

Thursday, 6th September, 1934

THE  
COUNCIL OF STATE DEBATES

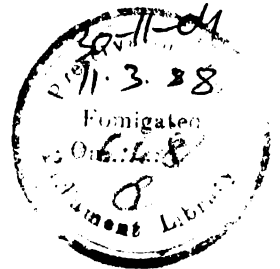
VOLUME II, 1934

*(8th August to 6th September, 1934)*

EIGHTH SESSION

OF THE

THIRD COUNCIL OF STATE, 1934



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# COUNCIL OF STATE.

Thursday, 6th September, 1934.

The Council met in the Council Chamber at Viceregal Lodge at Half Past Ten of the Clock, the Honourable the President in the Chair.

## QUESTIONS AND ANSWERS.

### WITHDRAWAL OF THE SURCHARGE ON FREIGHT ON COAL.

234. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state whether they intend to withdraw the surcharge on freight of coal in the near future? If not, do they propose to charge surcharge on anti-telescopic scale for long distance traffic? If not, why not?

THE HONOURABLE SIR GUTHRIE RUSSELL: I would refer the Honourable Member to the remarks made by me on this subject when presenting the Railway Budget for 1934-35 to this House on the 19th February, 1934. The statistics that have been compiled regarding the long distance traffic are under examination and I am not in a position at present to make any announcement on the subject.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: How long have they been under consideration; it is past two years?

THE HONOURABLE SIR GUTHRIE RUSSELL: The statistics were obtained about six weeks ago.

### RAMGANGA RAILWAY BRIDGE, EAST INDIAN RAILWAY.

235. THE HONOURABLE SAIYID RAZA ALI: (a) Is it a fact that during the monsoon the traffic between Moradabad at one end and Rampur and Bareilly at the other end passes over the Ramganga railway bridge as the boat bridge is dismantled about the middle of June?

(b) Has it come to the notice of Government that the railway bridge remains closed not only 15 or 20 minutes before the passing of trains but for periods varying from 45 minutes to two hours and that passengers are held up at either end? If not, do Government propose to make inquiries in the matter?

(c) Is it a fact that on the 2nd July, 1934, the bridge remained closed for about an hour and a half between 10-20 P.M. and 11-50 P.M. though no train passed after 11 P.M.?

(d) Do Government propose to build an overbridge for vehicular and other traffic?

(e) If not, do Government propose to arrange for proper announcement of the period of closure of the bridge at the time it is closed?

( 701 )

THE HONOURABLE SIR GUTHRIE RUSSELL: I am making enquiries from the Railway Administration and will lay a reply on the table in due course.

I shall also advise the Honourable Member the results of my enquiries from the East Indian Railway.

### INDIAN ARMY (AMENDMENT) BILL—*contd.*

THE HONOURABLE THE PRESIDENT: The debate will now be resumed on the Indian Army (Amendment) Bill.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated Indian Christians): Sir, this amending Bill is necessitated by the Indianization of the army which we are all anxious to have, and it contains the necessary provisions, which are reasonable. Under clause 7(2) His Excellency the Commander-in-Chief has no power to dismiss an Indian commissioned officer. Clauses 40 and 41 give the right to complain to His Excellency the Governor General against an act of a superior. The main controversy against the Bill has raged round the status, promotion and pay of the Indian commissioned officer. As regards pay, one of the main reasons for Indianization is to reduce the cost of the army and we cannot in reason complain if it is the same as that which the British officer gets in his own land. As regards status, there will be no difference between the British officer and the Indian commissioned officer. With regard to promotion, that will depend upon merit coupled with seniority. As His Excellency the Commander-in-Chief has stressed, this is an experiment which we are now trying, and caution should be our watchword. To use a Latin expression, let us hasten slowly. Any mistake committed now will be fraught with serious danger. His Excellency has proved himself a real friend of India and we can safely rely on his judgment as to what is fit and necessary. To give only one instance of his solicitude for the good of India, his predecessor declared that he could not consent to the reduction of a single rupee in the army estimates, whereas His Excellency has cut down the estimates by more than Rs. 10 crores. We can trust him to do what is just and proper in the circumstances. The speeches of the Honourable Members here and some of the speeches in the other place have left the impression on my mind that the establishment of the Military College at Dehra Dun is a huge blunder, and that the product of the Academy will be neither fish, flesh nor good red herring. There is no doubt that a subconscious feeling exists in many minds that the *Swadeshi* product will be looked down upon by the *Videshi* article. Sensitive young men will have this feeling, and in order to remove it they should be given equal status with the British officer. In times of danger and difficulty the absence of equality of status and opportunities of promotion might cause great trouble. Suppose in an engagement the commanding officer who is a King's commissioned officer happens to be killed and the next in command is an Indian commissioned officer. Will he automatically step into the command or will a King's commissioned officer who is junior to him go over his head, or are orders to be awaited from headquarters as to who should be in command? Will the enemy be good enough to withhold operations till this question is settled? A soldier's ambition is to win glory in battle, and the Indian commissioned officer will be deprived of it when the opportunity offers itself if he is not allowed to

step into his senior's place as a matter of course. My own view is that in order to be equal to a British officer in all respects our young men ought to be trained in Sandhurst and Woolwich. There is something indefinable and valuable which those trained there get, but which cannot be got out here. Any amount of book learning and passing of examinations will not give that training and that outlook which can only be got in such military schools as Sandhurst and Woolwich. The Indian youths who go there meet not scores but hundreds of British youths, mix with them, take part in their games, and above all, sit at the same table with them. The mess is a great institution which brings people together and makes them brothers. Here in Dehra Dun you will have at the most a few scores of young men belonging to different communities and religions. Is it possible to postulate that the conditions obtaining there will obtain here? Even as it is I see a danger ahead. Now our young men have a common mess and common food, but a time will come when the numbers will increase and the *Sanatanists* and *Maulvis* will poke their noses in, and cry "Religion is in danger" and insist upon different kinds of food being prepared and served by different cooks, with the result that there will be a number of messes, a beef mess and a pork mess and, shall I say, a brinjal mess. Some years ago I visited the Serampore College and I found three different messes. The principal who kindly took me round called them mustard oil mess, *ginjelli* oil mess and cocoanut oil mess. The reason was the Bengalis wanted the cooking to be done in mustard oil; students from my part of the country were partial to *ginjelli* oil and those from Malabar, from which the Honourable Sir Ramunni Menon hails, insisted upon having cocoanut oil.

THE HONOURABLE DIWAN BAHADUR SIR RAMUNNI MENON (Madras : Nominated Non-Official) : May I remind my Honourable friend that the cocoanut industry is in very grave peril ?

THE HONOURABLE SIR DAVID DEVADOSS : In order to sink all religious and racial differences, our young men should be sent to England for their training. Then only will they imbibe the spirit of comradeship which is vital to the discipline and efficiency of the army. Let me illustrate my point. The public schoolboy acquires something which a board schoolboy misses. The former gets a training which befits him for the command of men by teaching him to have a command over himself. His games teach him to do team work and to strive not for his own ends but for the cause he stands for. The board schoolboy may have more book knowledge, but in the race of life he is left far behind and in difficult circumstances he is unable to rise superior to them. There may be exceptions but the exceptions prove the rule. Notwithstanding this handicap I would earnestly appeal to the Government that in order to make the Indian Sandhurst a success not to make any distinction in regard to status and promotion between the King's commissioned officer and the Indian commissioned officer. The British youth nowadays has a broader outlook and will not hesitate to work under his Indian brother officer. We belong to an older generation and let us not import our notions and prejudices into the new experiment which is of vital importance to India and the British Empire.

Sir, with your permission, I want to make an appeal to His Excellency on a matter which affects my presidency very much. It may be said, Sir, that it



[Sir David Devadosa.]

is not quite relevant to the Bill, but as the question of policy has been discussed at great length, I will say a few words. Sir, this is about enlistment of the Madras in the Indian Army. It is a well known fact that the Madras sepoy is a person who distinguished himself in many engagements; from the time of Lord Clive we know what part he played in the Battle of Plassey down to the time of the great Indian Mutiny, which he helped to suppress. Even during the war in Mesopotamia the Madras men distinguished themselves. The policy recently has been not to enlist any Madras to the Indian Army, but on the other hand to disband almost all the Madras regiments. Sir, I make this appeal on more than one ground. First, the martial spirit of the Madras is yet alive; it has not been killed, and secondly, on economic grounds also I urge that the Madras should be enlisted in the army. Sir, Madras contributes a very large portion of the revenue and naturally it expects a portion to be spent for the benefit of her people. By not enlisting Madras men, they lose the advantage of serving in the army and getting the benefit of it. Another point is that the cantonments are all in the north. If cantonments are spread all over the country, the whole country would benefit. There is another point that I would also urge. It is not quite safe to enlist only one set of people in the Indian Army. No doubt so long as the British Army protects us there would be no danger. Let us hope that that army will continue to protect us for a very long time. Supposing there is some trouble and some man like Hyder Ali comes up and creates trouble, the rest of the country will be helpless; we would be at the mercy of people in the north. Therefore, Sir, in the interests of peace and security I would strongly urge upon His Excellency—and this will be the last occasion for addressing him in this House—to consider this matter and do justice to the Madras people.

Sir, times have changed considerably. War no doubt required men of muscle and bone, but now things have changed. Future wars, Sir, I think, will be not so much on land or at sea, but in the air and a man with intelligence and grit will be able to do much more than a man who has only bodily strength. Further I think the days of bayonets and bullets are over. Future wars will be fought with poisons and bombs. That being so, I do not see any reason why the Military Department should attach great importance to muscle and bone. Sir, may I also say, without wearying the House, that the Madras Government in their memoranda on the Simon Commission Report have strongly advocated the enlistment of the Madras to the Indian regiments. This is not only my opinion; it is the considered opinion of the Madras Government. May I also add, without saying anything out of the way, that the fate of nations will hereafter be decided not in Plasseys and Waterloos, but in the laboratories of the chemist and therefore, Sir, I ask that men of intelligence and grit should be taken into the army and Madras will supply that element.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, before I begin my observations on this Bill, I want to express that I hold His Excellency Field-Marshal Sir Philip Chetwode in great esteem (Applause), as the Field-Marshal has sympathy with Indian aspirations. We esteem him because the Field-Marshal has effected consider-

able savings in the army expenditure which his predecessors considered an impossible task. Sir, the Field-Marshal is not only a military expert; he is also a statesman and the other day he also tried to play the role of an advocate. Unfortunately the case which His Excellency had to advocate was a weak one, as facts being facts could not be done away with. The Indian Army Bill has evoked much greater interest in the general public and in the press than any other measure recently placed before the Central Legislature. Sir, the main provisions contained in the Bill have been equally condemned by the public as well as the press. The very fact that this Bill was passed in the Legislative Assembly by a narrow majority of three votes proves, notwithstanding the great efforts of the Government and the great part which leaders have played, that the Bill could not be piloted through easily. If I mistake not, the Honourable Leader of this House also played a great part in getting that Bill through in the other House.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House): Who?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: The Leader of our House.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: The Honourable Member has not the slightest reason for making that suggestion and I trust it is not an insinuation?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: In case that is not a fact I stand corrected. I said "if I mistake not".

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: I request him not to make matters worse by making such ridiculous statements.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Racial discrimination, Sir, is most undesirable. Even the Indian Penal Code was, if I mistake not, revised to put this in order. Sir, when the East India Company gained power and began to govern a portion of Bengal, it inaugurated a policy to ruin the industries and eliminate the martial spirit of our country. So much so that in Bengal no soldier could be easily found and even the police constabulary was mostly recruited from other provinces. Then, Sir, when the country came under the rule of the British Crown, the policy of discouraging the martial spirit in India started. Communalism in the recruitment of the army was adopted and intellectual people were not generally or readily accepted in the army sphere. Sir, my Honourable friend, Sir David Devadoss, has referred to this communalism in the army. Yesterday, the Honourable the Leader of the House, while speaking on the matter before this Council, observed that I did not belong to a martial tribe. I might inform the Honourable Member that, as he comes from one clan of Kshatriya Rajputs I come from the other and I can say that the members of my community even now hold British-commissioned ranks and Viceroy's commissioned ranks and have done very well indeed in the army. I might, for instance, say that General Hari Singh Nalwa who commanded the Sikhs was a gallant soldier and even now no Pathan dare slight his name.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON (Punjab: Nominated Non-Official): I wish the Nawab of Hoti was here!

**THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS:** If the Nawab of Hoti was here I would have said it in his face!

Then, Sir, as regards the Viceroy's commission, a number of men of my community have gallantly served their country, and I might give the name of Honorary Captain Risaldar-Major Kashinand. Sir, I have travelled all over Europe and I find that no such distinctions of community are made anywhere there.

**THE HONOURABLE SAIYID RAZA ALI:** It was made in the time of Aurungzeb and also in Vedic times. All the fighting was done by the Rajputs.

**THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS:** No, by Kshattriyas. I might mention, Sir, that, although I belong to a martial race, I do not believe that other tribes cannot do equally well. Sir, I know it as a fact, coming as I do from the Punjab, that the sons of some of the British trading firms in the Punjab now hold British commissioned ranks. Two are sons of tailors and one that of a cobbler—I do not see why this martial training should not be given to other communities.

Sir, His Excellency the Commander-in-Chief has compared us to the Dominions and said that we are giving the Indian commissioned officers the same status as the Dominion officers enjoy. In that connection I might say that India's case differs from theirs. India is not yet a Dominion and I do not think there is any near hope of her becoming one. We want Dominion status equal to what other Dominions enjoy and in case that status is given to us, then of course this Bill may be introduced. Sir, India had the privilege of enjoying British commissions from the very beginning and those people who had the privilege of serving in the army as British commissioned officers have rendered meritorious service and this fact I hope His Excellency will bear testimony to. Why should Indian officers be relegated to a junior position I cannot understand? Sir, we have in India even now with senior Indian British commissioned officers serving in various positions of responsibility and under them European officers are also serving. I believe, Sir, in the Indo-British comradeship, and I wish that the comradeship should continue. God has ordained us to work together and we ought to work together with faith in each other and with trust in each other.

Sir, my Honourable friend, the Nawab of Hoti, while speaking on this Bill, suggested a compromise and that compromise was that the present status of the Indian British commissioned officers should be retained and that say, six cadets for British commissions taken from the aristocracy of India and trained at Sandhurst as was the case before. I do not know whether that compromise proposal will be acceptable to His Excellency. I have already said, Sir, that in case this Bill is passed and the policy behind this Bill is adopted then, although the new officers will be called second-lieutenants all the same India will only regard them as dignified jemadars and subedars.

My Honourable friend Sir David Devadoss observed that the people from Madras should be freely taken into the army and that although they have not muscle and bone, they have got brains in their head. As far as Upper India is concerned, they have got muscle,

bone and intellect, and there is no reason why discrimination should be made in recruitment. During the war, Punjab was a great centre for recruitment. Owing to this discrimination, a lot of conversions took place. As far as my memory goes,—I collected these figures with care and I consider they are facts, but of course I speak subject to correction—that more than 50,000 people became Sikhs to go into the army. In the Punjab, Jats from the South-East Punjab are recruited, but Jats from Central Punjab unless they are Sikhs cannot be taken. That was the reason which led so many people to adopt Sikhism in order to enable them to get into the army. Similarly, a number of people became Christians and some adopted other faiths. Therefore, while a reform is being carried out, and while, as His Excellency has been pleased to remark, he wants to make this army a model army, let all classes be taken.

The subject-matter of this Bill was so ably and exhaustively discussed by my Honourable friend Mr. Sapru that he has not left much for me to say. I will not be long and I will finish my observations with a few questions which I beg of His Excellency to answer :

(1) Is it or is it not a fact that hitherto all Indians were granted British commissions, and what is the reason for this retrograde and reactionary step which is being taken now in this direction ?

(2) Is it or is it not a fact that in all Indianizing units, all British officers will be senior to the seniormost Indian officer and the possibility of a Britisher being under the authority of an Indian will be completely excluded ?

(3) Is it or is it not a fact that under the present scheme no more Indians will be appointed to non-Indianizing units and all Indians with King's commissions already serving in those units will be withdrawn from them and drafted into Indianizing units with the result that *ex hypothesi* no Britisher will be serving under an Indian in non-Indianizing units ?

(4) Suppose two units, one Indianizing and the other non-Indianizing, are stationed at the same place and an Indian commissioned officer holding the rank of a major and a British officer holding the rank of a captain come together on a non-social occasion, will the latter yield precedence to the former automatically ?

(5) Suppose an Indian commissioned officer holding the rank of a captain and a British officer holding the rank of a lieutenant in a British regiment are thrown together in their official capacity say, in the course of manoeuvres, will the former be able to claim precedence automatically and as a matter of right ?

(6) Suppose an Indian commissioned officer holding the rank of a major is in uniform and passes a British officer, also in uniform, holding the rank of a captain in a British regiment or in a non-Indianizing unit, will the latter be under an obligation to salute the former ?

(7) Suppose a general court-martial takes place, by accident or design, to be composed of an Indian commissioned officer holding the rank of a major, two Indian captains and two British officers holding the rank of captain, will the Indian major be automatically and as of right president of the court-martial ?

Of course, Sir, I can see that the last contingency will never arise but conflicts will arise under some of the other heads mentioned above. Unless Indians

[Rai Bahadur Lala Ram Saran Das.]

can claim precedence under those circumstances, no amount of camouflage will satisfy the demands of India's self-respect and national dignity. I might say, Sir, that as a policy started by the East India Company, the spirit of self-respect among Indians was tried to be eliminated. But, Sir, that self-respect is now reviving and India is regaining the glory which she enjoyed in the past. So, Sir, anything which affects the self-respect of Indians is now strongly resented. I hope, Sir, that His Excellency the Commander-in-Chief will reconsider this measure as a statesman, which no doubt he is, and will try to solve this question in a manner which may not lead to discontentment in India. Sir, I might mention that in the British Empire it is the civilians who are supreme and the military authorities are subordinate to them. So, Sir, this is not purely a technical military matter. It is a matter of policy, and I think it is legitimate for the Legislatures to deal with this side, as far as the broad policy is concerned. Right is might; not might is right.

With these remarks, Sir, I oppose the Bill.

THE HONOURABLE SAIYID RAZA ALI (United Provinces: Nominated Non-Official): Sir, there is a Persian proverb, *az mást ke bar mást*, which means, "We are the authors of that from which we suffer". I am forcibly reminded of that Persian proverb when going into the question of granting commissions to Indians and Indianizing the army in India. Sir, I must make it plain at the outset that I am by no means enamoured of the provisions of the Bill that is before us. But unfortunately, having regard to the course events have taken during the past nine years and more, I do not see any way of escape. His Excellency the Commander-in-Chief, in the course of his speech yesterday, referred to the want of experience of some at any rate of our political leaders. I, for one, Sir, while on this Bill, plead guilty to the charge. I have no doubt whatsoever that it was an evil day when the political wisdom of India in 1925 and 1926 decided to have an Indian Sandhurst at Dehra Dun and to train there young men of the country to whom commissions were to be granted afterwards. They were to be sent to Dehra Dun instead of being educated at Sandhurst. What does that show? That shows that whatever may be our acumen and our ability to deal with political questions, for reasons into which I need not enter, I do not think we have that experience or that up-to-date knowledge of military affairs which would enable us to take a sane and practical view. Had political leadership in India taken a long view of things, it would undoubtedly have declared itself against the establishment of any military college in India and would have insisted on our young men proceeding to Sandhurst to receive exactly the same kind of education as is given to English lads who want to adopt the soldier's profession. That unfortunately has not been done. Some of our best political thinkers were members of the Skeen Committee which made its report, the date of which is not given but I believe it was some time in 1927. A study of this report goes to show that our leaders in 1927 after mature consideration thought that the only way of expediting the pace of Indianization was to have a college at Dehra Dun which would enable us to train a larger number of young Indians than could possibly be found room for at Sandhurst. No doubt, Sir, they were guided by the best of motives. The further misfortune was that the mistake committed in 1927 was perpetuated by us in subsequent

years between 1927 and 1930. As this House knows, in the meantime the Report of the Simon Commission dealing, among other things, with Indian defence, had been published, and I need not describe the reception with which the Report of the Commission met. But it was unfortunate that we adhered to our insistence on having this military college. The Government of India, to their credit it must be said, in their despatch dated 20th September, 1930, reviewed the whole position very dispassionately, and though some of us are found today to be the loudest in our denunciation of the present Bill, yet it is refreshing to remember that this aspect of the question was put before the Secretary of State by the Government of India themselves. I cannot say that the whole Executive Council of the Governor General was united on that question, but to his credit it must be said that there was at least one Indian member on the Governor General's Council who emphasised very properly the point of view that is suggesting itself to the opposition today. At page 141 of that despatch of the 20th September, 1930, it is said :

" One of our Indian colleagues has expressed the view that it would be better that India should continue for some time yet without a military college of her own, than that Indian officers should come to be regarded as possessing qualifications inferior to those of their British contemporaries in the Indian Army. He fears that this argument of inferiority"—which, Sir, is just the argument that has been threshed out for the past two or three days—" might be used to retard the pace of Indianization in future, and he observes that if it is found necessary for young Indians appointed, for instance to the Indian Civil Service, or the Forest Service after open competition in India, to be sent to Europe for further training, a period of training in England would seem equally necessary for young Indian officers of the army ".

The Executive Council it seems attached so much importance to the views of this Member that they have proceeded to give further expression to his views later on. I will crave permission to quote only one more passage.

" He further urges that inasmuch as any expansion of Indianization will involve a decrease in the number of British officers of the Indian Army, there should be less difficulty in accommodating an increasing number of Indian cadets at Sandhurst. If therefore His Majesty's Government could arrange to secure the admission of Indian cadets to Sandhurst to the extent which the progress of Indianization required, there would be grounds for postponing the establishment of an Indian Military College for a considerable time to come. An Indian military college is moreover bound to be expensive, both in its capital cost and in its recurring charges, if it is to be founded and maintained on lines comparable to Sandhurst. He anticipates that, from the political and financial, as well as the military points of view, the alternative of retaining Sandhurst may find some support ".

Unfortunately, Sir, Indian political opinion declared itself against it. The question, as Honourable Members are aware, was taken up by the Sub-Committee of the Round Table Conference on Defence ; and there again, in spite of the fact that some most prominent Indian leaders were there, it was decided that in order to give effect to recommendation (a) at page 87 of the Sub-Committee's Report—

" A training college in India be established at the earliest possible moment in order to train candidates for commissions in all arms of the Indian defence services. This college should also train prospective officers of the Indian State Forces ".

Now, by virtue of this recommendation a Committee was appointed by the Governor General in Council consisting of the representatives of British India as also of the Indian States, and that Committee, as we know, was presided over by His Excellency the Commander-in-Chief. That Committee went into

[Saiyid Raza Ali.]

the whole question very carefully and has made certain recommendations and to a very large extent those who are responsible for the policy of the present Bill have taken very carefully into consideration the recommendations made by the Indian Military College Committee presided over by His Excellency.

Sir, if I had a clean slate to write upon, I would write, "No Dehra Dun; no College at Dehra Dun". I would send all young Indians to Sandhurst and Woolwich to be trained there, even though it retarded the pace of Indianization, because I am convinced that if you train young men, either for civil or for military duties, in two different countries, it is impossible for standards in both countries not to differ. You are bound to have different standards. That is the reason why so many men who come out successful in India in competitive examinations are sent to England for a period of training as probationers. But unfortunately we have not got a clean slate to write upon. What are we to do? Is it possible to abolish the Military College at Dehra Dun, on which a very large sum of money has been spent? The obvious answer is "No". The experiment must obviously be given a trial and if you are to give the experiment a trial, I do not see what alternative you can adopt except to proceed on the lines and on the policy embodied in the present Bill. I need not repeat that the present Bill is not an ideal one; it is by no means a perfect Bill. But what else can we expect under the circumstances? The Bill makes an honest attempt—everyone will have to agree—to solve satisfactorily the present problem, the problem as the Government of India has found it today circumscribed by public opinion on all sides. Therefore I think it is by no means unreasonable to expect that the Bill will find that measure of support to which it is entitled. In the course of the debate that has proceeded on this Bill reference was made to the question of pay. I have a very few words to say on that question. Sir, if Indians expect to get the same rates of pay as those which are allowed to Britishers who come out to this country at very considerable inconvenience to themselves—at the sacrifice of their health and personal comfort—they are very sadly mistaken. Not only that; I have no hesitation whatsoever in going further and saying that it is decidedly unpatriotic for an Indian to claim the same rate of pay as that which is granted to a European, I should say, Britisher, doing the same sort of work. In passing, I would refer to the Resolutions passed by the Indian National Congress beginning right from the year 1885 when the first meeting took place down to the year 1907, emphasising, emphatically urging that Indians should be paid less than Europeans for doing the same work. The Indian National Congress no doubt principally had the civil departments in its mind. But what is true of civil departments is equally true of the army.

I would make, Sir, only one more reference to the speech of His Excellency the Commander-in-Chief. He spoke very spiritedly yesterday. Having sat in this Council for a very large number of years, I would urge my colleagues to take into consideration not so much the letter of the speech of His Excellency as the spirit by which His Excellency was guided. The Commander-in-Chief is a distinguished soldier. We know soldiers are in the habit of not mincing matters but saying what they feel. They are not in the habit of calling a

spade an instrument for cutting ; they call it a spade. But after all it is not so much the language as the substance that matters. It is the spirit which should be taken into consideration by us. In this connection I might mention what happened to me when I was a junior member of the Bar. Years ago, Sir, when I was a junior member of the Bar, like most juniors I spent most of my time in reading law—various Acts of the Legislature, Indian Law Reports and Case Law in particular. As ill-luck would have it, clients had a habit of coming to me in those days explaining their cases, which I was very glad to take up ; and winding up by saying, “ You might in this connection look up 5 Indian Cases, page 379 ”. Now, Sir, that was to me what a red rag is to a bull, and I assure the House if I could have afforded it I would have given up the brief ; but unfortunately it is not open to any struggling junior to give up a brief. What I mean—

**THE HONOURABLE THE PRESIDENT :** May I remind the Honourable Member that we have got three important Bills to dispose of ?

**THE HONOURABLE SAIYID RAZA ALI :** Sir, I was dealing with the most important part of my personal story ! (Laughter.)

I will shortly bring my remarks to a close. Sir, I revolted against the idea of a man who knew nothing about law, which was my profession, which was my business, which was my concern, telling me as to what ruling would be helpful to me and where it was to be found. I, for one, have no doubt whatsoever that the feelings of His Excellency the Commander-in-Chief are very similar to the feelings which I had about 25 or 26 years ago of resentment against the client telling me where the law favourable to him was to be found. But we know that His Excellency is very friendly ; he has done a lot for the country. We also know the ways of soldiers. Perhaps this House knows as to what passed between Lord Rawlinson and Lord Inchcape when the latter presided over the Inchcape Committee, the Retrenchment Committee in 1923 ; hot words were exchanged, but that did not mean that any unpleasantness was left behind. Similarly I do hope that His Excellency's speech will be taken in its true spirit, and I appeal to His Excellency who, after all, moulds the military policy of India, to help India to his utmost. I gratefully acknowledge that His Excellency has done a lot for the country. I do not want to repeat what has been said, but the real time when India will stand in need of His Excellency's help will be after the provisions of this Bill are placed on the Statute-book and when they are put into force. I have no doubt that His Excellency will do what he can to make the path of deserving Indians who pass out of Dehra Dun easy and as long as His Excellency is in this country no more will be heard of invidious distinctions between British officers of the Indian Army serving in this country and Indian officers who have qualified at Dehra Dun.

Sir, I support the Bill.

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF :** Sir, before I reply to the many remarks that have been made on this Bill which I am piloting through the House, I would ask your leave, Sir, to make a short personal statement. Yesterday we were all engaged in a debate that could be correctly described as lively, brisk, or by other journalistic phrases. Members of the Opposition who opposed the Bill threw fighting speeches across the floor of the



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House at me, and I enjoyed it ; but I am a fighting man, and am always ready to stand up to them, toe to toe, and give them back as good as I get, and better if I can. I shall seldom win, as I have neither the fluency nor the Parliamentary experience of many of my Honourable colleagues opposite.

But I am the last, Sir,—in fact I should be very unhappy if I thought that anything which I said in the House yesterday left a feeling of soreness and injury behind. I am the last to wish to do this.

My Honourable friend, Sir Fazl-i-Husain, informed me last night, and I have been told since, that Honourable Members opposite took exception to a phrase of mine in which I employed the expression “irresponsible criticism”. After breakfast this morning, the reporter’s version of the debate was put in my hand, and I looked it through and found that I had never used that expression at all. If Honourable Members thought that, in anything I said, I meant that they as responsible politicians were not sufficiently responsible to offer criticism, or that they had not every right to do so if they wished, I unreservedly withdraw it.

Now, Sir, I will endeavour, although it is rather a hard task, to refer to some at any rate of the remarks that have been made by Honourable Members on this Bill. I have tried very hard to take notes as they made them but what with the noise of Members constantly going out, which in some cases when Honourable Members opposite are speaking assumes the appearance of a flood, and what with the noise the *jampanis* make outside and being rather deaf myself, I do not think I was able to catch everything they said. But although they ranged over a very wide field and many of them had not much relation to the Bill, I will try and refer only to those points which struck me as being either of major importance or—no I will not say new to the discussion because they certainly were not. I still think Honourable Members opposite were inclined to make mountains out of molehills again, and they certainly were inclined to impute motives to Government and to me which have no foundation in fact, and to weave into our intentions a deliberate insult to Indians which I can lay my hand on my heart at any rate and say I had not the slightest intention of offering.

I think we can say that the most important points that came up resolved themselves under three heads—at least those three seemed to me to run as a constant theme through the speeches of most Honourable Members. The first was their reiterated demand for absolute equality of status for the new Indian commission with the full King’s commission. The second was a demand for equality of pay, pension, and leave rules.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU (United Provinces Southern : Non Muhammadan) : Not of pay.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : And the third was, rather to my surprise, a renewed demand that the English Sandhurst and Woolwich should again be opened to Indian cadets. Well, I will take these in order.

All the speakers were inclined to put the blame on the Government of India, and on me as their adviser, for the fact that the new commission does

not in fact carry absolute equality of status. I did not say, and I never have said, that we ever intended that there should be at this moment complete equality of status, for, as I have already explained, no one responsible for so big a thing as the defence of India could possibly agree that such complete equality should take place at first. But what they do not give us credit for is that it was quite impossible for us to over-ride the King's prerogative and give power to the new Indian commissions over full King's commissions. That was never even dreamt of when the King's commissions were first granted, and when I say this I am referring of course to the full King's commissioned officers of the British Service, who come into the picture when we talk about mixed brigades and mixed formations which we have heard so much about in this debate.

Now, we have already advised, Sir, that there shall be full reciprocity between the commissions in the Indian Army. That has been accepted, and I venture to think that this is a very big concession indeed and one which I take leave to think a few years ago no one in this House or in India ever dreamt we should have conceded. It is not a case of racial discrimination or inferiority. It is the fact that a full King's commission confers powers and privileges of which we are naturally very jealous, and we who had our King's commissions a few years ago never thought that we should come under the command of any Dominion officer or any Indian officer. If that is so, I think if we are prepared already to have full reciprocity between those commissions in the Indian Army, we have indeed gone a long way from that position.

Another victim of the indignation of Honourable Members opposite has been again the War Office. I would again repeat, Sir, that the War Office do not dictate to me or to the Government of India their policy, but, Sir, when it comes to a question of their own King's commissioned officers being subject to a command which was originally never intended, surely they have just as much right to stick up for their own officers as you have to stick up for what you consider to be the rights of yours. Surely that is just. It is obvious—and it has been admitted by most speakers—that there can be no question for a very long time of command of mixed formations, and if we think, when that time arrives, that Indians will not have proved themselves to their brother British officers to be fully equipped to take command if necessary, well, then, we had better shut up shop altogether before it is too late and confess that both you and we have been wrong. I for one do not feel that.

The Honourable Mr. Sapru persisted in referring to the Act as an Act by which regulations would be made. I thought I had made myself quite clear that the Act had nothing whatever to do with them, and that regulations would be made in future by alterations in the King's Regulations which would confer that power. He referred also to the Report of the so-called Rawlinson Committee. I wonder if he knew what statements were made in that Committee? That report has never been published—it is a secret document. The evidence was taken *in camera* and a great many Indians gave us opinions in that Committee which are hardly in consonance with the ones they are in the habit of expressing now. He also referred to what he called the opinion of the Defence Sub-Committee of the Round Table Conference. He was right—that is what it was. But I am unaware that the Round Table

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Conference had any power of passing orders, or for the matter of that any power of binding those who came after them, any more than one Government can bind the Government which succeeds it. Their views were merely expressions of opinion.

Many Honourable Members were anxious that exact rules should be laid down in the King's Regulations specifying the occasions on which subordinate commanders would grant extra powers to the officers with Indian commissions. What I imagine will be the case is that the King's Regulations will give general powers to the Commander-in-Chief and the Commander-in-Chief will issue detailed instructions under those powers defining, so far as he is able or so far as it is possible to foresee them, the different occasions on which it will be necessary to confer such powers on the Indian commission.

Some Honourable Members referred to the superior powers of the full British commission as being automatic. They are not automatic. They are conferred from time to time by special rules in the King's Regulations. Certain speakers accused the Government of springing this commission on the country and upon the country and suggested that it was a surprise to them. That is quite contrary to the facts. A communiqué to this effect was issued in July, 1932, and I find it on page 1466 of the Legislative Assembly debates.

The Honourable Mr. Sapru, and quite a number of other speakers, made what is to me the most surprising request that Sandhurst and Woolwich should once again be opened to Indians as well as their own Indian Sandhurst. I must say that my Honourable friend Sir Fazl-i-Husain told me a long time ago that this demand would arise. But he is a very wise politician and I am only a soldier. To me, as a soldier, who heard sitting in another place what appeared to me as a soldier bitter speeches and loud demands for an Indian Sandhurst, and the requests to know why India should not be considered capable of having her own Sandhurst, and make it just as good as we have it in England, it comes rather as a surprise to hear that there are still many advocates who would like to go back to the old practice. Most speakers went out of their way to emphasise the inferiority complex that would be experienced by boys who come out of the Indian Sandhurst *vis-a-vis* their comrades who come out of the English Sandhurst. If that be the case, why on earth do they wish to prolong and emphasise that difference? It seems to me that there is no sense in such a request. I may mention that the English Sandhurst and Woolwich accept no cadets at all from any other Dominion except New Zealand. That is because New Zealand has not got her own college, and you are now in the same position as the other Dominions.

I must confess that the Honourable Mr. Sapru became somewhat mixed I thought, or perhaps I did not understand him, when he was talking about the Dominions. For the life of me I cannot see what this status of the Dominions as opposed to the present status of India has got to do with the powers of commissions. If that is the case, one would imagine that the Dominions, feeling themselves so vastly superior, as the Honourable Mr. Sapru says they are, would be the first to object most strongly to the inferiority of the powers of com-

mand that their commissions confer on their own officers. I commended a great many in the war, New Zealanders and Australians. We fought together throughout the war alongside each other. I never heard the word "inferiority" mentioned on either side. I heard the word "superiority". I often heard the English claim they were better and the Dominion claim they were better. That is what we encourage in the army. We encourage people to think they are the best, and yet so many of you are trying to encourage your men to think of their inferiority. Such a pity, I think.

Again, Sir, the Honourable Mr. Sapru quoted as something better than India was going to get the fact that the Governor General in Canada had the power of deciding the occasions on which their commission should over-ride ours, or *vice versa*. If that is the case, why does he object to the Commander-in-Chief and his commanders deciding the same thing out here? After all, the Commander-in-Chief does not act on his own out here but under the direction of the Viceroy.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: May I just explain? The position in Canada is that the Governor General in Council, that is, the responsible Government, has power to decide the occasions on which command will be given in the interests of the unity of control to an imperial officer. That is very different from the position which is visualized here. Normally, it is the Dominion officer who has the command. It is reserved to the responsible Government in the interests of unity of control to decide the occasions on which command may be given to an imperial officer.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I thank the Honourable Member for his explanation, but I am afraid I still do not see much difference in it.

As I have said, it will be a very long time before the difficulty arises of command in mixed formations. But if it should happen to arise before the question should have been definitely settled by regulation, what is more easy than to ensure that the formations concerned have only Indianizing units, and we will remove the British units from them if they feel so strongly about it. That will remove the cause of friction. I am myself perfectly certain that friction will not arise.

The Honourable Mr. Sapru has asked for a definite, simple, direct statement of the occasions on which the power of commanders and others will be exercised to give Indian commissions special power of command. I cannot possibly give you every occasion on which that question would arise, but a few of the more ordinary ones would be such cases as garrison boards, garrison committees, garrison duties, such as officer of the day, station staff officer in places where there are such, junior and other staff appointments such as brigade major and staff captains, and so on, and, on those occasions, there is not the slightest doubt that the commander with the senior commission would obviously take precedence. On manoeuvres, I can scarcely believe for a moment that any one would be so small-minded as to object to command being exercised by the senior officer on the spot. In the case of staff officers, they will certainly have special powers given to them, as in the case of Dominion commissions, for you must remember that staff officers do not speak of their own volition; they speak with and for the mouth of their commander.

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One or two Honourable Members made use of what I think very disagreeable terms—"racial discrimination" and "segregation", both of which I strongly controvert. It is very fashionable among Indian politicians to refer to the present Indianization as segregation, and they do it purposely, I am afraid, because they mean by that term the disagreeable use of the word which we make when we segregate people for infectious diseases or something like that. I say to them again, as I have said so many times, that if we reverse the position, if they, and not we, were responsible for the safety of this country, and we were the new officers and they were the old, would they not wish to find out for themselves as quickly as possible whether we were going to be a success or not? If this is so, how many years would it take to find out if the two classes of officers were to serve together in the same units? It will take long enough as it is, but at least we intend that these Indianizing units shall be purely Indian as soon as possible, and we shall then see whether they can stand on their own legs or not. Otherwise, if they were mixed together indefinitely, we should never find out.

Now, I am very sorry to have to differ with my Honourable and gallant friend, Nawab Sir Mahomed Akbar Khan. He and I are old soldiers. We think alike. He made a special case for youths of aristocratic families being allowed special privileges for attending the English Sandhurst and Woolwich. I think the Honourable Member has forgotten, when he says that, how loudly India has cried in the past four years for democratic institutions. They have cried for it loudly and they are in process of getting it. I can only hope that those who cried for it will not find that they have exchanged King Stork for King Log. But if you have asked for democratic institutions and are going to get them you cannot have it both ways. You cannot have democracy in the civil services and elsewhere in India with equal opportunity for all and retain the army as an aristocratic preserve. But I will tell my Honourable and gallant friend, or I will get him to come behind the President's chair where we cannot be heard and I will whisper in his ear that I absolutely agree with him. He and I have served for many years in the army and we know that the people who make the best officers are the people whom God has born in that position. But we in England, I am sorry to say, have long ago departed from that position, and commissions in the army are now open to any one who can pass the examination or go through the ranks.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN (North-West Frontier Province: Nominated Non-Official): May I interrupt His Excellency for a minute, Sir. Even nowadays in England we know, Sir, that there are special cavalry and infantry regiments which are more or less the preserve of the gentry of England.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: That may be so in practice, but it has certainly never been officially admitted.

The Honourable Mr. Mehrotra again harped on the question of the War Office. I have already referred to that and I tell him again that it is not a question of the War Office in this case. It is a question of law, and the opinion of

the Law Officers of the Crown. Neither the Government out here, nor the War Office, nor I, nor any one else, can pass orders which encroach on the King's prerogative. The Honourable Mr. Mehrotra five times in the course of his speech said he had now come to the principal objection to the Bill. Sir, I am rather confused in my mind as to which was the principal objection, but one of his chief objections was the Indian officer getting less salary than his British comrade. I spoke about this yesterday, so I will not repeat what I said but will merely say again that I cannot for the life of me understand why a man serving in his own country should have the same salary as a man who is banished from his country; and I will say again that I cannot for the life of me understand why that should confer any sense of inferiority at all, when I myself feel no sense of inferiority from the fact that I and my officers of the British Service draw much less pay and pension than do the British officers of the Indian Service.

I could not hear much of what the Honourable Mr. Chari said, but he seemed to harp for a considerable time on the fact that the army out here was what he pleased to call an army of occupation. Well, if the phrase pleases him I make him a very kind present of it. I will only say to him that the efficiency and discipline of the army out here and its gallantry are one of the chief reasons why he has had a successful life himself and is sitting where he is today. It has been the means at any rate of ensuring that India is kept so quiet that His Majesty's subjects have been able to go about their lawful occasions without let or hindrance. He also talked vaguely about what he called automatic promotion. I do not know whether he means automatic promotion without efficiency or examinations. I have been for a long time in war in my life and I can assure him that it is dangerous enough with the trained officers we have without adding to the danger by automatic promotions.

The Honourable Mr. Hossain Imam again talked a great deal about the Bill doing an injustice by differentiating between Sandhurst and Dehra Dun. Now that, as long as I have any influence, I intend shall not take place in Indian units. If I hear of any young Indian gentleman who presumes to arrogate to himself superiority over his comrades because he has been at Sandhurst while his comrades have only been at the Indian Sandhurst he will find himself out of the army before he knows where he is, or he will remain in it with such a flea in his ear that he wont know where he is for at least a year. He has also said again that the army, in case of another war, will not fight for India; it will still be under the War Office and will go and fight for the Empire. If that Empire were in real danger again, surely India would be very foolish if she did not fight for it? Surely if the Empire falls, India falls with it? And if Indians complain about an inferiority complex under British rule, I wonder how they would classify that complex under German rule?

One speaker said it was quite ridiculous to say that we would give Indians full power of command for fear they might make mistakes in war. He said he had been reading Lloyd George's book, which I too have read, in which he said throughout the whole of one volume that all the generals, allied and enemy, were very stupid men who did nothing but make mistakes. I am quite sure we did make an infinity of mistakes, and I consider myself very fortunate in that I may have made fewer mistakes than others and am standing

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here perhaps because I had no opportunity of making more. But in that book Mr. Lloyd George never said one word about the ghastly and miserable failure politicians and statesmen have made in the affairs of the world in the 14 years they have had to reorganize it. We took four years to win the war, and I dare say we took too long. But the politicians have had 14 years, and you have only got to look around you in the world to see what a wonderful success they have made of it.

I seem to recollect, Sir, that when the commissions were given to the Indian Air Force and the Indian Air Force Act was passed, it was received with acclamation by both Houses of the Legislature in this country. If that is so, their present attitude to the Bill under consideration is absolutely incomprehensible. The Air Force Act which you passed and referred to in such glowing terms is exactly the same with reference to the Air Force as this Bill is with regard to the army. To my Honourable friend Sir Fazl-i-Husain, with all his experience of Indian politics, that may be an open book; but to me as a simple soldier it is one of those dark mysteries which I shall never understand.

I have now finished my remarks on what Honourable Members have said, and I can only hope, Sir, that what I have said will induce them to realise that this Bill is proposed and has been advanced purely in the interests of the army in India, an efficient army, and in no way is it intended to produce inferiority or a feeling of inferiority in any of our future Indian comrades.

THE HONOURABLE THE PRESIDENT: The Question is:

“That the Bill further to amend the Indian Army Act, 1911, for certain purposes, as passed by the Legislative Assembly, be taken into consideration.”

The Motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

THE HONOURABLE THE PRESIDENT: The Question is:

“That clause 5 stand part of the Bill.”

The Honourable Mr. Sapru and two other Honourable Members have given notice of an amendment, and I would like the Honourable Member to deal with the question of law only at present—whether this amendment is admissible and within the competence of the Government of India Act.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU (United Provinces Southern: Non-Muhammadan): Sir, so far as the question of law is concerned, I will put my case before you. The Indian Legislature, as we know, is a non-sovereign Legislature. It derives its authority from an Act of the British Parliament and the limits of the powers of the Indian Legislature are enunciated in section 65 (1) (d) of the Government of India Act. We have therefore to see whether there is anything in section 65 (1) (d) which prevents this Legislature from dealing with my amendment. Section 65 (1) lays down,—I will not read clauses (a), (b) and (c),—I will read (d):

“The Indian Legislature has power to make laws—

(d) for the government of officers, soldiers, airmen and followers in His Majesty's Indian forces, wherever they are serving, in so far as they are not subject to the Army Act or the Air Force Act.”

My submission is that the sub-section defines the territorial jurisdiction. The words "His Majesty's Indian forces" they have territorial connotation and not a racial connotation. I read the words "His Majesty's forces" as His Majesty's forces serving in India, so far as they are not subject to the Army Act. My submission is that the present Bill creates a new class of officers which was not contemplated by the Army Act of 1879. Therefore this amendment will not affect the Army Act, 1879, at all, because you are creating a new class of officers, and this class of officers is not contemplated by the Army Act of 1879. What the amendment does is to define the status and powers of officers who are being created by this Bill. The Indian Legislature, I submit, Sir, can define this status and powers. The Army Act or the Regulations framed under the Army Act could not have contemplated the creation of a new class of officers, and therefore the Army Act cannot be said to apply to this new class of officers. Sir, section 71 of the Army Act and the King's Regulations made under that Act deal with the status of British officers. They deal with the status of British officers. Section 71 (1) of the Army Act runs thus :

"For the purpose of removing doubts as to the powers of command vested or to be vested in officers and others belonging to His Majesty's forces, it is hereby declared that His Majesty may, in such manner as to His Majesty may from time to time seem meet, make regulations as to the persons to be invested as officers, or otherwise, with command over His Majesty's forces, or any part thereof, or any person belonging thereto, and as to the mode in which such command is to be exercised."

So far as my amendment is concerned, it does not affect British officers at all. It merely affects Indian officers. I am defining the status of Indian officers, not of British officers. Therefore it does not affect British officers at all. The power of the King to make Regulations about command is not an exclusive power, and therefore my submission would be that it would be open to the Legislature to lay down certain rules in regard to command. If the King chooses to make any regulations, then those regulations would override the clauses in our present Bill. Then, Sir, my amendment does not in any way seek to repeal the Army Act, 1879. There is just one other argument which I would like to advance and that is about the King's prerogative. Let us understand what the King's prerogative is. The King's prerogative is the residuary or discretionary power which vests in the King at any time independently of the statute. If there is any statutory power then there is no question of the prerogative at all, because prerogative is different from statutory powers of the King and here you are relying not upon the King's prerogative, but upon the statute; and therefore it has not been shown that there is any statute which bars the jurisdiction of the Indian Legislature and I therefore submit that the Indian Legislature is competent to deal with this amendment.

**THE HONOURABLE THE PRESIDENT:** Rai Bahadur Lala Mathura Prasad Mehrotra, you have also given notice of a similar amendment. Do you wish to speak on the legal aspect of the amendment? I have carefully gone through the debate which has taken place in the Lower House and I would like to hear if you have got anything more important to add?

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA** (United Provinces Central: Non-Muhammadan): I do not want to add to what has been said by my Honourable friend, Mr. Sapru.



**HIS EXCELLENCY THE COMMANDER-IN-CHIEF :** Sir, I would like to make a statement on behalf of Government. Naturally, Sir, we propose to leave the question of the admissibility or otherwise of this amendment entirely in your hands and I shall merely confine myself to stating the position adopted by the Government of India in consultation with His Majesty's Government in the situation created by the Chair's ruling in the other Chamber in favour of the admissibility of the identical amendment moved in that Chamber. As was explained in the statement made by the Honourable Sir Joseph Bore in the Legislative Assembly on the 27th August, Government have consistently maintained that the Indian Army Act which, besides providing for the legal status of Indian officers of the Indian Army, deals only with discipline and kindred subjects, is no place for provisions governing command, rank and precedence, which ordinarily find a place in the King's Regulations for the army. Government, therefore, confined themselves to giving a guarantee in connection with the present Bill that provision would be made in those Regulations for complete reciprocity of powers and privileges within the Indian Army as between Indian commissioned officers and British officers of the Indian Army.

In consequence, however, of the feeling in the Assembly that statutory provision should be substituted for the verbal assurance which had been given on behalf of the Government regarding the command, rank and precedence of Indian commissioned officers, the Government of India made inquiries of His Majesty's Government, regarding the inclusion in the Bill of a clause on the lines of the amendment proposed by Sir Abdur Rahim, but limited in scope to the regulation of these matters within the Indian Army. To this His Majesty's Government's reply was that it was impossible to accept such a proposal because the question at issue was one of His Majesty's prerogative.

**THE HONOURABLE THE PRESIDENT :** I am only concerned at this stage with the legal aspect. The Bill before the Council, as passed by the Legislative Assembly, is further to amend the Indian Army Act, 1911, for certain purposes. When this Bill was before the Legislative Assembly, Sir Abdur Rahim moved an amendment to insert a new section 7(a) in the Act VIII of 1911 to the effect that :

“ the status and opportunities for promotion and power of command, rank and precedence of the Indian commissioned officers in the Indian Army shall be the same as that of the British officers in the Indian Army in all units and formations ”.

On a point of order an objection was taken on behalf of Government that the amendment proposed was not within the competence of the Indian Legislature. The admissibility of this amendment was fully discussed and my brother President of the Assembly, the Honourable Sir Shanmukham Chetty, ruled that the amendment was within the competence of the Indian Legislature. This amendment was, however, ultimately rejected by the Legislative Assembly and the Bill has come before this Council without the incorporation of the said amendment. The Honourable Mr. Sapru and some other Honourable Members have given notice of an identical amendment as moved in the other House to insert a new section 7A in the Indian Army Act, 1911. Whether any objection is taken or not in this House by Government or any other Honourable Member to the proposed amendment, it is my duty to ascertain if the amendment is

within the competence of the Government of India Act. The question of the admissibility or otherwise of this amendment has received my anxious consideration in the course of which I have naturally accorded to the ruling from the Chair in another place the respectful attention which it deserves. Where a point of order arising in this Chamber has already been decided in the other Chamber, I should always prefer if possible to associate myself with the decision reached in the other Chamber, but on this occasion my consideration of the question at issue has led me to so definite a conclusion that the amendment is one which I ought not to permit to be moved that I should be failing in my duty if I allowed my sense of the desirability of uniformity of ruling between the two Chambers or my high sense of the respect due to any decision by the President of the other Chamber to deter me from ruling in accordance with my own conviction that the amendment is out of order.

It must be borne in mind that the Government of India Act is an Act of the British Parliament and emanates from the supreme authority of the British Parliament. Section 65(1)(d) of the Government of India Act provides the Indian Legislature with powers to make laws for the government of officers, soldiers and followers in His Majesty's Indian forces wherever they are serving in so far as they are not subject to the Army Act or the Air Force Act. The reference therein is to officers, soldiers and followers in the Indian forces. The ruling in the Legislative Assembly was to the effect that the connotation of the expression "His Majesty's Indian forces" is territorial and not racial and that the expression includes both Indian and British officers serving in the Army in India. A comparison of the language at the commencement of sub-section (1) of section 180 of the Army Act, whereby it is provided that :

"in the application of this Act to *His Majesty's forces when serving in India* the following modification shall be made "

with the language used in sub-section (2) of that section which provides that—

"in the application of this Act to His Majesty's Indian Forces the following (different) modifications shall be made "

may suggest that the expression "His Majesty's Indian forces" is synonymous with what is commonly called the Indian Army and does not include the personnel of the British Army while serving in India. But, in any event, British officers of the Indian Army and the British officers of the British Service who would be with them in the mixed formations which the proposed amendment refers to are in all respects subject to the English Army Act. This follows clearly from section 180 of the English Army Act. In enacting a law which proposes to provide that the status and opportunities of Indian commissioned officers shall be identical as those of British officers in the Indian Army, we are legislating for the British officers no less than the Indian commissioned officers. The conferment of equal status and powers of command, rank and precedence on the Indian commissioned officer will enable him to exercise such powers over a British officer of the Indian Army who is his junior in standing and rank, though the latter may be subject to the English Army Act. The English Army Act does not contemplate or recognise the exercise of rank, command, etc., over him by such an officer. By virtue of the proposed provision, a new class of officers is created to whom a British officer governed by the Army Act may in certain cases be subordinated while such subordination did

[Mr. President.]

not exist under the English Army Act. It will be seen therefore that the amendment undoubtedly relates to the status and opportunities and precedence, etc., of the British officers in the Indian Army—they are provided for in the amendment—and, therefore, as the amendment relates to British officers who are subject to the jurisdiction of the Army Act, it is *ultra vires* under section 65(1)(d) of the Government of India Act.

Section 7 of the Indian Army Act, VIII of 1911, deals with four classes of officers: (1) British officer, (2) Indian commissioned officer, (3) Viceroy's commissioned officer, and (4) officer. I will therefore examine the position more closely and in greater detail. The Honourable Mr. Sapru's amendment seeks to regulate the mutual powers of command of the British officers of the Indian Army and of the Indian commissioned officers and therefore it is opposed to the letter and spirit of section 71 of the Army Act which lays down that it is for His Majesty to make the regulations as to the persons to be invested with command over His Majesty's forces and as to the mode by which such command is to be exercised. It is clear that the amendment will affect the status of those British officers whose status is derived by the King's Regulations made under section 71 of the Army Act. It must be borne in mind that the provisions in the King's Regulations that deal with powers of command only relate to such powers as between officers of various categories of His Majesty's land forces. It is true that there is one specific clause which relates to the position of Dominion officers when they are doing duty with units of the British Army. In the King's Regulations, the Indian commissioned officer has not been directly or indirectly dealt with at all. No provision up to now has been made in King's Regulations for the Indian commissioned officer. There is no doubt that, at some future date, on occasion arising, regulations will have to be made by His Majesty's Government under section 71 of the Army Act. The Bill before us does not refer to any such matters which in the case of the Indian and British armies are covered by the King's Regulations and there is no doubt that the regulations to govern the powers of command of this new class of officers will necessarily follow under section 71 of the Army Act.

The proposed amendment is incompetent in the light of the limitations and restrictions imposed by section 65(2) of the Government of India Act and of the nature of the interpretation to be put on section 71 of the Army Act as the Indian Legislature has not unless expressly so authorised by Act of Parliament power to make any law repealing or affecting any Act of Parliament passed after the year 1860 and extending to British India including the Army Act, the Air Force Act and any Act amending the same.

I will now deal in some detail with section 71 of the Army Act to which my brother President in the other House has made reference. Section 71 of the Army Act runs as follows:

"For the purpose of removing doubts as to the powers of command vested or to be vested in officers and others belonging to His Majesty's Forces it is hereby declared that His Majesty may in such manner as to His Majesty may from time to time seem most make Regulations as to persons to be invested as officers or otherwise with command over His Majesty's Forces or any part thereof or any person belonging thereto and as to the mode in which such command is to be exercised."

The purport of section 71 is to vest in His Majesty the King the power and prerogative of making regulations to regulate command over officers. The learned President of the Assembly was of opinion that :

“ unless there was no provision to the contrary in a Local Act His Majesty the King may frame regulations to provide for the command of officers or, even though there may be positive provisions in a Local Act, the regulations of His Majesty the King may override those regulations and make fresh regulations ”.

That is not a correct interpretation, to my mind, of section 71 of the Army Act. The power of the Crown to disallow any Act passed by the Indian Legislature has been specifically provided by section 69 of the Government of India Act ; but it is another thing to say that, even though there may be positive provisions in a Local Act, the Regulations of His Majesty the King may override those provisions and His Majesty may make fresh regulations. To make positive provisions in a Local Act contrary to the provisions of section 71 of the Army Act is manifestly to usurp the powers and prerogatives of the Crown, though such an enactment shall not be deemed invalid solely for that reason under section 84 of the Government of India Act. But, in my opinion, the question does not turn upon whether there is in the King's Regulations made under the Army Act any provision regulating the status of British officers *qua* Indian commissioned officers. The amendment must be read by itself and not with reference to the King's Regulations. It clearly deals with the status of British officers subject to the Army Act and so far it is therefore *ultra vires*.

The words in section 65 do not warrant a conclusion, neither are they open to the construction that the Indian Legislature may take power in matters on which the English Army and the Air Force Acts are silent. It is immaterial that the object of the amendment is to give the Indian commissioned officer the same opportunities as the British officer enjoys. It must be remembered that the British or Indian officers who have been trained in England and received their commission direct from the King stand on a distinct and a more advantageous footing.

As to sub-section (2) of section 65, the learned President of the Assembly bases his argument on the position that the King can override the effect of the amendment. He refers in support of his argument to section 71 of the Army Act and rules that under this the King can either alter or override the provisions contemplated in the amendment. If that is his conclusion and if that is the necessary position created by the passing of the amendment, then clearly the amendment does affect the Army Act ; otherwise there will be no necessity for the King to issue regulations overriding it.

I am inclined to put the widest possible interpretation on the word “ affecting ” in sub-section (2) of section 65. It is true that “ affecting ” means affecting in any sort of manner and not merely affecting prejudicially. The object of the amendment is to give the Indian commissioned officer the same opportunities as the British officer who enjoys his status under the Army Act. The fact that the British officer is serving in India does not deprive him of his status and privileges under the Army Act. Therefore *qua* those British officers, although it has fallen to their lot to serve in India, no legislation affecting their rights can be enacted in India. The Indian Legislature has no power not because they are British but because they are under the jurisdiction of the Army

[Mr. President.]

Act. There is no question of racial discrimination or colour bar so far as the Army Act is concerned. The Legislature can create a new class of officers but cannot legislate for those governed by the Army Act. If the Legislature places another class alongside them then their status surely must be affected. Their only appeal is to the Army Act and therefore the provisions of the Army Act are affected.

As the effect of the amendment is that the status and opportunities for promotion and power of command, precedence and rank of Indian commissioned officers in the Indian Army in all units and formations shall be the same as for the British officers, it is clear to my mind that the Indian Legislature is not competent to enact such a provision under section 65 of the Government of India Act by reason of the limitations contained in clause (d) of sub-section (1) of that section and of the first proviso in sub-section (2) thereof. The amendment is calculated to govern British officers subject to the English Army Act and affects the said Act and section 71 in particular thereof. For these reasons I am therefore unable to give leave to the Honourable Member to move his amendment.

Clause 5 was added to the Bill.

Clauses 6 to 42 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, I move :

“That the Bill, as passed by the Legislative Assembly, be passed.”

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : Sir, we have now come to the final stages of the Bill, and it is therefore necessary to make our position clear. I have no desire to repeat what I have said with regard to the Bill before us. But there is one aspect of the question raised by the Bill which I will give expression to at this stage. Sir, the Bill is intimately connected with the constitutional issue. The Indian delegates in their Memorandum have expressly said that the issue, the defence issue, must be regarded as part of the constitutional issue. Now, Sir, we know that the constitutional issue today is being considered by the Joint Select Committee. The Indian delegates have agreed to the reservation of the defence of India on certain very specific terms. We do not yet know, though we may indulge in shrewd anticipation, what the decisions of the Joint Select Committee will be. Therefore, Sir, I think the Bill is premature and it ought not to have been introduced at this stage, and we ought to have waited until the decisions of the Joint Select Committee had been made known to us. This is one point which I would like to stress against the Bill.

Then I will come to the speech of His Excellency the Commander-in-Chief. I recognise, Sir, that His Excellency's tone was very conciliatory and we on our side are glad to respond to the note of conciliation which His Excellency has struck. But, Sir, the differences between us are so fundamental that we do not think we shall be justified in going back upon the decision that we have taken up in regard to this measure. His Excellency himself admitted that there was no question of complete equality between the British officer and the

Indian officer. He said that there would be complete reciprocity between the British and the Indian officer. What does that word "reciprocity" mean? We should like to have some indication as to what the word "reciprocity" means here. Then His Excellency indicated some of the occasions on which power of command would be given to Indian officers. But our position has been that so far as these mixed units are concerned and so long as you have mixed units, the opportunities for the Indian officer should be exactly the same as the opportunities for the British officer. Sir, we do not attach much importance to the question of pay. Personally I think salaries are pitched too high here and I am all for reduction of salaries all round. But we do attach a very great deal of importance to the question of status, to the question of opportunities for promotion. You say, Sir, that this question of promotion will not arise for the next 20 years. Well, you are safeguarding the interests of new recruits to the civil services and so far as those recruits are concerned the question of promotion will not arise in their case also for the next 20 years. That, Sir, I would submit in all humility is really no argument in favour of this discrimination. That there is discrimination cannot be denied. What you say is that you are really powerless in the matter. Very well, we are powerless to prevent you from passing this measure, but I would beg His Excellency to consider this, that when the regulations are being framed under the Act, as far as possible the spirit of our amendment should be incorporated in those regulations if he wants the country to be satisfied with this measure. The incorporation of this suggestion in the regulations is absolutely necessary.

Sir, I do not wish to take up any further time of the House. I will reiterate the view again that we are opposed to the Bill and we shall consider it a duty to vote against it.

With these words, Sir, I oppose the Bill.

THE HONOURABLE MR. P. C. D. CHARI (Burma : General) : Sir, I do not wish to take much time at this final stage. My main objection to the Bill seems to have been misunderstood. What I said was that this Bill does not provide automatic rights of status and opportunities of promotion and powers of command to Indian officers in mixed formations. I explained carefully what I meant and it was contained in a nutshell in the proposed amendment. I wanted that the powers of command of an Indian officer should not be conditioned upon the occasions; it must be a statutory right, so that the Indian officers may not be at any disadvantage in a mixed formation *vis a vis* their British comrades. I also said that I would have no objection to a measure of this kind if we were given a definite assurance that theoretically at least there would be no distinction between British and Indian officers. I do not mean that Indian officers should be given command without proving their fitness for it, but only that they should have equal rights with British officers to be invested with command when the occasion arises. There is no provision of that sort in this Bill, and by your ruling, to which I bow, it is not possible for us to incorporate one. We do not know how the King's Regulations will be framed to meet our demand for equality and in these circumstances it is not possible for us to go back upon the stand which we had taken on the second reading.

[Mr. P. C. D. Chari.]

No doubt Indians have pressed for Indianization of the army, but I know of no school of thought which advocated a particular division or particular units being Indianized. All we have agitated for is a larger Indian personnel of officers in all divisions of the army with the opportunity of serving shoulder to shoulder with British officers. Somehow this scheme of one Indianized division has been hit upon and the responsibility for it does not rest on Indian politicians. It has been thrust upon them and now we have a Bill which seeks to carry out that scheme of Indianization of one division. This is based on the principle of segregation, and in addition the new Indian officer will be deprived of the support of the seasoned veteran soldiers who hold the Viceroy's commission. I look at that also from this angle, that if the Viceroy's commissioned officer is removed and the new Indian officer has to do the latter's work, the rank and file will regard the Indian officer as something inferior to the British officer to whom they were accustomed. In these circumstances I submit that this scheme of Indianizing one division is very disadvantageous for the Indian officer, and whether intended or not will be a serious handicap. In the course of years this will necessarily lead to the Indian division being found to be far inferior to the other five divisions of the army. Whether you intend it or not, I am reminded of the legal maxim in the law of torts that a man is presumed to intend the natural and probable consequences of his act. Whether you intend it or not, as a result of this handicap to which you are deliberately subjecting the Indian officer in the race for efficiency in soldiering, I believe at a future date there will be occasion for condemning him. The fault will lie wholly upon the Government of India and its advisers. I can visualise under these conditions the effect of the Indianization of one division and I have got a picture before me of the five other divisions which are not Indianized and of this division which is sought to be Indianized. Seeing this picture before me, I can say, several years in advance, in the words of the Prince of Denmark in *Hamlet*—

“ Look here upon this picture and on that,

The counterfeit presentment of two brothers”.

Sir, I cannot in these circumstances, when I find that the Indianization of this one division would lead to the condemnation of the Indian officer, I cannot, when I see this, give any support to the passage of this measure.

Sir, I oppose this Motion.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, we on this side of the House have appreciated the remarks of His Excellency the Commander-in-Chief, which he was pleased to make this morning. He is a man of great courage and only courageous men can do what he has done. We request him, Sir, that in future, whenever we have any occasion to differ we may differ in a better manner—and with a better mentality—and not impart any heat in debates. It is no doubt true, as His Excellency stated, that we are armohair politicians ; we have never heard the whiz of bullets ; but we have seen what other experts have stated. We took our stand, not on our own personal judgment, but on what we believe to have been the considered opinion of another military committee. I am referring to the Shea Committee. That

report did not come before the public, but we have heard about it from different sources. Sir Muhammad Shafi made the following statement. I am quoting from the Report of the Defence Sub-Committee.

“ I entirely agree that the scheme (of Indianization) which was framed (by the Shea Committee) in 1922 and the conclusions which were arrived at in 1922 were the result of very careful consideration ”.

He made this statement about a report which was made during his tenure of office in the Government of India and therefore he is supposed to know all about it. He further on stated as follows :

“ . . . . . that scheme—having been very carefully considered and revised, and after revision, adopted unanimously by the Government of India, including Lord Reading, the late Lord Rawlinson, and all the Members of the Executive Council—is a scheme which is worthy of the serious consideration of this Sub-Committee ”.

- The scheme which they framed was not for 28 Indian officers to the regiment. That scheme did not contemplate the abolition of the Viceroy's commission. That scheme contemplated an intake of much more Indians than the scheme which His Excellency the Commander-in-Chief has framed. In this connection I should like to remind that the Leader of the House took exception that we were late in the field in bringing forward this amendment in 1934.

• THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Which amendment ? I have not said anything.

THE HONOURABLE MR. HOSSAIN IMAM : Our objections.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Which objections ?

THE HONOURABLE MR. HOSSAIN IMAM : About the abolition of the Viceroy's commission.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : You are talking of the Resolution, not of the Bill.

THE HONOURABLE MR. HOSSAIN IMAM : The Bill includes several things pertinent to the new officers, and as such I humbly submit it is relevant. May I remind you, Sir, that at the time that His Excellency the Commander-in-Chief on the 25th May, 1931 announced the Government's decision about the intake of Indians as officers, i. e., the numbers that will be taken in the Academy, he did it as the considered opinion of the executive Government, without hearing the advice of the members of that Committee. It was decided that the terms of reference had nothing to do about the number. In spite of this many members of the Committee have recorded their emphatic protest against those measures. The Indian members have been objecting to the scheme, and if we bring forward this matter at the present moment, four years after the Committee reported, it is only because this is the first opportunity which the Government has placed before us of dealing with the subject. I am in agreement with His Excellency the Commander-in-Chief that in military matters it is only the head of the army that should have the final say, if this decision were entirely dependent on military requirements. We would have left it entirely in his hands had there been not an element of politics in it. That comes in on account of the pace of



[Mr. Hossain Imam.]

Indianization. We have therefore the right. He was very kind enough in his speech this morning to suggest that if we are justified in taking up our stand for men of our nationality, he is also justified in standing up for British officers. I agree with him there. May I point out also that there is an invidious distinction made in clause 23 of the Bill. If a British officer can sit in judgment upon our Indian commissioned officers in a court-martial, consisting of officers holding British commissions, there is no power to the Indian commissioned officer to sit in judgment over their brethren. This is not a compulsory clause. I have brought this forward to the notice of His Excellency the Commander-in-Chief so that in future courts-martial care may be taken that only those officers sit in judgment who can come in under the Indian commission. There should be reciprocity in this. We on this side of the House do not see our way to acclaim this Bill which does not give us equality of status.

Sir, I oppose the Bill.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Sir, I associate myself with the appreciative remarks that have been made by my colleague Mr. Hossain Imam for the way in which His Excellency the Commander-in-Chief has explained his position and withdrawn certain remarks and said that he never meant them. Sir, it is a fact that we felt those remarks very much, but I am glad the episode is over.

Now, Sir, coming to the Bill, I beg to differ from His Excellency that it does not contain clauses on which we need have conscientious objection. Sir, there are two principles in the Bill,—firstly that there is a differentiation between the Indian officers who will come out of the Dehra Dun Academy and British officers, at least so far as the mixed formations are concerned, and after so many years it was but proper that when this Academy has been established, there ought not to have been any differentiation. His Excellency was pleased to say that the Air Force Bill was received with acclamation in both Houses, and it contained the same provisions as this Bill. I quite agree with His Excellency, but he should remember that there is a difference between the two. The Air Force has very recently been established in India, while the army has been in existence for over 70 years, and in the army we have not made much improvements so far as Indianization is concerned. I think this is not only a blot on Indians but on those who have been in charge of the training of Indians also.

Then, Sir, the other principle in the Bill to which we take objection is the retarding of the progress of Indianization. By the abolition of the Viceroy's commissioned officers it will certainly take double the time to Indianize one complete regiment and, therefore, whatever may be said, it cannot be denied that the pace of Indianization will be retarded.

For these reasons, Sir, I oppose the Bill.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay: Nominated Non-Official): Sir, I rise to support the Motion which His Excellency the Commander-in-Chief has just moved. I do not wish to detain the House with any lengthy remarks and would confine myself

to a few words. Age ripened by experience has much to forgive the impetuous youth though he may look down upon it with contempt. I am therefore to thank the Honourable Mr. Sapru, whom however I do not see in his place, for his courtesy and kindness in expressing his pity for "my pathetic belief in the infallibility of His Excellency the Commander-in-Chief". It was indeed very considerate of him! I do not think, Sir, that His Excellency is prepared to lay any claim to it. Nor do I believe that the Honourable Mr. Sapru can presume to it. I do not admit that I am endowed with it. To err is human all must admit. But barring that, is it not fair and honest that where credit is due it should be given and good faith and reliance placed on His Excellency's achievements in the various theatres of war and his unique administrative experience entitle him to great consideration apart from his identification with interests of the Indian Army. He has reduced the budget, saved about Rs. 10 crores through the economic drive as my Honourable colleague, Sir David Devadoss, has just stated. Nay more, he has resisted the demands of the War Office to equip the army with certain appliances that he did not consider suitable for warfare, in which the army in India may be engaged. Should not all these considerations weigh with us? May I remind the Honourable Members of what he once said in this House that when he was at the War Office he had to fight its battles *against India* and that since he took command in India, he has been fighting *for India against it*.

Sir, as a doctor I have been appealed to by my Honourable friend, Mr. Mehrotra, to find out some poison in the Bill. I however see none. If anyone sees poison when it is non-existent it is due to a morbid imagination or distorted vision. And as to cobras, they are the result of a nightmare after heavy indulgence!

Then, Sir, coming to the question of the inferiority complex, may I remind the House that at present there is in the Indian Medical Service the first Major-General of Bengal who is a Bengali and he has under him a large number of British officers. They do not believe it is an inferiority complex to serve under an Indian Major-General. I do believe similarly there have been three officiating Surgeons-General in the Bombay Presidency and no question of such a complex was raised. *Service to one's own country should be the only consideration that should weigh in this regard if they are its true sons of India and love their motherland.* Sir, even Mr. Gandhi himself did not accept the plea of an inferiority complex when he said he was prepared to sweep the streets of Ahmedabad as a sanitarian.

As regards vesting the control of the army in the Indian Legislature, I should say it would be an evil day when the Indian Army would be made the sport of any Legislature. We cannot imagine what ducks and drakes it will not play to the utter disregard of the vital interests of the country. Nothing would prevent it from ordering the Commander-in-Chief to reduce forthwith certain regiments or batteries, etc. Well, Sir, I would say that India would be wise to remain as it is and to retain its existing army administration for some years to come, until our officers have acquired the necessary experience to command operations, hold the higher posts and gain knowledge of administration. Let us not forget that "Ignorance is bliss when it is folly to be wise".

With these few remarks, Sir, I support the passage of the Bill.

**THE HONOURABLE MR. VINAYAK VITHAL KALIKAR** (Central Provinces : General) : Sir, I had no mind to take part in this debate but after certain observations made by my friends the Honourable Saiyid Raza Ali at the first reading of the Bill and by Sir Nasarvanji Choksy today I cannot resist the temptation of saying a few words. If I heard him correctly the Honourable Saiyid Raza Ali said that Indian politicians have committed a great blunder in agitating for an Indian Sandhurst and spending so much money over the establishment of that institution. I beg to differ from him, Sir, on that point. But if he thinks that cadets coming out of the Indian Sandhurst are not equal in qualifications with those coming out of Sandhurst or Woolwich, as I said at the time of the first reading of the Bill, I think we who hold the opinion that there should be an Indian Sandhurst would be quite willing to support the Government if they raise the standard of education in our Indian Sandhurst at Dehra Dun.

Then, Sir, the Honourable Sir Nasarvanji Choksy just now said that it would be an evil day when the control of the Indian Army passed into the hands of the Indian Legislature. I am not able to agree with him on that point also, Sir, because we people who hold that the policy of the Indian Army should be under the control of the Indian Legislature do not say that we should try to deal with the details of its administration but that we should be allowed to control the policy and to look into the details. We, Sir, want His Excellency the Commander-in-Chief as an expert in military matters to deal with military defence, but as regards the broad policy it is our duty as Indians and it will be our incessant demand, Sir, that the policy should be controlled by the Indian Legislature as the representative of India.

I am very thankful to His Excellency, Sir, for giving an explanation for the language that he used yesterday and therefore I have nothing to say. But, Sir, I plead guilty to the charge that we on this side of the House as representatives of India will always and ever demand that the army should be Indianized. If His Excellency regards this as an offence we are ready to plead guilty to that charge but, Sir, as Indians and as representatives of the people we cannot fail in our duty to make a demand like that.

Then, Sir, a third point that occurs to me is as regards the voting by nominated Members. That point occurs to me because the Honourable Sir Ghulam Hussain Hidayatallah made it perfectly clear on the first reading of the Bill that his views so far as the Bill is concerned are identical with ours, except that he being a nominated Member, he will have to act at the command of the Government. I therefore appeal to the Honourable the Leader of the House and the Government that the nominated Members should be left free—

**THE HONOURABLE SIR GHULAM HUSAIN HIDAYATALLAH** (Bombay : Nominated Non-Official) : Sir, I rise to a personal explanation. I mince  
 1 P. M. no matters. I owe my seat in this House to Government  
 whom I consider as my constituency. As the Bill has  
 been sponsored by Government, I am ready to vote with them, whatever my  
 personal views may be. When I am elected, I will play a different role.

THE HONOURABLE SAIYID RAZA ALI (United Provinces : Nominated Non-Official) : I have received no mandate from the Government.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR : Here is a scene of disagreement of views between two nominated Members !

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON (Punjab : Nominated Non-Official) : I am also a nominated Member. Government did not take any undertaking from me to vote with them, nor did I promise that I shall every time vote with them. I do not see where the mandate comes in ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Do you act according to your conscience always ?

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR : I fully agree with the opinion of the Honourable Saiyid Raza Ali and I appeal to the Government to make them free to vote, if there is any doubt in the minds of the nominated Members. It is clear at least from the statement of two nominated Members, who have spoken just now —

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY : Are they debarred from acting according to their own convictions ?

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR : Certainly, you are not debarred from voting according to your convictions. You must vote according to your convictions and you should not be guided by the mandate of Government in voting on their side.

THE HONOURABLE SAIYID RAZA ALI : Sir, I will be very brief. In making my speech earlier in the day, I quoted from the despatch of the Government of India, wherein the views of an Indian Member of the Executive Council of the Governor General were discussed at some length and great importance was given to them. It would be interesting to know who that Member was ? My own impression was that that Member was the Honourable Sir Fazl-i-Husain, Leader of our House. But in view of the remarks that have fallen from His Excellency the Commander-in-Chief, I have no doubt that the reference made in the Government of India despatch is to the Honourable the Leader of this House, the Honourable Khan Bahadur Mian Sir Fazl-i-Husain. All I can say is that I congratulate this House on having a Leader who had the judgment and wisdom to foresee in 1930 what course military affairs were likely to take in a few years.

I may add with reference to what the Honourable Mr. Kalikar has said that I never received any mandate from the Government to vote in any particular way, and so far as my knowledge goes, I do not think other nominated Members have received any mandate of this character. I generally vote according to my lights and try to act according to the best of my judgment. I believe the Opposition know this as only yesterday I was one of those who abstained from voting. I think they are hopelessly wrong in assuming that any mandates are issued from the Government to us and that we, nominated Members, vote according to those mandates.

Sir, I support the Bill.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House): Sir, may I say that it was very dramatic—perhaps stagey, would be the more appropriate word—of the Honourable Mr. Kalikar to have used the expressions he did. The Honourable Mr. Kalikar raised the question of voting. He cannot be so very much of a novice in the field of politics as to imagine that any one is going to believe that he is always voting according to his conscience. There is no question that the Party organization, which was invented by somebody years ago, was to kill individual conscience. You cannot say, “We, elected Members, always vote according to our conscience. The nominated Members have got no conscience.”

THE HONOURABLE MR. HOSSAIN IMAM: Which is their Party?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: You will soon understand. The Honourable the Deputy Leader of the Opposition has more than once assured many of his friends that his personal views go one way, the views of his constituency go another way, and the views of his Party still another way, his conscience can be but in one place at a time! No one in this House who has taken part in public life can deny it. To talk of nominated Members in that spirit and in that tone is not right. I most respectfully beg of those who call themselves Progressives not to indulge in that sort of talk.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: I never meant it in that way.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: I have been an elected Member myself for many more years than most of the Members opposite. I have the highest regard for the elected Members. But my experience in more Legislatures than one has convinced me that in the matter of voting, in the matter of conscience, in the matter of discipline, there is not much to choose between them. If one Member wants to take pride in his own position and indulge in sneers, he should remember that this is a game in which others also can indulge. Sir, I have now been for quite a long time in the House. I have had no occasion to exercise that discipline which the Opposition does exercise. I do not ask people to support me whether they have the same views as I have or not. I absolutely abstain from doing that. My reason for intervening at this stage was that unfortunately the Honourable Mr. Kalikar made such a fuss about the matter of voting. The Honourable Member from Bombay, who represents the Bombay Government—

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: The observations made by the Honourable Sir Ghulam Husain Hidayatallah prompted me to make the remarks.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: The Honourable Mr. Kalikar can meet the Honourable Sir Ghulam Husain Hidayatallah and the two can settle the matter between themselves. I have absolutely no objection to it. But to make a scene of it on the floor of the House this is what I object to. I have not the slightest doubt that the Honourable Sir Ghulam Husain Hidayatallah made this remark simply to relieve the monotony of the debate and bring some humour into it. But the Honourable Mr. Kalikar has read something into it which I have not the slightest doubt the

Honourable Sir Ghulam Husain Hidayatallah never intended. I trust that this matter will be treated as closed now.

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF:** Sir, I will not go in fear of my life by keeping the Council here when we are so near lunch time, because practically everything that has been said in the last stage of the Bill was the same as has been said before, dressed up in rather different language. We in England say, when a lady of a certain age assume the habits and costume of a lady younger than herself, that she is "mutton dressed as lamb", and I think that this applies to some of the speeches which we have heard in the last stages of the Bill. Beneath the smiling face of the lamb, we know that there is the old, tough, and stringy mutton which we have heard so much in the last few days.

There are three points to which I wish to refer. The first point is that made by the Honourable Mr. Sapru. He said, "What is reciprocity?" He did not quote the context in which I used the phrase, which was "reciprocity within the Indian Army", and that we intend to be absolute. The two forms of commission will have absolutely independent powers of command. It is quite obvious that if we do not do so the thing will be impossible. We could not have young officers joining from England and commanding Indian officers with 10 or 12 years' service. Therefore the powers will be, inside the Indian Army, as far as we can make them, absolutely reciprocal. I think it was the Honourable Mr. Hossain Imam who again said that politicians have never heard the views of the military. I again repeat what I have said fifty times in this House and elsewhere. We have nothing to conceal from you. It is your right, as you find the money, to know what is going on in the army and how that money is being spent, and I am always ready and my officers are always ready, if you will give us a day's notice as to what you want to know, to meet you at any place or time and give you the fullest explanation. This is not the first time I have said that, but it is extraordinary how few ever turn up to take advantage of it.

**THE HONOURABLE MR. HOSSAIN IMAM:** May I point out that the question I put as to the expenditure on State forces was disallowed only yesterday.

**THE HONOURABLE THE PRESIDENT:** That has nothing to do with His Excellency. To allow or disallow a question rests with the President.

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF:** There is only one other remark I have to make and that is that the Honourable Mr. Kalikar rather enlarged on the question that the administration of the Indian Army should be under the Indian Legislature. Surely, this Bill is the first step we are taking to that end. If this Bill was not passed these young Indian officers would continue to remain under the Army Act and under the War Office. By this Act we are taking the first step in a progressive stage by which you will get more and more control in the affairs of the army. That is all I have to say.

**THE HONOURABLE THE PRESIDENT:** The Question is :

"That the Bill further to amend the Indian Army Act, 1911, for certain purposes, as passed by the Legislative Assembly, be passed."

The Council divided :

## AYES—26.

Akbar Khan, the Honourable Major Nawab Sir Mahomed.	Miller, the Honourable Mr. E.
Charanjit Singh, the Honourable Raja.	Mitchell, the Honourable Mr. D. G.
Choksy, the Honourable Khan Bahadur Dr. Sir Nasarvanji.	Muhammed Hussain, the Honourable Mian Ali Baksh.
Commander-in-Chief, His Excellency the. Cresswaite, the Honourable Mr. H. S.	Noon, the Honourable Nawab Malik Mohammad Hayat Khan.
Devadoss, the Honourable Sir David.	Parsons, the Honourable Sir Alan.
Faali-Husain, the Honourable Khan Bahadur Mian Sir.	Philip, the Honourable Mr. C. L.
Gladstone, the Honourable Mr. S. D.	Ray of Dinajpur, the Honourable Maharaja Jagadish Nath.
Glass, the Honourable Mr. J. B.	Russell, the Honourable Sir Guthrie.
Hallett, the Honourable Mr. M. G.	Spence, the Honourable Mr. G. H.
Hidayatallah, the Honourable Sir Ghulam Husain.	Stewart, the Honourable Mr. F. W.
Kameshwar Singh of Darbhanga, the Honourable Maharajadhiraja Sir.	Stewart, the Honourable Mr. T. A.
Menon, the Honourable Diwan Bahadur Sir Ramunni.	Ugra, the Honourable Rai Sahib Pandit Gokaran Nath.
	Wingate, the Honourable Mr. R. E. L.

## NOES—8.

Banerjee, the Honourable Mr. Jagadish Chandra.	Kalika, the Honourable Mr. Vinayak Vithal.
Chari, the Honourable Mr. P. C. D.	Mehrotra, the Honourable Rai Bahadur Lala Mathura Prasad.
Gounder, the Honourable Mr. V. C. Vellingiri.	Ram Saran Das, the Honourable Rai Bahadur Lala.
Hossain Imam, the Honourable Mr.	Sapru, the Honourable Pandit Prakash Narain.

The Motion was adopted.

**THE HONOURABLE THE PRESIDENT:** The Council will now adjourn till 3 P.M., but I must inform Honourable Members that I am determined to close the work of this session this evening and Honourable Members will please come prepared to sit till a late hour.

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

The Council re-assembled after Lunch at Three of the Clock, the Honourable the President in the Chair.

## INDIAN NAVY (DISCIPLINE) BILL.

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF:** Sir, I move:

"That the Bill to provide for the application of the Naval Discipline Act to the Indian Navy, as passed by the Legislative Assembly, be taken into consideration."

Sir, I used a simile when I introduced the Army Bill and I will continue that simile. The ship of the Army Bill had a somewhat stormy passage and no one really regrets that more than I do. I fully understood the feelings of those who genuinely thought as they did about the Bill and if they genuinely thought like that, they had to oppose it. At the same time I have a very strong feeling myself that that Bill was on the part of Government a genuine effort to take a step forward ; but we have got through those stormy waters. Now are we launching a new ship, and a real naval ship, this time, and from the quite easy passage it had in another place and the meteorological prophesies, I have every hope that our voyage will be a very short and a happy one. I felt when that Bill was coming up in another place that there were certain difficulties and technicalities about it, which I and my Army Secretary were not fully able to explain. I therefore asked the Admiral Commanding the Royal Indian Marine to come up from Bombay and met the Committee of the other House and offer them any explanation of the measure we were introducing which they might require ; he come up and I understand that he had little difficulty in satisfying the inquiries of Members of the other House. Naturally I have had no opportunity of keeping him up here any longer to help us, but I think most of us must have heard something about the explanations that he gave. This Bill, to the great surprise of the Government, was defeated by one vote in 1928. It was then referred to circulation last February and, as far as I saw, all the opinions expressed as a result of that circulation were in favour. As far as we can make out, the main objection to the Bill, when it was first introduced and on previous occasions, was that it was alleged to conceal rather an underhand attempt to build up a large Indian navy at the cost of the Indian taxpayer available for imperial purposes as a sort of reserve to the Royal Navy, to be used without those who paid for it being in any way consulted. It was of course perfectly true that we did give, and have again given and intend to give an undertaking that wherever it is possible the Central Parliament of India shall be consulted on any occasion on which the Indian Navy, which is to be so named after this Bill, will be used ; but it is perfectly obvious that there might possibly be occasions on which it would be quite impossible to do so. Modern war is getting quicker and quicker every day, and with swift ships, swifter aeroplanes, which will now be employed in war, it is extremely unlikely that any enemy, having hostile intentions, will be so kind as to give us notice of it. If that is so and war breaks out suddenly upon this Empire in any part of the world or on any part of it, I think you will agree that the Central Government of the Empire and the Governments of any part of the Empire would be very unwise indeed if they did not invest their executive with the power to go so far at least as to take immediate measures to meet the emergency and to summon Parliament as soon after as it is possible to vote the necessary credits and prove of their policy. The Indian Navy, as it is now and is likely to be for many years, can hardly be described as a fighting force in the sense that it would be able to compete with armoured ships of any of the great powers. The sole *raison d'être* of the Indian Navy is local naval defence, that is to say, mine-sweeping, anti-submarine work, the local seaward defence of ports, convoy duties, and so on. I may suggest at this stage that it would be well for Members of the Indian Legislature to remember how very weak India is in naval matters,

3 P.M.



[His Excellency the Commander-in-Chief.]

if ships of the Royal Navy happen to be engaged elsewhere. We had a taste of that when the "Emden", an enemy cruiser, shelled Madras—and we so far have not sufficient naval equipment to mine and make the approaches to any of our great ports difficult of access to enemy vessels, which might make a world of difference in certain situations.

It would seem obvious to the meanest intelligence that there must be one great co-ordinating authority if the Empire is at war. I do not for a moment say that there might not be occasions in small wars in which one part of the Empire would be engaged in small operations and the other parts would not have to join in. But if the war is a really serious one and the whole Empire is engaged and that war affects the safety of the whole Empire, I for one cannot see where India differs from New Zealand, Canada, Australia or the British Isles. If one falls the rest fall with it.

I do not for a moment mean that the Indian Navy, as it is constituted now or as it is likely to be constituted for many years, would be able to take part in war in European waters, or against Japan, America or far-distant powers, or in other remote contingencies which might befall the Empire. But I do suggest that, if we insist that the Indian Navy is only to be employed absolutely in what might be called territorial waters, that is within the four-mile limit, that might be an extremely risky thing to do. For instance, it is quite possible that, if we engaged in a sudden war, to keep open our communications with the West might be of vastly more importance than the fact of one of our ports being shelled by a hostile cruiser. For instance, it might be necessary and wise and the Admiral on the spot might advise that your Navy might be employed at the port of Aden. We might possibly lose our Burma oil supplies through mischance. And it might be necessary for the Indian Navy to keep open the ports of the Anglo-Persian Oilfields. Or it might be an even more serious case of keeping open the passage to the great naval base at Singapore. That is what I would like to impress upon you. You may be perfectly certain that the Navy which you are building up now will never be used outside what you might call eastern waters except with the full consent of the Indian Parliament but, outside your own territorial waters, it would be distinctly foolish if you do not allow the Admiral on the spot to make use of it in that manner.

The other objection was the slowness of Indianization. In 1928, it was announced that the ratio adopted was one Indian to two British, which meant one Indian officer a year. The first officer was taken on that year, and now we have 14 officers or officers-designate, instead of the six or seven that we anticipated. That seems to us a very good record seeing that it takes five years to train an Indian naval officer. The total cadre is 117. At present, however, only three officers and officers-designate are actually serving with the squadron.

Now, in regard to the first objection,—employment outside your own waters,—at the present moment the Admiralty can commandeer the whole of our Royal Indian Marine in time of war without asking any one. Under the amendments to the Government of India Act that were passed in 1927,

but which will not become operative till this Bill is passed, the naval forces of India will be used for the purposes of the Government of India alone, except that, if the Governor General declares a state of emergency, the Governor General in Council may offer those forces to the Admiralty, and I would add, within what is, I suppose, a short time the Governor General in Council will no longer exist and it will be Viceroy acting on the advice of his Cabinet, which is a different thing, a more Indian affair.

Defence is likely to be reserved under the new constitution, and the question to be answered is whether Indians are prepared to let their naval forces retain their present inferior status till defence ceases to be reserved, or whether they are ready to take advantage of the present opportunity to obtain for them the added status of a navy, with all that that and connexion with the Royal Navy means both in morale and satisfaction and I think efficiency.

Outside Indian waters as they at present exist, the Royal Indian Marine has no status whatever. Even if we send a party of officers and men to England to fetch out your new sloop "The Indus", they would have no status whatever. Nor would they be subject to any disciplinary code once they passed out of Indian waters. But if the Bill is passed, that will be rectified.

I can assure the House of one thing,—that their own navy, now gradually Indianizing, is one of the best military propositions which we have in India today, under the most able directorship of Admiral Sir Humphrey Walwyn, and I only wish that, when Members happen to be in Bombay, they would arrange with the Admiral to go over one of the ships, if they happen to be in port, and the training vessel; and I can assure them that they would not only be astonished at but very proud of what they see.

Sir, I move.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadan): Sir, the Bill that has been just placed before this House by His Excellency the Commander-in-Chief has, I take it, one object only and that is to make the necessary modifications to suit Indian conditions to the provisions of the British Naval Discipline Act. Now, Sir, a very pertinent question that comes into my mind is this. When did this navy come into existence? and with whose consent was it brought into existence? Sir, I have read the proceedings of both the Legislatures and I could not find that the Legislatures were ever consulted over the establishment of this navy. A similar Act was brought before the Legislative Assembly on the 21st of February, 1928. That is all that I could find from the proceedings of the Central Legislature. Sir, when the motion for reference to the Select Committee was made by Mr. Young, the then Army Secretary, it was opposed tooth and nail. The Legislative Assembly of the time, as we all know, consisted of some of the best brains of our country,—men like Pandit Madan Mohan Malaviya, Mr. Jinnah, Pandit Motilal Nehru, Lala Lajpat Rai,—and they all opposed the motion for reference to Select Committee. The result was that when the division was called the Bill was thrown out and it was never referred to Select Committee.

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

Since then, we have heard nothing about the Bill. It was only during this session that Government has chosen to bring the Bill before the Assembly again.

Sir, the Bill has two chief objections from our point of view. Firstly, the pace of Indianization would not only not be short but be very long. We have just heard from His Excellency the Commander-in-Chief that at present there are 117 officers in the navy. Out of these there are only three Indians and the rate of inclusion of Indians in the naval forces that was laid down by the Rawlinson Committee, on which this Bill has been framed, and moved in Parliament is one to two, that is one Indian to two British officers every year.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I said, Sir, there were only three in existence but a much larger number who were in training and were just coming in.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Yes, Sir. May I ask His Excellency the Commander-in-Chief whether the principle that has been accepted that one Indian will be taken every year for two British officers will also be changed? Unless that principle is changed, the result will be that it will take about 228 years to Indianize the naval forces. Unless the policy set forth in the Rawlinson Committee Report and accepted by the British Parliament is changed, that will be the result. That is my first objection.

My second objection is that the real control of the navy will be in the hands of the War Office. I quite appreciate the remarks of His Excellency the Commander-in-Chief when he said that the navy will not be used without the consent of the Legislatures unless on emergent occasions. But, Sir, these are the assurances of His Excellency. I do not know whether the Admiralty and Parliament are going to follow them or not? As I find from the debates of Parliament, it is very difficult. Pointed questions were put in Parliament and no satisfactory answer was given by the Secretary of State for India.

Sir, I would crave a little indulgence of the House and of you, Sir, to go very briefly into the naval history of India. I will not take more than five minutes. In 1612, the force was in existence. It was paid and controlled by the East India Company. In 1862, the British Government decided to take over charge of the naval defence of India from the East Indian Company and they established the Royal Indian Marine. In 1884, an Act of Parliament was passed by which the name of this force was changed to the Royal Indian Marine. It was just before the beginning of the Great War that this force was taken over by the British Royal Naval Force and used in the Great War. After that in 1919, when the war was over, the question was examined at great length by Admiral Lord Jellicoe as to what was to be done with this force and how it should be named. The examination went on from year to year and special attention was paid to it in 1922 and 1924 by the Naval Commander-in-Chief. It was only in 1925-26 that a Departmental Committee presided over by the late Lord Rawlinson was set up. That Committee went through the question.

very thoroughly and submitted a report. On that report, a Bill was introduced in the House of Commons on 9th March, 1927. Sir, the Bill was hotly discussed there and opposed by a large number of Members, but it was passed. Those Members who opposed this Bill held the same opinions which we give expression to here. I hope, Sir, that if I quote from the opinions of two or three Honourable Members of Parliament, it will carry greater weight in this House, because they are certainly not armchair politicians, but trained politicians of a self-governing nation. We, Sir, have been called armchair politicians, who do not know these things, but the British statesmen in the House of Commons cannot be dealt with so lightly. Sir, when the Under Secretary of State for India, Earl Winterton, moved :

“ That the Bill be now read a Second Time ”,

an Honourable Member, Mr. Ammon, moved an amendment to the Motion of the Under Secretary as follows :

“ That this House, being desirous of extending the powers of the elected representatives of the Indian people in the control of Indian affairs, cannot assent to the Second Reading of a Bill for the provision of an Indian Navy which fails to place such Navy under the control of the Indian Legislative Assembly, has not been submitted to and approved by that Assembly, and incidentally involves an increase in Imperial Naval Forces ”.

Sir, the object of the amendment was very clear. The Legislatures in India had not been consulted. That was the first objection. The second objection was that the Legislatures will have no control over the navy, and the third objection was that it will be paid by the Indian Government. These were the three objections on which the Honourable Member moved the amendment. That amendment was hotly discussed and defeated at the end.

THE HONOURABLE SAIYID RAZA ALI : What was the voting ? By how many votes was it defeated ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : The voting was, Ayes 245 ; Noes 117. That is, as many as 117 Members were in favour of this amendment. So, my Honourable friend Saiyid Raza Ali will be satisfied that a large section of the House of Commons was against the Bill. While making his speech, Mr. Ammon made certain observations, and these observations are exactly what we are placing this afternoon before the Government. He said :

“ It is nonsense to talk about this Indian Navy being an Indian Navy in the real sense of the term, because the only people who are excluded from it are the Indians themselves ”.

Mark the strong language in which he put forward his argument. Further on he said :

“ The Rawlinson Committee recommended in regard to the recruitment of executive officers in the proposed Indian Navy, that they would be required at the rate of three a year \* \* \* but only one appointment every year should be reserved for an Indian boy ”.

That is what we have just said. Further on he said :

“ In face of that is it not absurd to talk about this being an Indian Navy ? It is simply a proposal to supplement the British Navy and impose it upon the Indian people ”.

[Raj Bahadur Lala Mathura Prasad Mehrotra.]

He proceeded :

" All the lower ranks we are told will eventually consist of Indians. It simply means that probably the more unpleasant work, the work which is more difficult for Europeans to carry out, is going to be given to the Indian people, but they are not to have their own nationals to officer them, nor are they to be trusted in that particular respect "

In this sentence he puts in a nutshell the position of the Indians under the Indian Naval Forces Act. Sir, I would only quote one sentence more from his speech. He said :

" Every one who has had any contact with the Navy knows that you can see Chinese, Japanese and all other nationals being trained in our Royal Navy as officers, yet there is no such provision made for Indians "

So he put before the House that they took all other nationals but Indians for training in the Royal Navy, and therefore he objected to the Bill and moved that amendment. He was supported by Lieutenant-Commander Kenworthy, some of whose observations I would place before the House. He said :

" What chance have they had in the past ? During my short service I actually served in our ships with Chinese cadets, Turkish and Siamese officers and Japanese. Even Chilean officers had been given a chance of serving in our Navy. The Siamese officers passed right through the training ship and became officers in the Siamese navy "

He was a naval officer himself and he gave his own experience of the training of all other nationals but Indians.

THE HONOURABLE THE PRESIDENT : You are not going through the whole book !

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : No, Sir. The observations of this side of the House were lightly treated on the Army Bill, so I have thought it proper to place the observations of British politicians before the House after carefully studying the whole debate in the House of Commons.

THE HONOURABLE THE PRESIDENT : Those who are interested can read it for themselves.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : It is not done. Sir, further on he said :

" When 20 or 30 years ago we wished to encourage the formation of Colonial navies, we took special steps to induce the sons of Colonials to join the Navy and we gave them Colonial cadetships. Why is that not being done henceforward with regard to the Indian Navy ? If you are earnest in making this new Dominion Navy, why do you not take up this matter in a large way ? "

Sir, I will not read other passages from his speech. I will now come to the speech of Colonel Wedgwood. In opposing the Bill and supporting the amendment, he said :

" The grievance I have found it most difficult to answer is the accusation that in our occupation of India we have created in Indians a slave mentality, that we have by our administration of India destroyed their self-respect. It is obvious to any of us who go to India that they, like many other people, suffer from the inferiority complex. To my mind the most important work we can do in India and in this country also is to destroy the inferiority complex from which so many people seem to suffer. How can we destroy it in India ? We are doing something by making them, if only to a slight degree, res-

possible for their own government, but I do not believe you will ever create self-respect in any people till they are in a position to defend themselves. I look upon the development of an Indian navy as a step in the same direction. It is humiliating to any people to be told that they may only serve in the stokeholds or in the ranks, and that they can only occupy administrative posts of an inferior degree ”.

Later on he said :

“ Just as we took Australians, Canadians and New Zealanders in the Navy as Colonial cadets, just as they are taken in the army, in order to bring the Empire together and to create in our great Dominions overseas a feeling of solidarity with ourselves, so, instead of confining our attention to the new Indian Navy, I would have brought Indians over here and put them in the British Navy. Half the difficulty in India today comes from this infernal feeling of superiority on the one side and inferiority on the other. If we could knock that feeling out by treating Indians just as if they were Australians, then we should find that they are exactly like Australians. If you expect people to accept the position of inferiority they will only be fit to be inferiors. It is a question of atmosphere. Insist that people are capable of defending themselves and they will defend themselves. But if you expect them always to run away, they will run away. That is the whole essence of what we call morale in the army and navy ”.

I cannot place the feelings of our countrymen in stronger terms than my friend has used in the House of Commons, and therefore I have quoted this important passage from his speech. Sir, another Honourable Member, Mr. Lansbury, also supported the amendment and opposed the Bill. He made one or two important observations. He said :

“ Whatever results from this Bill, the people of India will pay for it and we shall have the management of it. It will be under our control ”.

Sir, these observations were not refuted from the Treasury benches. This shows that in spite of the assurance that His Excellency the Commander-in-Chief has chosen to give here, the control will rest with the Admiralty or the British Parliament unless any assurance comes to that effect from them. Had the intention of Government been otherwise they would have challenged these statements made in the House of Commons. Sir, I will finish these tiring quotations, with the remarks of another Honourable Member of Parliament, Mr. Barker, on the Third Reading of the Bill. He said :

“ The Singapore policy may be right or wrong. At any rate it would be honest for the Government to say why it is bringing in this measure. It is an insult to the Indian people to say that we are creating this navy for the purpose of giving prestige to India. It is sheer humbug and the Government know it very well. The object is to defend this country against Japan and to use the Indian people for that purpose. If the Government were honest they would say so. But they are not honest. They are trying to cloak this measure, and I am glad that I am in the House to vote against it ”.

This is from the speech of Mr. Barker, a member of the House of Commons. Sir, look at the strong language with which he opposed the Bill and the plain language in which he has laid open the whole policy of the Government by saying that the object of creating this navy is to strengthen the forces to be used against Japan and to strengthen the Singapore base of operation.

**THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY** (Bombay : Nominated Non-Official) : Japan would make short work of it in no time.

**THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN** (North-West Frontier Province : Nominated Non-Official) : May I tell the

[Major Nawab Sir Mahomed Akbar Khan.]

Honourable gentleman if it is intended to be used against Japan we have got no relationship with Japan so that we should grudge it.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I have not given my views that this is going to be used against Japan. I have given the views of a Member of the House of Commons. I do not know what is at the back of the mind of the Government.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Not worth bothering about as long as you know what is in the mind of the Government—

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: If the Leader of the House finds any objection to the use of the words "at the back of the mind" I will submit I do not know what is in the mind of the Government.

Sir, these are the points on account of which we in this country are opposed to the Bill. These were the reasons on which when the Bill was going to be referred to a Select Committee in 1928 it was thrown out by the Assembly. This time we know what kind of Assembly there is and how easy it was for the Government to get all contentious measures passed through the Assembly. Therefore, Sir, at the fag end of the season they have chosen to bring this Bill and get it through, as well as the Army Amendment Bill.

Sir, with these observations, I oppose the Bill.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I cannot feel that I should waste the time of the House in replying at great length to the only opposition I heard which was from the Honourable Mr. Mehrotra. I might refer just very shortly to one or two of his points. First of all, the ratio of 1 to 2. The ratio of 1 to 2 has nothing sacred about it; but we are now putting it into force, and as a matter of fact Admiral Walwyn has more than once recommended that it should be increased. He considers that the Indian has already shown himself fit for an increase on that. When he says it, that will be considered and I hope brought about before very long. (Applause.) He is our expert. I thought I heard enough of the War Office from the Honourable Mr. Mehrotra; but when he abuses the War Office because it controls the Indian navy I really must protest. The quotation from the House of Commons is an unfortunate one and it is a particularly unfortunate choice of my service champion. It is not usual to speak ill of anybody from the floor of the House who is not there to answer for it. I can say—and all my British colleagues here will say—that the choice of the names he selected is distinctly unfortunate.

There is one thing which I wish to quote and then I have done. It is with regard to the employment of your navy for imperial purposes. It seems to me that very few Honourable Members have grasped that there is a clause in the Government of India Act of 1927 which is very definite about that. Perhaps they may have read it and forgotten it. I will just read it now. This is section 44A of the Government of India (Indian Navy) Act, 1927:

"Any naval forces and vessels which may from time to time be raised and provided by the Governor General in Council shall be employed for the purposes of the Government

of India alone, except that if the Governor General declares that a state of emergency exists which justifies such action, the Governor General in Council may place at the disposal of the Admiralty all or any of such forces and vessels, and thereupon it shall be lawful for the Admiralty to accept such offer ”.

Except in those circumstances, I contend—and I said so in my speech of introduction—that the Governor General in Council or his successor, when that comes about, the Viceregal Cabinet will not do that for a moment without taking consultation of his advisers. It would place him in an almost impossible position if he did so. I contend, Sir, that, whatever the Honourable Mr. Mehrotra may have said, what we are introducing now and what we are doing with regard to the Indian Navy opens up a new chapter. There may have been mistakes before and differences of opinion, but this new chapter—I think the House will agree—is a genuine advance, a genuine attempt on our part to give your navy the status which it most certainly deserves.  
 •(Applause.)

**THE HONOURABLE THE PRESIDENT :** The Question is :

“ That the Bill to provide for the application of the Naval Discipline Act to the Indian Navy, as passed by the Legislative Assembly, be taken into consideration.”

The Motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

The First Schedule was added to the Bill.

The Second Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF :** Sir, I move :

“ That the Bill, as passed by the Legislative Assembly, be passed.”

The Motion was adopted.

#### AMENDING BILL.

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF :** Sir, I move :

“ That the Bill to amend certain enactments, as passed by the Legislative Assembly, be taken into consideration.”

Sir, there is nothing contentious about this Bill. It is a direct consequence of the passing of the Indian Navy (Discipline) Act, in that it seeks to give to the members of the new Royal Indian Navy the same civil rights and liabilities as the personnel of His Majesty's Military and Air Forces already have. To attain this object, it is necessary to make formal amendments in a number of existing laws. The majority of the amendments consist in adding the word “ sailor ” between the words “ soldier ” and “ airman,” in adding a reference to the Naval Discipline Act, or that Act as modified by the Indian Navy (Discipline) Act, beside the Indian Army Act and other similar enactments, or in omitting references to the Royal Indian Marine. In one or two cases the



[His Excellency the Commander-in-Chief.]

opportunity has been taken to provide for "airman" also, where they have been omitted before.

Sir, I move.

The Motion was adopted.

The Schedule was added to the Bill.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

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The Council then adjourned *sine die*.

*CORRIGENDA.*

COUNCIL OF STATE DEBATES, VOL. II.

*No. 8, 20-8-34—*

Cover page. In the second item under "Contents" for "G. C. I. E." read "G.C.S.I."

*No. 10, 27-8-34—*

Page 386. In the answer to Question No. 130 (i) for "No. 142" read "No. 133" and (ii) for "32 days" read "22 days."

*No. 15, 4-9-34—*

Page 605. Against the question appearing on that page for "No. 216" read "No. 213."

*No. 16, 5-9-34—*

Page 640. In the answer to question No. 219 for "No. 153" read "No. 144."

Page 667. In the fourth line from the top for "noe it" read "note."

*No. 17, 6-9-34—*

Page 735. In the seventh line from the bottom for "prove" read "approve."

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