HOUSES OF SARDARS, JAHAGIRDARS, INAMDARS, ETC., FOR MILITARY SERVICE.

THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT
(Bombay : Non-Muhammadan) : Sir, I beg to move the following Resolution :

“ This Council recommends to the Governor General in Council to give special facilities to the young scions of the Houses of Sardars, Jahagirdars, Inamdars, and the feudal aristocracy generally in India to be trained with a view to enter higher military service under the British Government in India and to reserve for them a reasonable number of the posts of Commissioned officers in the Army.”

Sir, the Honourable Members will see that this Resolution has a limited scope, because it contains only one specific recommendation, namely, to give special facilities for the entry of a special class into the higher military services in India. That class is the class of Sardars, Jahagirdars, Inamdars and the feudal aristocracy generally in India. It is not my purpose, therefore, in speaking to this Resolution, to raise any broader or higher issues about the Indianisation of the military services. Of course, I cannot honestly say that I am satisfied with the present pace of the progress of Indianisation. I do wish that the limits now set upon the numbers for admission to the higher military services should be widened. I do not believe that the requisite number of fit and eligible young boys would not be available if these limits are widened. Government have only to throw the doors wider open and they will at once find that the requisite number of candidates becomes available and would be only scrambling to get in. Further, I fail to find much reason or logic in the arbitrary division between the so-called martial and non-martial races in India. But as I have already said, I do not wish to enlarge on this broad and general aspect of the question. The purpose of my specific recommendation, contained in this Resolution, will be served if only a few more additions are made to the number now fixed of the entrants to the higher military services through training at the proposed Sandhurst Military College, and further if these additions are reserved for young boys belonging to the class of Sardars, Inamdars and great landholders in India. The principle of reservation in my Resolution is by no means a novel one, for, in the latest scheme, reservations have been made for the families of Princes and for the benefit of Imperial Service Troops maintained by the States. Further, I do not want the reservation for the Sardars, Inamdars and Jahagirdars, etc., to encroach upon the meagre measure of posts already allotted for competition by the common people. Therefore, I would like to have a few more additions made to the number already allotted to the Indian States, the families of military service pensioners and the general competition wallahs, and I want these to be reserved for the class of Sardars and the feudal aristocracy in India.

Now, I shall turn to the question why such a reservation would be just and equitable. Most of the Sardars and Jahagirdars and many of the great landholders belong to families whose founders were soldiers and captains, distinguished in their own way, and whose useful military service to some ruler or other was probably a reason for the original grant for the *jahagir* or the *inam* itself. Under the old military system in India, either the obligation of military service was attached to and went with the land, or even when it was not so, the levies of armed men, made from time to time in the cause of the rulers of the land, were recruited from the class of people who were equally familiar with the sword and the plough. The great Shivaji Maharaj actually proved, hardly three hundred years back, that every farmer was a potential soldier. The

saying that the baton of a field-marshal is carried in the knapsack of the soldier was very often verified in the pre-British history of India. Many a farmer who fought as an ordinary soldier may have been easily forgotten, but every existing *jahagir* and many an *inam* still shines as a high colour point on the canvas of the military traditions of the Indian people. If the military traditions of the Sardars, Jahagirdars and Inamdars' families have been forgotten, their very existence is in danger of being encrusted with present neglect and want of suitable opportunities for actual service. This class of people have not only reconciled themselves to the British rulers, but have also proved pre-eminently loyal to them. They are still held in respect and esteem by the common people and willingly accorded by them the position of natural leaders. Their inherited military qualities could certainly not be obliterated simply by the lapse of a few generations. I maintain, therefore, that it is up to the Government to do what is but bare justice to them by recognising their status and position in public life. A few places being reserved for them among the annual recruitment of candidates for higher military services will put into that class a new hope of life, and the House would, I venture to say, appreciate the special plea for them, coming from me as a representative of that class. Sir, I move.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal : Non-Muhammadan) : Sir, I rise to support the Resolution of my Honourable friend Maharaj Pandit which has been so ably moved by him, with all the emphasis that I can command. It is a very modest Resolution and ought to be accepted by this House and Government. As my friend the Honourable Maharaj Pandit has advanced almost all the cogent reasonings in favour of his Resolution couched in such language, it remains very little for one to add to what he has said. Special facilities, I think, Sir, are given—of course I am subject to correction—to the sons of the peers of the realm in Great Britain. So there is a precedence there and we can very well follow the precedence. Sir, the Queen's Proclamation regarding the granting of Commissions to Indians in the Army was so long a dead letter but with the introduction of the Montagu-Chelmsford Reforms the door has been thrown open to Indians, but I am sorry few are admitted and it is still more regrettable that the sons of the landed aristocracy, who are the natural leaders of the people, are conspicuous by their absence in the Army. The landed aristocracy in India is loyal to the King, and the Government here can always count upon its help and support in weal or woe and as such the landed aristocracy is entitled to receive favourable consideration at the hands of Government in respect of facilities to be given to their sons in the Army. With these few words, Sir, I beg to support the Resolution which I hope will be adopted by the House.

THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH (Bihar and Orissa : Non-Muhammadan) : Sir, I rise to support the Resolution just moved. I would only amend it so as to extend its scope to big landholders who, in my province, stand on the same footing as the Sardars, Jahagirdars, Inamdars and the feudal aristocracy specifically mentioned in the Resolution.

Sir, the aforesaid classes including big landholders, holding as they do large stakes in the country and so forming the stable elements in society are naturally attached to the present stable system of government and can be safely relied upon to offer loyal services to any other stable form of government that may be established as a result of the labours of the Round Table Conference and its Committees already at work here in India. These classes, Sir, have

[Raja Raghunandan Prasad Singh.]

throughout the recent and past history of the country, been the natural leaders of the masses and have always distinguished themselves as commanders of armies. Their martial instinct, their traditions, their bringing up, all make them peculiarly fitted after necessary training to hold Commissioned ranks in the present or future Indian Army. Their devotion and loyalty to the governing authority is undoubted and the position that they hold in society and their martial instincts as well as the respect and regard that they command amongst the people by virtue of their ancient traditions and their culture make them eminently fit to be trained with a view to their entering higher military service and, Sir, the Government will be only consulting its own interest and those of the Government that will soon be taking its place as a result of the impending changes in the Constitution to accept the recommendation that is made in the Resolution. I would strongly appeal to the Government, Sir, to accept the Resolution and give effect to the recommendation contained therein at an early date by taking necessary steps to admit to superior military training youths belonging to the classes mentioned in the Resolution without distinction of caste, creed or colour. This will not only fulfil the aspirations of the said youths but make the defence of the country in the present as well as in the future safe. I would therefore earnestly request the Government to reserve a number of posts in the higher ranks of military service for youths of the said classes proportionately.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay : Non-Muhamadan) : Mr. Chairman, I rise to oppose this Resolution. I happened to be, Sir, a member of the first Indian Sandhurst Committee, better known as the Skeen Committee. At that time great stress was laid by some witnesses on restricting the selection to what are known as the military classes. The Committee as a whole did not approve of the idea, but reserved a certain number of vacancies for those connected with the Army. At that time it was contended that the military profession does not appeal to the Indian and candidates would not be forthcoming. This very morning's paper tells us that for 15 vacancies to be filled by competition there have been received as many as 800 applications. That shows that there is a desire on the part of the Indian public to go in for military service. I now come to the second Committee, known as the Indian Military College Committee, better known as the Chetwode Committee, which met last year and was presided over by our esteemed Commander-in-Chief. I would like to draw the attention of the House to paragraph 15 of that Report, which reads as follows :

"Proportional allotment of vacancies.—The majority of us are in favour of allotting half the vacancies at the Indian Military College, *i.e.*, 30 a year to cadets from the ranks of the Indian Army. Of the remaining 30 vacancies, we recommend that 24 a year should be open to competition, and that the Commander-in-Chief should have the right to fill six vacancies by nomination from among those candidates who have qualified at the entrance examination, but failed to secure a place in open competition. We suggest that in making these nominations special consideration should be given to candidates who are members of the Auxiliary and Territorial Forces, including the University Training Corps. We are all agreed that in the event of the Commander-in-Chief being unable owing to lack of suitable candidates, either to select Indian Army cadets up to the proportion decided upon, or not requiring to exercise his power of nomination to the full extent, the resulting balance should be added to the competitive vacancies and allotted to candidates according to the examination results".

Now, Sir, this recommendation of reserving 30 for the military classes and out of the remaining 30 only keeping open 24 vacancies for the general public and placing six in the gift of the Commander-in-Chief to appoint whomsoever he likes has not been very greatly appreciated by the general public.

To make matters worse, my Honourable friend the Mover of the Resolution desires that a special class be introduced whereby scions of Sardars, Jahagirdars, Inamdars, and the feudal aristocracy might be given a few more vacancies. The Honourable Mr. Jagadish Chandra Banerjee, who spoke second, referred to the landed aristocracy. I do not think that this class is included in the Resolution as framed by the Honourable Mover. Again, I do not know to which particular class the Raja Saheb referred. If the landed aristocracy is also to be specially favoured along with those mentioned by the Mover, why leave out the Talukdars of Oudh, why leave out many other communities who have loyally served Government? In that way you will go on gradually expanding these special compartments to the detriment of the general public. On these grounds, Sir, I oppose this Resolution but at the same time point out to the Sardar that if, as I read out from paragraph 15, enough men are not found to fill the six vacancies which His Excellency the Commander-in-Chief might fill up by appointing from those who belong to the Auxiliary and Territorial Forces, that His Excellency might be appealed to to include amongst the six appointments in his gift scions of the classes referred to by the Mover.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I find some difficulty in replying to this Resolution because it is so very vaguely put; so I have had to decide in my own mind what the Honourable the Mover really did mean. And if my supposition is right, although I have great sympathy with him, as I feel I belong to the same class myself—being I might say a Jagirdar in England—I must formally oppose the motion on behalf of the Government because it would be quite impossible for me to recommend to them that they should take action on the lines he proposes. As I take it the proposal is to confer special privileges on a special class or classes—Sardars, Jahagirdars, and the feudal aristocracy and so on. If that is the case, it would be, Sir, a complete departure from the practice obtaining in any regular army in the world now, and in my opinion would not only be unfair in its incidence but would lead inevitably to special demands from other classes which, if we granted them to one, would be most difficult to refuse in other cases. India has asked for a military academy and she is asking for a quickening up of the Indianisation of her army, and we are in process of giving her both and in that process it is our object to make both the military academy and the new army approximate as closely as possible to the best models of regular armies now in existence, and in those armies democratisation of the supply of officers and abolition of privilege is the key-note. All India is now demanding a democratic form of government. I heard that word “democratic” used by the Honourable the Mover of the first Resolution to-day almost in every third sentence and yet, if the terms of the Honourable the Mover of this Resolution were accepted, he would be moving in effect and he would be asking this Chamber to agree with, on the one hand to a democratic form of civil government and with the other to the perpetuation of privilege in the Army for those of high social status or ancient descent. The Army in India does differ, I admit, from other popular armies because it is not drawn either by conscription or by voluntary processes from the whole nation, and in India the soldiers are largely drawn from what we call either the enlisted class or as some people call them the fighting races. But while it is a matter of dispute whether we do or do not draw our recruits from the only sources in India which will give the country good value for its money, there is no doubt whatever in my own mind that the classes we do draw them from do indeed give very good value. But from whatever class we draw them it is obviously desirable, I think, that

[His Excellency the Commander-in-Chief.]

young men who belong to the same race and the same religion as the men who enlist in the ranks should be given special opportunities of securing King's Commissions, in order that we may have at any rate a large proportion of the officers of your future Army who will have the entire confidence of the men they lead. And in addition, to mention the democratic principle again, that proposal to allow all these boys, this 50 per cent. of boys, an opportunity of getting King's Commissions through the ranks is again encouraging the democratic principle that there may always be a baton in every soldier's knapsack. Boys of any class now can compete in the open competition if they pass the Interview and Record Board. The classes for whom the Honourable Mover has appealed have that chance, and they have again the same chance as other boys who are accepted as recruits for the rank and file and can by special selection after a period of service in the ranks enter the military academy as Y cadets in exactly the same manner as our own British boys in England. I have heard lately that some of them do not like serving in the ranks. If they do not, I do not want them. If they have not what is vulgarly known as the guts to go through that service in the ranks, when they cannot go in any other way, they are not going to be of much use to us. Many of our most successful leaders have started their career in this manner and come to the top. Before finally opposing the motion, Sir, I would like to correct a mistake made by the Honourable Mover. He said that we were giving special vacancies in the new military academy to State candidates. We are not doing so. Those State candidates are not coming into the Indian Army. It was the opinion of the Committee over which I presided that it was a matter of courtesy and a matter of expediency to allow a certain number of boys from the States to have the benefit of the education at the new academy in order that they could afterwards enter the Army of their States but they will not enter the Indian Regular Army. I therefore formally oppose the motion.

THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT: Sir, His Excellency the Commander-in-Chief in his official reply has pointed out that in these days of democracy no reservation can be made for a certain class as has been proposed by me. If the whole matter of recruitment of Indians to the Commissioned ranks of the Army and their training in our Military College had been based on considerations of pure democracy and all vacancies for annual admissions of cadets in the College had been thrown to open competition, I would never have dared to bring forward such a Resolution. But, as His Excellency himself has proposed and lent his support to the final decision, that as many as 36 vacancies out of 60 be filled by nominations, we, as loyal citizens whose loyalty has been proved and admitted by the Government itself and who represent the martial aristocracy of the not very distant past, feel that we have a legitimate claim to demand a share out of these nominations. I therefore suggest to His Excellency that he be pleased to fix a certain percentage of these nominations to be reserved for the boys of our class or that he may agree to add to the number of admissions to that extent. We are quite prepared to submit our boys to the test of educational and physical fitness that has been prescribed. I hope His Excellency will reconsider and accept my Resolution.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I have nothing to add, Sir, to what I said.

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

RESOLUTION *RE* DECREES PASSED BY COURTS FOR INTEREST.

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN (East Punjab : Muhammadan) : Sir, the problem of debt and interest in a country predominantly agricultural has always been one of keen interest to the people of the country. Faced with a cycle of lean years, the agriculturist is at times bound to fall into debt, and his misfortune in this respect is often exploited by those who are in a position to advance him the money he is in need of. High rates of interest are stipulated upon, which at the moment the man in need agrees to, but which subsequently he is unable to carry out, and if he does carry them out, he thereby cripples himself financially for all time. This failure on the part of the debtor to carry out his stipulated obligations, adds to the sense of insecurity of the creditor, and this sense of insecurity again tends to raise the rate of interest. Thus things move on in a vicious circle to the detriment of both the debtor and the creditor. The remedy for this lies in fixing an equitable rate of interest. It will prevent the exploitation of the debtors. It will at the same time prevent losses to the creditors caused by too frequent defaulting of the debtor.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Will you define "equitable rate" ?

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN : I am coming to that. The question what is an equitable rate of interest is a very difficult one to answer. The law at present gives power to the courts to disallow interest claims based on exorbitant rates. But this provision has remained a dead letter for the courts generally finding the question a difficult one have preferred to take the line of least resistance, and have ignored it altogether. It is still more difficult to fix a general rate of interest by legislative enactments ; but a broad equitable rule like the one suggested in this Resolution can certainly be adopted.

The rule is not a new one. It has its basis in Hindu Law, the Law of Manu. The Law of Damdupat lays down that whatever the rate of interest agreed upon, the total of interest claimed shall in no case be allowed to exceed the principal. It places no limitation on the rate of interest, but only lays down the ultimate limit beyond which the agreement will not be permitted to operate. The rule is widely observed in India and is sanctioned by commercial usages in some parts of the country. The Resolution only recommends to the Government to secure a much wider sphere of operation for it, so that classes and communities, in which it is not in vogue, may also derive the benefit of the equitable principle on which it is based. Sir, I move that :

" This Council recommends to the Governor General in Council to secure legislation to the effect that in all interest-bearing monetary transactions in which the total of interest claimed exceeds the amount of principal advanced, the courts should in no case pass a decree for interest in excess of the principal amount."

THE HONOURABLE SIE PHIROZE SETHNA (Bombay : Non-Muhammadan) : Sir, I am sorry to have to rise to oppose this motion as well. The remedy suggested by my Honourable friend the Mover is worse than the disease. It is a well-known fact known to merchants that capital doubles itself at compound interest in the number of years you get if you divide 71 by the rate of interest. Suppose the rate of interest is 12 per cent. Then the capital doubles itself in just about six years. If the rate of interest is 5 per cent., divide 71 by 5, and it doubles itself in a little over 14 years. Suppose

[Sir Phiroze Sethna.]

one lends Rs. 1,000 at 12 per cent. It doubles itself in six years. Why need the creditor wait for six years? At the end of the fifth year he would ask for a fresh receipt, and that receipt will be made up not only of the original capital amount but the interest will be added to it and a fresh lease of life will be given to that receipt. Or it might be done in another way. We know that some money lenders, whilst they lend Rs. 500, take a receipt for Rs. 1,000. A man who wants to charge 12 per cent. on Rs. 500 will tell the borrower: "If you sign for Rs. 1,000, I will charge you 6 per cent." and he can give a verbal assurance that on the proper date he will consider the capital not as Rs. 1,000 but as Rs. 500. The borrower will have to submit to these conditions and in this way the interest will not equal the capital amount in practically double the time. Therefore, I hope from these instances I have been able to satisfy the Honourable Mover that the remedy he suggests is worse than the disease and his suggestion is almost impracticable.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, I endorse fully what my Honourable friend Sir Phiroze Sethna has said. I think the motive behind the Resolution of the Chaudri Saheb is a noble one, but perhaps the Chaudri Saheb is not aware that owing to certain reasons and certain policies, the rate of interest has been allowed to swell up with the result that even for first class parties, the rate of interest has been ruling at about 12 per cent. It has been a matter of pleasure for the commercial people to find that after a long time, it is only recently that the Imperial Bank rate has been reduced to 6 per cent. I do not know how long that rate will continue, but we hope that it will continue for some time. Many people wrongly think that the Imperial Bank rate is the rate at which many people can borrow, it is only meant for selected parties. I might explain that all the branches of the Imperial Bank charge at least 1 per cent. over the bank rate at their headquarters, and for three months' drafts another 1 per cent. is added. So, in case the rate is 6 per cent. at the headquarters, 7 per cent. is the ordinary rate at branches, and for bills for over 30 days the rate is 8 per cent. This 8 per cent. rate has only come into operation since the last few days. Otherwise, the rate has been ranging in the vicinity of 9 to 10 per cent. Some time back when this question of regulation of interest was taken up by a certain section of the public, its objective was that loans be made on easy terms and at a low rate of interest. I think my Honourable friend would have been well advised if he had moved a Resolution for the establishment of State Agricultural Banks. That is the only way in which the noble object which he has in view can be achieved. Resolutions like this, instead of helping those for whom the Chaudri Saheb advocates, will have a reverse effect. I know that such like proposals are creating a sort of suspicion among the money lenders and bankers, that loans for agricultural purposes are generally being considered as risky ones. I am not going into further details, as to whether the loans are risky or not. But that is the impression which is gaining ground, with the result that every day it is becoming harder for the poor agriculturist to borrow money. The object of the co-operative movement was mainly to help the poor agriculturist, and ever since this was started—I am speaking of the Punjab only as I have not figures for other provinces before me—and after many years' working in the Punjab the Co-operative Banks or Societies have not been able to find even one-fiftieth of the capital that is needed for financing such agriculturists. In the present state of economic depression and of the Government finances it seems to me impossible for a good many years to come for the Government to establish a State Agricultural Bank which could give

cheap loans, and for long periods. I think that this Resolution is not clear enough because it does not specify what the equitable rate of interest is, and to leave this important point of rate in the hands of the subordinate judiciary is not safe. Therefore, Sir, I oppose the Resolution.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : Nominated Non-Official) : Sir, I do not wish to speak on this Resolution at all, but I would like to correct my friend Lala Ram Saran Das, who is under some misapprehension as regards the nature of the Imperial Bank rate. My friend does not correctly understand what is meant by a bank rate. A bank rate is the minimum rate at which the Imperial Bank is prepared to advance money. Further my friend says that, whatever the bank rate may be, the Imperial Bank always demands one per cent. over and above that. My friend probably is not aware that the bank rate is the rate at which the Imperial Bank advances money to other Banks on gilt-edged or other reliable securities, and not to the general public. They do advance in many cases on the security goods and liquid assets and also on the joint promissory notes of two parties when their credit is sound but such cases are very few and far between. I quite admit that the advances by the Bank mostly depend on the credit of the party or parties. But the usual practice is, for the Imperial Bank to demand one per cent. or half per cent. over the bank rate. That is all I wish to explain to my Honourable friend. He has really misunderstood the import of the term "bank rate".

4 P.M.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : On a point of personal explanation, Sir. I did not misunderstand. What I said was that Bank rate is not meant for everybody, and I think my Honourable friend Sir Maneckji has also dwelt at length to clarify the same point. What I said was that everybody cannot borrow at that Bank rate.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (Madras : Non-Muhammadan) : Sir, I rise to oppose the motion. I have great sympathy with the unfortunate creditor who lends money but never recovers any interest from the debtor. Supposing a man borrows and never pays interest for ten years—interest accumulates. As a matter of fact, the Usury Act is applied by courts. In certain courts they do disallow exorbitant interest, even compound interest is not allowed in certain cases. But as my friend Rai Bahadur Lala Ram Saran Das said, if you want to help the petty borrower it must be more by way of opening agricultural banks where they can get accommodation at a lower rate of interest. Therefore the Resolution as it stands will not help the debtor in any way. As it is people who lend money cannot get their small capital realised. When a decree is passed it takes two or three years to obtain the fruits of his decree. At times the creditor does not even get the principal. Therefore, from every point of view the creditor also requires protection. From this point of view, I do not think the Resolution will do any good. Open more agricultural banks which can help the ryots. But as it is I fear I have to oppose the Resolution.

THE HONOURABLE MR. H. W. EMERSON (Home Secretary) : Sir, I think the object of my friend the Honourable Mover of the Resolution is less to propound a hard and fast solution of a very difficult problem than to draw attention to what at the present time is a grave evil, namely, the burden of debt under which the people labour, and especially the rural population, and the abuse in some instances of the power which the money lender with his

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resources of capital possesses. Now, I think we all in this House appreciate the very great difficulties of the peasantry of India at the present time, arising from the phenomenal fall in agricultural values. We all sympathise with him in his difficulties and we admire the courage with which he is facing them and the loyalty with which he is carrying out his obligations whether to Government or to the money lender. We should all be pleased if the simple solution which the Honourable Mover has put forward was really the way to the salvation of the cultivating classes. I am afraid, however, that is not the solution. The question of indebtedness owing to high rates of interest, whether of the rural or the urban population, has recently attracted the attention of a number of Committees. The Royal Commission on Agriculture had something to say about it from the agricultural point of view. The Royal Commission on Labour has also made suggestions on the industrial side. The Banking Committee has made recommendations from the point of view of finance. There have been many suggestions. The difficulty is to find any solution. In normal times it is difficult enough. At the present time, the difficulties have been greatly enhanced by the economic crisis through which the whole world is passing. It does not appear to be a time for heroic remedies. In considering the troubles of the debtors we must not lose sight of the misfortunes of the creditors, if for no other reason, because, if our forgetfulness leads to precipitate action, we may, as several speakers have pointed out, actually increase the troubles of the class we are seeking to assist. At the present time rural economy is passing through a series of adjustments. Government have had to reduce their revenue demand, the landholder has had to abate his rent, the money lender has had to restrict his credit, and in many cases he has had to postpone his claims. The cultivator has had to reduce his standard of living, already deplorably low. He finds it more difficult to obtain loans from the money lender, partly because his security is less than it was, and partly because the money lender himself has not as much money to lend as he previously had. But taking things as a whole, the rural credit system of India is adapting itself to the unparalleled conditions of the time better than a year ago one might have anticipated. I would ask my Honourable friend if this is the moment to attempt the drastic measure such as he suggests. Does he believe that if his proposal became law the difficulties of the cultivator would be solved? We all know they would not. The immediate effect would be to restrict credit. The money lender would decline to lend money on the terms suggested. He would at once file a very large number of suits in the courts for the recovery of loans at present outstanding. Ultimately of course the law would be evaded as the Honourable Sir Phiroze Sethna has pointed out. But before that stage of evasion had been reached, a shock would have been given to the whole system of credit, to the good money lender as well as to the bad which would be extremely disastrous to the whole body of debtors and particularly to the cultivators. For these reasons, Government are unable to accept the Resolution. At the same time that does not mean that Government are not concerned with the question of agricultural indebtedness, or indeed of general indebtedness. The matter was debated at length in another place a few months ago on a Resolution moved by Maulvi Sir Muhammad Yakub. I think there was a two days' debate on the question. During that debate the Usurious Loans Act came under considerable comment and criticism and an undertaking was made on behalf of Government that they would address Local Governments, obtain from them a report on the working of the Act, ask them for suggestions as to how it could be amended, so as better to achieve its purpose, and generally to invite any recommendations they might have to make

regarding the abuses arising out of excessive rates of interest. That reference has been made to Local Governments. Only one or two have so far replied and it is impossible from the replies that have been received to form any estimate of what the general trend of opinion is likely to be. I am certainly not therefore in a position to make any commitment on behalf of the Government as to what form of legislation, if any, they may be prepared to undertake. But I can give an assurance that Government will give their closest attention to the matter, that they will carefully consider all the replies of Local Governments when they are received and come to a conclusion as to whether, and if so what, amendments can and should be made. Further I can give an assurance—and this to my mind is very important—that the Government of India will keep in touch with the question of indebtedness, and specially of rural indebtedness and the effects which the present economic crisis may have on the general problem of indebtedness in the country. I hope with this assurance the Honourable Member will withdraw his Resolution.

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN : Sir, the money lender is as essential in India as the agriculturist himself and my aim in bringing forward this Resolution is to create amicable relations between the creditor and the debtor. The creditor is as much entitled to protection as the debtor, but it is a fact that usury is a monstrous evil literally bleeding white the agriculturists and labourers, and they deserve consideration from the Government. A desperate peasantry would mean anarchy and we have to find a solution.

I am grateful to the Honourable Mr. Emerson for his sympathetic reply and with the assurance given by him, I ask permission to withdraw the Resolution.

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

RESOLUTION *RE* REPEAL OF THE CHILD MARRIAGE RESTRAINT ACT.

THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH (Bihar and Orissa : Non-Muhammadan) : Sir, before I formally move my Resolution, I wish to make a slight amendment by substituting “as early as feasible” for “during the current session of the Council of State,” and I seek your permission.

MR. CHAIRMAN : The Resolution has been amended and reads as follows :

“This Council recommends to the Governor General in Council to be pleased to bring in a Bill to repeal the Child Marriage Restraint Act, known as the Sarda Act, as early as feasible.”

THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH : Sir, I beg to move the amended Resolution that stands in my name.

Sir, it must be fresh in the recollection of Honourable Members what a storm of protest was raised against the Child Marriage Restraint Bill in all its stages by the entire orthodox section of the Hindus throughout the length and breadth of the country and reading the reports of the debates one would find that some Members belonging even to the sections which love to style themselves as advanced opposed the measure not because they disagreed with the

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principle but because they conscientiously felt that it was not wise to thrust a piece of reform down the throat of an unwilling people by means of a penal legislation and it was significant enough that four of the Local Governments, e.g., those of Madras, Bengal, the Punjab and Bihar and Orissa, were against the measure. The resolutions passed against the measure at innumerable meetings all over the land, petitions, signed by hundreds of thousands all showed unmistakably that the measure was just the reverse of popular and it was clear that had the Government remained neutral, as it ought to have done, there would not have been the ghost of a chance of success for it. The charge of indifference and nonchalance constantly laid at the door of the Government by the enthusiasts for political freedom had led them to support that pernicious measure in spite of the fact that they are pledged to remain neutral in all matters relating to social and religious reforms. Now, Sir, that it is sufficiently clear that during these two years the Sarda Act has not produced any effect, that its provisions have been openly or surreptitiously and with impunity broken by the mass of the population, only a handful of well-to-do people having been subjected to indignity and humiliation at the instance of their enemies in the name of the operation of the Act, it is high time for the Government to think of bringing in a repealing Bill at least in deference to the feelings and sentiments of the orthodox Hindus who form the bulk of that community and who, as believers in the teaching of their ancient faith, namely, *Naranam Chandradhipam* are loyal to the British Crown, as well as to those of the majority of the Muhammadans.

Sir, I shall not weary the House by discussing the various grounds on which the measure was bitterly and vehemently opposed by the orthodox section of my community; I shall not try to drive home to the House how the Act drives a coach and four through the spirit as well as the letter of the Hindu Shastras, how dangerous was the precedent created of interfering with the personal laws, customs and usages, religious and social, of the Hindus and I take it, of the Muhammadans and how needful it is for social growth to come from within if it is to be effective and beneficial. All these are matters that were discussed threadbare on the floors of this and the other House by gentlemen of far superior intelligence, learning and wisdom.

Sir, it was sickening to see hundreds and thousands of people in my part of the country trying desperately to evade the provisions of the Sarda Act by giving their sons and daughters in marriage even earlier than they used to do before, during the period between the passing of the Act and the date of its coming into force. That showed conclusively how unpopular the Act was and no wonder. All reforms imposed from without are bound to fail unless they are in consonance with the genius of the people. Sir, I am personally against child marriages, properly so called. But the masses are helplessly ignorant and extremely conservative. They require to be educated and made to see the evils by a suitable educative propaganda. This will prepare the ground for the introduction of a reform which then can be expected to strike at the root and fulfil its purpose. Any attempt to force a reform by means of penal legislation must needs defeat its own end, as it has undoubtedly done in the present case.

Sir, in their impatience the sponsors of the Bill clean forgot that amongst Hindus as well as amongst Muhammadans marriage is a sacrament, not a contract and marriages are arranged and fixed by parents and guardians for their children instead of being elective as amongst Christians. I will not go into the question whether an elective marriage is preferable to the sort in

vogue in Hindu and Muhammadan societies, though, of course, being an orthodox and more or less conservative Hindu I am naturally in favour of the present system. But even if it be supposed that the introduction of the elective system will purge Hindu society or Muhammadan society of all the evils it is supposed to suffer from and will bring it into line with what the enthusiasts for marriage and other reforms amongst us consider advanced and progressive societies of Europe and America, the advocates of the system have first of all to convert the masses into their way of thinking and this can be done not through a penal legislation but by propaganda amongst them. I, for one, however would oppose the introduction of the elective system with all the earnestness and strength that I can command as the elective system will necessarily be followed by a system of divorce amongst Hindus, a system than which it is impossible to conceive of a more direct negation of the spirit of Hindu genius and culture.

Sir, if the object of the Sarda Bill was to do away with pre-puberty marriages, they would have done well to throw themselves heart and soul into the work of re-installing in its pristine purity the system of *dwiragawan* or *gauna*. Everybody who knows the Hindu society knows that marriages therein are betrothals and consummation comes much later in the form of *dwiragawan*. The period used to range between three to five years according to the respective ages of the brides and bridegrooms. So long as this system was truly followed and was in full force the evils complained of did not exist.

Sir, in all that I have submitted till now I have assumed for argument's sake that the contention of the partisans of the Act that early maternity is the cause of the appalling rate of infant mortality as also of the mortality amongst mothers is correct, though I am inclined to put a premium on the conclusions arrived at after laborious researches by scientists like Havelock Ellis who most distinctly endorse :

“ the ancient Indian view that girls become fit to be mothers on the first onset of menstruation and that abstinence after attainment of puberty is fraught with the most disastrous consequences ”.

Even the writer of the last but one Census Report found that :

“ in Burma where there is no child marriage the rate of infant mortality is higher than in Bihar and Orissa where child marriage prevails ”.

Sir, I am strongly persuaded that the cause of the undoubted physical decay and degeneration visible amongst us has to be looked for elsewhere than in our ancient and time-honoured marriage system. It is directly and unmistakably traceable to the deplorable economic conditions obtaining in the country, to the want of adequate supply of pure milk and other nourishing articles of food, etc. In my opinion, therefore, the true benefactors of society are those who strive their mightiest by strictly constitutional and legitimate means to bring about the economic regeneration of the people and not those who, led by their zeal to make India another England or France or America socially, culturally and politically, seek to wipe away all its past and give it a clean and new slate to record its progress in civilisation.

Before bringing my remarks to a close, Sir, I should like to make my humble appeal to the Government to be pleased to respect and scrupulously observe their most commendable and age-long policy of non-interference in matters religious and social even at the risk of having all manner of abuse hurled at them by impatient social and religious reformers. It is well known,

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Sir, that during the civil disobedience movement last year and its revival in the present year, unscrupulous political agitators exploited and are yet exploiting the fact of the Government support of the Sarda Bill to stir up disaffection against them. They tell the ignorant people of the countryside that Government is not content with only enslaving them politically but is consistently making inroads on their religious and social systems. I appeal to the Government to be pleased to lend their support to my Resolution and give effect to it by bringing in a repealing Bill as early as feasible so as to rehabilitate the confidence of the people in their *bona fides*, which confidence, I am afraid, has been considerably shaken lately.

THE HONOURABLE MR. G. A. NATESAN (Madras : Nominated Non-Official) : Sir, I rise to oppose this Resolution. I was one of those who took part in the Council of State debate when this measure was debated. The pros and cons of the question were very carefully considered, including all the arguments which have now been advanced. I do not think anything has happened in the interval since the passing of this measure to make us now reconsider our opinion. I think it is to the credit of Government that after a great deal of agitation they were persuaded to take their courage in both hands and help the social reformers in putting through a measure of this kind which undoubtedly is to the benefit of Hindu and Moslem society. I am quite aware there was a great deal of opposition then. I am aware also that at the time the Act was put into force there were threats from different bodies. The greatest amount of threat and agitation came from the Mussalmans, and I think that even they have reconciled themselves. Though other causes have contributed to the change in their attitude, they have cheerfully promised to give their co-operation to Government at the present juncture. Government need not be disconcerted on this point. I do hope that this proposition will be vetoed and we shall not hear of this controversy hereafter. May I add that it is no doubt true that there were many people who apprehended many difficulties, but the public are reconciling themselves very gradually to the effect of this measure and even poor and orthodox people now find that though they found it difficult to swallow this in the beginning in the end it has been a boon.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (Madras : Non-Muhammadan) : Sir, I rise to oppose this Resolution. The Bill was introduced only a few years back and it has been working successfully. I think that in Indian States child marriages still take place. I do not know if the Act applies to Indian States, but still, if its working is continued, it will strengthen the hands of Government to put down child marriages. I am surprised that the Honourable Mover wants to have it repealed. People ought to be educated in this matter. My friend will be well advised to educate the people of Bihar and Orissa and to see that child marriages are not performed there. After a great deal of agitation and after a good deal of delay, the Government of India introduced the Bill for putting down child marriages and I think it is very nearly two years since that Bill was passed. It seems premature to have public opinion either in favour of or against a measure of this sort. Sir, there is a very strong public feeling that child marriages ought to be stopped. Even in British India I am told many people escape from the operation of the Act. In my own Presidency I am told that a few cases did escape. I am only sorry that a Resolution of this sort should be tabled. I strongly oppose it.

THE HONOURABLE MR. H. W. EMERSON (Home Secretary): Sir, I rise to explain the position of Government in regard to this Resolution. [The Honourable Member has moved that this Council should recommend to the Governor General in Council to bring in a Bill this session to repeal the Child Marriage Restraint Act, popularly known as the Sarda Act. He does not, I am sure, expect that Government will be able to support his Resolution, for apart from the question of policy, to which I will presently refer, there are obvious reasons why the procedure he suggests would be inappropriate. Whatever views may be held regarding the attitude of the Government of India towards the original Bill, and I am aware that their attitude is the subject of genuine feeling in some quarters, there can be no room for doubt that the position of Government would be indefensible if they were themselves to undertake a Bill to repeal a measure which was passed little more than two years ago by a very large majority in another place and without a division in this House, and which, moreover, had been introduced as a private Bill. Even if the views of Government had changed since they gave their support to the Bill, it would be clearly inappropriate for them to take the course which the Honourable Member suggests. Moreover, apart from the merits of this particular case, I doubt whether there is any precedent for the Government of India taking the initiative in repealing a measure which a large section of public opinion in this country regards as of great importance in the matter of social reform. For these reasons Government are unable to take the action which the Honourable Member desires them to take. This, however, is not the whole case. There are at present private Bills before the other House, the object of which is to repeal the Child Marriage Restraint Act, and the Council will no doubt wish to know what will be the attitude of Government towards them, should they come under consideration. In the debate in the Assembly on the original Bill, the Honourable the Home Member stated the position of Government as follows :

“ What I have always contended for is that, if important projects of social legislation are to be undertaken, as they must be undertaken, it should be after a careful and deliberate examination of the evils which we are endeavouring to correct, and after the fullest ventilation and consultation of public opinion ; and that in matters of that kind we should make every possible endeavour to ensure that, behind such measures as we undertake, we should have that degree of public support which is in fact essential to the effective administration of any legislation in such matters ”.

It was in accordance with the principles there stated that Government gave their support to the Sarda Act. There are, I contend, no new factors at present known to Government which would justify a reversal of the position then taken. Government recognised then the genuine apprehensions with which certain classes, not confined to any particular community, view the placing of this measure on the Statute-book. They recognise that those apprehensions still exist, but even the most inveterate opponent of the Act will, I think, admit that so far the apprehensions have proved to be almost entirely without foundation. The Act has been in operation now for nearly two years. It has caused no hardship to any one, nor has it interfered with social life. A criticism that is more likely to be made is that it has been ineffective and that, from this point of view, it has disappointed its supporters. This criticism is, I think, mistaken. The Act was deliberately so drafted as to prevent it being an instrument of oppression. Its provisions are such as to make it difficult to bring them into operation in any social group unless members of that group are in sympathy with them. It was not anticipated that they would prove a sovereign remedy to the social evils against which they are directed. The object of the Bill was educative rather than

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deterrent, and there can be little doubt that the enquiries and the discussions which have centred round it have had an important effect on moulding public opinion. Nor can there be any doubt that the presence of the Act on the Statute-book will continue to have an educative effect, even if cases filed under it continue to be extremely few in number. The Act is the visible protest of the great majority of both Houses of the Indian Legislature against social abuses which, as such, are condemned both by the supporters and opponents of the Act. Equally, the repeal of the Act would be regarded in this country, and still more outside India, as approval of, or acquiescence in, these abuses by the Indian Legislature. Whatever might be the motives underlying the repeal, the world at large would regard the withdrawal of the Act as a verdict in favour of *indefinite* continuance of social customs, the consequences of which in only too many cases are deplorable. And I suggest that at a time when India is on the eve of constitutional reforms of a comprehensive character, she cannot afford to ignore world opinion in this matter. Government, on the facts before them, cannot be a party to a step which they regard as retrograde and which would inevitably delay the progress of forces and influences which are working towards social reform.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : May I ask a question from the Honourable Mover of the Resolution. The Honourable Mover has said that he himself hates child marriage. May I ask whether he thinks the *dwiragaman* ought to take place at the period which is specified in the Sarda Act for the marriage? Does he want the Act to be amended?

THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH : Yes. Marriage is a sacrament and *dwiragaman* ought to take place about the time prescribed for marriage by the Sarda Act. I should like to have an amendment of the Act accordingly.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Do I understand then, that.....

MR. CHAIRMAN : Order, order. The question is that the following Resolution be adopted :

" This Council recommends to the Governor General in Council to be pleased to bring in a Bill to repeal the Child Marriage Restraint Act, known as the Sarda Act, as early as feasible."

The motion was negatived.

(Motions standing in the names of the Honourable Mr. Abu Abdullah Syed Hussain Imam* and the Honourable Rai Bahadur Lala Jagdish Prasad† were not moved as the Members were not in their places when their names were called.)

The Council then adjourned till Eleven of the Clock on Wednesday, the 2nd March, 1932.

* " That the Bill further to amend the Provident Funds Act, 1925, for certain purposes, be taken into consideration. "

† " This Council recommends to the Governor General in Council to amend the rules relating to the daily allowances admissible to the Members of the Council of State so that the daily allowance admissible for a period not exceeding three days before the commencement of a session may be payable with reference to the date notified by the Government to the members as the earliest date for the commencement of a session irrespective of the fact whether the session actually commences on that date or on a subsequent date."