

4th February 1935

THE
LEGISLATIVE ASSEMBLY DEBATES
Report)

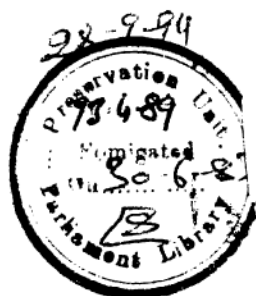
Volume I, 1935

(21st January to 18th February, 1935)

FIRST SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,
1935



NEW DELHI
GOVERNMENT OF INDIA PRESS
1935

Legislative Assembly.

President :

THE HONOURABLE SIR ABDUR RAHIM, K.C.S.I., KT.

Deputy President :

MR. AKHIL CHANDRA DATTA, M.L.A.

Panel of Chairmen :

SIR MUHAMMAD YAKUB, KT., M.L.A.

MR. S. SATYAMURTI, M.L.A.

LIEUT.-COLONEL SIR HENRY GIDNEY, KT., M.L.A.

SARDAR SANT SINGH, M.L.A.

Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

Assistant of the Secretary :

RAI BAHADUR D. DUTT.

Marshal :

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

Committee on Petitions.

MR. AKHIL CHANDRA DATTA, M.L.A., *Chairman.*

MR. S. SATYAMURTI, M.L.A.

DR. ZIAUDDIN AHMAD, C.I.E., M.L.A.

RAJA SIR VASUDEVA RAJAH, KT., C.I.E., M.L.A.

MR. N. M. JOSHI, M.L.A.

CONTENTS.

VOLUME I.—21st January to 18th February, 1935.

	PAGES.		PAGES.
MONDAY, 21ST JANUARY, 1935—		THURSDAY, 24TH JANUARY, 1935—contd.	
Message from His Excellency the Governor General	1	Agreement between His Majesty's Government in the United Kingdom and the Government of India	99—103
Members Sworn	2—7	Statements laid on the Table	103—06
Deaths of Sir Abdulla Suhrawardy, Mr. M. V. Abhyankar, Mr. B. N. Sasmal, Mr. Price and Rai Bahadur Lala Brij Kishore	7—13	Election of the President	106—11
Statements laid on the Table	13—41	Statement of Business	111
Motion for Adjournment re Confidential Circular issued by the Home Department of the Government of India on the decisions of the Bombay Congress—Talked out	41—44, 46—74	Speech delivered to the Legislative Assembly by His Excellency the Viceroy	112—22
Election of the Standing Finance Committee	44	MONDAY, 28TH JANUARY, 1935—	
Election of the Standing Finance Committee for Railways	44—45	Members Sworn	123
Election of the Standing Committee for Roads	45	Motions for Adjournment re—	
Election of two Members to serve on the Reserve Bank of India (Issue and Allotment of Shares) Committee	45—46	Action of the Government of India in concluding the Indo-British Trade Agreement without consulting any Indian Mercantile Organisations—Not moved	123
TUESDAY, 22ND JANUARY, 1935—		Refusal of Permission to Mr. Sarat Chandra Bose to attend the Session of the Legislative Assembly—Not moved	123—24
Member Sworn	75	Governor General's assent to Bills	124
Motion for Adjournment re Prevention of Mr. Sarat Chandra Bose from attending to his duties as a Member of the Legislative Assembly—Adopted	75—76, 77—98	Election of the Deputy President	124—25
The Indian Mines (Amendment) Bill—Introduced	76	Election of Members to the Standing Committee for Roads	125
The Indian Naturalization (Amendment) Bill—Introduced	76—77	Statements laid on the Table	125—29
THURSDAY, 24TH JANUARY, 1935—		Election of the Standing Committee on Emigration	129
Members Sworn	99	Election of the Standing Committee for the Department of Education, Health and Lands	129
Motions for Adjournment	99	Election of the Standing Committee on Pilgrimage to the Hedjaz	129—30
		Election of the Standing Committee for the Department of Industries and Labour	130

PAGES.	PAGES.
MONDAY, 28TH JANUARY, 1935—contd.	TUESDAY, 5TH FEBRUARY, 1935—contd.
The Hedjaz Pilgrims Guides Bill—Introduced 131	Election of Members to serve on the Reserve Bank of India (Issue and Allotment of Shares) Committee 365
The Indian Mines (Amendment) Bill Referred to Select Committee 131—45	Election of the Deputy President 365
The Indian Naturalization (Amendment) Bill—Passed 145—48	Allotment of seats in the Chamber 366
TUESDAY, 29TH JANUARY, 1935—	Resolution re Removal of ban on the Khudai Khidmatgars' Organisation in the North-West Frontier Province—Adopted 366—408
Statements laid on the Table 149—53	Message from His Excellency the Governor General 408
Motion re Indo-British Trade Agreement—Discussion not concluded 154—96	Resolution re Prevention of importation of foreign rice—Discussion not concluded 408—09
Election of the Standing Finance Committee 154	
Statement of Business 179—80	
WEDNESDAY, 30TH JANUARY, 1935—	WEDNESDAY, 6TH FEBRUARY, 1935—
Death of Mr. M. K. Acharya 197—98	Questions and Answers 411—57
Orders from H. E. the Governor General 198—99	Report of the Joint Parliamentary Committee on Indian Constitutional Reform—Discussion not concluded 457—503
Election of the Standing Finance Committee for Railways 199	
Nominations to the Library Committee 200	THURSDAY, 7TH FEBRUARY, 1935—
Motion re Indo-British Trade Agreement—Amendment to terminate adopted 200—50	Nomination of the Panel of Chairmen 505
MONDAY, 4TH FEBRUARY, 1935—	Election of the Standing Committee for the Department of Education, Health and Lands 505
Members Sworn 251	Report of the Joint Parliamentary Committee on Indian Constitutional Reform—Amendment of Mr. M. A. Jinnah—Adopted 505—79
Short Notice Question and Answer 251—54	
Statements laid on the Table 254—60	MONDAY, 11TH FEBRUARY, 1935—
Election of the Deputy President 260—61	Member Sworn 581
Election of the Standing Committee on Emigration 261	Questions and Answers 581—622
Report of the Joint Parliamentary Committee on Indian Constitutional Reform—Discussion not concluded 262—313	Short-Notice Question and Answer 622—24
TUESDAY, 5TH FEBRUARY, 1935—	Motions for Adjournment re—
Questions and Answers 315—57	Conduct of the Honourable the President in conducting the debate during the discussions of the Joint Parliamentary Committee Report—Ruled out of order 625—28
Unstarred Questions and Answers 358—65	
Election of Members to the Standing Committee on Roads 365	

	PAGES.
MONDAY, 11TH FEBRUARY, 1935—contd.	
Motion for Adjournment <i>re—contd.</i>	
Decision of the Government of India to disregard the verdict of the Assembly on the Indo-British Trade Agreement—Ruled out of order	628—32
Committee on Petitions	632
Resolution <i>re</i> Prevention of importation of foreign rice—Adopted as amended	632—52
Resolution <i>re</i> Removal of disqualification in respect of Pandit Dwarka Parshad Misra and Chowdhury Ashrafuddin for election as a Member of the Legislative Assembly—Adopted	652—64
Resolution <i>re</i> Revision of the taxation policy—Discussion not concluded	664—71
TUESDAY, 12TH FEBRUARY, 1935—	
Questions and Answers	673—711
Statements laid on the Table	711—14
The Indian Criminal Law Amendment (Repeal) Bill—Introduced	714—15
The Code of Criminal Procedure (Amendment) Bill (Amendment of section 103)—Introduced	715
The Code of Criminal Procedure (Amendment) Bill (Amendment of section 408)—Introduced	715
The Code of Criminal Procedure (Amendment) Bill (Repeal of sections 30 and 34 and Amendment of sections 34A and 35)—Introduced	716
WEDNESDAY, 13TH FEBRUARY, 1935—	
Questions and Answers	717—50
Unstarred Questions and Answers	750—64
Election of the Standing Committee for the Department of Commerce	764
Election of the Standing Advisory Committee for the Indian Posts and Telegraphs Department	764
The Payment of Wages Bill—Introduced	765

	PAGES.
WEDNESDAY, 13TH FEBRUARY, 1935—contd.	
The Code of Civil Procedure (Amendment) Bill (Amendment of section 51)—Introduced	765
The Code of Civil Procedure (Second Amendment) Bill—Insertion of new section 44A)—Introduced	765—66
Resolution <i>re</i> Draft Convention of the International Labour Conference concerning the regulation of hours of work in automatic sheet-glass works—Adopted as amended	766—91
Resolution <i>re</i> Draft Convention of the International Labour Conference concerning unemployment insurance and other forms of relief—Discussion not concluded	791—806
THURSDAY, 14TH FEBRUARY, 1935—	
Questions and Answers	807—47
Short Notice Question and Answer	847
Election of the Standing Committee on Pilgrimage to the Hedjaz	847
Election of the Standing Committee for the Department of Industries and Labour	847
Resolution <i>re</i> Revision of the taxation policy—Adopted as amended	847—88
MONDAY, 18TH FEBRUARY, 1935—	
Questions and Answers	889—928
Short Notice Question and Answer	928—29
Motion for Adjournment <i>re</i> Removal of ban from the All-India Hindustani Seva Dal and the Prem Maha Vidyalaya, Brindaban—Ruled out of order	929—31
Message from H. E. the Governor General	931
Presentation of the Railway Budget for 1935-36	932—38

	PAGES.		PAGES.
MONDAY, 18TH FEBRUARY, 1935— <i>contd.</i>		MONDAY, 18TH FEBRUARY, 1935— <i>concl.</i>	
Election of Members to the Governing Body of the Indian Research Fund Association	938	The Code of Civil Proce- dure (Amendment) Bill (Amendment of section 51)—Circulated	939—60
The Code of Civil Procedure (Third Amendment) Bill (Amendment of section 60)—Introduced	939	The Payment of Wages Bill —Discussion on the mo- tion to refer to Select Committee not conclud- ed	960—70

LEGISLATIVE ASSEMBLY.

Monday, the 4th February, 1935.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

MEMBERS SWORN

Mr. Amarendra Nath Chattopadhyaya, M.L.A. (Burdwan Division: Non-Muhammadan Rural);

U Thein Maung, M.L.A., (Burma: Non-European); and

U Ba Si, M.L.A., (Burma: Non-European)

SHORT NOTICE QUESTION AND ANSWER.

Mr. President (The Honourable Sir Abdur Rahim): It has been arranged, in order to give more time to the Honourable Members who want to take part in the debate on the report of the Joint Parliamentary Committee, that there should be no questions today excepting one short notice question of which notice has been given by Mr. Satyamurti.

INDO-BURMA TRADE AGREEMENT.

Mr. S. Satyamurti: (a) Will the Honourable the Commerce Member be pleased to state whether negotiations are afoot of the Indo-Burma Trade Agreement?

(b) At what stage do the negotiations stand?

(c) What are the proposed terms of the Agreement?

(d) Will this House be given an opportunity to discuss and express their opinion on the terms of the Agreement? If not, why not?

(e) Have Government ascertained in any other manner the opinion of the people of India and Burma in this matter?

The Honourable Sir Joseph Blore: (a) and (b). The Government of India have under consideration in consultation with representatives of the Government of Burma, the nature of the regime to govern the mutual trade relations of India and Burma in the transitory period after separation.

(c) I regret that I am unable to say at this stage what will be the outcome of the consultation to which I have just referred.

(d) The Government of India would have been glad—had the exigencies of public business permitted—to have heard the views of this House as to the nature of the regime which should govern the trade relations of India and Burma until such time as the two Governments concerned were in

a position to formulate their own tariff policies and to negotiate a permanent trade agreement. The Government of India, however, wish it to be understood that they are under no constitutional obligation to place before this House for discussion the terms of a trade agreement before it is concluded.

(e) Yes.

Mr. S. Satyamurti: May I know who are the representatives of the Government of Burma who are negotiating with the Government of India this Trade Agreement?

The Honourable Sir Joseph Bore: The representatives are Sir Louis Kershaw and Mr. Wise.

Mr. S. Satyamurti: Is there any Burman among the representatives?

The Honourable Sir Joseph Bore: No, Sir.

Mr. S. Satyamurti: May I know the reason why no Burman is included in the delegation?

The Honourable Sir Joseph Bore: That is not a matter with which the Government of India are concerned; that is a matter for the Government of Burma.

Mr. S. Satyamurti: May I know whether, in view of the existing constitutional position between the Government of Burma and the Government of India—the former being a subordinate Government,—what is the position of this subordinate Government of Burma *vis-a-vis* the Government of India?

The Honourable Sir Joseph Bore: The Government of Burma is a principal, not agent in this matter, and it is open to the Government of Burma to nominate its own representatives. The Government of India cannot dictate how its representatives should be chosen.

Mr. S. Satyamurti: May I know what is the period for which the Agreement is being negotiated?

The Honourable Sir Joseph Bore: That also, Sir, is under consultation.

Mr. S. Satyamurti: May I know if it is contemplated that it should last beyond two years from the date of its conclusion?

The Honourable Sir Joseph Bore: I cannot express to my Honourable friend any opinion on that point, because no conclusion has yet been finally reached.

Mr. S. Satyamurti: May I know at what stage the negotiations stand?

The Honourable Sir Joseph Bore: That is an almost impossible question for me to answer. I can only say that our consultations have by no means finally concluded.

Mr. M. A. Jinnah: May I know whether the Government of India, although they are under no constitutional obligation, propose to consult this House or not in fact?

The Honourable Sir Joseph Bhoré: If my Honourable friend asks whether there will be a consultation before we come to any conclusion, I shall answer that question.

Mr. M. A. Jinnah: After the Agreement is concluded between the Government of India and the Burma Government, will the Government of India place that Agreement before this House for their approval?

The Honourable Sir Joseph Bhoré: No, Sir, not for their approval. We shall follow, if necessary, the same practice as we followed in the case of the Indo-British Trade Agreement.

Mr. S. Satyamurti: May I know the reason why the Government of India do not propose to place this Agreement before this House before it is concluded?

The Honourable Sir Joseph Bhoré: Because they propose to follow accepted constitutional practice in this matter.

Mr. S. Satyamurti: Is there anything in the accepted constitutional practice which prevents the Government to place the Agreement before this House?

The Honourable Sir Joseph Bhoré: If my Honourable friend would only refer to one of his own colleagues who sits on his left and who spoke the other day in connection with the Indo-British Trade Agreement, he would know what that constitutional practice is. As I have said, the Government of India will strictly follow constitutional practice in this case.

Mr. M. A. Jinnah: May I ask whether the Government of India, in the course of the negotiations and before the Agreement is finally concluded, consult the commercial opinion in India?

The Honourable Sir Joseph Bhoré: We have had the fullest opportunity for consulting commercial opinion in this country. We have had consultations with representatives of the Federation of Indian Chambers, of the Associated Chambers, of the principal mill-owners' associations and we have also had an opportunity of listening to the views of the representatives of Indians in Burma. I can assure my Honourable friend that we have had the fullest consultation with interests concerned on this matter.

Mr. B. Das: Did the Government of India consult the interest of the agriculturists of Bengal, Madras and Orissa in connection with this Indo-Burma Trade negotiations?

The Honourable Sir Joseph Bhoré: We have had the case of agriculture in India fully before us during the course of these negotiations.

Mr. B. Das: May I inquire, who are the representatives who have represented the agriculturist class in these negotiations?

The Honourable Sir Joseph Bhoré: The representatives are the Department dealing with Agriculture in the Government of India.

Mr. N. M. Joshi: May I ask whether among the men consulted there was any representative of Indian labour in Burma?

The Honourable Sir Joseph Bhoré: No, Sir; not that I am aware of, but, as I have said, that is a matter for the Government of Burma, and not for the Government of India.

Mr. S. Satyamurti: May I know if the question of the emigration of labour to Burma is one of the terms which are being negotiated?

The Honourable Sir Joseph Bhoré: I can only say that that is one of the questions which is being prominently borne in mind by the Government of India.

Mr. S. Satyamurti: If that is so, may I know who are the representatives of labour who are being consulted by the Government of India in respect of that matter?

The Honourable Sir Joseph Bhoré: The representative of labour is my Honourable friend to my right, Sir Frank Noyce.

Pandit Govind Ballabh Pant: Was the Ottawa Agreement placed before this House before its acceptance by the Government of India?

Mr. President (The Honourable Sir Abdur Rahim): That question does not arise.

Mr. N. M. Joshi: In view of the fact that the Honourable Member in charge of the Department of Industries and Labour is a representative of labour, may I ask why was the non-official commercial community separately represented so long as there was a Commerce Member taking part in the negotiations?

(No answer.)

STATEMENTS LAID ON THE TABLE.

Information promised in reply to part (b) of the starred question No. 500 asked by Pandit Satyendra Nath Sen on the 16th March, 1934.

COMPOSITION OF THE ALL-INDIA POSTS AND TELEGRAPHS UNION.

500.* (b) *Indian Posts and Telegraphs Union.*

(i) Number of Hindu Members. Number of other non-Muhammadian members.

41

25

(ii) Names of office-bearers.

1. Seth Haji Abdoola Haroon,
2. Mr. Muhammad Anwar-ul-Azim,
3. Mr. K. L. Gauba,
4. Diwan Chimman Lal,

5. Mr. Asaf Ali,
6. Mr. Abdul Matin Chaudhury,
7. Dr. Ziauddin Ahmad, C.I.E.,
8. Mr. M. G. A. Swaberry,
9. Mr. Basharat Ullah,
10. Mr. Teja Singh,
11. Mr. Jagan Nath Pershad,
12. Mr. B. N. Jacob,
13. Mr. Abdul Jabbar, and
14. Mr. Ihsan Ullah Beg.

(iii) Names of the members of the Executive Council

1. Seth Haji Abdoola Haroon,
2. Mr. Muhammad Anwar-ul-Azim,
3. Mr. K. L. Gauba,
4. Dewan Chaman Lal,
5. Mr. Asaf Ali,
6. Mr. Abdul Matin Chaudhury,
7. Dr. Ziauddin Ahmad, C.I.E.,
8. Mr. M. G. A. Swaberry,
9. Mr. Basharat Ullah,
10. Mr. Teja Singh,
11. Mr. Jagan Nath Pershad,
12. Mr. B. N. Jacob,
13. Mr. Abdul Jabbar (Postman),
14. Mr. Mirza Ihsan Ullah Beg,
15. Mr. Hamid Hussain B.A.,
16. Mr. Zahur Ahmed, B.A.,
17. Mr. Salahuddin,
18. Mr. A. Ghaffur Khan Kadiri,
19. Mr. Faizul Hassan,
20. Mr. Nand Lal Sharma,
21. Mr. Kewal Ram, B.A.,
22. Mr. Erieh Birch,
23. Mr. Kartar Singh,
24. Mr. Gobind Ram,
25. Mr. K. D. Malik,
26. Mr. Nur-ud-din,
27. Mr. M. Barkat Ali,
28. Mr. M. D. Mirza,
29. Mr. Kifayat Ullah Khan,
30. Mr. Hamid Hussain, B.A.,
31. Mr. K. Haque,
32. Mr. M. A. Tahir,
33. Mr. Raza Hussain,
34. Mr. U. D. Ghouri,
35. Mr. M. A. Afim Khan,
36. Mr. Sijandar Mir,
37. Mr. Fakhruddin,
38. Mr. Mohd. Isa Khan,

39. Mr. Bhavandas,
40. Mr. A. H. Aristotle,
41. Mr. Autar Singh,
42. Mr. Ramdas,
43. Mr. Ram Kishore (Packer),
44. Mr. E. M. Morris,
45. Mr. Chetar Ram,
46. Mr. W. J. Peters,
47. Mr. R. C. Pathak, and
48. Mr. Durga Pershad.

Information promised in reply to starred questions Nos. 186, 190 and 191 asked by Khan Bahadur Haji Wajihuddin on the 23rd July, 1934.

ILLICIT TRAVELLING ON RAILWAYS.

186*. (a) Yes.

(b) These duties are detailed in the Pocket Guide for Ticket Checking staff, a copy of which has been placed in the Library of the House.

(c) (i) Preventing passengers from getting on to trains and platforms without tickets;

(ii) Taking a census of passengers on certain occasions;

(iii) Assisting passengers in entraining and detraining and giving necessary information to passengers;

(iv) Preventing unauthorised passengers from entering compartments reserved for ladies.

(d) No. These are not duties pertaining to the staff of the Accounts Department.

GETTING INTO RUNNING TRAINS BY TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

190*. (a) and (b).—Paragraph 12 of the Pocket Guide issued for guidance of Ticket Checking Staff reads as follows :

"The staff must not jump on the foot-board of the carriages or run along side of trains when in motion. They should take up their proper position in the carriage or on the platform and wait until the train stops".

(c) No complaint of any disregard of these rules has been received.

(d) He must use his own judgment.

(e) The size of a satchel is 10 1/2" x 8". Salter's spring balance can be put into this Satchel but not Salter's improved spring balance.

(f) Two kinds of Salter's spring balances are now supplied to Travelling Ticket Examiners:

(i) Pocket size with hook and ring 11 3/4" long, and without hook and ring 9" long.

(ii) Improved type with hook and ring 19 1/2" long, and without hook and ring 14" long.

Government consider it unnecessary to exhibit these in the House.

SPRING BALANCES CARRIED BY THE TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

191*. (a) In cases in which the amount of luggage carried is believed to be more than the free allowance admissible Travelling Ticket Examiners are expected to weigh the luggage using their spring balances. If they can do this conveniently they can get the help of station coolies and arrange to have the luggage weighed on station weighing machines.

(b) Yes.

(c) Peons are not considered necessary.

(d) No. These are details which are provided for in the Pocket-Guide for ticket-checking staff.

(e) and (f). This is dependent on circumstances.

(g) No. He should wait till the train halts at a station and then seek the assistance of station porters.

(h) Government see no reason for their intervention.

(i) The reading is taken when the balance is stationery, and there can, therefore, be no question of an overcharge.

Information promised in reply to starred question No. 248, asked by Mr. Gaya Prasad Singh on the 30th July, 1934.

ADMISSION OF MEDICAL GROUP STUDENTS OF THE DELHI UNIVERSITY IN MEDICAL COLLEGES IN INDIA.

248*. (a) and (b). It is understood that in the past some students of the Delhi University were admitted into the Medical Colleges at Calcutta, Bombay and Lucknow. Government are exploring the possibility of securing greater facilities for the prosecution of Medical Collegiate education by Delhi students.

(c) No.

(d) The reason is that the courses of study for the Intermediate Examination of the Delhi University are not recognised by the Faculty of Medicine of the Lucknow University.

Information promised in reply to starred question No. 257, asked by Mr. B. V. Jadhav on the 30th July, 1934.

NON-RECOGNITION OF THE INTERMEDIATE EXAMINATION IN SCIENCE, MEDICAL GROUP, OF THE DELHI UNIVERSITY BY THE LUCKNOW UNIVERSITY.

257*. (a) Yes.

(b) The matter is one for adjustment between the two Universities.

Information promised in reply to unstarred question No. 38 asked by Khan Bahadur Haji Wajihuddin on the 6th August, 1934.

GAZETTED OFFICERS DUE TO RETIRE IN THE GOVERNMENT OF INDIA OFFICES.

38. *Statement showing the number of Gazetted officers, Indians and Europeans, in the Government of India Secretariat and its attached and subordinate offices at headquarters, who are due to retire during the period July, 1934, and April, 1935, and are likely to be employed subsequently on special duty.*

Number of officers likely to retire.		Number of officers likely to be re-employed.
Indians.	Europeans.	
7	5	Nil.

Information promised in reply to starred questions Nos. 747, 749 and 751 asked by Sardar Sant Singh on the 21st August, 1934.

AGREEMENTS SIGNED BY THE TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

747*. (a) and (b). When the posts of Travelling Ticket Examiners were abolished, staff employed as such, who were offered and accepted posts of Special Ticket Examiners, were not asked to sign new agreements.

(c) Government understand that the form of service agreement filled in by old Travelling Ticket Examiners is the same as is signed by other categories of subordinate railway employees and does not contain any provision for the grant of mileage allowance to them. At the time of appointment as Special Ticket Examiners, mileage allowances were not sanctioned by the Agent, North Western Railway.

HOUSE RENT PAID TO CERTAIN SPECIAL TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

749*. The Agent, North Western Railway, reports that no Special Ticket Examiner is now held eligible for this concession.

HOUSE RENT PAID TO CERTAIN SPECIAL TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

751*. (a) Yes.

(b) The first ten Special Ticket Examiners were getting house rent owing to a mistake from the 1st June, 1931, but this has since been stopped. In this connection, I would invite the Honourable Member's attention to the information laid on the table of the House on the 18th July, 1934, in reply to parts (g) to (k) of question No. 310 asked by Shaikh Sadiq Hasan on the 14th December, 1933.

Information promised in reply to starred question No. 870 asked by Maulvi Syed Murtuza Sahib Bahadur on the 28th August, 1934.

NON-RECOGNITION OF SERVICES RENDERED DURING THE GREAT WAR BY THE EAST INDIAN RAILWAY EMPLOYEES.

870*. (a) Yes, so far as the railways which were State at that time are concerned.

(b) Yes.

(c) and (d) The Agent, East Indian Railway, reports that the original orders said to have been issued by District Traffic Superintendent, Moradabad, on the 23rd August, 1923, are not available. Government are not, therefore, in a position to say whether the orders issued by the Divisional Superintendent, Moradabad, in his letter No. E.T./4/31/A.S.M., dated the 10th December, 1931, conflict with those said to have been issued by District Traffic Superintendent, Moradabad.

Information promised in reply to part (d) of starred question No. 921 asked by Mr. S. G. Jog on the 30th August, 1934.

INCREMENTS OF STAFF IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

921*. The Agent, East Indian Railway, reports as follows :

"(d) (i) and (ii) The increments of four ticket collectors and ~~twenty-six~~ relieving clerks were stopped for failing to make any effort to pass the goods accounts examination in spite of being repeatedly warned. Three of these passed the oral test by the Divisional Commercial Officer and their increments were granted with back effect. The grade increase of one assistant station master has been withheld for failing to qualify himself in first aid.

It was not the intention to penalise them unnecessarily, but to make them qualify in their duties so that the administration may utilise them for relief purposes in goods sheds as well as working as flag station masters for which duties it is essential that they should pass the goods accounts examination.

Increments are granted only for approved service and those who have made no serious effort to qualify themselves for the above examination, which is essential for the nature of their duties, cannot be treated as having rendered approved service.

(iii) and (iv) In keeping with the practice which had been in vogue for many years on the Lucknow and Moradabad divisions the locomotive running staff officiating in higher grades were not granted increments. This practice was, however, on examination found to be incompatible with the rules and was abandoned and the pay of the staff was ordered to be refixed with effect from the 1st September, 1934, taking all previous officiating service into account. No readjustment in the pay earned previous to that date was, however, allowed."

(v) Government are informed that increments due to the staff are paid within a reasonable time after they are due.

(vi) No.

Information promised in reply to starred questions Nos. 924 and 925 asked by Mr. S. G. Jog on the 30th August, 1934.

CONSOLIDATED ALLOWANCE OF THE TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY.

924*. So far as old Ticket Inspectors who held posts as such and drew a mileage allowance and are now working as Travelling Ticket Inspectors under the Moody-Ward system are concerned, I would draw the Honourable Member's attention to

the information laid on the table of the House on the 29th January, 1935, in reply to question No. 216 asked by Khan Bahadur Haji Wajihuddin on the 19th March, 1934. Old Travelling Ticket Inspectors who are now employed as Head Ticket Collectors, Assistant Head Ticket Collectors and Ticket Collectors are holding stationary posts and are not required to travel and are therefore not eligible for any consolidated or other travelling allowance.

CONSOLIDATED ALLOWANCE OF THE TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY.

925*. (a) Government are informed that in order to absorb the old Travelling Ticket Inspectors in higher posts, they are being posted as Head Ticket Collectors and Assistant Head Ticket Collectors as and when opportunities offer.

(b) The reply to the first part is in the negative. As to the second part, I would mention for the Honourable Member's information that staff permanently appointed in stationary posts are not entitled to draw any consolidated or travelling allowance.

(c) Does not arise.

ELECTION OF THE DEPUTY PRESIDENT.

Mr. President (The Honourable Sir Abdur Rahim): I have to announce, in accordance with standing order 5(3) of the Legislative Assembly Standing Orders, that I received by 12 Noon on Saturday, the 2nd February, six notices in all nominating the following three candidates for election to the office of the Deputy President, namely:

- (1) Mr. Akhil Chandra Datta,
- (2) Rao Bahadur M. C. Rajah, and
- (3) Mr. D. K. Lahiri Chaudhury.

Before I proceed to read out the names of the proposers and seconders, I should like to mention that one of the nomination papers in favour of Rao Bahadur M. C. Rajah was not handed in to me personally by Bhai Parma Nand, who was the proposer, but was given to me by Mr. R. S. Sarma. Since the proposer in this case did not comply with the provisions of Standing Order 5(2)(ii), I am setting aside that nomination paper as invalid. This does not, however, materially affect Rao Bahadur M. C. Rajah's candidature, because there is another nomination paper which is in order in his behalf. The names of the proposers and seconders are as follows:

For Mr. Akhil Chandra Datta:

Proposers:

Pandit Lakshmi Kanta Maitra,
Mr. Fakir Chand,
Mr. Suryya Kumar Som,

Seconders:

Mr. Suryya Kumar Som,
Pandit Lakshmi Kanta Maitra,
Dr. P. N. Banerjee.

For Rao Bahadur M. C. Rajah :

Proposer :

Mr. R. S. Sarma.

Seconder :

Captain Rao Bahadur Chaudhri Lal Chand.

For. Mr. D. K. Lahiri Chaudhury :

Proposer :

Lieut.-Colonel Sir Henry Gidney.

Seconder :

Syed Ghulam Bhik Nairang.

As there are more candidates than one, the ballot for this election will, as announced by me to the House on Monday last, be held tomorrow.

Mr. R. S. Sarma (Nominated Non-Official): Sir, Rao Bahadur Rajah has written to me a letter withdrawing his candidature for the Deputy Presidentship. May I hand it over now?

Mr. President (The Honourable Sir Abdur Rahim): Yes.

(The Honourable Member, Mr. R. S. Sarma, then handed in to the Secretary the letter from Rao Bahadur Rajah.)

Mr. President (The Honourable Sir Abdur Rahim): Then the candidates that remain are Mr. Akhil Chandra Datta and Mr. D. K. Lahiri Chaudhury.

ELECTION OF THE STANDING COMMITTEE ON EMIGRATION.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon on Wednesday, the 30th January, 1935, the time fixed for receiving nominations for the Standing Committee on Emigration, eight nominations were received. As the number of candidates is equal to the number of vacancies I declare the following to be duly elected :

- (1) Mr. M. Ghiasuddin,
- (2) Rao Bahadur M. C. Rajah,
- (3) Mr. F. E. James,
- (4) Dr. G. V. Deshmukh,
- (5) Mr. Satya Narayan Sinha,
- (6) Mr. C. N. Muthuranga Mudaliar,
- (7) Sardar Mangal Singh, and
- (8) Mr. N. M. Joshi.

REPORT OF THE JOINT PARLIAMENTARY COMMITTEE ON INDIAN CONSTITUTIONAL REFORM.

The Honourable Sir Nripendra Sircar (Leader of the House): Mr. President, the motion that stands in my name runs as follows:

"That the Report of the Joint Committee on Indian Constitutional Reform be taken into consideration."

Mr. A. K. Fazlul Haq (Bakarganj cum Faridpur: Muhammadan Rural): Sir, I rise to a point of order. The motion that has been made by the Honourable the Law Member is not in order and cannot be admitted for discussion. Sir, the motion simply says that "the report of the Joint Committee on Indian Constitutional Reform be taken into consideration". With what object, the Honourable Member has not specified. If he merely wants the Honourable Members of this Assembly to make speeches and not to come to any definite conclusion, I submit, a motion like that is not permissible. A motion must be with some definite object. It is true that a motion of this kind is allowed in the case of Bills, but there the conditions are different. The House has got seizin of the Bill and it can send the Bill for consideration, for the purpose of eliciting opinion, or it can send the Bill to a Select Committee or it may reject the Bill altogether. Now, Sir, so far as this House is concerned, it has not got the power to deal with the report in any of the three kinds that has been specified. Secondly, the report itself is now a dead report, and it has been replaced by a Bill, and, if anything has got to be discussed and decided upon, it is the Bill and not the report which has been superseded by the Bill. For these two reasons, I submit that this motion is not in order and ought not to be submitted to the House for consideration.

Mr. President (The Honourable Sir Abdur Rahim): As regards the point of order raised by the Honourable Member from Bengal, the Chair has not the least doubt that it is not a valid objection. As a matter of fact, the House has been debating motions of this sort many a time without any objection being raised. The objection is based on two grounds, firstly, that this House cannot, by any debate or by any decision it may arrive at, alter the course of legislation in Parliament regarding the Indian Constitution. But as the Honourable Member himself must well know, there are many occasions, as the Constitution stands at present, when this House has to debate matters which may be adjudicated upon not here in India by the Government of India or any authority here, but in Parliament. The next objection raised by the Honourable Member is that there is already before Parliament a Bill to give effect to the Joint Parliamentary Committee Report. As regards that, the Chair takes it that, during the course of the debate, the Honourable Members, if they so choose, can refer to the provisions of the Bill if in any way it is different or divergent from the report of Joint Parliamentary Committee. The Chair, therefore, rules that the point of order is not valid.

The Honourable Sir Nripendra Sircar: Sir, in moving this motion, I realise, as every one must do, that it is not possible to touch even generally and only the main topics discussed in the report within the time allotted to any Honourable Member. Moreover, in the speech which I am making now, the real object is to introduce the matter for discussion. While,

therefore, I shall claim the right to be a little more detailed in my presentation of the speech in my final reply, I desire to make a very brief speech now.

I find, Sir, from the different amendments which had been handed in, that there are certain definite classes of amendments showing the lines on which arguments are likely to be advanced. As regards the amendment coming from my Honourable friend, Mr. Desai, and his colleagues, there is not the slightest difficulty in understanding what that means. That amendment means that the Mover and the supporters of that amendment do not want any legislation on the lines indicated in the report. I say, Sir, that that is perfectly intelligible although our opinions are different. They say, in fact, that the present Constitution may be bad, it may even be very bad, but what we are getting under this reform scheme makes our position worse, and, therefore, they say that we will have nothing to do with it. I quite understand that position. There is no charm in the word "rejection". The words "rejection" and "acceptance" and what is meant by "unacceptable" and what is meant by "rejected", these words have been tortured during the last few weeks, but when we know the substance, it really does not matter what words have been used. Then, Sir, there are some other amendments which are also on specific matters, but not so general as my Honourable friend, Mr. Desai's amendment. For instance, one party wants the communal decision to be affirmed, somebody wants it to be disavowed. There are others who say that, whether it is good or bad, it is not in the interest of this House or the interests of the nation at large to discuss it at the present moment as nothing will be gained by it. All these three points are equally clearly intelligible and we find no difficulty whatsoever. We find, however, some difficulty in understanding the attitude which has been taken up by another amendment, which proceeds from my Honourable friend, Mr. Mahomed Ali Jinnah. It is in three parts. The first part relates to the communal decision and I need say nothing further about it. The other two parts combined mean this: "Unlike the Congress we do not want to destroy the structure, but what we want to do is to dig out the foundation, to remove the first storey and to keep the second, not that I like the second storey, but it requires a slight modification. If you only change the ceiling, the walls and the floor, and enlarge the windows, then probably I shall have no objection. I am not out for destruction, and I do not want to destroy it." Then, Sir, it is very curious that the Mover of this amendment,—I am proceeding on the footing that it will be moved,—in dealing with the provisions for Provincial Governments, makes it perfectly clear that in this wretched Constitution the only thing.

Mr. M. S. Aney (Berar Representative): Sir, on a point of order. Is the Honourable Member in order in discussing the amendments when they are not moved at all in this House?

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think there is any point of order there.

The Honourable Sir Nripendra Sircar: I am only referring to the amendments that are to be moved, but, according to this line of argument, the only bright spot in this wretched Constitution is the Communal Award which has got to be affirmed. There is objection to the special powers of the Governor, to the establishment of Second Chambers and the provisions

[Sir Nripendra Sircar.]

relating to police rules and secret service. I notice, Sir, that the word used is "particularly". Apparently it follows logically that there is no objection, at any rate there is no particular objection, to the other special powers, such as the interest of minorities or the interest of public services.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): No, that is not so.

The Honourable Sir Nripendra Sircar: I daresay my Honourable friend, Mr. Mahomed Ali Jinnah, will explain his position. The difficulty lies in the fact that some of his arguments sometimes are so subtle that it is difficult to follow them. I hope it will not be so on this occasion.

Now, Sir, I was going to say that instead of the honest, direct and frontal attack which comes from my friend, Mr. Desai, we have this disingenuous and indirect attack from my Honourable friend, Mr. Mahomed Ali Jinnah, although directed to the identical purpose. Sir, my Honourable friend, and I believe everybody in this House, knows very well that having regard to the history of this legislation during the last few years and coming up even to the so-called joint memorandum, they have all proceeded on the footing of a Federation between the provinces and the States. My Honourable friend knows very well that it is not a practical proposition to suggest now that we shall go back on that and have a British Indian Federation. Therefore, the objection is that, while saving his face by saying that he is not out for destruction like some other people who are in the House, what he wants is that Federation be dropped, in the sense of a Federation with the States, knowing perfectly well that if that is dropped, the Bill must be dropped. We have got to look at it from a practical point of view. Now, Sir, I really do not want to say more now, and, I am sure, I shall have to say a good deal about it in my final reply after hearing my Honourable friend, Mr. Mahomed Ali Jinnah. I was very pleased this morning

Mr. M. A. Jinnah: Sir, I shall not be offended if the Honourable Member does not pronounce my name from beginning to end. (Laughter.)

The Honourable Sir Nripendra Sircar: Let me inform my Honourable friend, Mr. Jinnah (Laughter), that I have been doing so from bitter experience, because when I was a novice here,—I believe, I am still a novice, but in the last Session,—by a slip of the tongue I referred to "Mr. Navalrai". I was immediately corrected and I was told that I ought to say "Mr. Lalchand Navalrai". I was simply following that precedent, but, in the case of Mr. Jinnah, I will take his advice.

I said, Sir, that I was very pleased this morning to find that I was in a strange company, for this is the first time in my life that I find myself in agreement with a writing about constitutional reforms in the *Hindustan Times*. That has never been my experience so far, and I am very proud and happy this morning, because the paper points out,—I do not desire to read the whole of it,—exactly what I have done this morning. I daresay, both that paper and myself will be proved to be palpably wrong after the arguments of Mr. Jinnah.

Now, Sir, the question is bound to be debated as to whether this Constitution means an advance, whether it is a fraud, a sham, a swindle and the other adjectives which have been profusely used in connection with this; or whether it is something worse than that, not merely a fraud in the sense that we are getting nothing, but it is actually a retrograde movement and that we shall be far worse off under the proposed Constitution than we are at the present moment. This question is bound to be debated and all that I need say now, is this, that the view of any individual Honourable Member on this very important question, the crucial question, must depend more or less—I say more rather than less—on his view of the effect of what have been called the safeguards.

Now, about the safeguards there are two extreme views. There is one view which prevails with some people in England, namely, that these safeguards are merely eye-wash: they read very well and they look formidable on paper, but when in operation they are as useless as the Irish safeguards. That is one extreme view. The other extreme view is that these safeguards are the only thing we are getting under the Constitution: the other portion is mere camouflage; under these safeguards all apparent responsibility will be thwarted: it will be within the power of those to whom special responsibilities have been given to absolutely strangle self-government. That is the other extreme view. Well, if, as a matter of fact, we assume that the Governors or the Governor General, to whom these large powers have been given, will act against the spirit of the Constitution, that it will be their one desire in life to see that no power is really exercised by the people and they will bring into operation the special powers and safeguards without any real necessity for it, of course this Constitution will come to an end: it will not work. On the other hand, if it is assumed that the people who will be in charge of affairs under this proposed Constitution will act in an equally unreasonable spirit and the one desire of their life will be to compel the Governor and the Governor General to use the special powers, the same bitter end will follow. But it is quite possible—and that is my view—that if we presume a reasonable amount of common sense in the Governors and Governor General as also in the people who will take charge of affairs under this Constitution, then these safeguards are neither so formidable which they are according to one view, nor are they worth nothing as the other view tries to make out. At the same time, I am not for a moment suggesting that these safeguards cannot be effective, and that they are mere paper safeguards.

I think, I said in the beginning, that my object is not to make a long speech now, and I really do not desire to say anything more now, and I formally move this Motion that the report of the Joint Parliamentary Committee on Indian constitutional reform be taken into consideration.

Mr. President (The Honourable Sir Abdur Rahim): Before the motion is put to the House, the Chair wishes to consult the House as regards the procedure that is to be followed with reference to the allotment of time to the various Honourable Members who wish to speak on this subject and as regards the order in which the amendments are to be moved. This question will be debated for three days; today there will be no ordinary questions, and, therefore, we shall have the rest of today: on the 6th and 7th, we shall have, as the Chair proposes at present, questions in the ordinary way, and the rest of the day will be devoted to

[Mr. President.]

the motion before the House. As regards the time limit, the Chair has consulted leaders of several parties and there seems to be general agreement that there must be a time limit having regard to the number of Honourable Members who may desire to speak on the subject, and it has been agreed that it should ordinarily be fifteen minutes for each speaker: but, of course, the Chair has discretion in special cases to extend the time if the Chair so chooses, for the purpose of a proper debate. The Chair takes it that that will meet the convenience of Honourable Members.

As regards the amendments, the Chair finds on going through them that there are a great many which are mere repetitions—not less than nine or ten of them: then there are others which have taken a somewhat different line. What the Chair proposes now, in order to save the time of the House and to give as much time as possible, to Honourable Members and to avoid unnecessary repetition as far as possible, is that the amendments should be formally moved by the different Honourable Members: for each amendment there will be one Honourable Member who will move it without any speech and then there will be a debate on the motion as well as the amendments. The Chair believes that will conduce to more orderly debate and to saving a great deal of time.

Motion moved:

"That the Report of the Joint Parliamentary Committee on Indian Constitutional Reform be taken into consideration."

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Mr. President, I formally move the amendment that stands in my name: It runs as follows:

The Honourable Sir Henry Craik (Home Member): Is it necessary to read the amendment?

Mr. Bhulabhai J. Desai: I have not the least desire to occupy the time of the House.

Mr. President (The Honourable Sir Abdur Rahim): It ought to be read out once.

Mr. Bhulabhai J. Desai: This is how it runs:

"That for the original motion, the following be substituted:

"This Assembly is of opinion that the proposed scheme of Constitution for the Government of India is conceived in a spirit of Imperialist domination and economic exploitation and transfers no real power to the people of India and that the acceptance of such a Constitution will retard instead of furthering the political and economic progress of India and recommends to the Governor General-in-Council to advise His Majesty's Government not to proceed with any legislation based on the said scheme.

As regards the 'Communal Award' this Assembly deems it most conducive to national harmony and to a solution by mutual agreement of the problems involved that it should refrain from expressing any opinion at the present juncture either accepting or rejecting the 'Communal Award'."

Mr. President (The Honourable Sir Abdur Rahim): There are two other amendments in the name of the Honourable Member: does he wish to move them?

Mr. Bhulabhai J. Desai: I do not wish to read them; I formally move them both: they are merely just the two parts of the amendment that I have just moved.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That for the original motion, the following be substituted :

'This Assembly is of opinion that the proposed scheme of Constitution for the Government of India is conceived in a spirit of Imperialist domination and economic exploitation and transfers no real power to the people of India and that the acceptance of such a Constitution will retard instead of furthering the political and economic progress of India and recommends to the Governor General-in-Council to advise His Majesty's Government not to proceed with any legislation based on the said scheme.

As regards the 'Communal Award' this Assembly deems it most conducive to national harmony and to a solution by mutual agreement of the problems involved that it should refrain from expressing any opinion at the present juncture either accepting or rejecting the 'Communal Award'."

Amendment moved:

"That for the original motion, the following be substituted :

'This Assembly is of opinion that the proposed scheme of Constitution for the Government of India is conceived in a spirit of Imperialist domination and economic exploitation and transfers no real power to the people of India and that the acceptance of such a Constitution will retard instead of furthering the political and economic progress of India and recommends to the Governor General-in-Council to advise His Majesty's Government not to proceed with any legislation based on the said scheme'."

Amendment moved:

"That for the original motion, the following be substituted :

'This Assembly deems it most conducive to national harmony and to a solution by mutual agreement of the problems involved that it should refrain from expressing any opinion at the present juncture either accepting or rejecting the 'Communal Award' which forms part of the Joint Parliamentary Committee Report'."

Mr. M. S. Aney: On a point of information, Sir. May I know if two different motions have been moved by the Honourable Member?

Mr. President (The Honourable Sir Abdur Rahim): Yes, he said that he moved them but did not want to read them.

Mr. Bhulabhai J. Desai: Yes, I did not wish to read them just to save time.

Mr. M. A. Jinnah: Sir, I move:

"That for the original motion the following be substituted :

'That this Assembly accepts the Communal Award, so far as it goes, until a substitute is agreed upon by the various communities concerned.

2. As regards the scheme of Provincial Governments, this House is of opinion that it is most unsatisfactory and disappointing, inasmuch as it includes various objectionable features, particularly the establishment of Second Chambers, the Extra-ordinary and Special powers of the Governors, provisions relating to Police rules, Secret Service and Intelligence Departments, which render the real control and responsibility of the Executive and Legislature ineffective and therefore unless these objectionable features are removed, it will not satisfy any section of Indian opinion.

[Mr. M. A. Jinnah.]

3. With respect to the scheme of the Central Government, called 'All India Federation' this House is clearly of opinion that it is fundamentally bad and totally unacceptable to the people of British India and therefore recommends to the Government of India to advise His Majesty's Government not to proceed with any legislation based on this scheme and urges that immediate efforts should be made to consider how best to establish in British India alone a real and complete Responsible Government and with that view take steps to review the whole position in consultation with Indian opinion without delay'."

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That for the original motion the following be substituted :

'That this Assembly accepts the Communal Award, so far as it goes, until a substitute is agreed upon by the various communities concerned.

2. As regards the scheme of Provincial Governments, this House is of opinion that it is most unsatisfactory and disappointing, inasmuch as it includes various objectionable features, particularly the establishment of Second Chambers, the Extra-ordinary and Special powers of the Governors, provisions relating to Police rules, Secret Service and Intelligence Departments, which render the real control and responsibility of the Executive and Legislature ineffective and therefore unless these objectionable features are removed, it will not satisfy any section of Indian opinion.

3. With respect to the scheme of the Central Government, called 'All India Federation' this House is clearly of opinion that it is fundamentally bad and totally unacceptable to the people of British India and therefore recommends to the Government of India to advise His Majesty's Government not to proceed with any legislation based on this scheme and urges that immediate efforts should be made to consider how best to establish in British India alone a real and complete Responsible Government and with that view take steps to review the whole position in consultation with Indian opinion without delay'."

To this amendment, there is an amendment by Sardar Sant Singh.

Sardar Sant Singh (West Punjab: Sikh): I don't propose to move my amendment,* Sir,

Mr. A. H. Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Sir, I beg to move:

"That for the original motion the following be substituted :

'(a) In the absence of a substitute agreed upon by all the Communities concerned, this Assembly accepts the Communal Award so far as it goes.

(b) After careful consideration of the Joint Parliamentary Committee's Report, this Assembly is of opinion that the scheme embodied therein falls short of the requirements of the situation and recommends to the Governor General-in-Council to advise His Majesty's Government to make such alterations in the provisions of the Government of India Bill as will bring them into conformity with the recommendations contained in the Joint Memorandum presented by the British Indian Delegation to the Joint Parliamentary Committee'."

*"That for paragraph 1 of Mr. M. A. Jinnah's amendment to the motion, the following be substituted :

'This House rejects the communal decision of His Majesty's Government on the ground that the same is anti-national, arbitrary and unjust to the Sikhs and the Hindes' "

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That for the original motion the following be substituted :

(a) In the absence of a substitute agreed upon by all the Communities concerned, this Assembly accepts the Communal Award so far as it goes.

(b) After careful consideration of the Joint Parliamentary Committee's Report, this Assembly is of opinion that the scheme embodied therein falls short of the requirements of the situation and recommends to the Governor General-in-Council to advise His Majesty's Government to make such alterations in the provisions of the Government of India Bill as will bring them into conformity with the recommendations contained in the Joint Memorandum presented by the British Indian Delegation to the Joint Parliamentary Committee."

Bhai Parma Nand (West Punjab: Non-Muhammadan): I move:

"That for the original motion the following be substituted :

"This Assembly, after due consideration of the Report of the Joint Committee on Indian Constitutional Reform, is of the opinion that the Report having been based on an arbitrary and unjust communal award makes the constitution of the Government of India, anti-Hindu, anti-national and anti-democratic, and is therefore unacceptable to this Assembly'."

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That for the original motion the following be substituted :

"This Assembly, after due consideration of the Report of the Joint Committee on Indian Constitutional Reform, is of the opinion that the Report having been based on an arbitrary and unjust communal award makes the constitution of the Government of India, anti-Hindu, anti-national and anti-democratic, and is therefore unacceptable to this Assembly'."

Mr. M. S. Aney: I do not move my amendment.*

*"That for the original motion, the following be substituted :

"This Assembly recommends to the Governor General in Council to be pleased to communicate to His Majesty's Government that this House after a prolonged, careful and anxious consideration feels constrained to reject *in toto* the proposals for the new constitution for the Government of India recommended in the Report of the Joint Parliamentary Select Committee.

As this House is emphatically of opinion that—

- (a) the scheme does not transfer any real power either in the Provinces or at the centre from the British Government to the Indian people and does not meet the legitimate requirements of the country nor does it satisfy the political aspirations of the people;
- (b) the numerous safeguards and devices provided therein under various names are entirely in the interests of the United Kingdom and not in the interests of India; and
- (c) the communal solution which is the pivot of the entire scheme adumbrated in the Report is anti-national, arbitrary and unjust and the governmental machine based on it will effectively hinder the growth of nationalism, foster the evil of communalism, sow the seeds of perpetual discord and permanently obstruct the development of that spirit of mutual good-will, confidence and co-operation among different interests and diverse communities in the country, without which no system of responsible government can ever be built up. This House therefore earnestly urges that—
 - (i) His Majesty's Government should be pleased to withdraw the Bill based upon the proposals in the Report now pending before the House of Commons; and
 - (ii) take steps at an early date to convene a truly representative conference or Constituent Assembly to consider and prepare a scheme of self-government for India which will be acceptable to the people of India'."

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): I do not move any amendment*.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): I move:

"That for the original motion, the following be substituted :

"This Assembly is of opinion that, inasmuch as the scheme of Indian Constitutional Reform recommended in the Report of the Joint Parliamentary Committee is unsatisfactory and reactionary in many respects, and does not transfer any real power to the people of India, it is wholly unacceptable to the country; and the Assembly therefore recommends to the Governor General in Council to request His Majesty's Government not to proceed with the Bill based on the scheme'."

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That for the original motion, the following be substituted :

"This Assembly is of opinion that, inasmuch as the scheme of Indian Constitutional Reform recommended in the Report of the Joint Parliamentary Committee is unsatisfactory and reactionary in many respects, and does not transfer any real power to the people of India, it is wholly unacceptable to the country; and the Assembly therefore recommends to the Governor General in Council to request His Majesty's Government not to proceed with the Bill based on the scheme'."

Mr. Suryya Kumar Som (Dacca Division: Non-Muhammadan Rural): I move:

"That for the original motion, the following be substituted :

"This Assembly recommends to the Governor General in Council that he may be pleased to communicate to His Majesty's Government the opinion of the House that the proposals of the Constitutional Reform recommended by the Joint Parliamentary Committee are anti-national and undemocratic and therefore unacceptable to the people of India and further recommends to the Governor General in Council to advise His Majesty's Government not to proceed with any legislation based on the same scheme.'"

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That for the original motion, the following be substituted :

"This Assembly recommends to the Governor General in Council that he may be pleased to communicate to His Majesty's Government the opinion of the House that the proposals of the Constitutional Reform recommended by the Joint Parliamentary Committee are anti-national and undemocratic and therefore unacceptable to the people of India and further recommends to the Governor General in Council to advise His Majesty's Government not to proceed with any legislation based on the same scheme'."

*"That for the original motion the following be substituted :

"This Assembly recommends to the Governor General in Council that he may be pleased to inform His Majesty's Government that in the opinion of this House (1) the proposals of constitutional reform recommended by the Joint Parliamentary Committee are unacceptable to the people of India and should, therefore, be abandoned and further that in the opinion of this House (2) the proposals contained in the communal decision of His Majesty's Government and recommended by the Joint Parliamentary Committee are anti-national, arbitrary and unjust specially to the Hindus and Sikhs and will, if adopted, constitute an insuperable obstacle in the way of the establishment of responsible government and should therefore be rejected'."

Sardar Mangal Singh (East Punjab: Sikh): I do not move my amendment*

Sardar Sant Singh: I move:

"That for the original motion, the following be substituted:

'This Assembly recommends to the Governor General in Council to inform His Majesty's Government that the recommendations contained in the Joint Parliamentary Committee Report do not fulfil the terms of the solemn pledges given from time to time by His Majesty the King, by His Majesty's Government and by the Prime Minister and the Viceroy; have been conceived in a spirit of distrust of Indians as Indians, do not transfer any real power to the people of this country, and confirm the decision of His Majesty's Government on communal representation which decision being inequitable and unjust to the Sikhs and Hindus, and being anti-national, undemocratic is fraught with danger to the peace and tranquillity of some Provinces. Therefore this Assembly rejects the same and recommends the Governor General in Council to advise His Majesty's Government not to proceed with any legislation based on the said Report.'

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That for the original motion, the following be substituted:

'This Assembly recommends to the Governor General in Council to inform His Majesty's Government that the recommendations contained in the Joint Parliamentary Committee Report do not fulfil the terms of the solemn pledges given from time to time by His Majesty the King, by His Majesty's Government and by the Prime Minister and the Viceroy; have been conceived in a spirit of distrust of Indians as Indians, do not transfer any real power to the people of this country, and confirm the decision of His Majesty's Government on communal representation which decision being inequitable and unjust to the Sikhs and Hindus, and being anti-national, undemocratic is fraught with danger to the peace and tranquillity of some Provinces. Therefore this Assembly rejects the same and recommends the Governor General in Council to advise His Majesty's Government not to proceed with any legislation based on the said Report.'

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): I move:

"That for the original motion, the following be substituted:

'This assembly, having considered very carefully the Joint Select Committee's Report and having seen the Bill presented to Parliament, requests the Government of India to inform His Majesty's Government that this Assembly views the proposed constitution with great dissatisfaction. This Assembly is of opinion that many of the safeguards will give rise to deadlocks in the working of the Administration, and that many of the clauses relating to Commercial discrimination go far beyond the necessities of the case and do not appear to have been framed in the interests of India. This Assembly draws attention to the amendments of the constitution suggested during the three Round Table Conferences, culminating in a Joint Memorandum presented to the Select Committee by the British India Delegation, and greatly regrets that none of these amendments has been incorporated in the Bill thereby making it unacceptable to all shades of Indian political opinion.'

*"That for the original motion, the following be substituted:

'This Assembly recommends to the Governor General in Council that he may be pleased to inform His Majesty's Government that in the opinion of this House (1) the proposals of Constitutional Reform recommended by the Joint Parliamentary Committee are unacceptable to the people of India, and should, therefore, be abandoned; and further that in the opinion of this House (2) the proposals contained in the communal decision of His Majesty's Government as recommended by the Joint Parliamentary Committee are anti-national, arbitrary and unjust specially to Hindus and Sikhs, and will, if adopted, constitute an insuperable obstacle in the way of the establishment of responsible government, and should, therefore, be withdrawn.'

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That for the original motion, the following be substituted :

"This assembly, having considered very carefully the Joint Select Committee's Report and having seen the Bill presented to Parliament, requests the Government of India to inform His Majesty's Government that this Assembly views the proposed constitution with great dissatisfaction. This Assembly is of opinion that many of the safeguards will give rise to deadlocks in the working of the Administration, and that many of the clauses relating to Commercial discrimination go far beyond the necessities of the case and do not appear to have been framed in the interests of India. This Assembly draws attention to the amendments of the constitution suggested during the three Round Table Conferences, culminating in a Joint Memorandum presented to the Select Committee by the British India Delegation, and greatly regrets that none of these amendments has been incorporated in the Bill thereby making it unacceptable to all shades of Indian political opinion."

Mr. Lalchand Navalrai (Sind: Non-Muhammadian Rural): I move:

"That for the original motion, the following be substituted :

"That this Assembly is of opinion that inasmuch as the Report of the Joint Parliamentary Committee recommends the separation of Sind from the Bombay Presidency against, amongst other weighty objections, the wishes of the entire Hindu population of Sind, bases the constitution on the arbitrary communal award, gives no real power to the people of this country but is a retrograde and reactionary document it is unacceptable to the country; and the Assembly therefore recommends to the Governor General in Council to request His Majesty's Government not to proceed with the Bill based on the scheme."

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That for the original motion, the following be substituted :

"That this Assembly is of opinion that inasmuch as the Report of the Joint Parliamentary Committee recommends the separation of Sind from the Bombay Presidency against, amongst other weighty objections, the wishes of the entire Hindu population of Sind, bases the constitution on the arbitrary communal award, gives no real power to the people of this country but is a retrograde and reactionary document it is unacceptable to the country; and the Assembly therefore recommends to the Governor General in Council to request His Majesty's Government not to proceed with the Bill based on the scheme."

Now the debate will go on on the main motion and the amendments moved.

Mr. Bhulabhai J. Desai: Mr. President, in rising to move my amendment, I speak under a great sense of responsibility. The Honourable the Mover, in his short address, has not given me the advantage of explaining what it would have been possible for me to do, except that he was pleased to describe me, at all events the amendment for which I stand, as destructive. I have been familiar with many phrases, both in journalism and in public life, but I wish to remind him that the Trinity, which he and I worship in common—the Creator, the Preserver and the Destroyer, is typified in human life itself. It is the embodiment of soul which consumes itself in its activity only in order to recuperate itself from time to time and if we destroy at all, we shall destroy only in order to build better. (Applause.) It is in that spirit that I rise to move the amendment that stands in my name and in doing so, I shall pursue, with humble deference, the course that has been adopted by the framers of the Joint Parliamentary Committee Report which, in order to save the time of the House, I shall hereafter refer to as the Report.

12 Noon

In paragraphs 10 and 11 of their Report, they refer to the conditions, which, according to them, have necessitated the investigation of the conditions of India prevailing during the last five or seven years in order that a new Constitution may be framed. British rule in India, in its first impact of conquest, necessarily produced almost a willing submission and an acceptance of British rule as if it were a beneficent event. Time came, after some education, when people began to consider whether that beneficence had not been exaggerated and the generation that went past before this looked upon British and Indian connection as a providential relationship; Maharshi Ranade and his group, who, in their philosophic outlook on life, believed in the application by Britain of the eternal principles of justice and fair play, held that in the fullness of time it would not be necessary for India to struggle to get what was her right, but it would be admitted freely and ungrudgingly by Britain. That generation has passed away disillusioned not so much because their philosophy was wrong, but because events did not come up to what they foresaw in an undoubtedly happy vision. The events during the last 30 years of British rule produced a reaction—a reaction of which it is not necessary to make a grievance but which it is necessary to examine. India joined Britain in fighting the Great War by placing her men and her resources at the disposal of Britain. We fought for the freedom of Britain, but we were also told then that that was not the only direct objective and that the War was fought for the establishment of the principle of self-determination of subject races of the world. Promises made, from time to time, during the course of this great struggle, have a tendency either to be forgotten or to be repudiated or to be whittled down. That unfortunately is the sordid course of human history. The result has been that by reason of that self-determination, not being put into actual force, a time came when replacing the two earlier attitudes, *viz.*, the recognition of British rule as a beneficent fact and a providential belief that some great events would occur to restore us the freedom,—the third stage was reached in Indian history, in the history of British rule in India. That is the stage at which we now stand today, the stage of struggle, in the hope and in the belief, that at least it will show the earnestness of the people of India to deserve what they desire, namely, the self-government of their own country and their affairs. It is that last phase of the struggle on which we are now engaged and it is to the credit of those who were formulating the Report that they have mainly accepted the basic propositions (except one with which I shall presently deal) for which I stand, and, it is those basic propositions, with the said exception, by which I propose to test the Constitution that is now in the making. In paragraph 10 of the Report, this is what they say:

"By giving that State a Government disinterested enough to play the part of an impartial arbiter, and powerful enough to control the disruptive forces generated by religious, racial and linguistic divisions, it has fostered the first beginnings, at least, of a sense of nationality, transcending those divisions."

They go on to say:

"It has favoured the growth of a body of opinion inspired by two familiar British conceptions; that good government is not an acceptable substitute for self-government and that the only form of self-government worthy of the name is government through ministers responsible to an elected Legislature."

[Mr. Bhulabhai J. Desai.]

And they conclude by saying:

"History has repeatedly shown the unwisdom of judging the political consciousness of a people by the standard of its least instructed class, and the creation of the British Empire, as we know it today, has been mainly due to the fact that, for the last hundred and fifty years, British policy has been guided by a more generous appreciation of the value, and a juster estimate of the influence, of what is sometimes called a politically minded class."

We are, therefore, face to face with issues, the tests of which are not in any controversy, between those who have recommended the Constitution and those like me who recommend to the House that it should be dropped. In the fore-front of this discussion, I desire at once to repudiate the correctness of one statement which I have read out to you, that religion, race or language raise differences which have a disruptive effect in human society as is claimed. The history of the world today and of its greatest democracies are evidence to the contrary. The only things that unite the national consciousness of a people are political and economic interests. That fact is borne out by the greatest democracy of the world, the United States of America, where men, drawn from every race, in every single part of the Continent of Europe today, still stand as one great solid political unit respected and feared by the world. Then, as regards language, I have yet to learn that language has anything to do with division between the races for purposes connected with political unity. Even that little Republic of Switzerland in its small parliament, many of you will remember, bears witness to the fact that at least three languages are spoken for purposes of conveying thoughts of common concern to the people. I am, therefore, one of those, who do not believe that diversity of language or race has got any relation whatever to the necessities of a political and economic unity and, coming to the last point, I hold that religion should have the last place in creating any diversity in the matter of Nationality. I have always held, Sir, with a faith which nothing has shaken, that religion is a matter between man and God, and that, it cannot be debased for purposes of the division of spoils of a mundane nature (Hear, hear), that religion has its proper place and should be kept in its proper place, and that if religion is ever used for the purpose of dividing man from man, dividing Indians from Indians, in order only that political domination may be maintained, sustained or confirmed, I hope and trust that every single Indian present here, whatever may be his faith or creed, will give a unanimous lie to that proposition, and that he will not allow himself to be or used as an instrument, merely because he professes a particular faith (Hear, hear), merely because he professes a faith different to the faith of another, of our own subjection. (Loud Applause.) It is for this reason, Sir, that the Congress has taken up the attitude that it has done towards the document which is called the Communal Decision or the Communal Award. Sir, we fully appreciate and we fully realise what has happened as an historical fact during the last some thirty years. Perhaps many of you are aware that it was in the year 1906, or thereabouts, that the first question was raised at all that individuals professing a different faith should have representation on that basis in any of the public Assemblies of this character. Since that event, some thirty years have passed, and that suggestion has always an insidious tendency to harden and strengthen and almost the very poison which it contains has a soporific effect for the time being. That, Sir, is the condition in which we found ourselves when every time the question

of the Constitution came up before the country, and that is how the question of separate electorates has been raised from time to time. I am quite certain that, apart from any question of just and adequate protection of minorities, no difference can ever possibly exist between the political or economic interests either of a Hindu or of a Mussalman, a Sikh or a Christian, a Parsi or a Buddhist (Hear, hear), for, indeed, how can it be otherwise? Can it ever be suggested that between two owners of two neighbouring fields, merely because one is a Hindu and the other happens to be a Mussalman, that there is something written on the face of the field as to its productivity, or that we are going to compete against each other (Hear, hear) in paying more or paying less to the Government, merely because it happens that one professes one faith and the other professes another faith. Has that ever been suggested? Has it ever been said that my friends, for indeed I have no other designation for them, my brethren, my Indian brethren who merely happen to profess another faith, stand less for the freedom of our land? Is it the sole purpose of one section only of India that freedom shall be attained, and can it be, therefore, that, on that ground we shall ever divide, that our sacrifices will be any the less, that our sacrifices will be any the less united in that great cause for which we stand? (Loud Applause.) I say, therefore, that in so far as destructive, the alleged disruptive influences are sought to be attached to and are sought to be extracted from any difference in race, religion or language, I hope the House, in the course of this debate, and the rest of the country will give the lie to such an entirely erroneous proposition, the fallacy which requires only to be stated for its refutation, but which has been by a process of repetition inculcated, accepted and repeated even by some of those who call themselves sometimes the educated people of this country. I stand up before this House, therefore, to say that, in so far as that communal decision is concerned, the position that we take is the only tenable position (*A Voice*: "Question") inasmuch as we claim that we do not look at this issue from the point of view of a section of the people who profess one religion rather than another. We look upon it, we choose to look upon it from a broad national point of view. The only result of a different course of action will be to admit the contention of those who claim—and I am claiming to quote the words of Mr. Baldwin during the last debate—that so long as Indians divide, "we have a right to rule". (Applause.) You must, therefore, remember that those who raise this issue must beware of the consequence that, in the narrowness of their vision, which they bring to bear upon these issues and in the futile discussions which they raise, they do not play into the hands of others. Let us, therefore, not dispute before we acquire. Sir, the natural process has been reversed; all processes of nature and common sense have been reversed. Sir, we begin to dispute about the distribution of what we have not! Shall we not place acquisition first and the distribution next (Hear, hear), instead of the very reverse and obviously injurious process which is engendered by this type of conduct? It is for that reason, my friends—and here I appeal to all the sections of Indians, be they sitting on the Benches opposite or the Benches with me or the Benches in the middle; I have a word to say to my European friends later on at the end of my address, but so far as we Indians are concerned, I ask you to endorse the position that we have taken up, so that we may not continue to dispute in order only to serve and play the opponents' game. I use the word "opponent" in no blame-worthy sense, but undoubtedly in so far.

[Mr. Bhulabhai J. Desai.]

as this Constitution is being forged by another, it is only in that sense and that sense only that I call the other party the opponents during the course of this debate. It is for that reason, Sir, that we have ventured to take up the position, that instead of poisoning the discussion, instead of diverting the discussion, instead of clouding the discussion, of the real issue of the freedom of India *vis-a-vis* Britain, let us set aside with a breadth of vision in looking at the question, this separatist tendency. I have not the smallest doubt, Sir, that even during the course of this debate my appeal will not fall on deaf ears, that motions should not be moved in that light-hearted way, but that instead we would prefer that motions for acceptance, as well as motions for rejection of the communal decision, should both be withdrawn from the field of the controversy here. (Loud Applause.) But even if that consummation were not to be reached, I have no doubt, Sir, that both those important motions can easily be moved simply without any speech, without any bitterness, without any antagonism, but merely by expressing the view, and, if need be, by merely calling upon the House to divide and express their verdict upon it. That is all that I have got to say on what appears as the second paragraph of the amendment for which I stand; and I have not the smallest doubt that I shall have the sympathy of every single Member of this House in the appeal I have made, and, I hope, it is never too late, so that we should not controvert amongst ourselves, but try and consolidate our ranks, so as to stand as one man, as one Indian and so that our consummation and goal may be the more easily achieved.

Coming, Sir, to the next part of the amendments standing in my name, there at all events all controversy seems to have been laid at rest. The Honourable the Mover said, in his inimitable description, as he is apt to do in a Court of law in many a case, that he has won, that there is little or no difference between the position for which I stand and the position of my friend, Mr. Mahomed Ali Jinnah. I am really very glad that it is not merely a matter of compliment, but it gives me the strength and alliance which I value and welcome. (Cheers.) But more than that, reading over all the amendments, it comes to this. After all, we have to translate the matter in the language with which I am somewhat familiar and with which the Honourable the Mover is even still more familiar. Here is an offer of a Constitution the terms of which you have before you both in the Report and in the Bill. All the amendments taken together, in any Court of law and in any court of common sense, must necessarily amount to rejection. We may pretend that we do not reject, but in the eye of the law and in the eye of common sense, if you do not give an unqualified acceptance to the offer, if you make a counter proposal, then it cannot be anything less than the rejection of what is offered. Therefore, in order to give, if I may, without any presumption the lead for future discussion whether my friends say: "I do not like so much, or I do not like so much more, or I do not like so much more and more, or I do not like it at all", each one of them, at all events, rejects the offer made. That, I am sure, even the legal head of the Honourable the Mover must necessarily concede to me. Therefore, so far as the differences between us are concerned, they are only differences of degree, but degree in this matter is a matter of no consequence. What matters is that all of us are agreed for one reason or another and on one ground or another, for more or for less, that the Constitution, as offered, is not acceptable to the bulk of the people of India if not to the entire population of India. (Cheers.)

Now, Sir, may I ask myself only for the purpose of finding out a solution—what is the purpose of any governing power in forging or offering a fresh Constitution at all? It cannot be merely a sense of agitation that from time to time we must revise what we have done. It must have a much more definite and a much more useful object than a mere desire for change. And when one revolves in one's mind the necessity of legislation of this character, there are only two sets of conditions under which such an occasion must arise. The first and foremost is the demand by the people for a better Constitution to which they would be reconciled, and, therefore, accept it, and the second, an emergency arising out of the inefficiency of the Constitution that is in being. If either of those tests is to be applied to present legislation, is it not perfectly obvious that it is futile to carry on with it? Sir Samuel Hoare himself the other day acknowledged—and the matter is writ large in certain portions of the Report under discussion—that for one reason or another the bulk of the Indian people do not seem to appreciate or require the Constitution that is offered. Is it, therefore, put down merely in order that it may please the vanity of individuals? We have had investigation for a long period since the appointment of the Simon Commission in order to find out the wishes of the people and in order to find out what is the nature of the constitution, which, if framed at all, is ever going to do any good, for, after all, a constitution must serve one of two purposes. Either that the people accept it and reconcile themselves to it, and, therefore, there is in it that element of harmony between the rulers and the ruled which will undoubtedly lead to the progress of the people, or a consciousness on the part of those who run the Government that, whether the people want it or not, the present constitution is such that it is not worthwhile carrying on with it any longer. Not only that, but the opinion of the country has been tested in many ways. Fortunately, an event occurred during the last six months when, though the other Councils still remain that they were in the hope that the new Constitution might come into being, this Assembly was dissolved. And on the dual issue which I have incorporated in the amendment now before the House, we went to the polls. Whatever may have been the expectations or the diffidences, the fact remains today that the country has registered its unequivocal, almost unanimous verdict, that the constitution that is offered has no purpose to serve in so far as the Indian people are concerned. (Cheers.) These, Sir, are the undeniable facts apart from the merits of the Constitution itself.

Coming to the merits of the Constitution, what is the position? If time permitted, I would indeed be too glad in so far as in me lies, to examine the document, long though it may be, with the forbearance of the House, but I know my indulgent limit of time and I do not propose to exceed it. But I will take the fundamentals involved in the Constitution which is now before the House. You had three Round Table Conferences. This is not the time or the place to discuss their nature or character for I do not believe in an empty regret of any kind. Undoubtedly, we asked for a Round Table Conference, a Round Table Conference in the proper sense of the term, where the representatives of Britain on the one hand and the representatives of India, not official or constitutional representatives in the sense in which the Honourable Sir Joseph Bhore spoke about himself and his colleagues in answering questions this morning, but true representatives of the people, on the other, should meet in order that a Constitution may be forged in order to reconcile the interests of

[Mr. Bhulabhai J. Desai.]

both. But that was not to be—where we asked for bread we got stone. The results of those Conferences are the disillusionment of perhaps its greatest exponent, its greatest supporter, my friend, Sir Tej Bahadur Sapru, who came and said :

"The course of events has shown me that my only proper place is the obscurity of a provincial lawyer."

He is neither obscure, nor provincial. But if it gives rise to feelings of this character in a man of that high-mindedness who intended to assist to the best of his ability, irrespective of his unrepresentative character, which he himself frankly and candidly admitted, if that is the feeling that is inspired by the efforts that were being made at the Round Table Conferences, then its value is easily appraised. That is how the matter stands as far as those consultations are concerned. He also declared :

"I shall not have any Constitution for my country which is divided into parts, which is capable of being examined in parts and which is capable of being received or rejected in parts."

He further said :

"I shall not have any form of provincial autonomy unless I have the fullest and the truest responsibility in the Centre."

(Cheers.)

That is the test that Dr. Sapru laid down and there indeed there is common ground even though, as he himself admitted, he did not go there in a representative capacity. We are, therefore, no longer in a stage of tutelage, no longer in a stage of spoon-feeding, no longer in a stage where we admit that we shall go step by step and very often two steps backwards and, therefore, we shall never move forwards at all. Therefore, it is, that the first test which I shall bring to bear, with your permission, is the test of the reality and the integrity of the Constitution as a whole. The second test, which, with your permission, Sir, I shall apply, is whether there is any real transference of power to the representatives of the people. For it is easy to suggest that you will have all elected representatives, but what is the use even if the best representatives that are elected, after their election, have no power or authority for the purpose of advancement of the progress of those whom they represent? It is, therefore, easy to suggest, in journalistic language, that you have a broad-based constitution, but as you are well aware, Sir, even a few words by strokes of pen can take away ninety per cent. of what is apparently given and that is what has happened in the present Constitution. Taking the two tests, Sir, I begin with what is called the Central Federation that is proposed. For very good reasons I do not propose to refer, except perhaps just in passing, to the part that the Indian Princes will share in the making of the Federation which is visualised in the Constitution. It appears from the Press, it appears from whispers which often become very loud noises, that the Princes do not seem to be very much impressed (Hear, hear) with the utility of this Federation. They say, irrespective of their own advantage or disadvantage, the British Indian does not seem to look upon them as convenient or adequate partners of such a nature that we can be clubbed together. They seem to think that there is a necessary inconsistency

between an absolute monarchy or, in the Greek sense, despotism which they represent and the progressive state which British India must necessarily represent. However, we leave them to their judgments. It is not for us to dictate to them as others may. All we can do is to show them the line. But coming to ourselves, what is it that is done by a single stroke of the pen? After all, there are five aspects of every Government worth the name: (a) The right of external and internal defence and all measures for that purpose; (b) The right to control our external relations; (c) The right to control our currency and exchange; (d) The right to control our fiscal policy; and (e) the day to day administration of the land. These are the five aspects which principally compose any Government. You may forge any constitution you like, you may have 300 or 400 sections of an Act, but these five aspects sum up the outlines of every single Constitution. Looking at it in that outline, by a single stroke of the pen, call it reserved subjects or by any other name, what is it that is taken away and what is it that is left? You shall have nothing to do with external affairs. You shall have nothing to do with defence. You shall have nothing to do, or, for all practical purposes in future, you shall have nothing to do with your currency and exchange, for indeed the Reserve Bank Bill just passed has a further reservation in the Constitution that no legislation may be undertaken with a view to substantially alter the provisions of that Act except with the consent of the Governor General. It also appears from the Bill, as it is drafted, that our greatest national asset, to wit, the State Railways of India, are going almost to share a similar fate in so far as we have or can exercise any authority or power or control. That leaves us still with the "discretionary powers", the "special responsibilities", the veto which exists as a representative of the Crown, but more than that the positive power of individual personal legislation, the positive power of enthroning himself on the very throne of India itself as an absolute and sole dictator. That is the Central Constitution. Added to that, you have two Chambers, including elements which time does not permit me to examine in detail. The fact, therefore, remains that there is no real power conferred in the Centre. With what sense of responsibility, with what sense of honour and with what sense of self-respect, and with what hope we could look forward to the future under such a Constitution? In so far as control and authority over questions of defence and army are concerned, it is a lamentable fact that it is not merely a question of pounds, shillings and pence (though that itself is the greatest burden that India has borne, patiently borne, during the last some 150 years), but it is the moral aspect from which we have to look at it, namely demoralising the race which is the greater and the more insidious source of ruin. It must be remembered and it is admitted indeed that we have all the talents in individual man. Are talents wanting on the other side in those of my race who stand and form part of the present Constitution? You can find Indian administrators, you can find Indian soldiers, you can find Indian economists, you can find Indian scientists and yet how does it happen that, with all those talents, the one thing that we do not find is that those put together do not compose and solely form the self-government of this land? (Hear, hear.) It is the incubus from the top, notwithstanding the possession of all those talents which prevents each of them functioning to the best of his ability and it is the daily deteriorating strength and initiative of the human mind which it is for us to arrest and restore and it is for that, than for any other reason, that I stand here before this House to emphatically say that notwithstanding the talents, it is that domination

[Mr. Bhulabhai J. Desai.]

and domination alone which prevents you being what you are and of which you have the capacity of being in your own land. (Hear, hear.) (Applause.) This is a true picture of the Government of India under the proposed Constitution. That is the Government that is offered you. That is the Government that is going to be imposed upon you, for they are forging this Constitution, almost rushing the Bill which, on their own acknowledgment, the Indian people do not desire.

Coming to the Provinces, and with great deference to my Honourable friend, Mr. Jinnah, there is little to choose between the two. When you come to the provinces what is it that is left? India, I think it is confessed even by those who sit on the other side, has reached the uttermost capacity of taxation. Therefore, there is no more money to be found, and yet we are told, that for this great and honoured institution that is coming into being, we shall have to find some 20 crores more for the purpose of feeding this white elephant; and, added to that, when all the sources of revenue have dried up, you say we have responsible Ministers in the Centre. They will all be elected from among the elected representatives, but you put the Indians into this unfortunate and difficult position, that they are between the devil and the deep sea.—I do not say which is which, —between the extraordinary powers placed in the hands of the Governor on the one hand and the great Services for which undoubtedly a great deal is claimed, the services who ought to be their ministerial subordinates but who are going to have a back-door influence against those under whom they are going to serve; between the protected services (if I may use that expression) and between the unprotected Governor with all his powers and with no money and resources at his disposal for any nation-building purposes. Why offer this mockery of what is called provincial autonomy? That is provincial autonomy properly and actually translated in action. Let us be not deceived by form, let us always remember the substance, for indeed there can be many a form by which you can be deceived. It is the soul that matters and not the form. With that central dyarchy and the provincial autonomy of the type that I have described, this House is faced today. And that is what the House has got to consider.

I have now to say a word to my friends, the Europeans, whether they are in the services or whether they are outside it, for both elements are represented in this House. If they are true to the traditions of their great race, if they are true to the promises that their race has made, if they are mindful of one small event, I hope they will remember, that it is the wealth of India and the markets of India which have given Britain the place that she has among the races of the world today. For, indeed, they are well aware of the historical fact that it is the wealth and the markets of India, coinciding with the invention of the steam engine and the spinning-jenny, which have placed them in the world's races where they are. It is not gratitude I ask, but may I not appeal to them that they might do to us what we did unto them? At any rate, so far as we are concerned, they have had enough and more for their growth and their strength, their power and their ability. And is it not time now that they should join their Indian brethren in demanding that the time has now arrived when having got all, having got more than all for establishing themselves in a premier place in the world, they should take the credit in participating in our demand that India shall be free and immediately free? (Applause.) I think I can justly demand it of them. On this

historic and critical occasion, I feel that whatever happens,—for indeed I am aware that defiance to the will of the Indian people has not been uncommon—today I speak with earnestness, with humility, and, I hope, and trust, with sincerity, so that you may judge the amendment that I have placed before you in the spirit in which it is presented. I am sometimes reminded of what Frank Harris wrote in speaking about Bernard Shaw, "Give the Englishman a formula and he will do anything, right or wrong". I do not wish to believe that cynical observation on a cynical great man; It is not true of the bulk of the Englishmen. Let them not trot out the protection of the millions for indeed they might as well claim the trusteeship of the world. It is up to them now to meet us as equals and as equal men and assist us in the great task and properly assist us ungrudgingly and unequivocally in building up the true freedom of India. That is an appeal which I trust will not fall on deaf ears, notwithstanding the fact that by reason of their official position as to some of them they may be committed to a particular view to support. But may I humbly ask my European trading brethren here, for whom I have every respect and whose interests are perfectly safe without the provisions against discrimination which only shows the state of mind in which they are instead of charging us with suspicion and distrust, have you really so ruled this country that you yourself have created, at all events in your mind, that when India is free there will be a retaliation for your wrongs? If that is what you think, you testify to your own condemnation. If, therefore, you believe that you have ruled us, as you claim to have ruled, justly and well, then this claim for protection against discrimination with reference to your properties and rights and with reference to the maintenance of the continuation of your exploitation are wrong in themselves. (Applause.)

Sir, I wish to say one thing more, that whatever happens, let this certain voice of India go out that this Constitution is futile and does not serve the purpose of reconciling them, and, I am quite sure, does not serve any purpose that Government have in their view. And if that is so, may I appeal to the House to say that even if we have no power to compel the grant of what we want, we have certainly the self-respect to repel what we do not want? (Applause.)

Maulana Shaukat Ali (Cities of the United Provinces: Muhammadan Urban): Sir, in spite of my 62 years and my grey hairs, so far as this Assembly is concerned, I am a baby. For 14 years we refused to come to this Assembly and I never entered this Assembly, even as a visitor, until the day when I took the oath of allegiance to His Majesty. Therefore, I request you and the House to be kind and indulgent to me. Sir, public speaking is nothing new to me; I have addressed thousands of meetings in India, thousand times bigger than this. But I feel a bit nervous here and I want that I should not be tripped. I want you specially, Sir, to be kind to me. I am a very patient man and a very good-tempered man. (Laughter.) But if you touch me in the wrong way and interrupt me, I rather lose my balance of mind. I am not a lawyer like the Leader of the House. I am not like the Leader of the Opposition, another very eminent lawyer, nor like my own chief, Mr. Jinnah, another very eminent lawyer. I am a common layman. I have a great respect for lawyers though I hate their profession; and I have seen the Court sitting on them and the other side trying to trip them but somehow or other they generally come out all right. If I am interrupted or if I am snubbed by you, Sir, then my brain will refuse to work. (Laughter.)

[Maulana Shaukat Ali.]

I want to confess another thing that if they treat me like this I am liable to flare up and use unparliamentary language very much against my wishes: I will do my best not to give you a chance, Sir, and, therefore, I hope you will bear with me: I am not very long-winded and I will close very quickly. I want to touch your hearts. I have not come here to place anything before you in a growling or grumbling spirit in putting my case. I have come here today for peace. My record is known to everybody in the House: the Honourable the Home Member must have rooms full of my past record and of my brother's record. I have been a rebel and an outlaw before; but today I have come for peace. Probably my friends (pointing to the Congress Group) may criticise me: but I expect kindness of judgment from them as they want me "to walk into their parlour". I have no objection as long as they fulfil the conditions I want. I have come, as I say, as a peacemaker, with the intention of being a co-operator. I am co-operating with this Government and I want to appeal to their conscience. I will speak God's truth before them. Whether they accept it or not the responsibility will be theirs. As you all know, my brother Mohammad Ali, was a rebel and an outlaw: he was in a dying condition and he was a Muslim—he believed in Islam first, Islam next and Islam last and nothing else; and yet in response to a Christian Viceroy here who practically assured him that there was a change of heart in the British people, in his dying condition, took his wife and his elder brother who had never been to Europe for the sake of peace and he died in London and was buried in Jerusalem; and he did his duty. Now I am going to carry it on as far as it lies in my power. If the other side (pointing to the Government Benches) do not want me to co-operate or refuse all our efforts for ever—God forbid the day—then I will be a rebel and an outlaw again. I am not suffering from fatty degeneration and I have got a big heart. A wonderful opportunity has come: it is a most critical period in the history of India and I, as a humble worker in the cause of peace, will move every fibre in this big body of mine for the sake of peace and I shall intercede every time so that this struggle, these quarrels and fights may disappear so that India may again become peaceful. I may be representing nobody but myself, but I have learnt something: I may now belong to a demoralised people: but, as a Muslim, I ruled in this country for nine hundred years: I made India my home; and when we forgot God's laws, God forgot us and I became a subject race to people who came in as box-wallahs and traders. I have learnt something from the British. I appreciate Dickens as much as an Englishman: I have learnt their national game of cricket and I have played it and in my younger days any county would have jumped to take me: and next to my mother I owe most to the Englishman who was my tutor at Aligarh. My brother Mohammad Ali had a very soft corner in his heart for Oxford and for English people and yet, we were declared rebels and outlaws. When the debate about Mr. Sarat Bose was going on I was tempted to speak; but I determined that in the month of January I was not going to open my mouth; and I was very sorry that the Leader of the House made a speech that left a very bad taste in my mouth: I felt that when outlaws like my brother and myself could become peacemakers, so could Mr. Bose and his brother Subash Bose; and I think you ought to make every effort to win back these people. Why not? He has not been bitten by a mad dog. Mr. Sarat Bose is as eminent a lawyer as any one in this House, if the reports that have reached me are correct. He had his reasons. Why did

I want to be a rebel and an outlaw? Because when the question came in when I had to choose between my faith and honour on one side, between the King of Kings—my Maker—and my duty to temporary sovereign. I stood by my God and faith and became a rebel and an outlaw. (Interruption.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not take note of interruptions.

Maulana Shaukat Ali: Sir, I am a hardened sinner and no one will get much change out of me. I may not use very parliamentary language, but I can answer everybody. I remember very well the first day when I went to the Round Table Conference: my brother was confined to his bed and he gave me certain names of English people, very eminent men from different parties, to see. I saw men in the Conservative Party, I saw men in the Labour and Liberal Parties and I saw people who were in no party, and I could see that the English nation desired and recognised that India had passed the stage of being treated as a minor or a ward and the time had come when the system of government should be changed. They were nervous; they were told that the experiment was a wonderfully huge big thing and they did not know how it would end; but I saw them and told them to act as sportsmen: I told them that big empires and little minds do not go well together: that they should take courage and trust the future. They should get rid of this jealousy and treat us with liberality, generosity and kindness; and if they did their duty by India, India will prolong the greatness of the Empire for a good many years to come,—more than any legislation or any ordinances or any rule of compulsion could. I think they were influenced. And all honour to the Indian Princes, from A to R—from their Highnesses of Alwar, Baroda, Bhopal, Bikaner, Patiala, Dholpur, Jam Sahib to Rewa and others. It was expected that they would speak against British Indians; but all of them got up and said: "We want British India to get as much freedom as possible: we wish it and we want to come into this Federation on an honourable understanding, so that, we will not interfere with their rights and they will not interfere with ours." As far as I am concerned I do not mind telling this House what the late Lokamanya Tilak said in Lucknow when I was in internment in Chhindwara—in Mr. Aney's province,—the Central Provinces. And I want my brother, Bhai Parma Nand, to remember this also. Tilak said: "For the sake of India, you cannot give too much to the Muslims." I say, in the name of India, you cannot give too much to the Princes. For God's sake, get them in and do not be afraid of them. People say that because there will be no official bloc hereafter, the Princes are going to be the new bloc. I say that blood is thicker than water. I am a British subject. I have been born in an Indian State: my brother was a collector in another State and my other relations are serving in other Indian States. I know Indian States very well. Treat them better. Courage and patriotism is not the monopoly of my friends here. The Indian Princes feel as strongly on Indian questions as anybody else. I say, that the day they come into the Federation will be a great day for India, because they will bring with them a message of solid work and power which they have been using. I was born in Rampur State: I was exiled for sixteen years from home and never saw my father's grave or prayed at my wife's. I have suffered more than anybody else in this House; and yet I know, behind my back, the officials and the Governor of my province wanted that I should stop the Khilafat agitation and so used my Prince against me. I had to be exiled, yet he actually gave me all the help I needed for myself and my

[Maulana Shaukat Ali.]

family. Sir, I assure the House that if you get Dominion Status or whatever status it may be in British India, within three months, Indian Princes will give their subjects all the advance that you needed. After all, they are our own brethren. It is said that they are wasting money which they get from their own people. If they spend money, it is on their own people and in their own country. Even in love affairs they spend mostly in India. (Laughter.)

Mr. Lalchand Navalrai: What do they do when they go to England?

Maulana Shaukat Ali: My friend asks me what do they do when they go to England. I know what we all do when we go to England. 1 P.M. (Laughter.) What do we do? We all know something of it. It is time for me, with my grey beard, to forget what we all do when we go to England. I know all about the night life of London, I know all about the night life of Paris. (Laughter.) There is no use in asking me what do they do when they go to England, because I know everything, and I have reached a stage when I ought to be thinking of my grave. Now, Sir, give the Princes a chance, trust the Indian Princes, and you will see that within a short time miracles will be worked.

Sir, I have got a concrete proposal to make to the House. I have not put forward any amendment of my own, but I am merely making a suggestion for the consideration of both sides of the House, and I want my chief (pointing to Mr. Jinnah) over there, to give this matter his very careful consideration. I have thought over the whole question for a long time. I did not want to speak today, and therefore, I did not prepare a speech. Even if I had prepared a speech, I am such a wonderful animal that I would have forgotten it. Sir, I have a concrete proposal to make, and it is this. Instead of wordy warfare, instead of mutual bickerings, instead of thinking of the numerous suggestions from Churchills, Page-Crofts, Craddockes and O'Dwyers, people who have eaten India's salt and proved untrue to their salt by making all kinds of reactionary and revolutionary proposals, I suggest that you should declare a truce for ten years. Is it not possible for you with the strong army you have on your side to declare a truce for ten years? I assure you, Sir, that if a truce is declared for ten years, I will show you my capacity for administration. I shall show to my English friends what we are capable of when you put power in my hands. It will not be my duty to throttle my neighbour, Sir Darcy Lindsay, when I get power in my hands, I am not going to massacre every one of my English friends,—nothing of the kind,—but in ten years' time I shall prove to you and to the world my capacity for work and you, in the meantime, win our confidence, friendship and goodwill. If you accept my suggestion, both England and India will gain immensely, both the English and Indian people could be happy, prosperous and contented.

My brother, the Leader of the Opposition, an eminent lawyer as he is, made a very conciliatory speech this morning, and I congratulate him, Sir, through you, on his achievement. I cannot use better language, for I have forgotten my grammar, and even what little grammar I knew at school was defective; so I speak in crude language, but I speak God's truth and God's truth only without any reservation in my heart. I speak whatever I feel sincerely in my heart. Sir, I suggest that Government should declare a truce. They should come here with one small sheet of paper, invite two Hindus, two Muslims, one Sikh, one Parsee, one Indian

Christian and two English officials. They should all sit together for 24 hours, discuss the whole question in an amicable and friendly spirit and arrive at some concrete settlement, but it would be the duty of Englishmen to see that they don't throw any red herrings or sardines *en route*. (Laughter.) We must find out what the people of India want, what the people of this country desire, and then the Government must communicate our views to the Government in England. Then there is a sure chance of lasting peace, and if England is wise, if there is any wisdom left in her, if she has any courage left in the great English nation, they will come to terms with India and satisfy the legitimate aspirations of this country. Otherwise you can proceed in your own way. Sir, I have got a vision. I am not a lawyer, I am not a clever man, I am not bound by section 144, I do not know law, and I say that I do not believe in your constitution, I believe in my constitution—my right arm and my stout heart. (Laughter.) If you want to force down the throats of India this Constitution against the wishes of the people, then there will be nothing but a revolution. I am no more non-violent. I have worked and courted death for my country; they wanted to give a life sentence, but I think I served for only two years,—I was interned for 4 years under the Defence of India Act and then under Regulation III of 1818. I do not suppose that anybody else has got that record here. They wanted to send me to prison for 14 years—for life, but they did not do it. Well, Sir, I am not afraid of the future. I have come here for peace, and I will do my utmost to try and induce both sides to win each other's esteem with each other's goodwill. That way lies happiness for India. Sir, with these words, I make my position clear.

Bhai Parma Nand: Sir, it is a misfortune of mine that I have to stand before this House to disagree with both the Leader of the Opposition as well as the Leader of the House. I have listened with all the deference that is due to the Leader of the Opposition, and heard him with all the patience that I have, but all the same I could not help calling into question the statement that was made by the Honourable the Leader of the House when he said that the Congress policy was the only reasonable policy that should be accepted with regard to Communal Award. . . .

The Honourable Sir Nripendra Sircar: May I correct my friend, Sir? I never said that.

Bhai Parma Nand: Sir, I meant the Leader of the Opposition.

The Honourable Sir Nripendra Sircar: I said that their policy was un-intelligible.

Bhai Parma Nand: I did not mean you, I meant the Leader of the Opposition. Now, Sir, my friend, the Leader of the Opposition, said that, we should take out religion altogether from politics, and that religion is a matter between man and his God. Basing his argument on this assumption, he went on to tell us that we should not introduce any communal matter into this debate. Further on he told us that for us it was a question of acquisition and distribution was to be made after we had acquired our rights. So far as my friend's argument goes, I entirely agree with him,—and although I am guilty of proposing this

[Bhai Parma Nand.]

amendment, I still believe that I have no disagreement with him when he says that religion should be kept apart and we should not introduce any religious matter into this discussion, particularly when there are involved political and economic questions that concern vitally the interests of this country. Sir, in spite of that, I want to put it to him, who is responsible for this demand of distribution first before any acquisition? I think I would not be far wrong if I say that either it is the Government that has created a desire in our brethren or it is our brethren themselves who are anxious to get their rights distributed to them before we have acquired any political rights in this country. Ever since that demand was made in 1906 or 1907 by a Muslim deputation before Lord Minto, we have been getting demands after demands for separate rights. Taking this view, I think that if these demands are made too much of, and I stand to oppose these demands, then, surely, you cannot blame me as being communal. You can tell me I am opposing this communal spirit so far as the question of the future of the country goes, but you cannot dub me as being communal, as I am not at all putting forth any demand on communal grounds. Therefore, I think, if the Leader of the Opposition and his followers had taken the right view of the situation, they would have opposed and rejected the Communal Award absolutely. They, however, lacked courage and have shown a weakness in not condemning it from their own or truly national point of view as they had condemned it in their private views, in their speeches and even in their resolutions. With this difference with my Honourable friend I now turn to the amendment that I have moved before the House. I have confined the amendment to the question of the Communal Award, but that does not mean that I do not see any other flaws in the Joint Parliamentary Committee Report. In my view, however, this Communal Award is the blackest spot in the whole of the Report. There are safeguards no doubt, but, I think, this is the worst safeguard, and if we have to condemn other safeguards, we should also condemn this safeguard in the same spirit. There are certain points that are raised in justification of the view that the Communal Award is the best solution under the circumstances. In the first place, it is said that this communal settlement was most essential before building up any constitution for this country. I contest that statement. I do not believe that any kind of mutual settlement of the communal question was needed for the superstructure of the constitution for this country. If the framing of the constitution could have been made a matter for the people themselves to decide, then surely it was their duty to have this question settled amongst ourselves. But if the whole constitution, for the future of the country, could be taken in hand by the British Government themselves, then I do not see how it was necessary for us to arrive to a settlement amongst ourselves. The Government are the boss, they are the masters, they have been ruling us all along without any consent of ours, even now they are framing a constitution which does not require our consent, and when they are doing that, I do not see why they should come and create this apple of discord among us and tell us, "You settle among yourselves". This was nothing but an apple of discord among the communities so that they might not come to any agreement and this difficulty might be trotted out for the Government becoming the arbitrators. In fact it is the chief complaint of my Honourable friends sitting on those Benches that they have not been given the right of self-government and self-determination for this country. Their position is,

that the constitution of this country should be made by the people of India themselves and not by an outside authority. If the British Government had agreed to the principle of self-determination and allowed this right to the people, as they proposed by means of some constituent assembly—then it was for the people to solve the question, but as the framing of the constitution was completely in the hands of the Government and the right had not been conceded to the Indians, it was for the Government to settle the matter as they thought just and proper. We know that there were precedents towards which they could look. There are minorities in several European countries and Europe was confronted with this problem. The League of Nations took up this question and laid down certain rules after a great deal of investigation in the matter. If the British Government wanted to follow general principles, they could have taken guidance from the decisions of the Minorities Sub-Committees of the League of Nations. They could have done it without referring this matter at all to the various communities in this country. This is my view as regards the point that there could be no constitution without communal settlement.

Another argument that is put forth is that as the Hindus and Mussalman could not agree amongst themselves, therefore, this Award was forced upon the Prime Minister and he had to give it. I have got serious objections to this argument. It is not right to say that the Award was forced on the Prime Minister. An agreement had existed long before that, which is known as the Lucknow Pact. If the Prime Minister wanted to leave this question to the communities, he could have used the Lucknow Pact for the purpose of building up a new constitution. And even supposing that the Mussalman community did not care for the Pact, they could have built up the constitution on its basis and then left the communal matter to be settled at any future time by the Hindus and Mussalman themselves. But this was not done. There is another point which I have pressed very often and I want to repeat it again here. The Simon Commission was sent over to this country to investigate on the spot. They spent many months on this investigation. They toured throughout the country in all the provinces and submitted a report. This report is practically taken as an authority by the Joint Parliamentary Committee. The Joint Parliamentary Committee have been following the lead of the report of the Simon Commission. This report definitely lays down that it was not possible for the Hindus and the Mussalmans to come to any agreement and that they did not find any possibility of it, therefore, they took it upon themselves to recommend a solution of this problem which they did. My point is that this Statutory Commission was appointed by the Parliament with His Majesty's permission and I do not see any reason why, while on all other points the Simon Commission's report is taken as an authority by the Joint Parliamentary Committee, the same should be ignored altogether where it concerns the main problem of the Hindus and Mussalmans in this country.

Seth Haji Abdoola Haroon (Sind: Muhammadan Rural): Because that is not workable.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more.

Bhai Parma Nand: If I am not allowed to speak, then I can sit down I shall take some more time before I finish my arguments, and I think I am the only man to speak on this subject. I do not know if anybody else will take up this matter, though there will be many who would oppose me.

Mr. President (The Honourable Sir Abdur Rahim): The House has agreed to the time being limited to fifteen minutes per speaker, except in some special cases.

Bhai Parma Nand: The Leader of the Opposition got more than one hour. I may say, Sir, that I am alone in my amendment and that I must have an opportunity to represent my case.

Mr. President (The Honourable Sir Abdur Rahim): There are many other Honourable Members who have got notice of amendments.

Bhai Parma Nand: They have not moved their amendments.

The next question is, whether this can be called an Award. I want to refer the whole matter to the Leader of the House himself. He is a lawyer of very great eminence, not only in Bengal, but in the whole of India. I quote from his book:

"It has been sometimes contended that the communal decision is in the nature of an arbitral award. I venture to submit that it is incorrect and I place before the members of the Joint Committee the following facts for their consideration."

Mr. President (The Honourable Sir Abdur Rahim): I give the Honourable Member five minutes more.

Bhai Parma Nand: This is what Sir N. N. Sircar said. He was not the Law Member then:

"The proceedings of the Delhi Consultative Committee show that the members of the Committee did not agree to arbitration. The Muslim delegates made it absolutely clear that they would claim to challenge the decision and they were not agreeing to any arbitration. There was no Bengal Hindu on the Committee and no reference was made at any time to anybody in Bengal for inquiring whether the Prime Minister or the British Government should be asked to settle the dispute."

My point is that when an Award is to be given, it could only be between two parties when disputing over certain matters. There was a question in the First Round Table Conference about the allocation of seats in the Punjab Legislative Council. The dispute was with regard to one seat and that alone was made an excuse for issuing this Award. Nobody ever thought about Bengal. Sir P. C. Mitter himself said:

"I may mention that although I am the sole Hindu representative from Bengal on the Minorities sub-committee, I was never asked by the Muslim Delegation to discuss the Bengal Communal question with them; I may add that I tried to convey the information that I was quite willing to discuss the matter."

Mr. A. H. Ghuznavi: I will quote his opinion.

Bhai Parma Nand: You can do it.

There was a dispute about the Punjab. The arbitrator could, if referred to, give a decision about the Punjab, but it was not his business to bring in Bengal. Again, two months passed and there was the Allahabad Unity Conference which was arranged by Maulana Shaukat Ali and Pandit Madan Mohan Malaviya. In that Unity Conference, the Muhammadans and the Hindus had come to an agreement by allotting 32 per cent. to the Muslims at the Centre and what do we find? Two days after, another sub-award. The first was the Communal Award. In spite of the agreement this sub-award gave 33·3 per cent. to the Muslims and unconditional separation of Sind. Therefore, I say, this cannot be a real Award as is so often claimed by my Honourable friend, the Leader of the Independent Party and certain other persons.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Do you think that the Communal Award is more in favour of the Mussalmans than the Allahabad decision?

Bhai Parma Nand: Certainly I do. That is what I have been claiming. As soon as the Award was announced I made a protest in this very House. At that time my voice was low and it seemed nobody would hear it, but immediately after this last Assembly was dissolved, this was made a live issue at the election, at least in three provinces. We find the Hindus of those provinces have given their definite verdict on this question.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has exhausted the additional five minutes.

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

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

Mr. Lalchand Navalrai: Sir, it is in the fitness of things that I should have to speak after Bhai Parma Nand has done. Sir, let me assure him that he does not stand here alone in condemnation of the Communal Award. There are many more to join me in this House, and, I should think, that the opinion of the Hindus of all very important provinces is against this Award.

An Honourable Member: Question.

Mr. Lalchand Navalrai: You may question it, but ask the Bengal Hindus, ask the Punjab Hindus, ask the Hindus of Sind and ask the Sikhs. Sir, you cannot lightly treat the Hindus of those provinces who do not want this Award. I will revert to this matter hereafter.

Sir, the amendment I have proposed has three reasons for the condemnation of the Joint Parliamentary Committee Report. The first is on account of the recommendation made by the Joint Parliamentary Committee which is now incorporated into the Bill itself and that is with regard to the separation of Sind from the Bombay Presidency. Sir, the question of the separation of Sind is now known to everybody. It is well-known to the British people as well and it is well-known to those

[Mr. Lalchand Navalrai.]

who sought this separation of Sind in England behind the back of the party concerned—the Hindus of Sind. To go into details and to show that it is wholly unjust and inequitable to separate Sind would take time which will be beyond the time-limit fixed for discussion. Sir, the first objection in favour of my proposition is that Sind should not be separated while the cultured and civilized portion of the population in Sind is absolutely against it. That would be against their desire and against the very cogent grounds that they have placed before the public as well as before the Government. Sir, it is against the very fundamental principle that no one should be condemned unheard. What have been the circumstances here? When this question arose, the Hindus of Sind protested and protested very loudly (*An Honourable Member*: "Where?"), but the Government would not even agree to allow one or two representatives of theirs to be on the Round Table Conferences or to give them an opportunity to put their case through their representatives. Sir, this is being questioned, but may I say a little louder that it has no foundation in it. We know this full well and documentary proof can be given for it that at the very first Round Table Conference no representative of the Hindus of Sind was there, and none at the subsequent ones. I think it is futile to question that. Then what were the circumstances prior to that? The circumstances prior to that were that Sind was not asked by the Muhammadans of Sind to be separated. Perfect cordiality existed between the Muhammadans of Sind and the Hindus of Sind and they never wanted to see that there should be any gulf between them. The first committee that met with regard to the separation of Sind was a Sub-Committee of the Simon Commission which sat in Bombay and it was there, that the representatives of Sind, I mean the Muhammadans who were there, with one exception only, all rejected the separation of Sind, and this cannot possibly be doubted. Then after that, what was the view of the Government of Bombay? I may say with confidence that they have been absolutely against the separation of Sind and I even think that if they were allowed at this time to have their own way, they would even now say that the separation of Sind would be suicidal to the interests of the country.

An Honourable Member: Question.

Mr. Lalchand Navalrai: Question or no question, but see what happened next? Subsequent to that, the Round Table Conference sat and there being no Hindu from Sind, Sir Phiroze Sethna who was there actually pleaded the cause in the sense that he asked that if Sind had not finances enough why should it be separated? It was not just to separate it. I need not refer to the debate at that time but the Chairman of the Committee at that time said this. The reply came from the Chairman, Earl Russell, and it was, "I may tell you, in view of the last word in which Mr. Jinnah accepted the recommendation of the Sub-Committee that if Sind cannot show that it can stand successfully on its own legs, the separation does not take place". This was the positive decision that was given at that time and he said to the credit of my Honourable friend, Mr. Jinnah, that what he did say was that Sind should not be separated if it had not finances of its own to stand on its own legs. Then what happened after that? Is it not wrong, is it not unjust, is it not, I ask, against all principles to go back upon that decision and

say, "we want separation of Sind with the help of a subvention from the country"? Is there any justice in that? The point I urge is that at the first Round Table Conference it was only this that was decided even though, of course, there were many other reasons, economical and administrative—but they at least decided that Sind should not be separated if it had not its own resources. Then what are the circumstances now? The circumstances now are that two Committees sat one after the other; an expert Committee, in order to find out whether Sind could stand on its own legs, and then another Committee called the Brayne Committee. The first Committee was of opinion that it was the barrage upon which Sind finances would depend and that Sind could not be carried on very well on the barrage. They put it in plain words, by calculations, which went to show that the barrage would have only about 24 lakhs saving in 1963. Now, up to that time, there would have to be some other way of finding the finances to carry on Sind. The point is that if for so many years Government is going to pay from the finances of other provinces and carry on the administration of Sind, where is the justice in it I ask? Now, on this point I would further say that the circumstances now have been still worse. The barrage has been worked for some time and what has been the result? The position is that the barrage is not productive and the scheme is not going to be a successful one. An incident happened only very recently when His Excellency the Governor of Bombay arrived in Sind and then the Muhammadan zamindars, and also some of the Hindu zamindars, told him that they were not able to get sufficient and adequate water from the barrage. The position there is that so far as the water of the barrage is concerned they care more for the new lands than they care for the old ones. The result is that people are crying that they do not get sufficient water. Now, what have they done? They have made certain modules in the canals and because of them agriculturists are not able to get sufficient water. Therefore, they crave for some remissions. I do not know how the finances will be supplied. I know this that when this point was to be considered by the several provinces, the Government of Bengal put it very plainly that they were not going to give any subvention for the separation of Sind. (*A Voice*: "Was it the Government of Bengal?") Yes, it was the Government of Bengal. May I say it still louder? Therefore, to separate Sind and then to go with a begging bowl to other provinces and ask for money to carry on its administration is absolutely wrong both on principle and for other reasons. Sir, I have got very little time otherwise I would put the whole case in detail but it is not possible for me to do so now. This matter was debated when the White Paper was discussed in this House and I then gave my reasons against the separation of Sind and I submit that it is not necessary for me to repeat those reasons on the present occasion. At any rate, they are to be found on page 2920 of Vol. IV of 1933 debates.

Now, Sir, I will come to the second question on which my condemnation for this. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got only two minutes more.

Mr. Lalchand Navalrai: I will try to finish my remarks within two minutes or perhaps I might take one minute more if you are pleased to give it to me.

[Mr. Lalchand Navalrai.]

Now, with regard to the Award, I submit that we should not mince matters. We should not say that we are not rejecting it nor accepting it. This is an attitude of vacillation; this is an attitude of indecision; and I submit that I would not be a party to it. I have not minced matters in my amendment. I have said that this Award is such that we cannot possibly accept it. It is not a document which can be called an Award. An Award is always given on an arbitration where all parties agree to. In this case all parties did not agree and the Government took it upon itself to decide for us all. But they had to decide even otherwise, because the whole Constitution, as Bhai Parmanand very pertinently put it, was to be made by them. But why should they leave only this question to be decided by us? It only means one thing and that is that they wanted to divide us on that point. Divide and rule has always been their policy. Sir, even the Muhammadan friends of mine are not enamoured of this Award. There was a gentleman who said, a while ago, while Bhai Parmanand was speaking, that the Award has not given more to the Muhammadans. If it is so, then can't we find some other way? We can. But the third Party would not allow us to do it. Sir, when we met at the Allahabad Unity Conference a formula was actually found and it was only the next day or on the third day that Mr. Abdul Majid who had actually been taking a prominent part backed out. So, what I say is that the question of this Award be thrown away and to arrive at another alternative proposition is not a difficult proposition. But I submit that this Award cannot possibly be considered without the whole Constitution. Sir, the Constitution is such as is expressed in my words of the amendment: in fact, it does not give much but has taken away much. It does not give to us even what we have under the present Constitution. We are hedged in from all sides by certain safeguards. First of all, with regard to the army, what control have we got? In fact, our control has become even lesser than what it is now. Then with regard to the railways. The Statutory Board has given us only slight powers here and there over their policy. Then come to the Reserve Bank. They have taken away the control over finances because it will be the Board of the Reserve Bank which will deal with the finances. Then come to the commerce and industry. What do we find there? Certain agreements have been gone into and certain Pacts have been decided upon and then they say: "Now you have a Constitution, work it out". Is that the way to give a Constitution?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has only one minute more.

Mr. Lalchand Navalrai: Sir, then, I have finished.

Sir Leslie Hudson (Bombay: European): Sir, the Joint Select Committee Report is not something which has been suddenly
 3 P.M. conceived by the present National Government. The Report and the new Government of India Bill are the culmination of a series of enquiries extending over a period of eight years—from the Muddiman Committee to the Joint Select Committee of Parliament. These enquiries resulted in the emergence of a general scheme which envisages a Federation of India, consisting of self-Governing Provinces and autonomous States, with a Federal Legislature in which the Ministry is responsible.

The general outlines of this scheme received the support, not only of all parties in Great Britain, but also, of representatives of British India and Indian States.

Mr. M. A. Jinnah: No.

Sir Leslie Hudson: I said representatives: I did not say all representatives. The scheme is subject to certain reservations which are either inevitable at the present stage of India's development, or the result of political events in India in recent years, or necessary to safeguard the powers of the Executive, should the Constitution breakdown at any one or more points.

In that series of enquiries, the European community through its representatives co-operated to the best of its ability. The work of its delegates at successive Round Table Conferences, and on the Indian delegation to the Joint Select Committee have been appreciated by Indians of all classes of thought, and our community is proud of the contribution which they have made. As the scheme of Federation with Central responsibility emerged from the discussions, we gave it our general support, though not without some hesitation and considerable misgivings in various quarters. But in approving the general principles of the scheme, we have been particularly concerned with certain aspects. We have stressed the importance of ensuring the stability of the new Governments, the continuity and security of the services who carry on the administration, and whose authority and rights must be safeguarded, whether they be Indian or British; the independence of the Judiciary; the safeguarding of our own community and interests from unfair discrimination; and the solvency of the Provinces and the Federation.

On many of these points we have had the active support of many of our Indian friends, and I should like to express our appreciation to them for the large measure of agreement which was reached at the various Round Table Conferences in regard to the justice of our demand for protection against unfair commercial discrimination. During this long drawn-out process our community has never opposed India's progress towards the ultimate goal of self-government within the Empire. We may have differed as to the method and the time by which that goal should be reached; but we have recognized from the beginning the implications of the Declaration of 1919, and the successive statements as to the ultimate aim of the policy of His Majesty's Government; and we are willing to co-operate to the utmost extent in making the proposals of Parliament a real advance in responsibility and transfer of power.

We recognize the widespread resentment in the country that there is no declaration either in the Joint Select Committee Report, or in the new Government of India Bill, re-affirming the statements made by His Majesty's responsible Ministers, as to India's ultimate goal. There is justification for that feeling. We realise that Parliament could not agree to the use of the fated words "Dominion Status" in Statute. It is a phrase whose legal implications are still in doubt, and it has not yet appeared in any measure passed by Parliament. But we do hope that His Majesty's Government will find some method—whether in Statute or not—of giving an unequivocal and authoritative assurance that their present proposals are intended to lead India towards a position of equal partnership with the other Dominions within the Empire.

[Sir Leslie Hudson.]

Each party in India has concentrated on the extent to which the proposals of His Majesty's Government have fallen short of both desire and anticipation. Each community, each section of political opinion, has its own criticisms to make as to the methods proposed or the amount of power to be transferred. It is significant to notice that in most of the Provincial Legislatures, where some responsibility has been experienced, criticisms have been constructive and restrained. Apprehensions have been expressed as to the future by minority communities, but there has not been any instance as yet of any categorical statement either of unwillingness or of inability to work the Reforms for what they are worth, in the hope that through developing responsibility further progress may be made. In fact if the new proposals were each examined separately, it would be found that there are probably very few, if any, that would not be approved by a considerable majority of public opinion. The position in Great Britain is well-known. It is no use ignoring it, for it is neither politic, nor in the interests of India to do so. It cannot be denied that Parliament has a real responsibility for the peoples of India, and that it cannot hand over that responsibility completely until it has been shown that the Constitution now proposed will work for the well-being of the country. The ultimate responsibility of Parliament is an inescapable fact to which people in India should not shut their eyes.

Another essential fact is, that the proposals of the Joint Select Committee mean a tremendous advance upon the present position. To deny this is to not only deceive oneself, but also to deceive the people. In Provinces, given *esprit de corps*, party loyalties, and a softening of communal rivalries, the scheme should work out as a real responsible government, the reservations and safeguards remaining unused. Internal dissensions and communal animosities, if they continue, are bound, as in any country, to strengthen the power of the Executive, and play into the hands of the Governor. Little attention has been paid to the importance of the changes proposed particularly in the Provinces, not only in the constitutional sphere, but also what is very important, in the administrative sphere. Anyone with experience of administration will appreciate that the proposals for Provincial Autonomy will mean a total reorganization of the present administrative system. It will in fact bring about a revolution in the administration. Is it no advance to have all departments—finance, law and order—transferred statutorily to popular control?

Even at the Centre, where some form of diarchy is, in the nature of things, admittedly necessary, the responsibility given is real? It is perhaps interesting to reflect that if the debate in this House last week, on the Indo-British Trade Agreement, had taken place under conditions laid down by the Joint Select Committee Report, it would have been a debate on an Agreement signed by a Commerce Minister responsible to the Legislature. Can it then be said that there is no advance? To say so is a misrepresentation of the position. It is urged that the safeguards and reservations render this advance nugatory. That shows the weakness of the attack. Given unity, co-operation and some form of party-system, the responsibility will be real, and the safeguards will remain largely unused.

Before I turn to certain points, which we wish to emphasize, in connection with the general scheme, I desire to say a word on what are commonly called the safeguarding proposals of the Report, relating to

unfair discrimination. These have been widely criticised, even by those who were prepared to meet us to some extent, at the Round Table Conferences. It must be remembered that in pursuance of the general agreement at the Round Table Conference that there should be no discrimination against the British commercial community in India, the Associated Chambers of Commerce put forward proposals for a Convention regulating trading rights between Great Britain and India on a reciprocal basis, to be negotiated between the two countries and incorporated as a schedule in the new Act. This, however, was not found to be practicable, and, therefore, we had to rely upon the provisions in the Constitution Act itself for securing our position under the Federation. We believe that these provisions are essential and our approval to the proposed reforms has always been based on the assumption that the safeguards for fair trading will be both adequate and effective. We have demanded no greater measure of security for fair treatment than is dictated by ordinary business prudence.

The Honourable the Leader of the Opposition made an appeal to us. I would remind him that it is not of our choosing that we have been forced to demand these safeguards. If the unhappy history of recent years, in which the Party to which the Honourable Member belongs, played a prominent part, had not happened, if there had not been boycott, threats of coercion and expropriation, and all kinds of penal actions, things would have been different. But I do not wish to emphasize these unhappy memories.

I would reiterate, however, what has been said by leaders of the European community on more than one occasion, namely, that we wish to live and carry on our business with the co-operation and good-will of our fellow citizens in India. There is, in our view, no reason why, if this desire is responded to by our Indian friends in a spirit of accommodation, the safeguarding provisions should ever be called into operation. As far as we are concerned, we look upon them as a measure of protection and not as a means of securing any advantage to which we are not entitled.

I have already said that we have given our general support to the ideal of Federation, as we believe that it is the only method by which responsible Government at the Centre is practicable. We appreciate the natural apprehensions of the Princes in viewing the future, and these apprehensions are not likely to be lessened on the one hand, by certain expression of opinions in British India, and on the other hand, by the sustained campaign of hysteria and mis-representation which is being carried on, against all the ordinary canons of decency and responsibility, by certain political groups in Great Britain. But we hope that the Princes will, without undue delay, and provided their Treaty and other rights are fully safeguarded in the Instrument of Accession, decide to enter and enrich the Federation, with their varied traditions of Government and administration and their magnificent loyalty to the Crown. Thus, the unity of India, which has been promoted by the stabilizing influence of Britain, may be consolidated in permanent form.

In giving expression to our general support of the scheme, it must not be understood that we are satisfied with regard to every proposal. We have already submitted to the appropriate quarter considered criticisms on various points. This is not the place to refer to these in full detail,

[Sir Leslie Hudson.]

and I shall content myself with making a few observations on some of the more important features in connection with which we have offered criticisms, or expressed doubts or apprehensions.

There is wide-spread objection to the proposal to substitute indirect for direct election to the Federal Legislature. At the Round Table Conference our representatives expressed themselves at first in favour of indirect election, but on hearing the views of our Indian colleagues, and realising the strength of their sentiment and arguments, they withdrew their objection to the direct system. Now the majority of the Joint Select Committee have supported indirect election, and this is a matter on which there is difference of opinion within the European community itself. We accept the view of the Committee, however, as the arguments advanced are very weighty. Moreover, there is the fact that, as mentioned in the Report, in view of the important arguments advanced for either method, it was thought advisable to make the experiment of indirect election now. If experience proved that it did not work, a change to direct election could be made later. If, however, the present system of direct election were continued now and were found to be unsatisfactory, it would in future be difficult, if not impossible, to change to the indirect system. Provision is accordingly made for revision after a suitable period.

One matter on which we have definite criticisms to offer is in connection with the administration of justice in the High Courts, and in the Courts subordinate to these High Courts. We feel that the independence and freedom of the High Courts from political influences and pressure is a matter of supreme importance. The recommendations of the Joint Select Committee Report are based upon the grounds that the High Courts are essentially Provincial institutions, and that the financial adjustments, which would be involved in any attempt to centralize the administration and finances of the High Courts, would be of a complicated nature. We, however, claim, as indeed we claimed in our evidence before the Joint Select Committee, and as the Simon Commission itself recommended, that the administrative control of the High Courts should be with the Federal Government rather than with Provincial Governments, since it is essential that *vis-a-vis* the latter, the High Courts should be completely independent. We, therefore, wish to continue to press for this modification, subject of course to the same safeguards as are now proposed by the Report, *viz.*, that the budget of the High Courts should be non-votable. There is constitutional precedent for this view, and it is also supported by a great majority of the legal profession, now practising in the Courts throughout India,—Indian as well as European. Indeed we claim that this suggestion is in the interest of India as a whole.

We have always placed great emphasis upon the financial implications of the new Constitution. Can India afford it? We have urged that as a pre-requisite to our support to the new Constitution, the finances both of the Provinces and of the Centre should be placed upon a solvent basis. The Report contemplates a financial enquiry: we trust it will be a comprehensive one, carried out by competent persons. We strongly urge the need for balanced budgets if Provincial Autonomy is to be a success; and upon the necessity of the Federal Budget being based on a normal trade balance, before the Federal Ministers are asked to assume responsibility of office. We do not believe it is fair to the new Ministers, either in

the Provinces or at the Centre, to place responsibilities on their shoulders, until the finances of the country have been placed on a sound and equitable basis. When I speak of a balanced budget, I do not mean a budget which is balanced as a result of emergency taxation. Any scheme of Constitutional Reform, if its finances are based upon abnormal and excessive taxation, is bound to find itself in difficulties before long. We hope and trust that conditions will very shortly restore our budget to normality, and that the emergency taxation of recent years will be a thing of the past. But we insist upon a thorough enquiry before we embark upon these new responsibilities. No Ministry in any Province which has a deficit balance at the inauguration of the Reforms has a chance of success. The experience of Bengal has taught us that insolvency means political instability; and political instability means the gradual surrender of real responsibility to the hands of the Executive. There is no fear of the Governors exercising their emergency powers when political conditions are reasonably stable. But when they are unstable, these emergency powers are bound to be called into action in the interests of the Province itself.

With regard to the proposed separation of Burma from India, the European Community in India and in Burma has deliberately refrained from expressing an opinion upon its political aspect. Our view is, however, that if separation is decided upon, it should not result in the imposition of extra taxation as a measure of budgetary expediency, to the detriment of industrial and commercial interests in both countries and to the hinderance of trade recovery. We believe, that an essential condition of separation should be the conclusion of a Trade Convention between the Government of India and the new Government of Burma, for a period of years, on the basis of the free trade relations which now exist between the two countries, subject, of course, to the substitution of equivalent import duties for existing excise duties. This period should not be so short as to cause unsettlement and apprehension. It should be long enough to give both parties sufficient time to consider their mutual interests without haste and in the friendliest spirit of co-operation. In this matter we have the support of many of our Indian friends, with whom we believe, that this condition is in the interest of both countries. When I speak of existing conditions I must be understood as including the thorny question of the immigration of Indians into Burma.

We view with considerable sympathy the claim of the Indian community in Burma to be protected from unfair discrimination in regard to their vital interests in that country, and we share their apprehensions regarding the proposals of the Joint Select Committee to give power to the new Burma Government to restrict their entry. We have sympathy too, with the special apprehensions of the Chettiar community, and we sincerely trust that His Majesty's Government will afford them the protection which their historical association with Burma and their great interests in that country justify.

We have closely studied, so far as we have been able, the various amendments to the Government Resolution.

We recognize that in varying forms they voice the opinions of many sections in this country. The amendments which deal with the rejection of the Report, and pray His Majesty's Government not to proceed with Legislation based on the proposals, appear to us to be based upon lack of appreciation of the actual position and an unwillingness to face facts.

[Sir Leslie Hudson.]

To talk of the proposals as being conceived in a spirit of Imperialist domination and exploitation, and to assert that they transfer no real power to the people of India, is, quite frankly, absurd. The proposals in the Report for the extension of the franchise in the Provinces from 7 millions to 35 millions, for the transfer of finance, law and order to popular control, for the establishment of responsibility at the Centre, in a wide variety of subjects, are alone a sufficient answer to that charge. As responsibility is intended, by the authors of the Report, to be real, so are the safeguards or reservations. To the extent to which parties in India can overcome communal and sectional differences, to that extent will the need for safeguards and their use disappear. The spirit and manner in which any Constitution is worked are far more important than the final provisions laid down in the Statute.

As far as the Resolutions condemning the Communal Award are concerned, it would be improper for me to offer any comment except that it is now and always has been open to modification on an agreed plan by the parties concerned. In the absence of any agreed plan, Mr. Jinnah's contention that it should be accepted seems the only practical and common-sense view to hold.

The amendments calling upon His Majesty's Government or the Governor General in Council to summon a Constituent Assembly, do not, in our view, offer any sure hope that the result of such Conference would, within a reasonable time, produce a scheme either agreed upon by all sections of opinion in India, or acceptable to His Majesty's Government.

In the third part of his amendment, Mr. Jinnah, after making constructive criticisms of the Provincial proposals, deliberately turns aside from the ideal of Federation. He urges the shorter and easier way of Federation of British India alone, and would postpone the All-India Federation to a future so distant as to mean almost indefinite postponement. Though the process of Federation may be difficult, we are convinced that the unity of India will be grievously endangered without a closer and more permanent constitutional relationship between the Indian States and British India. The Princes have expressed their willingness to enter a Federation of India, if the Federal Government is a responsible one. If Federation were confined to British India we should not be willing to agree to responsibility at the Centre for some of the reasons urged in the Joint Select Committee's Report. With all its difficulties, therefore, we prefer to pursue the wider vision of Federation with responsibility, believing that, taking a long view, it will be in the economic and political interests of the Indian Empire.

The joint amendment of Sir Cowasji Jehangir and Mr. Mody is of a totally different character. It accepts the broad outlines of Provincial Autonomy and Federation with responsibility, subject to safeguards, and urges the acceptance of the modifications suggested by the Joint Memorandum presented to the Joint Select Committee by the British Indian Delegation. Our representative on the Delegation from India did not sign that document, though he expressed himself in sympathy with the spirit of its recommendations. But we also appreciate the spirit of Mr. Mody's amendment, and, I may venture the opinion, that if that had behind it the united voice of the country, it would carry the weight it deserves. On the other hand it is apparent that the Memorandum of the Indian Delegation did

receive the closest and most sympathetic consideration of the Joint Select Committee, and where its recommendations are not accepted, the arguments for that course are fully stated.

Mr. M. A. Jinnah: Is there anything accepted?

Sir Leslie Hudson: Finally we welcome the statement of the Right Honourable Mr. Srinivasa Sastri, that the Liberals intend to co-operate in working the new Constitution, although they regard it as unsatisfactory in many ways, and would have advised rejection if they considered such a course to be practicable. That is an attitude which we respect. It is in harmony with the late Mr. Gokhale's exhortation "not to go in pursuit of mere idle dreams and neglect the opportunities that the present offers to us". We believe that the opportunities now offered to India for the furtherance of her destiny are great, and we pledge our co-operation in helping to make responsible Government real, and to achieve for India a position of equal partnership within the Empire with other Dominions under the Crown.

Mr. A. K. Fazlul Huq: Sir, the Leader of the Opposition has made a very earnest appeal to the Muslim Members to join the Congress Party in rejecting the Report. If that appeal had proceeded from a lurking suspicion that the Muslims are less patriotic than any other Indian, I may tell him at once that he is greatly mistaken. If the condemnation of the Joint Parliamentary Committee Report is any test of patriotism, the Muslims have given proof of their patriotism in abundant measure. Even a conservative die-hard like my friend, Mr. Ghuznavi (Laughter), who may be called the Winston Churchill of this Assembly (Laughter), has condemned the Report in an unmistakable manner. We all realise that the Report is disappointing and unsatisfactory, that many of its recommendations are of a reactionary and retrograde character, that the limitations sought to be imposed on the powers of Ministers are of such a character as to stifle all growth of the principles of responsible Government, that the autocratic powers with which the Governors are proposed to be vested will render the transfer of power to the people almost illusory, and last, but not least, we realise that the introduction of Second Chambers and other devices will add to the burdens of an already expensive administration.

We all hear so much of the merits of British rule. We are not ungrateful: we realise and we recognise the merits of this rule; but this rule has got its demerits also. If the British rule has given to India what she never knew before, namely, unbroken peace, this rule has also given us what India never knew before, chronic poverty, a depleted treasury, shattered credit and the woe-begone countenances of millions of people, which show how this country has been bled white in keeping up an administration as costly as any known to any part of the globe in human history. (Opposition Cheers.)

Lieut.-Colonel Sir Henry Gidney (Nominated Non-official): Question.

Mr. A. K. Fazlul Huq: There is nothing in the Report to indicate,-- you may question,—Sir. . . .

Lieut.-Colonel Sir Henry Gidney: Again question, Sir.

Mr. A. K. Fuzlul Huq: Very well, time will show it. There is no indication in the Report to show that any attempt will be made to reduce the cost of administration. For my part, I would rather have no administration than have an administration the burden of which we are unable to bear. ("Hear, hear" from Opposition Benches.) Now, Sir, if this is the position, why do the Mussalmans support the much hated Communal Award? We all realise it is an evil, but I put it for the consideration of the House that it is also under present circumstances, a necessary evil. It is no use saying that the third party is striving to drive a wedge between us and that we cannot compose our differences. We cannot shut our eyes to the fact that these communal differences do exist, and it is a further unpleasant fact that these controversies have not yet been settled by mutual agreement. Now, Sir, I submit that where we agree to the extent of 99 per cent. in all these matters, it is no use rendering the position difficult by falling foul of the Communal Award or raking up the question of the separation of Sind. My friend opposite has said that Sind should not be separated and the administration of that province should not be carried on by borrowing on the resources of other provinces, but this has been going on for the last hundred years without any protest from other quarters. Bengal, for instance, has been bled white for the last century in order to balance the treasury, the credit, the budget of other provinces. What about the jute duty which the Government of India have been taking,—it is about 400 crores,—what about that vast sum they have been taking in order to balance their budget and give doles to other provinces? This is not the first time that the money of some provinces is being drawn upon to benefit the benefits of other provinces.

Now, Sir, coming to the Communal Award, we do not say it is a counsel of perfection. We, the Mussalmans, will be prepared to drop it this very moment if our friends can sit with us in conference and come to some sort of agreed settlement with us. ("Hear, hear" from some quarters.) We know their views very well; we understand their position very well. The Leader of the Opposition told the Europeans and the British Government this morning that they are wanting some safeguards, because the Government knows that the manner in which they have conducted the administration of this country for the last 150 years has been such that, once Indians get into power, there will be the old scores to be paid up, and, as a matter of fact, the British Government have failed to win the confidence of the Indian people. Now, Sir, if the Mussalmans or other minority communities want some sort of protection against universal and unrestricted democracy, it is because, and I say it with the utmost regret,—the majority community has up to now failed to win the confidence of the minority communities. You win our confidence just as the majority community won the confidence of the minority communities in Egypt. We will stand shoulder to shoulder with you, we will ignore everything else, we will even take a plunge into the unknown for the sake of our motherland, and there is no earthly power which can then withstand the united demand of a united India. Here and now you settle these differences, these controversies, we will then tear up the Report of the Joint Parliamentary Committee to pieces and throw these pieces to the four corners of the globe. But if that is not done, it is no use giving us advice from there and saying that we must

forget everything and that religion should not be introduced into politics. Religion does not enter into politics, but there are many factors which have got to be considered, and, therefore, Sir, I make an earnest appeal to the Leader of the Opposition and to the Congress Members whom I see before me. They may have forgotten that I was myself a Congress worker, and I have been a Congress worker for many long years. If I can tell them something of a personal character, I was one of the General Secretaries of the Indian National Congress, and, for some reason or other, I had to sever my connection with that institution. But my heart is still there, and I want to work for it, but the only thing that stands in my way is the lack of a proper solution of the much vexed communal controversy in this country. Let it be decided once for all, and then we, on our part, will be quite prepared to go to the utmost length that we possibly can, but we cannot ignore the united wishes of the community whom we have the honour to represent here. It is no use asking us to give up this thing or that, because our friends here know very well that the community whom we have come to represent here want us to put forward particular views. We are not free agents. After all, we are their representatives, and we have got to put before this House what our constituencies feel on important public matters. Our friends here know what the wishes of our community are, and, if by any means, we can come to an agreed settlement, I again put it to them that there is nothing to fear. After all, the voices of 350 millions of people cannot go unheard, but our Government know that these 350 millions are not united, and that is the reason why all the criticism that has so far been levelled against the Joint Parliamentary Committee Report has borne no fruit. We here in India are agitating, we here in India are condemning this Report, but British statesmen at Home are going on merrily with their work, they have completed the task that was entrusted to them, they have drafted the Bill, and they are proceeding quite peacefully with further arrangements regarding the passage of the Bill, and that is the reason why, this morning, I put it to the Honourable the Home Member the futility of having to discuss the Report which will bring us no practical good. . . .

An Honourable Member: You mean the Law Member?

Mr. A. K. Fazlul Huq: I am very sorry, I meant the Law Member, but the Home Member looms very large in my mind.

Sir, after all, it is a very simple matter. We are all agreed that the Joint Parliamentary Committee Report is unsatisfactory, and it is no use for my Congress friends sitting on the fence. The very reason why they have not declared openly their views about the Communal Award shows that they do realise that Muslim feeling on that point is very strong, and if that is so, why not come to some sort of decision on that particular matter? If that is decided, then the rest is very easy, but if we cannot decide that ourselves, we shall only perpetuate the rule of the third party. I agree that the third party is there, because we are divided, but why are we divided? You, who are superior to us in education, in culture, wealth and everything, should give us a lead,—I admit that you are superior in every respect, and it is for you to give a lead in this matter, to give us the generous hand of fellowship. (At this stage some noise resembling the sound of a bell was heard from the side of the Official Benches, and the Honourable Member sat down.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can go on if he wishes to. He has got another two or three minutes more.

Some Honourable Members: Go on, go on please. That is not a bell.

Mr. A. K. Fuzlul Huq: I am very much obliged to my friends for pointing out the mistake I made in sitting down on hearing that sound. Anyway, I have lost the thread of my speech. But, I shall again point out that the history of the Reforms shows that they can be divided into three stages. The first stage was the lofty idea of hopes and promises; British statesmen, acting under some generous impulses, laid down certain ideals in regard to India's political future, and these things raised very high hopes and aspirations. Even the princes have caught the contagion, and this stage terminated with the Government of India Pact. Then came the era of repentance. They repented for having said a good deal too much, and then came the third stage when they wanted to wriggle out of an impossible situation. That attempt has given rise to the Joint Parliamentary Committee Report. Everyone can see that an attempt has been made in the Report, by British statesmen, to get out of the position which they had outlined at the first Round Table Conference, but we will not allow them to get out of that position, provided we all agree on that fundamental point, namely, a settlement of the Communal Award. What is there in it that we cannot decide, and if we fail to decide it amongst ourselves, I may say at once that we are unfit to have responsible Government introduced into this country, but by the manner in which we decide these differences among ourselves, we will give proof to British statesmen and to the world outside that we are fit to hold the reins of power. It is not by artificial safeguards that the good of the country will be effected. Why have we come into the Councils to agitate for political power if we cannot sink all our differences, and remember that the good of the country ought to out-weigh all communal and racial considerations? (Hear, hear.) We are all to blame, and let us hope that before the 7th February, the time perhaps for voting comes, we will be able to come to some sort of agreement. When that agreement is arrived at, we will announce to the House: "Here is this agreement. We have nothing to do with the Joint Parliamentary Committee Report. We want freedom and liberty, not the shadow, but the real thing, and all the promises that have been made to India ever since the Queen's Proclamation must be made good and fulfilled to the very letter." (Applause.)

Dr. R. D. Dalal (Nominated Non-Official): Sir, with your permission, I propose to discuss very briefly the essentials of the scheme set out in the report of the Joint Select Committee on Indian Constitutional Reform. Sir, in the first place, a clear understanding of the authorship and character of the report is, in my opinion, a matter of great importance. The Joint Select Committee was a body chosen by both Houses of Parliament from among its own Members to revise the draft constitutional scheme submitted to it by Government. It contained a preponderance of the men of all parties who had made a special study of the Indian constitutional problem. The weight of authority represented in the Committee was extraordinarily impressive; and it is no exaggeration to say that so strong a concentration of expert advice was never before brought to bear upon a great question of

Imperial Policy. The Committee were an extraordinarily competent body, guided with exceptional ability and admirable skill by their Chairman Lord Linlithgow to whom India owes a deep debt of gratitude for his untiring industry, wise counsel, and inexhaustible patience. The Committee were assisted by a strong contingent of distinguished delegates from British India, Indian States, and Burma. These representatives had devoted years of thought and study to the Indian constitutional problem; and they shared fully in the examination of witnesses and the deliberations; and their advice and co-operation were of the greatest value to the Committee. Above all, much credit is due to the Secretary of State, Sir Samuel Hoare, who has won the tribute due to indomitable persistence to an unruffled temper, and to an encyclopædic knowledge of his subject.

The report of the Parliamentary Joint Select Committee is a document of outstanding importance which will go down to history as one of the greatest State documents which contains the foundations of a solution of a great problem, namely a new Constitution for a country of the size of India with all her complex problems and diversities of interests—for a vast sub-continent divided by countless races, languages, religions, and degrees of civilisation. The report outlines a scheme, the basis of which is the future well being and happiness of India.

Mr. B. Das (Orissa Division: Non-Muhammadan): Question.

Dr. R. D. Dalal: So, the report must be recognised as an act of statesmanship designed to do what is in the best interests of India and of that continued association between India and the British Empire, which is vital to both.

Mr. B. Das: Question.

Dr. R. D. Dalal: Sir, to my mind, three impressions emerge from a study of the report of the Joint Select Committee. The first impression is that the report has attracted an immense weight of authority behind it. The second impression is that the main principles of the Government's draft scheme in the White Paper have stood a peculiarly searching test. Provincial autonomy stands, and with it central responsibility—central responsibility not necessarily to be brought into being at the same time, because federation is a slow and complicated process; but the Committee have endorsed the principle of laying down at once the whole programme of Indian growth to full responsible self-government. The conception of an All-India Federation also stands, subject to certain large reservations, namely, defence and foreign relations. The Princes by accepting the invitation of British India to join an All-India Federation have paved the way for the grant of responsibility at the Centre; and unless the Indian States join the Federation, Government's whole concept of central responsibility falls to the ground; so the Viceroy is fully entitled to advise and to persuade the Princes to implement their promise to achieve the political unity of India through Federation, provided their conditions of accession are observed. The third impression is that the amendments of the White Paper are neither few nor negligible. As the time is limited, I cannot even mention the points on which the recommendations of the Joint Select Committee modify or supplement the proposals of the White Paper. But, Sir, with your permission, I shall deal with one or two cardinal points.

[Dr. R. D. Dalal.]

The Committee have substituted indirect for direct election to the Federal Legislature. They have made this change after a protracted debate between the experts. In India there is a pathetic faith in direct election as a symbol of democracy; but indirect election is desirable in view of the vastness of the area and the population involved and in order to obviate the difficulties which arise in polling a largely illiterate electorate. The Committee have proposed indirect election as the most practical system at the outset of the Federation, but they have expressly stated that it should be open to review in the light of the working of the constitution.

Now, Sir, I come to a very important point. Much anxiety has been expressed on a vital point, namely, the Dominion Status issue. The absence of any reference to Dominion Status in the report of the Joint Select Committee has been the chief cause of discontent in India. But the question of status had no part at all in the enquiries of the Joint Select Committee. Dominion Status is implicit in the Declaration of 1917 and the preamble of the Act of 1919 clarifies and expands the declaration. The repeal of the Act of 1919 does not involve the repeal of its Preamble, which cannot constitutionally be repealed. The Preamble to the Act of 1919 settles once and for all the attitude of the British Parliament and the British people towards India's political aspirations

Mr. B. Das: Question.

Dr. R. D. Dalal: and no pledge is in any way repudiated. India has already taken an equal place in the Council of nations. Equality was implicit when India was a signatory to the Treaty of Versailles, when India was given a full place in the League of Nations, at the Imperial Conference, and the Tariff Convention. When responsible government is in full being, the position of India will be Dominion Status, and India's right to nationhood will be undisputed.

Sir, I submit that no constitution devised by man will please everybody and that proposed for India is no exception to the rule. The scheme of the Joint Select Committee may not be ideally perfect—perfection in this matter is not attainable, but there has been proposed no workable alternative to this scheme. Sir, it is easy to magnify the points of difference and to belittle or ignore the points of agreement. But the fact remains that Indian public opinion has had a profound influence on both the tone and substance of the report. There is no doubt that the proposals mark genuine political advance; the advance may not be to the desired extent, but about the advance there is no question at all. Sir, I firmly believe in the good will and honesty of purpose of the British Parliament and the British public to lead India to full nationhood. My humble submission is that all the great achievements of the British in India during the last century and a half, which are responsible for the present awakening of the political consciousness in India, should not be ignored. History will bear witness that British administration in India has been capable, just, and beneficent beyond all previous oriental experience.

Sir, in conclusion, in supporting the motion of the Honourable the Leader of the House I say this—my firm conviction is that when the new Constitution, on the lines of the scheme of the Parliamentary Joint Select

Committee, is placed on the Statute-book and when it is brought into operation, it will be found that the scheme is workable, that it faces the realities of the problem, and that it may be relied upon to disappoint at once the distrust and suspicions of the opponents of the recommendations of the Parliamentary Joint Select Committee.

Sardar Mangal Singh: I deem it a great privilege to take part in this historic debate on the proposed constitution. In connection with the constitution, which we are discussing today, there are two points which prominently come before us. The first is that this document is not the result of India's self-determination. This document has not been prepared by our chosen representatives and it has not been prepared with their consent and consultation. It has been prepared by those undoubtedly good gentlemen who make no secret of their intentions to strengthen their hold on this country with a view to carry on uninterrupted their imperialist domination and economic exploitation of this country. Nor has this document been prepared by those gentlemen who wish to see India one day rank among the free nations of the world. This is not, what they claim, an agreed document, but, I would submit, it is an imposed document on an unwilling and helpless nation. This is a one-sided document and an offer on behalf of England which it is not worthy of England to give and India to accept. Another point is, that the solemn and authoritative pledges given by high placed gentlemen have been disregarded in framing this constitution. We have been told, times without number that the object of British rule in India is to carry this country to status equal to other dominions comprising what we know as the British Empire. Sir, all these pledges have been disregarded and even the most moderate demands put forward by the Indian delegation, and by our moderate friends, have been rejected and brushed aside unceremoniously.

My Honourable friend, Mr. Fuzlul Huq, said that if the test of patriotism is the rejection of the Joint Parliamentary Committee Report, then the Muslims are prepared to pass that test. I was very glad to hear it but, further on he added a saving clause to this, namely, that they were prepared to tear it to pieces provided their communal demands are conceded in full. May I ask if the Mussulmans do not belong to this country? Either this is a good constitution or this is a bad constitution. Are they not going to judge it on its merits alone? Then why do they say: "We will do this only if you do that". This position does not befit the great Moslem community which stands for freedom, which stands for equality all over the world. My answer to the Honourable the Opposition leader is this. I am not going to say that I am going into your lobby if you do this or if you don't do that. My answer is plain, that I am prepared to reject this constitution unconditionally and without adding any saving clause. The Sikhs are a small minority community in this country, but at the same time, we do realise that these communal wranglings and these communal dissensions are after all our private matter and I am anxious that this debate should not degenerate into communal bickerings. I am, therefore referring to the communal award with the utmost caution. Before I begin to examine its details, I wish to make it absolutely clear to my Mussalman friends that we, Sikhs, have absolutely no ill-will or any complaint against them whatsoever. Our relations with them are very cordial and we are anxious to maintain those relations. We know that we are to live and die in this country together. Our sorrows and our joys are common. We may not agree today but the day will come when we will agree to march

[Sardar Mangal Singh.]

together and achieve this country's freedom. I may make yet one more point clear. Although the Sikhs are a minority community, and a very small minority, yet I make an offer on the floor of this House, that if communalism is abolished, root and branch, in every shape and form from the constitution of this country, and, if we agree to formulate a model constitution on a purely national basis, I declare it on the floor of this House, today and here, that the Sikhs would forego their claim for separate representation (Loud Applause) and would walk behind the Leader of the Congress to whatever Lobby he may go and not only to whatever Lobby but to whatever *morchā* he may lead us for the freedom of the country. (Loud Applause). Sir, I make this offer in all seriousness. You may reject it, you may accept it, but that is not going to influence my judgment in casting my vote on it. I shall vote for its rejection. To the other question of the Honourable the Leader of the Opposition that we should put the acquisition first and division afterwards, to that question my answer, is "Yes". We are prepared to do that. Let the Communal Award be withdrawn, let everything be scrapped, what has happened before and let us march with a clean slate unconditionally and let us free our country first, and then we will sit together, as my friend, Maulana Shaukat Ali, has said, in a committee and divide our spoils if you like. (Laughter.) Sir, before going into the details of the Communal Award, I wish to make one more point clear. The Joint Parliamentary Committee Report has said, that all Indian communities, of course including the Sikhs, have acquiesced in the Communal Award. Sir, that is entirely wrong. I, on behalf of the Sikhs, do protest here against this deliberate misrepresentation on their part. The Sikhs, ever since the declaration of the Communal Award, have been carrying on a ceaseless and systematic agitation against the Communal Award. Point to a single Sikh organization or to a single Sikh public man of note who has said anything in favour of the Communal Award? Go to the Punjab, Sir,—you won't find a single Sikh organization that has got a good word to say for this much-condemned Communal Award. This is a deliberate misrepresentation on their part which does not become them, they being highly respectable gentlemen. (Hear, hear.) The communal question, Sir, in the Indian constitution, has assumed a very great importance. The question of the protection of minorities is a world-wide question and to my mind a legitimate question. But I have yet to hear that there should be also a protection for majorities. All over the world you do not find such a thing, but here in India you are also making safeguards for the protection of majorities and what are these safeguards? You create by a Statute, passed by Parliament, a statutory standing communal majority which is unchangeable, which cannot be altered by any appeal to the electorate. You are creating a deadlock, a situation in which I cannot influence the majority nor their judgment. What means do you give me to turn that majority out of office? You deprive me of all constitutional means of doing so by an appeal to the electorate. And what are the other means except that I should adopt a different method to turn out that Government if I am not satisfied with that Government? Such a Government is not a constitutional Government, it is not a responsible Government, it is not a democratic Government which you are establishing by the provisions of this Communal Award. It is also, Sir, a highly anti-national measure. When you are cutting the nation to pieces, when you are dividing our country into so many water-tight compartments, how can you expect that a common sense of citizen-

ship will develop? How can you expect a united allegiance to one's country from this sort of thing? Sir, this Communal Award cuts our nation up into so many parts that it will only perpetuate communalism, it will perpetuate mistrust and mutual distrust and will seriously hinder the growth of our national unification. I think, Sir, it is most unwise on the part of His Majesty's Government to force such a decision on our country. It may look on the surface that it favours certain communities. It may go in favour of certain Knights, but what about the masses, I ask, and I say it does not go in favour of the Muslim masses. Certain individuals may be benefited, certain educated classes may be benefited, but I challenge anybody here, when I say, that it could not benefit the Muslim masses. It would not feed the hungry Muslim masses, it would not clothe the naked Muslim masses, it would not house the homeless Muslim masses, who would continue to suffer from poverty, from rank poverty, as they are doing now. It may benefit certain highly placed gentlemen, certain Knights (Laughter.)

An Honourable Member: Who are they? Name them.

Sardar Mangal Singh: You know them very well. Sir, for the protection of minorities, the proper thing should have been to chalk out a formula of universal application. But what have they done? The two pillars of the Communal Award are separate electorates and weightage. Let us see if they have applied these two things to every community. They have given separate electorates to all the communities, but as regards the weightage, they have meted out differential treatment to different minorities. My Muslim friends will forgive me when I say that the Muslim minorities in those Provinces where they are in a minority have been given weightage from two and a half to three times their number, but how have the Sikhs been treated? The Muslims are 14 per cent. in the United Provinces but they have been given 30 per cent. representation there.

An Honourable Member: What about the North-West Frontier Province?

Sardar Mangal Singh: I am dealing with the Punjab yet. I do not quarrel with the Muslims that in the United Provinces they have got so much extra representation; they may get more, and I shall be very pleased, my only quarrel is that we should similarly be given the same weightage in my Province where we are 13 per cent. but where we have been given less than 19 per cent. This is very unjust. It is very unfair, and I think the British Government in this matter have let down the Sikhs very badly.

An Honourable Member: What about Parsis?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has only one minute more.

Sardar Mangal Singh: Give me some weightage, Sir. (Laughter.) I repeat, Sir, that the Sikhs have been sacrificed at the altar of political expediency. We have been sacrificed in this political bargain. And why?—It is very clear. I could have very easily purchased some more seats, I could have easily got some more favours from the Government by letting

[Sardar Mangal Singh.]

down my country and by playing treacherous to my countrymen, but, Sir the Sikhs decided, we will suffer with our countrymen but we shall never play treacherous to our country, we shall stand by our countrymen come what may, and the Sikhs have been punished for these two considerations. We have been sacrificed for political expediency and we have been sacrificed for our patriotism. Sir, the few minutes of weightage allotted to me, I will devote, not to the consideration of my community but to the general constitution. Coming to the constitution in the provincial sphere, I must say that in some respects there is a considerable advance. The franchise has been considerably extended; the nominated official and the non-official blocs have been abolished; and the reserved departments have been placed in the hands of the Ministers. This is all very good. But the number of these three concessions is a very unlucky one. These three concessions of the measure of responsibility have been eaten up by the extraordinary powers that have been given to the Government in the shape of safeguards, special responsibility, and so on and so forth.

Mr. N. M. Joshi: What about the Second Chamber?

Sardar Mangal Singh: There is no Second Chamber in my province. Sir, what has been given by one hand has been taken away by the other. These poor Ministers and these glorified Secretaries will simply be kicked from one side by the popularly elected Council and from the other by the All-mighty Governor like a football. This position, therefore, is bound to create constant friction and frequent deadlocks. It seems to me that the provincial autonomy has not been granted to the people of the provinces but the provincial autonomy has been granted to the Governors of the provinces.

Coming to the Centre, the position there is still worse. You are creating a Federation consisting of very unequal and very strange component parts. There are the Indian States, the British Provinces and some backward territories. All these are to be jumbled together and this they call by the high-sounding name of All-India Federation. I submit that this Federation is unsound in principle and unworkable in practice. In this Central Legislature will sit the Nominated Members of the Princes and the elected Members of the British India. Sir, they will be very strange bed-fellows and I doubt very much if they would be able to work together in spite of the assurances that have been given by my Honourable friend, Mr. Shaikat Ali. I doubt very much that the Princes will be able to pull on with us.

Maulana Shaikat Ali: I accept your challenge.

Sardar Mangal Singh: Well and good. I further submit that the people of the States are nowhere in the picture. There will be only the representatives of the Princes. What about the people of the States? If they agitate against the misrule of a Prince, they are to be silenced by the guns of the British Government. If there is any trouble for the Prince, the whole might of the British Government goes to help him. But if there is a misrule and if there is a tyranny on behalf of the Prince, the poor people are to be told: "We are not going to interfere with the internal matters of the State." This is very unsatisfactory and the people of the States ought to be protected. I submit that it is they who require protection from the hands of the mighty Princes who have enjoyed these privileges for a very long time.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already had five minutes.

Sardar Mangal Singh: I shall conclude my remarks soon. I would submit to the Government that if you want our co-operation, if you value our confidence and if you value our cordial friendship, then you should advise His Majesty's Government not to proceed with the present legislation and call a Conference here. It should not be a Round Table Conference. We cannot accept anything from a round table conference which is already round. You should call a square conference and give us a square deal and let us there hammer out a constitution, otherwise there will be mistrust and bitterness in the country. Sir, the future generations will solve this question for themselves. After all, this communal question is a temporary question. New generations are coming very soon who hate this communal question and who will hate this wrangle. They will brush aside this communal aspect and will free the country. You know what I mean by saying this. It is from that point of view that I appeal to the Government to advise His Majesty's Government not to proceed with the present legislation and call a Conference here and settle this question.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Sir, I rise to support the amendment moved by my leader, Mr. Desai. I am somewhat handicapped by the fact that the psychology behind the speech is not unfortunately shared by the younger section both in his Party and outside it. He has stated in this House that the British Government in the Joint Parliamentary Committee Report has accepted the principle that self-government should be there for India and that should be in the form of responsible government. Sir, Englishmen are very good in stating first principles. When I heard this, the story of the condemnation of Lord Hastings in the House of Lords came to my mind and also the graphic description given by Lord Macaulay of the same. There was absolute unanimity in the House of Lords that those who committed atrocities should be punished. The major premise was voted. Then, there was absolute unanimity on the minor premise that Lord Hastings was a perpetrator of crime. But the Englishmen are after all Englishmen. Immediately they saw that the conclusion would be something terrible to their political instinct, suddenly they managed to give a grant to Lord Hastings. That is the position today. At the time when the first Round Table Conference was concluded, the Prime Minister made a statement on behalf of the British Government and he stated very clearly that the constitution would be such as would lead to full responsibility, and the right of the Indian nation to have its say and the right of the Indian nation to complete freedom was further acknowledged at the time when the Gandhi-Irwin Pact was negotiated in this very city. That was the minor premise. And when we come down to the time of the third Round Table Conference and further to the time when the Joint Parliamentary Committee Report has been signed and published, what do we find? The moment the framers of this report find that the real transfer of power from the hands of the blood-sucking Bureaucracy to the real representatives of the people would mean ruin of their commerce, the ruin of their vested interests and the complete ending of the ruthless exploitation, we have everything but responsible government. We have everything except freedom in this Joint Parliamentary Committee Report. I, in my own humble way, have tried to read from cover to cover and I do

[Mr. N. V. Gadgil.]

not share the views that have been just expressed by my Honourable friend, Sardar Mangal Singh, that there is some advance to be found in it. I do not find that advance. It only means that all commercial vested interests of the British people have been consolidated. The rights of the British people to come and serve and practically take away all the good jobs in every branch of administration have been consolidated. Take the British army. Well, it is there. What are the safeguards? To put them in a nutshell, I would say: The safe has been well guarded; all money interests belonging to the British community have been well guarded, and the British guard is safe under the proposed constitution. That is the meaning, as I understand, of the word "safeguard". It may be a funny meaning, but I claim to say that that is the real meaning of the word "safeguard".

Dr. R. D Dalal: Safeguard means "emergency power".

Mr. N. V. Gadgil: The Governor or the Governor General has got his special responsibility and discretion and on the top of it individual judgment. I think the mightiest monarch might aspire to be the Governor or the Governor General under the new constitution. What is this individual judgment? It was not there in the Joint Parliamentary Committee Report, it was not at the time of the first Round Table Conference or the second Round Table Conference or the third Round Table Conference, but it quietly comes in the Bill. Possibly, it may be, that if the Governor or the Governor General in his discretion gives a certain decision, and decision is bound to be judicial and it might serve as a precedent for the future Governors or Governors General and, therefore, the autocracy might be somewhat diluted. The insertion of the words 'individual judgment' is there. Translated, the phrase 'individual judgment' means complete autocracy, the sweet will of the Governor and the Governor General. We are told that this is responsible Government. I find from the sections in the Bill as well as from the corresponding paragraphs in the Joint Parliamentary Committee Report that the Instrument of Instructions will direct the Governor General to select Ministers as would command the confidence of the House. There are to be 250 from British India and 125 from the Indian India. He has only to nominate men as would command a majority. What is there to prevent him from nominating or choosing all the ten Councillors from the representatives of the Indian States because they will be 125 and with a few reactionaries or they may be called the progressives or for the matter of that with a small group of sixty, he can carry on the administration with his Ministers, chosen from the States representatives, and they cannot be turned out for the provision is that, if there is a two-third majority claiming to have no confidence, then alone the Ministry could be turned out. If we total up the figures, a solid block of 225,—125 from the Lower House and about 100 from the Upper—they alone could keep the Ministry in power at complete defiance of the people and of those who have been really elected on popular franchise. That is the central responsibility. I submit, Sir, that the whole thing is an attempt not to give anything. The English language, a great cynic has defined, is meant for men not to give out their thoughts but to conceal them. That seems to be very correct so far as the Joint Parliamentary Committee Report and the Bill

drawn on their provisions go. I submit that nobody can accept such a constitution. Even the Liberals have not accepted it. Appeals have been made in this House in the name of co-operation and argument and logic and all these sorts of things have been expressed in this House. I can only point out to Allahabad and Bangalore where the victims of the policy of co-operation are sitting quiet. The greatest co-operator—the Right Honourable Srinivasa Sastri—I still remember his ringing voice in the Federation meeting at Poona, stating very vehemently and completely that if this was the constitution, if this was the scheme, it would be political suicide to co-operate with the Government. That was the position of the Liberal Party and I feel that is still their position. I am somewhat slightly surprised to read the amendment given by my Honourable friend, Sir Cowasji Jehangir, which is not exactly in terms of the Resolution that was passed there in the Federation and, in very strong, if not in seditious language, supported by Sir Cowasji Jehangir himself. (Laughter.)

Sir Cowasji Jehangir: If the Honourable Member will read my amendment, he will find that it is very much the same as the Resolution passed at the Liberal Federation.

Mr. N. V. Gadgil: It is not the same, anyway; that is conceded. (Laughter.) I submit, Sir, that the Indian National Congress stands for real transference of power to the people, namely the masses and to stop the present system of ruthless exploitation. What the scheme really does is this. It is not progressive realisation of responsible self-government, but progressive realisation of ruthless exploitation in the interest of British commerce and in the interests of the British nation in general. (Hear, hear.) I submit, Sir, the immediate objective of the Congress is to stop this exploitation though the ultimate objective is complete independence and I stand by it to the full. I refuse to believe that any country, howsoever mighty it may be, can confine within the four corners of a preamble the political destinies of a great country, peopled by one-fifth of the human race. Coming to the immediate objective, as I said, of the Congress, it is to stop the economic exploitation and politically it means, therefore, the severance of British connection. I make no secret of it; the younger section stands for it and it will struggle for it and, if necessary, it will lay down its life for the same. (Hear, hear.) Those who make a fetish of the British connection, those who have been hugging to it, I ask them what is their reward? What for have they been co-operating? They co-operated with the Government during the last Great War, they sent hundreds of Indian soldiers to be butchered on the fair fields of France and Flanders to make an English holiday, and what is the result? (Cries of "Order, order" from the Official Benches.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not in order in using such language.

Mr. N. V. Gadgil: I obey the ruling of the Chair. I say that those who make a fetish of the British connection think that if the control of Great Britain were to be withdrawn from India, the Hindus and Muslims will fight with each other. If the process of history requires that the Hindus and Muslims cannot settle their problems without going through this orgy of bloodshed, I, for one, am quite prepared for it, but not under

[Mr. N. V. Gadgil.]

the ægis of the British rule. (Hear, hear.) Let the British go out. We, Hindus and Muslims, will fight, and after sufficiently exhausting our strength, we will come to our senses and know that it is much better to sit at a Round Table Conference, among ourselves, and evolve out a plan in which a national system of Government, giving complete freedom to the masses will be chalked out. Therefore, when references are made to the Communal Award and when a Sikh Member had something hard to say about the Muslim community and when a Member belonging to the Muslim community had something hard to say about the Hindu or the Sikh community, I found very subtle smiles on the faces of the English element present here and it pained me very much. I submit that the Indian masses have suffered very much and the measure of the magnificence of this Hall is the measure of appalling poverty and misery which any one can see by going a few miles into the interior of this Delhi province, then one can very well realise what is the measure of responsibility that is offered to us in the Bill. You talk about what the British rule has done in India. You say it has brought peace and order. I wish it had not done that, for in that case, we would have been more brave and we would have solved our problems much quicker instead of living like slaves for ever with golden chains or silver chains. What is the net result of all this policy of exploitation? Gold is gone and if this policy is continued, permit me to say, Sir, that the only gold that will be left will be the Chair that we saw the other day in this Assembly Chamber. I submit, therefore, that in the name of the masses themselves this exploitation should come to an end and there must be real transference of power. In the Federation what do we get? The power is not really transferred. What is it that is pretended to be transferred and to whom is it transferred? The Princes will hold the key to the whole political situation in the coming Federation. They have already stated that the British want them to be there in order to have a stable and strong Government.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has exceeded his time. The Chair will give him two minutes more.

Mr. N. V. Gadgil: I will try to finish in two minutes. The Maharaja of Nawanagar has stated quite plainly that the States cannot make this contribution to having a stable and strong Government unless they are themselves left strong and stable. We had enough experience of strong government. With me the equation of strong government is government by ordinances, government under one pretext or the other, or, in substance, martial law. About the Indian States I do not wish to say much; if anybody wants anything I will direct him to my Honourable friend, Mr. Gauba, who will give plenty of information about the deeds and misdeeds of these gentlemen. (Laughter.) Now, I put it, that the representatives are going to be the representatives of the Princes, but where are the people? They are eight crores,—a little less than one-fourth of the population of India. Are you going to tax them or not? As I find in the report that they will be taxed, directly or indirectly, you are going to violate the very first principle of constitutionalism. They are to be taxed, but there is going to be no representation. We tell them that we want their money; we tell them that we will utilise them if there is a war; we will take their services, but as for representation their representatives will be the great

Maharajas and Chiefs and their nominees in the Upper as well as the Lower Chamber. They are not to be removed, and somebody said that, the nominated bloc is going. It is not going; they do not die a political death without leaving an issue. (Laughter.) They are there, 125 in the Lower and about 100 in the Upper. And what sort of issue? It is a stronger issue. It may be that in this bloc we will not have a Mr. Joshi to illuminate the utter darkness of helpless voting, but if the scheme materialises in the order which is to come, they will be there, ordered to vote as per their master's dictates. Theirs will not be to reason why, theirs will be only to vote as directed. That will be the position. Taking all these things into consideration, I can only say that we do not want it. Take it back; I will not add to that the words used by my Principal, Dr. Paranjpye, "and be dammed", because it will not be very polite and parliamentary.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 5th February, 1935.