

Thursday, 16th March, 1939

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THE
COUNCIL OF STATE DEBATES

VOLUME I, 1939

(23rd January to 18th April, 1939)

FIFTH SESSION

OF THE

FOURTH COUNCIL OF STATE, 1939

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COUNCIL OF STATE.

Thursday, 16th March, 1939.

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

MEMBERS SWORN :

The Honourable Mr. Astad Dinshaw Gorwala (Nominated Official).

The Honourable Rai Bahadur Lala Nanak Chand (Nominated Non-Official).

QUESTIONS AND ANSWERS.

AVERAGE MARKS SECURED BY INDIANS IN THE OPEN COMPETITIVE EXAMINATION HELD FOR THE ROYAL INDIAN NAVY.

177. THE HONOURABLE MR. N. K. DAS (on behalf of the Honourable Mr. B. N. Biyani) : (a) Are Government aware of the figures given by Captain McClement in his report indicating that the average marks secured by Indian candidates in the Navy Class is 54 per cent.?

(b) Has the Captain Superintendent remarked this achievement as "good" for a public examination?

(c) Did the late Commander-in-Chief, Sir Philip Chetwode, give an assurance that if Government found a sufficient number of qualified Indians they would revise the present ratio of Indians and Europeans in the Navy?

(d) Do Government propose to revise the present ratio of Indians and Europeans in the Indian Navy? If not, why not?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) Yes.

(b) Yes.

(c) Yes.

(d) The Government of India are not prepared to confine recruitment of Indians for the Royal Indian Navy to the "Dufferin", which is in no sense a naval training college but is designed to equip boys for a career in the merchant service. We do, however, obtain a few good naval cadets from this source from time to time, and, since the educational standard of the "Dufferin" boys is not sufficiently high to enable them to compete with any chance of success at the open competitive examination conducted by the Federal Public Service Commission, a special examination confined to "Dufferin" boys is held annually, and from this, candidates who are of the standard required are given cadetships in the Royal Indian Navy. During the years 1934—1938, eight "Dufferin" boys have been taken into the Royal Indian Navy in this way.

The normal method of recruitment is the competitive examination conducted by the Federal Public Service Commission twice yearly in March and October. The results of recent examinations are disappointingly poor. In March, 1938, three vacancies in the Royal Indian Navy were offered but only 10 cadets applied and of these only two obtained qualifying marks. In October, 1938, four vacancies were offered. Only 14 candidates appeared and of these none obtained qualifying marks. In the circumstances it is not possible for the present to consider increasing the existing ratio.

FALL IN NUMBER OF CANDIDATES OFFERING FOR THE INDIAN MILITARY ACADEMY, DEHRA DUN.

178. **THE HONOURABLE MR. N. K. DAS** (on behalf of the Honourable Mr. B. N. Biyani) : Has there been a fall in the number of candidates offering for the Military Academy ? If so, have Government examined the causes ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Yes. There has been a marked fall in recent years. Government, however, have the matter constantly under review, and, as announced in a Press Note of the 11th January, 1939, a committee has been appointed which will examine this question among others.

REPORT OF THE CHATFIELD COMMITTEE.

179. **THE HONOURABLE MR. N. K. DAS** (on behalf of the Honourable Mr. B. N. Biyani) : (a) Has the Chatfield Committee submitted its Reports to the British Government ?

(b) Do Government propose to publish the Report officially ?

(c) Do Government propose to take the opinion of the Central Legislature and Provincial Governments before taking any action on the recommendations of the Committee ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) Yes.

(b) No.

(c) No.

MECHANISATION.

180. **THE HONOURABLE MR. N. K. DAS** : Will Government state how many units of the Army in India will be mechanised during the next year (1939-40) giving the names of the British and Indian units proposed to be mechanised.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The 5th Field Regiment, Royal Artillery, is the only unit for which funds for mechanization have been allotted during the financial year 1939-40. A scheme for mechanizing further units during that financial year is still under consideration but no conclusions have yet been reached.

THE HONOURABLE MR. N. K. DAS : Is the unit referred to an Indian unit or a British unit ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : British.

RAILWAY CONCESSIONS ADMISSIBLE TO BRITISH OFFICERS AND BRITISH OTHER RANKS WHEN TRAVELLING BY RAIL.

181. **THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA** (on behalf of the Honourable Raja Yuveraj Datta Singh): (a) Are British officers and soldiers by purchasing tickets for the lower class entitled to travel on railways in a higher class?

(b) Is this privilege granted to Indian officers and soldiers also? If not why not?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) No, but the majority of the personnel of the Defence Services are entitled to reduced fares and other concessions when travelling by rail on duty or at their own expense. These concessions are laid down in Appendix B to the Military Traffic Rules, a copy of which is in the Library of the House.

(b) The reply to the first part is in the affirmative. The second part does not, therefore, arise.

INDIAN AIR FORCE.

182. **THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA** (on behalf of the Honourable Raja Yuveraj Datta Singh): (a) Will Government state the strength of the Indian Air Force?

(b) How do the Indian Air Force compare with the air force of other nations in the matter of (i) number, (ii) equipment and (iii) salaries?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) I refer the Honourable Member to the "Return showing the actual strength of the Army and Royal Air Force in India", a copy of which is in the Library.

(b) Such information regarding the air forces of other nations as is publicly available is contained in the League of Nations Armament Year Book, a copy of which is in the Library of the House.

RECOMMENDATIONS OF THE CHATFIELD COMMITTEE.

183. **THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA** (on behalf of the Honourable Raja Yuveraj Datta Singh): (a) Will Government state the main recommendations of the Chatfield Committee?

(b) Will the Report be published?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) and (b). The Report of the Chatfield Committee is a confidential document and will not be published.

ORDERS ISSUED BY THE DISTRICT SUPERINTENDENT OF POLICE, AJMER-MERWARA, FOR APPLICATION FOR A LICENCE TO HOLD A MEETING OF THE JAIPUR SATYAGRAHA SAHAIK SAMITI IN THE NAYA BAZAR CHOPER.

184. **THE HONOURABLE MR. N. K. DAS** (on behalf of the Honourable Mr. B. N. Biyani): (a) Has the District Superintendent of Police, Ajmer-Merwara, asked Shri Sundarlal Garg, the convener of the "Jaipur Satyagraha Sahaik Samiti" to apply for a licence for holding a meeting in the Naya Bazar Choper on the 1st March, 1930?

(b) Have meetings generally been held in Naya Bazar Choper ?

(c) Were meetings in 1930-31 Satyagraha days held at that place ?

(d) Was any permission required up till now for holding meetings at that place ?

(e) If not, will Government state why restrictions were placed for holding the meeting referred to in part (a) ?

(f) Do Government propose to allow in future the holding of meetings at that place as usual without any restrictions ?

THE HONOURABLE MR. F. H. PUCKLE: (a) Yes.

(b) The Naya Bazar Choper is not a usual place for meetings though meetings have occasionally, it is understood, been held there.

(c) Some meetings took place in the Naya Bazar Choper in 1930-31.

(d) No.

(e) The reasons underlying the order under section 30(2) of the Police Act were as follows :

The 1st of March, 1939, corresponded to the 9th Muharram. Information reached the Superintendent of Police on the 28th of February that it was proposed by the Jaipur Satyagraha Seyathi Samiti to hold a meeting in the Naya Bazar Choper on the night of the 1st March in order to observe "Peasants, Day". As several Tazia processions were timed to pass through the Naya Bazar Choper between the hours of 8 and 10-30 p.m. on that night the Superintendent considered that if the meeting were held during those hours a serious clash would almost certainly ensue, which the police would be unable to control and that a very serious situation might develop. The Superintendent accordingly with the concurrence of the District Magistrate issued a notice under section 30(2) of the Police Act to Mr. Sunder Lal Garg.

(f) Ordinarily no restrictions of any kind are imposed upon the holding of meetings in the Naya Bazar Choper, but no guarantee can be given that restrictions will not be imposed, should, as on this occasion, the necessity of preserving the peace require such a course.

PETITIONS OF MESSRS. NARSINGDAS AND KRISHNAGOPAL GARG PRAYING FOR REMOVAL OF DISQUALIFICATION IN CONNECTION WITH ELECTION TO THE AJMER MUNICIPAL COMMITTEE.

185. **THE HONOURABLE MR. N. K. DAS** (on behalf of the Honourable Mr. B. N. Biyani): (a) Did Mr. Narsinghdas, son of Mr. Hariram and Mr. Krishnagopal Garg, son of Mr. Chhitarmal, both residents of Ajmer, petition to the Governor General in Council on 7th October, 1937, for the removal of disqualification for election to the Municipal Committee ?

(b) Has not the disqualification been removed yet ?

(c) Will Government state the reasons for the delay ?

(d) Do Government propose to remove the disqualification immediately in view of the impending municipal elections at Ajmer ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) Yes.

(b), (c) and (d). Orders removing the disqualification of Mr. Krishnagopal Garg and rejecting the petition of Mr. Narsinghdas have already issued.

USE OF THE TREVOR TOWN HALL, AJMER, FOR CERTAIN PUBLIC MEETINGS.

186. THE HONOURABLE MR. N. K. DAS (on behalf of the Honourable Mr. B. N. Biyani) : (a) Are Government aware that the use of the Trevor Town Hall for a public meeting on the 23rd February, 1939, was refused by the Chairman of the Municipal Committee of Ajmer to Sjt. Krishna Gopal Garg ?

(b) Did the Chairman in his letter to Shri Garg write that he had been definitely instructed not to permit the use of the Hall ?

(c) Will Government state as to who this instructing authority is ?

(d) Why was the permission refused ?

(e) Is the refusal in conformity with the rules laid down by the Municipal Committee for the use of the Hall ?

(f) If so, under what rules ?

(g) Was the same Hall allowed to be used some days back for a public meeting to give a send off to Shri Chandkaranji Sharda who was going to lead the Satyagraha in the Hyderabad State ?

(h) Why was the use of the Hall refused for the meeting to be held on 24th February, 1939, to welcome Seth Shrinivas Bagarka of Bombay ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (a) to (h). The information required by the Honourable Member has been called for and will be laid on the table of the House in due course.

BEAWAR MUNICIPAL COMMITTEE.

187. THE HONOURABLE MR. N. K. DAS (on behalf of the Honourable Mr. B. N. Biyani) : (a) Are Government aware that the six elected members of the Beawar Municipal Committee have tendered their resignations on the 6th February, 1939 ?

(b) Were these resignations tendered as a protest against the mismanagement of the Municipal Committee under the nominated President and the interference of the Chief Commissioner in the municipal administration ?

(c) If so, what steps do Government propose to take to remove the grievances of the elected members ?

(d) Do Government propose to allow the Municipal Committee to elect its own President ? If not, why not ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (a) Yes.

(b) It is understood that the reason for the resignations given by the members was alleged mismanagement.

(c) Government have no reason to believe that the allegations are well founded.

(d) The right of the Municipal Committee to elect their own Chairman will be restored when the local authorities are satisfied that the circumstances would justify such a step.

PARCEL OFFICE AT NEW DELHI RAILWAY STATION, N. W. R.

188. THE HONOURABLE MR. N. K. DAS (on behalf of the Honourable Mr. B. N. Biyani) : (a) With reference to my question No. 89 (b) on the 18th February, 1939, in this House regarding the number of clerks in charge of the

delivering and receiving work of the parcels at New Delhi Railway Station whether after the 18th February some changes in the duty hours of the clerks have been made without increasing the number of clerks ?

(b) Is a clerk required to attend more than ten (parcel, mail and express) trains in his duty time of eight hours and whether the timings of trains, specially in the morning, give scarcely 15 minutes interval between the departure of the first and arrival of the second train ?

(c) If so, who books the luggage of the passengers and remains in charge of the office when the clerk is required to remain at the platform before, at and after the hour of arrival of the trains ?

(d) Are the clerks required to work for double than their duty hours to complete their work ?

(e) Do Government propose to appoint at an early date more clerks to enable the Parcel Office staff to discharge its duty efficiently without any overwork ? If not, why not ?

THE HONOURABLE SIR GUTHRIE RUSSELL: (a) Yes.

(b) No. The Assistant Parcel Clerk on duty from 16 to 24 hours attends 10 trains, but he is assisted by another Parcel Clerk on duty from 13 to 18 hours. The booking of parcels closes at 17 hours, and during the 24 hours, there are only two occasions on which the intervals between trains are less than 15 minutes.

(c) The Parcel Clerks or clerk on duty.

(d) No such representation has been made by the staff.

(e) Government understand that the Administration is giving the matter further consideration.

AMENDMENT OF THE FEDERAL PART OF THE GOVERNMENT OF INDIA ACT.

189. THE HONOURABLE MR. G. S. MOTILAL (on behalf of the Honourable Mr. M. N. Dalal): Will Government state whether they have made, or are contemplating to make, any recommendation to the British Government to modify the Government of India Act, 1935—

(a) so as to make the representation of the Indian States in the Federal Legislature by election, rather than by nomination by the Princes, as provided in the Government of India Act, 1935 ;

(b) so as to bring the Departments of the Government of India excluded from ministerial responsibility by the Government of India Act, 1935, within the purview of the responsibility of the Federal Ministers ;

(c) so as to eliminate the vast margin of discretionary powers given to the Governor General under that Act ; and

(d) so as to delete the provisions of the Government of India Act, 1935, contained in Chapter III, Part IV, sections 111 to 121 of the Government of India Act, 1935, relating to discrimination against non-Indians in matters of trade and enterprise ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) to (d). The answer is in the negative.

SALARY TAX AND PETROL TAX IN THE UNITED PROVINCES.

190. **THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA** (on behalf of the Honourable Raja Yuveraj Datta Singh): Will Government state whether they were consulted by the United Provinces Government regarding the imposition of their recent salary and motor spirit taxation ?

THE HONOURABLE MR. A. J. RAISMAN: No, they were not.

LOSSES SUFFERED BY INDIANS ON ACCOUNT OF THE BURMA RIOTS.

191. **THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA** (on behalf of the Honourable Raja Yuveraj Datta Singh): Will Government state if it proposes to tax the Burma Government for the loss occasioned to the life and property of Indians during the recent riots which happened there ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: The Honourable Member is presumably referring to the question of compensation for losses sustained by Indians during the recent riots in Burma. This question is under correspondence with His Majesty's Government.

KENYA HIGHLANDS.

192. **THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA** (on behalf of the Honourable Raja Yuveraj Datta Singh): Do Government propose further to press the claims of the Indian settlers in Kenya regarding the apportionment of the lands in Kenya Highlands which is obviously prejudicial to the British Indian subjects as preference to the non-British subjects of the European race has been given ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: The attention of the Honourable Member is invited to the concluding portion of the Press Communique issued on the 24th February, 1939.

STANDING COMMITTEE FOR ROADS, 1939-40.

THE HONOURABLE MR. SHAVAX A. LAL (Nominated Official): Sir, I move:

" That this Council do proceed to the election, in such manner as the Honourable the President may direct, of three Members to serve on the Standing Committee for Roads which will be constituted to advise the Governor General in Council in the Administration of the Road Fund during the financial year 1939-40.

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: With reference to the Motion which has just been adopted by the Council, I have to announce that nominations to the Committee will be received by the Secretary up to 11 A.M. on Wednesday, the 22nd March, 1939, and the date of election, if necessary, will be announced later.

STANDING COMMITTEE FOR THE LABOUR DEPARTMENT.

THE HONOURABLE THE PRESIDENT: With reference to the announcement made by me on the 7th March, regarding nominations to the three Committees, I have to announce that the following Honourable Members have

[Mr. President.]

been nominated for election to the Standing Committee to advise on subjects with which the Labour Department is concerned :

1. The Honourable Sir Ramunni Menon.
2. The Honourable Mr. N. K. Das.
3. The Honourable Mr. V. V. Kalikar.

There are three candidates for two seats and an election will be necessary. The date of election will be announced later.

STANDING COMMITTEE FOR THE DEPARTMENT OF COMMERCE.

THE HONOURABLE THE PRESIDENT: The following Honourable Members have been nominated for election to the Standing Committee to advise on subjects in the Department of Commerce :

1. The Honourable Mr. G. S. Motilal.
2. The Honourable Rai Bahadur Sri Narain Mahtha.

There are two candidates for two seats and I declare them duly elected.

STANDING COMMITTEE ON EMIGRATION.

THE HONOURABLE THE PRESIDENT: The following Honourable Members have been nominated for election to the Standing Committee on Emigration :

1. The Honourable Rai Bahadur K. Govindachari.
2. The Honourable Saiyed Mohamed Padshah Sahib Bahadur.
3. The Honourable Mr. Ramadas Pantulu.
4. The Honourable Pandit Hirday Nath Kunzru.
5. The Honourable Rai Bahadur Lala Ram Saran Das.

There are five candidates for four seats and an election will be necessary. The date of election will be announced later.

RESOLUTION RE KENYA (HIGHLANDS) ORDER-IN-COUNCIL.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadian): Mr. President, I beg to move :

“ That this Council recommends to the Governor General in Council to convey to His Majesty's Government in the United Kingdom the feelings of indignation and resentment with which the Kenya (Highlands) Order-in-Council, which involves discrimination against Indians, has been received in this country.”

Sir, the position of Indians in Kenya has been the subject of discussion in the Central Legislature more than once during the last 20 years. The question of the issue of an Order-in-Council demarcating the boundaries of the Highlands and making the transfer of lands to non-Europeans there impossible has formed the subject of Resolutions twice in this House during the last four years. It is not necessary for me therefore to go at length into the history of this question, but I shall draw the attention of the Council to the most important

landmarks in the development of this question, so that they may know what are the stages by which the present position has been reached and how the Indian position has steadily deteriorated in Kenya.

Till 1902, Sir, there was no discrimination of any kind against Indians. Indeed, Indians were treated till then with something of the consideration due to pioneers. Till 1900 there were only few European settlers in Kenya, but, as the White Paper of 1923 points out, the encouragement of their emigration into the country as a matter of policy may be dated from 1902. From that time the influx of European settlers increased steadily. The policy of the reservation of the Highlands for Europeans was definitely laid down by the Earl of Elgin, then Secretary of State for the Colonies, in 1908. This shows, Sir, that the completion of the Uganda Railway was practically the undoing of the Indian residents there. This railway, which had been built by Indian labour, by making communications in Kenya easier than they were before, tended to promote European settlement and to encourage policies virtually discriminating against Indians. When European immigration increased, a Commission was appointed to find out what land was suited for European settlement. This Commission reported in 1906 and since then His Majesty's Government have consistently followed the policy of not allowing transfer of land to Indians in the Highlands.

At first, Sir, it appears that no restriction was placed on the sale of land acquired by Europeans to Indians. Indeed, it seems that, even after the war, some land acquired by soldier settlers under the soldier settlement scheme was allowed to be transferred to Indians. At any rate, Indians thought till the issue of the White Paper in 1923 that Lord Elgin's policy of 1906 and 1908 related only to the initial purchase of land and not to its subsequent sale. The White Paper, however, laid down the policy that neither any sale nor any subsequent transfer of land to non-Europeans could be allowed. This caused a great deal of resentment in India. The Government of India did what they could to press Indian claims on the attention of His Majesty's Government, but notwithstanding the backing that the Kenya Indians received both from the people and the Government of India, their claims were ignored by His Majesty's Government who adhered to their policy of according a preferential position to Europeans in the area known as the Highlands. The situation remained unchanged till a Commission known as the Kenya Land Commission was appointed in 1932 to make a full and authoritative inquiry into "the needs of the native population, present and prospective, with respect to land, whether to be held on tribal or on individual tenure". Owing to the uneasiness prevailing amongst the natives, it was thought necessary by His Majesty's Government to determine how much land was needed by the Europeans and how much could be placed at the disposal of the natives, so that the anxiety of the latter with regard to their future might be removed or allayed as far as possible. Now, one of the terms of reference of this Commission was to determine the area in which Europeans were to occupy a privileged position, and it was subsequently explained that the words "privileged position" meant the right of the Europeans alone to purchase lands in the Highlands and the prohibition against the acquisition of land in any manner by members of any other nationality. This Commission which was appointed, as I have already pointed out, primarily to find out what areas should be permanently reserved for the natives, went beyond its terms of reference and recommended that the area demarcated by them should be declared to be a European reserve and that its boundaries

"should be safeguarded by an Order-in-Council so that the European community may have the same measure of security in regard to land as we have recommended for the natives".

[Pandit Hirday Nath Kunzru.]

It was not the function of the Commission to make any such recommendation. Notwithstanding this fact, however, we find that His Majesty's Government declared their readiness to accept the view put forward by the Commission.

The Report of the Commission was published in the beginning of 1934. It naturally created great resentment in Kenya and in this country. Owing to the representations made on behalf of the Kenya Indians by the Government of India and the support which the Kenya Indians received from people in this country, the issue of an Order-in-Council remained in abeyance for four years, or to speak more correctly, discussions went on till the close of last year in order to find out whether it was possible to discover any method which would give satisfaction to the Indian settlers in Kenya. Unfortunately, however, His Majesty's Government declined to change their policy in the slightest degree and have issued now an Order-in-Council which puts Indians at a serious disadvantage as compared with the Europeans.

It was feared, Sir, formerly that the Order-in-Council would in terms discriminate against Indians in regard to the purchase of land in the Highlands. That, be it said to the credit of the Government of India, backed up by public opinion here, has not happened. But, taking the Order-in-Council as a whole, it seems to me that neither the Government of India nor the people of this country can congratulate themselves on the issue of their endeavours. The Government of India have stated in their Communique that the Order-in-Council, as it is now worded, merely continues the previous administrative practice. There are, however, two or three points which Honourable Members ought to bear in mind in this connection. The first point is that although the Order-in-Council does not apparently make any change in the previous policy and does not impose any statutory prohibition on the purchase of land by Indians in the Highlands, it is a reinforcement of the demand of the Europeans for the reservation of the Highlands completely for them. Why has the Order-in-Council been issued? So long the rights of the Europeans have not been prejudiced although even the boundary of the Highlands was not demarcated. Therefore, it seems to me that even though the Order-in-Council does not discriminate against Indians as such, the mere fact that it has been issued makes the position of the Indians worse than it was before. Its issue is a recognition of the racial principle that the Europeans have been contending for all these years. The second thing to be borne in mind in this connection is that the area of the land reserved for Europeans has been increased from about 11,000 square miles to about 16,500 square miles. That is, there will be nearly 6,000 square miles more of land in the Highlands in which the Europeans will enjoy a preferential position. The third point which I would bring to the notice of the Council is that in the area set apart for Europeans where Indians possess a small amount of land they will have only the right to sell the land they possess to Europeans. But once they have parted with it they will lose the right of acquiring it again from the Europeans. You see thus that the scope of the old policy of administrative discrimination against Indians has been increased and that a dangerous recognition has been given to the racial principle in regard to the acquisition of land in the Highlands. These are, Sir, the principal features of the Kenya (Highlands) Order-in-Council which has justly been the subject of censure in another House, and which has created so much resentment throughout the country.

I have so far dealt only with those features of the Kenya (Highlands) Order-in-Council which add to the disabilities already imposed on Indians. But there is another serious feature of it which it is necessary that the Council

should know. This Order provides for the establishment of a Highlands Board which is to consist of two officials, another person nominated by the Governor and four persons appointed from time to time by a majority of the European elected members of the Legislative Council of Kenya. Its function will be "to protect the interests of the inhabitants of the Highlands in the land situate in the Highlands" and "to advise the Governor in all matters relating to the disposition of land within the Highlands". The first thing which deserves notice in this connection is the constitution of the Board on which the elected representatives of the Europeans will be in a majority. The land in the Highlands is to be administered by this Board on which there will be a majority of those very persons whose conduct has repeatedly given cause for complaint to Indians in Kenya. The second thing is that the advice of the Board has to be sought whenever the question of the disposition of land in the Highlands arises. Hitherto, at any rate theoretically, it was possible for the Governor to allow an Indian to acquire land either directly from the Government or by purchase from a European. Although legally the position remains unaltered, it will be easily appreciated that the necessity for seeking the advice of the Board in future in such matters will increase the difficulties of Indians. Indeed, it lowers the position of the Indian community and gives the European community a higher status than it has possessed hitherto. Again, the first function of the Board to which I drew attention, namely, to protect the interests of the inhabitants of the Highlands in the land which is situate in the Highlands, has created great anxiety in Kenya. These words have been held to mean that the Highlands Board will have the right practically of administering the Highlands. I do not know whether this interpretation is correct. I would therefore ask my Honourable friend Kunwar Sir Jagdish Prasad to elucidate the position. Is the Highlands Board to be concerned only with the making of recommendations with regard to the disposition of land and its proper development or is it to have a share with the Government in the management of the Highlands? Is it to enjoy a sort of responsible government in this territory where all the other sections of the population will be directly or indirectly under its control? Sir, the cumulative effect of the provisions to which I have drawn attention will be to increase the power of the European community and to bring it a step nearer to that self-government which has been its aim for 20 years, but which has been turned down by successive Governments, both Labour and Conservative.

Mr. President, I have given the salient facts in connection with the position of my countrymen in Kenya. The story I need not say is not creditable to England. We are called citizens of the Empire, yet we are being discriminated against even in territories for the administration of which His Majesty's Government are directly responsible. And this discrimination is not exercised in favour of European British subjects only. Europeans coming even from those countries which entertain no friendly sentiments towards Britishers will enjoy more privileged positions than the Indian. Yet we are called upon to defend the Empire in times of danger. His Majesty's Government are now trying to settle Jews in Kenya and British Guiana. They are friends of justice and appeasement everywhere except in regions which they directly administer. I have every sympathy with the Jews in their present plight. Humanity demands that they should receive all the help that is possible from the civilized world. The shocking treatment which they have received in certain countries is a sad reminder to us that we are little removed from barbarism, notwithstanding our vaunted civilisation. But the fact remains that His Majesty's Government today are more anxious to afford protection to those

[Pandit Hirday Nath Kunzru.]

who are aliens than to those who are citizens of their own Empire and who have befriended it repeatedly in times of danger.

Sir, contiguous to Kenya is another territory known as Tanganyika which is governed by England under a mandate held from the League of Nations. In Kenya Indians are discriminated against directly or indirectly. In the neighbouring Colony of Tanganyika on the other hand it is impossible to exercise any discrimination against any race in the matter of the acquisition of land or the pursuit of any occupation or profession. In Tanganyika too there are high lands in various parts of the country, but fortunately the League of Nations mandate has hitherto protected us from those disabilities which have been our portion in Kenya during the last 30 years. Sir, when the Round Table Conference was going on His Majesty's Government were deeply anxious that European subjects should not be discriminated against anywhere in India. They used the word "discrimination", but it seems to me that their policy was to prevent Indians from enjoying the position to which they are entitled in their own country in economic matters. This Government which has been responsible for placing serious restrictions on our constitutional powers concerning the development of our economic resources is now following a policy of pure racial discrimination in one of those Colonies which do not enjoy Dominion status as yet but are administered directly under the Crown. What is the justification for this policy which is being pursued? What is the justification for placing Indians at a disadvantage even as against Europeans aliens? The effect of this policy on the country at large cannot but be obvious to His Majesty's Government. Obviously they think that whatever the resentment that their policy might create in India they are strong enough to keep India down by force. They are unfortunately right as things stand at the present time, but they may not always remain as they are and patient though we have been all these years there is a limit even to our patience. I confess, Sir, that I feel so strongly on this subject that if it were in our power to retaliate in the slightest degree against England, notwithstanding the dangers that we might run thereby, I would unhesitatingly vote for such a policy. His Majesty's Government have heaped humiliations on us in so many parts of the world and have been the means of lowering our position to such an extent outside the British Empire that our connection with the British Empire might well be regarded by some as a yoke and an indignity to be got rid of at the earliest possible moment. We are not at the moment in a position to carry out such a threat. But it must be understood that every step taken by His Majesty's Government in the direction which they have been following during the last 20 years is alienating Indian sympathies from them and that they will soon have to face the day of reckoning. Meanwhile, Sir, all that we can do is to protest, and protect energetically, against the policy of His Majesty's Government. The Government of India, Sir, in the past have done what they could to protect Indian interests and have on the whole made the Indian standpoint their own. They have twice accepted Resolutions of protest against the policy of His Majesty's Government in this Council. I trust that they will forward the present Resolution also to His Majesty's Government with their approval and tell them that they are running a danger which it would not be prudent for them to ignore.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : General) :
Sir, if an impartial historian were to write the history of the events in Kenya in connection with the Indian settlers there, he would have to come to the conclusion that the history of British rule in Kenya is a history of broken

pledges. Sir, the House knows that the Indian settlers developed the land in Kenya and until 1902 there was no racial discrimination actually observed by the Government there. In 1902 when the Indian settlers there apprehended that there was a move on the part of European settlers to bring pressure on the Government there to make discrimination about the occupation of the Highlands, they petitioned to the Deputy Commissioner and the Deputy Commissioner then said that they were wrong in holding the view that His Majesty's Government had any idea of making any discrimination. I shall read the exact sentence from the letter which the Indian Association at Nairobi received from the Deputy Commissioner. He said :

" You are in error in supposing that the Government has any intention of drawing a distinction between Europeans and Indians so far as the rights of mining, settling and acquiring land are concerned " .

This letter contained definite assurances that the Europeans and Indians will be treated on an equal footing. But this assurance was revoked within four years. In 1906 a Commission under the Chairmanship of Lord Delamere was appointed to investigate the rights of Europeans and Indians and that Commission reported that land in certain areas should be reserved for European white settlers. So, according to this Commission for administrative convenience this point was decided so that the European settlers should have lands in the Highlands ; but then so far as the transfer of lands were concerned, Indians were not forbidden to take transfer of lands from Europeans. Then, this administrative convenience developed further in an administrative policy. This recommendation of that Commission was accepted at that time by the Colonial Office on the ground of administrative convenience. But since then Lord Elgin in his Despatch stated that—

" With regard to the grant of land to Indians it is not consistent with the view of His Majesty's Government to impose legal restriction on any particular section of the community, but as a matter of administrative convenience grant should not be made to Indians in the Highlands area " .

After that the Crown Lands Ordinance was passed in 1915 which enacted among other things that the Governor could veto any transfer of land in the Highlands between different races. This policy was confirmed by His Majesty's Government in 1923 and at that time, Sir, the Government of India and the Indians in Kenya protested against this Despatch and the Government of India reserved to themselves the right to re-open the question at the proper time. Further, on these European white settlers, not being satisfied with this administrative convenience and administrative policy, organised a movement and the ultimate effect of the movement was the appointment of the Commission in 1932. As has been pointed out so ably by my Honourable friend Mr. Kunzru today, the Commission went beyond its terms of reference and recommended that an Order-in-Council be passed reserving the Highlands for Europeans and forbidding any Indians to take any transfer of land from European settlers who wanted to leave the Highlands and go somewhere else. After that, we find that the Colonial Office accepted the recommendation of this Commission, though the Law Officers of the Crown in England thought that the Commission has gone beyond the terms of reference. Further, Sir, when they found that an

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Order-in-Council was not being issued earlier, the Europeans moved a Resolution in the Kenya Council that the recommendation of the Land Commission should be given effect to and an Order-in-Council should be passed. Even at that time, Sir, the Colonial Government gave us and the Indians in Kenya to understand that there would not be any legal restriction so far as the transfer of land to Indians was concerned.

[Mr. V. V. Kalikar.]

And then, Sir, the present Order-in-Council comes. The personnel of the Board which has been created under the Order-in-Council has been stated to the House today and I will only read one section—section 5 of the Order-in-Council—which deals with this matter.

“ The function of the Board shall be—

- (a) to protect the interests of the inhabitants of the Highlands in the land situated in the Highlands and in particular to make representations to the Governor when, in the opinion of the Board, anything in relation to the administration, management, development or control of the land in the Highlands is not in the best interests of the inhabitants of the Highlands ;
- (b) to give or withhold its consent in all matters in which its consent is required by any Ordinance for the time being in force in the colony ;
- (c) to advise the Governor in all matters relating to the disposition of land within the Highlands.

And the Governor shall consult the Board in all such matters as are referred to in paragraph (c) ”.

The inhabitants in the Highlands are not Europeans only. There are Africans and Indians as well and all of them are to be under the protection of the Board. Hitherto the Governor had the power to veto any transfer of land in the Highlands between different races. Apparently the Order-in-Council takes away the power of the Governor and makes the Highlands Board an all-powerful entity without whose consent the Governor has no power to do anything.

Sir, what is the position as under the Order-in-Council of the Indians in Kenya now ? If I may say so, Sir, the position of the Indians in Kenya is worse than that of the Jews in Germany. In Germany, Sir, the Jews were asked to live in concentration camps and ghettos. In Kenya our nationals are asked to live in those low lands which are barren and rocky in spite of the fact that our nationals have developed Kenya and brought it to its present state. Sir, a gentleman, Mr. Leonard Barnes, who had some connection with the Colonial Office and who is expected to know the colonial question in its proper perspective, said about the colonial problem at the Fourth Session of the National Peace Congress in London :

“ India, under the new constitution or the old, was not self-governing in any sense which would be acceptable in, say Kenya, and was obliged to see its resources used to support the policies of the British Government ”.

It is needless for me to say, Sir, that Mr. Barnes is perfectly right in his remarks. The authorities in the Colonies and Dominions know perfectly well that Indians in their own country do not enjoy self-government and therefore it is not possible for them to bring pressure to bear on the authorities in Kenya to agree to their demand.

Sir, I further notice a very unfortunate fact and that is that this Order-in-Council has been issued when Mr. Macdonald, the son of Mr. Ramsay Macdonald, is in charge of the Colonial Office. I understand Mr. Macdonald was successful in bringing about peace between Ireland and England on the basis of the trade treaty. It is rather a pity, Sir, that we should be treated as pariah dogs in Kenya while Europeans like Germans and Italians should be preferred to our nationals. If there is any enemy of the British Empire in India, according to me, Sir, then it is practically, I may say, the Colonial Office which has brought about this position in Kenya in connection with our Indian settlers.

We contributed a very large amount and gave great help in the last war to Britain and the war was fought for maintaining justice but what do we see, Sir? We find that we are being treated worse than slaves in the very country which we tried our utmost to develop. I know, Sir, that the European settlers in Kenya are bringing pressure to bear on the Colonial Office and the Colonial Office are not in a position to oppose the influence of the European settlers there. But it is their bounden duty, Sir, to do justice to our nationals so that this discrimination may be removed. I therefore appeal to the Government of India and the Member in charge to accept this Resolution.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadian) : Sir, the Kenya question has been frequently before the House. I had the honour, Sir, of moving a Resolution on this question on the 20th September, 1935, soon after the publication of the Carter Commission's Report. Now, Sir, the position at present is that final decisions have been taken by His Majesty's Government in regard to the question of the reservation of the Highlands. The history of this question has been dealt with in eloquent terms by my distinguished friend Mr. Kunzru and I need not dilate very much upon that history. We helped to build up Kenya. Until 1902, there were very few Europeans there. Indians were pioneers in Kenya. Kenya owes her present prosperity to the work of the Indian pioneers. There was a change in policy in 1902. Until 1902, there was no discrimination against Indians. Europeans were encouraged to settle in the country after 1902. I will not go into the subsequent history,—Lord Elgin's policy, the position in 1915 and the notorious White Paper of 1923. All these have been dealt with by Mr. Kunzru. The present position is that all our representations have been ignored by His Majesty's Government. It is true that the Order-in-Council has not in terms discriminated against Indians. But the Order-in-Council reinforces the demand of the Europeans for reservation. What was the necessity for issuing this Order-in-Council? I cannot distinguish an Order-in-Council from a statute. I think it has the same binding force as a statute. The effect of the Order-in-Council is that it will not be possible for Indians to hold land in the Kenya Highlands. If an Indian, who has land in the Highlands today sells it to a European, then he cannot re-purchase it from the European. Further, the area of reservation has been increased from 11,000 square miles to 16,500 square miles. That is to say, 5,500 square miles have been added to the reserved area for Europeans. The main objectionable feature of the Order-in-Council is that it proposes to establish a Highlands Board. The constitution of this Board is as follows. There is to be the Chief Secretary who will be the President. There is to be as a member of it a Commissioner for Local Government, Land and Settlement. There are to be four persons—non-officials—appointed from time to time by a majority of the European elected members of the Legislative Council. Lastly, there is to be a person nominated from time to time by the Governor. In other words, the Europeans settlers in Kenya are to have a clear majority on this Board. The official element will be three and the non-official European element will be four. The functions of this Board are to be very vast. It shall protect the interests of the inhabitants of the Highlands in the land situate in the Highlands, and, in particular, it shall have power to make representations to the Governor that in the opinion of the Board anything—

“in relation to the administration, management, development or control of the land in the Highlands is not in the best interests of the inhabitants of the Highlands”.

Then, it will have power to give or withhold its consent in all matters in which its consent is required under any Ordinance for the time being in force in the

[Mr. P. N. Sapru.]

colony and it will have power to advise the Governor in all matters relating to the disposition of land within the Highlands and the Governor is further bound to consult the Board in all such matters as are referred to in paragraph (c). In other words, His Majesty's Government have established a sort of semi-responsible Government in the Highlands in Kenya. This semi-responsible Government is to be a purely European Government, and so far as the Indian settlers who have helped to build up the Kenya of today are concerned, they are nowhere in the picture. Can there be a grosser example of racial discrimination than the constitution that has been provided for this Board? Sir, the Kenya question is one of those questions on which our allegiance to the British Commonwealth depends. You cannot have two classes of citizenship in the British Commonwealth. You cannot have a class A citizenship for the Europeans and a class B citizenship for the Indians. The Indian, with his culture and civilisation, is entitled to have a fair deal at all events in those parts of His Majesty's Empire which are under the direct administration of the Colonial Office. Here you are not dealing with a Dominion. You cannot say you cannot interfere, because South Africa is for all practical purposes an independent country, and it is not subject to the control of Whitehall. Here you are not dealing with Canada or South Africa; you are not dealing with Australia or New Zealand. Here you are dealing with a territory which is under your direct administration, and you have got to be fair in this territory to all sections of His Majesty's subjects. Why should we shed our blood for you? Why should we bother ourselves about what is happening in Europe, if you will not treat us properly in territories which you directly administer? You want to throw open the Kenya Highlands to the European, to the Jews. You want to settle the Palestine question, if I may put it bluntly, by offering some facilities to Jews in Kenya. I have a very great deal of sympathy with that much oppressed race but what is this policy of appeasement of which we hear so much? Sacrifice other peoples' interests and protect your own interests. If you want to provide a home for the Jews, you have got a vast Empire and you can provide a home for them somewhere, but don't do it at the expense of the Muslims in Palestine or at the expense of the Indians in Kenya. That is not playing the game. If you expect Indians to be loyal to you with the policy that you are following, then you do not understand human psychology. It is no pleasure for me to speak in this strain. We belong to a Group which has valued the British connection. If we are to be part of the British Commonwealth, then that Commonwealth must offer something to us. And what is it that that Commonwealth offers to us today? What the Commonwealth offers to us is insult, indignity and humiliation in those parts of the Empire where our people are settled. I do not blame the Government of India. They are constitutionally a subordinate branch of His Majesty's Government. They have done all that they could. They have entered their protest. They have fought our battle to the extent that it was possible for them to do. But I do blame His Majesty's Government. They have shown no imagination in tackling this question, and it is a matter for very serious regret that the decision should have been taken by a Colonial Secretary who bears the name of Macdonald. Mr. Ramsay Macdonald at one time was to be the President of the Indian National Congress. Surely Mr. Malcolm Macdonald the Colonial Secretary ought to have approached this problem in a spirit of greater sympathy and with greater imagination. It is no use saying that the *status quo* has been maintained. The whole point is that even the *status quo* has not been maintained. The constitution of this Board, the powers of this Board, have made the position of the Indians in Kenya worse than it is today. And what

after all is it that we can do? If we had the power to retaliate we would retaliate. But we feel the helplessness of our position. We feel that you have treated us with supreme indignity. Just consider the way in which you would like the rights of our European commercial friends to be respected in India. You want that the interests of the services should be safeguarded—you want the interests of the European commercial community to be safeguarded and you want it to be treated as if it were an Indian commercial community. You want your rights to be safeguarded in Burma. But you do not bother about the Indian who goes to some foreign land, who toils in that foreign land, who builds up his fortune in that foreign land, who helps the development of that foreign land, who helps the British exploiter to develop that land. You do not care for the Indian in that foreign land at all. Well now, we have got a sentiment for the Indians who are settled abroad. They represent the spirit of adventure in the Indian race. They represent for us, the Greater India and if you believe in the Greater Britain then we are also entitled to believe in a Greater India. And what do we find? We find that the Indian who has shown enterprise, who has shown courage and determination and initiative, who has done pioneer work in these lands is not being treated by you fairly. This is not certainly a right policy. It is not possible for us to do anything today. All that we can do is to register our protest and that in the strongest terms possible. For that reason, Sir, I give this Resolution my whole-hearted support.

* THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY (East Bengal: Non-Muhammadan): Sir, I rise to support this Resolution. My Honourable friends Pandit Kunzru and Mr. Sapru have already given expression to the strong feeling of resentment and indignation which prevails in the country on this question. The Government of India also has done its best to give us support. If they are in sympathy with the strong feeling of indignation and resentment which prevails in the country what I submit is that the Indian members of the Government of India should resign in response to that feeling.

THE HONOURABLE MR. G. S. MOTILAL (Bombay: Non-Muhammadan): Sir, there can be no two opinions as regards the imperative necessity of this House adopting the Resolution moved by the Honourable Pandit Kunzru, who gave us an instructive and interesting account of the measures which have been adopted from time to time against Indian settlers in this Colony. We are not unaware of the various indignities and disabilities which have been imposed and inflicted upon Indians in other parts of this so-called British Empire. The excuse in those cases has been that those countries were self-governing and the Home Government could not interfere with their administration. But the case of this Colony stands on a very different footing. Self-government has not been bestowed on the people of this Colony, not even on the Europeans, although more and more rights are gradually being conferred upon them to the disadvantage of Indians. If responsible government were conferred on the people of such lands, that is, on the natives of the country, and if those natives wanted to keep Indians out, it would have been a different matter. But here a few Europeans have settled in a country which was developed by Indians who were there first, and the latter are now being deprived of residence in certain places. Indians were precluded by administrative measures from occupying the Highlands, and now by this Order-in-Council an Indian cannot purchase land there, while nationals of other European countries, Germans, Italians, Russians, can reside and purchase land in

*Not corrected by the Honourable Member.

[Mr. G. S. Motilal.]

that part. Indians cannot do so because they are Indians, because in our own country we are what we are today. We have not got self-government and therefore the British Government takes no notice of the protests which the Government of India makes. I do not know, Sir, what other effective measure the Government propose to take. Will it only be to communicate the Resolution of this House or will they do something more effective? Do they not feel the responsibility which they most certainly have of compelling His Majesty's Government to take the necessary measures to annul these decrees, so that Indians may be in a position to occupy those lands? It is a very invidious distinction and the Government of India has to do all that it can to compel and persuade His Majesty's Government to give the Indians the same rights as the Europeans have in that Colony.

* THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, I rise whole-heartedly to give my support to the Resolution which has been moved by my Honourable friend Pandit Kunzru. After all the elaborate and impassioned speeches that have been made on the subject, and especially after the detailed history that has been given to this House by the Honourable Mover, I feel it is hardly necessary for me to dilate much on this subject. However, I cannot refrain from rising in my seat if it was only to show that I have my full sympathy with the object with which my Honourable friend Pandit Kunzru has moved this Resolution. It is a great pity that Indians who are said to be the subjects of the British Empire are treated so shabbily, so unjustly, in every part of the British Empire outside India. Systematic, persistent, dogged efforts seem to be made to try and drive and hound out Indians out of every part of the British Empire. Not only in self-governing Dominions, but even in countries which are directly under the administration of His Majesty's Government Indians are subjected to such disabilities, such insults and indignities. It is indeed a great pity that the Order-in-Council recently passed by His Majesty's Government should have gone to make the position of Indians in Kenya from bad to worse. As has been already stated by Honourable friends who have preceded me, the position of Indians in Kenya has been deteriorating systematically. So long as the country was undeveloped, so long as it was not a comfortable place for white nations to settle there, the Indians had fair treatment; but immediately the country was made more comfortable, it was opened up, the railway was built, and there were some facilities for decent, comfortable living, every sort of disability seems to have been heaped upon Indians there. The very Indians who had helped to open up the country, to build the Uganda railway, immediately the railway was built up, were placed under a disability, and this in spite of the fact that assurances had been given to them that no discrimination would be made against them. As has been already stated, originally it was only the original grant of the land in the Highlands that was prohibited, but subsequently even the transfer of land has been prohibited by the Government. Even though after the White Paper of 1923 the lot of Indians in Kenya was not very happy, this Order-in-Council seems to have filled their cup of disabilities and misery to the very brim. The Highlands Board which has been established by this Order-in-Council appears to seal the doom of Indians in that country for ever. The fact that this Board appears to be all in all in matters of disposition of lands in Kenya and has under its control the management, the administration and everything that matters to the welfare of the inhabitants owning lands in

*Not corrected by the Honourable Member.

the Highlands makes it perfectly clear that Indians can no longer expect any fair treatment in Kenya and that they can no longer hope to have anything like a decent and comfortable living in that part of the country.

Just one word more, Sir, about the endeavours that have been made by the Government of India in this respect. We are all highly grateful for all that has been done by the Government of India to see that the lot of Indians in Kenya is improved, but we are sorry to find that in spite of the support that this question has received both from the people and the Government of India His Majesty's Government have not seen their way to do anything to meet the wishes of Indians in this respect, but, on the other hand, they appear only to have helped the European settlers in those parts to heap indignity and disability upon Indian settlers in Kenya.

With these words, Sir, I support the Resolution.

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce): Sir, I rise to say how much I sympathise with a great deal of what was said by the Honourable the Mover and other Members who have supported him. I would like, if possible, to encourage others who have difficulties in the world not always to threaten retaliation. One of the great troubles today in Europe certainly is—and I know this is the case in Germany—that when the Jews had a lot of power they did oppress and they did abuse their power and that is one of the main reasons why the Nazis have abused and treated them as they have done. I do not think that the threat of retaliation is the wisest line to take.

THE HONOURABLE MR. G. S. MOTILAL: What other line then would you have?

THE HONOURABLE MR. R. H. PARKER: Go on, claiming fairness, justice. Put it on a higher plane. Perhaps that is the plane on which Mr. Gandhi thinks.

Then, there was the suggestion that the Commonwealth does not offer any help at all to India. I think that is rather unfair. If you consider what you do gain by your connection with the Commonwealth it is very great indeed on balance. There was also the suggestion that the Indian Members of the Government of India ought to resign. I think if they have one per cent. misfortune in their annual affairs it is hardly a ground for resigning! As Mr. Malcolm Macdonald is not here, I would like to say this in respect of the reference to him. The decision was a decision of the Cabinet and it is hardly fair to accuse only one member of it.

THE HONOURABLE RAJ BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, the Honourable the Mover of the Resolution and the Honourable Mr. Sapru and the Honourable Mr. Kalikar and other Honourable colleagues of mine who have spoken in support of the Resolution have dealt with the subject very exhaustively and have spoken upon the merits of the Resolution. Sir, I have at times observed that the policy of the British Government has been changing fast since the last few years. There was a time when the principle adopted by the British Government was that right was might and on that principle the Great War was fought against Germany. Now, Sir, we find that that policy is changed and the British Government now regards might as right. I have cited the instances in which the British Government has tried to prove to the world that my assumption of their

[Rai Bahadur Lala Ram Saran Das.]

change of policy is patent. We have seen, Sir, that poor and weak powers have been swallowed up by mighty ones. Look at the case of Abyssinia, and look at the case of Czecho-Slovakia, which was devoured by Germany yesterday.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated Non-Official) :
And there is yet more to come.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : That means, that while other powers are adding to their supremacy, the British power is declining. That is not a good omen and my Honourable friend Sir David Devadoss has rightly observed that other powers are gaining ground. Sir, in times when the international situation is so highly complicated as it is now and as I belong to that school of thought which values the British connection, it is imperative on the British Government to treat all their subjects alike as was declared in the great declaration of Her late lamented Majesty Queen Victoria which has been endorsed by her successors. Sir, discontent in India is increasing and the British Government is quite indifferent to it. I am grateful to the Indian Government for their advocacy of the cause of Indian settlers abroad and particularly to our Honourable Leader Kunwar Sir Jagdish Prasad, but, Sir, we have seen that, when any serious and strong recommendation of the Minister in charge is totally ignored, the general way in which disappointment and resentment can be shown is to resign. So I can tell my friend the Honourable Mr. Parker that it is practically a method of showing resentment and disappointment with the British Government and particularly for the Indian Members whose opinions are flouted.

Sir, racial discrimination is a thing which Indians are feeling bitterly because their self-respect has been wounded by it and anyhow our intelligentsia cannot tolerate any insult or humiliation that is offered to it. Sir, in our own country, I may say that we are not being properly treated and in countries abroad our condition is that of slaves. Sir, of course we are told forgetfulness is a virtue, but when India has rendered such great services in the Great War, those services should not be forgotten in the way in which they are being done. The international situation is menacing and the time is approaching when we shall have to face a great war and the British Government is ill-advised to treat Indians in the way in which they are doing. I have already said, Sir, on the floor of this House that the recent recruitment Bills which have been passed, *e.g.*, (1) the Army and (2) the Navy Recruitment Bills—are the result of that discontent and the realisation by the Government of India that discontent exists and people will not be coming forward for recruitment in big numbers when the time comes. I have also advised the Government that at this hour of serious international complications, you must treat the Indians in a right manner. Why should the constitution of the Board appointed for the Highlands consist of a majority of Europeans when their numbers are not even a third of the Indians. As far as I understand, there are about 39,000 Indians in Kenya as against 17,000 Europeans. Sir, when the Highlands were reserved for the Europeans in South Africa there was great resentment and excitement here and we were then under the impression that it was perhaps against the prestige of the Colonial Government to come down and open those Highlands for Indians, and we hoped that in future such racial discrimination would not be made. In all religions, Sir, racial discrimination amounts to personal hatred and personal hatred in all religions is very

bitterly condemned. Sir, when the war begins, which is likely to begin soon, there will be a derand from the Indian Government for man power. I must repeat, Sir, what my Honourable colleagues have said, that East Africa has practically been won by the services of the Indian Army. It was mainly the work of the Punjabis and Gujaratis that the big railway in East Africa was built, and as soon as that railway was finished a step-motherly treatment was meted out to them. And it was the hard spadework pioneered by Indians that made British settlement in Kenya possible.

Sir, as my Honourable friend Pandit Hirday Nath Kunzru observed, if you want to treat Britishers better, you may reserve the South African Highlands, but, Sir, treating Indian subjects of the same British Empire differentially and giving preference to aliens, Germans, Boers, and others, is nothing short of high injustice. The sooner the British Government changes its policy the better, otherwise disillusionment and discontent amongst Indians will grow and the British Government will have to face a great difficulty in the matter of recruitment in the next war whenever it may come. As I am one of those who want to keep up the British connection, I strongly urge upon the British Government to change their policy and to treat Indians with the consideration and justice they deserve.

THE HONOURABLE KUNWAR SIB JAGDISH PRASAD (Education, Health and Lands Member): Sir, my Honourable friend the Mover of the Resolution and other Members who followed him have given expression to their feelings with considerable warmth. I have noticed in some of the speeches, apart from a note of disappointment, a note of anger at the outcome of the efforts which have been made in the past. All I would say to my Honourable friends opposite is that in securing rights, in getting redress of wrongs, many disappointments have to be faced, and the history of constitutional development in India itself illustrates this and at the same time gives confidence to many of us that may be many years, or may be not so many years, but conditions must improve not only in Kenya but in other colonies where Indians are settled. As I have said in another place, my own sincere conviction is that as we advance along the path of constitutional development in this country, I feel certain that the position of our countrymen abroad will improve. Nobody realises more than I do, for I have been dealing with these questions intimately now for the last four years, what a difficult task it is to advance the claims of Indians, to get a proper settlement of the claims of Indians, in the atmosphere which unfortunately prevails in many countries abroad. But I should like my Honourable friends to face the difficulties in a feeling of hope without giving way to anger and desperation. I think that the efforts should continue, that the fairness and justice of our cause should be pressed, and I have no doubt, as I said when I began my remarks, I have every hope that the position will improve and a satisfactory settlement reached, so that racial animosities at least will disappear, and there will be no cause for Indians to feel that they are being treated with discrimination within the British Empire.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: But, Sir, a fact is a fact, and it cannot be denied.

THE HONOURABLE KUNWAR SIB JAGDISH PRASAD: There have been many facts, I will tell my Honourable friend the Leader of the Opposition, but what has been the history in our own country for the last 30 or 40 years during his own experience? The fact is, many disabilities have been removed now. There is no reason because something is a fact today that it shall remain

[Kunwar Sir Jagdish Prasad.]

so eternally. I have every hope, and it is in the hope in which many of us live, that this situation of intense racial animosity which has somehow sprung up after the Great War, that this atmosphere is not going to be permanent. I hope the time will come when the Indian residents abroad will be regarded as entitled to the full rights of citizenship. That has been our hope for many years. I quite acknowledge that in getting this claim recognised, we have met with many disappointments and many difficulties. But that is no reason for giving up effort.

(At this stage, the Honourable Rai Bahadur Lala Ram Saran Das attempted to interrupt.)

THE HONOURABLE THE PRESIDENT: Order, order.

THE HONOURABLE KUNWAN SIR JAGDISH PRASAD: I do not think, I may say respectfully, that the interruptions of my Honourable friend will help in any way in advancing what he and I have in common, that is, to create a better atmosphere between the peoples living abroad. I hope the House will acquit me of any discourtesy if I do not speak at any length on this subject. The matter has been debated before. It was debated only the other day in another place. The views of the Government of India have already been stated there and also in a communiqué which they issued. In the circumstances, the Government of India will forward the proceedings of today's debate. But I will not ask the House to go to the trouble of dividing on this issue.

Before I conclude, Sir, there is one question which the Honourable Mover put, which I wish to answer. He wished to know whether the functions of this Board in regard to the Highlands will be advisory or whether it will have functions of quasi-Government. As far as I have been able to ascertain, the functions of the Board in matters concerning European and Indian disposition of property are to be only advisory.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Mr. President, I am grateful to the Honourable Members who have supported my Resolution. But my Honourable friend Sir Jagdish Prasad asks us not to give up hope, and the Honourable Mr. Parker deprecates any threat of retaliatory action which he thought would be unwise from the point of view of Indians themselves. I should like to have my Honourable friends face the situation in Kenya fairly and squarely. If things had remained stationary and if we had only failed to obtain redress for our old wrongs, there would have been some force in their observations. But, unfortunately, the fact is that our position, instead of remaining as it was, has undergone a change for the worse. It has gone from bad to worse during the last 20 years. How can they then even by implication accuse us of impatience or ask us not to lose hope?

Another thing which my Honourable friends have not sufficiently appreciated is the effect that the settlement of Jews and the establishment of the Highlands Board is bound to have on the position of Indians in Kenya. The Highlands Board, it seems to me, is a great moral victory for the Europeans. I regard it as an ugly indication of what is in store for us in the near future. Frankly speaking, it seems to me to be a dangerous step in the direction of responsible government for the Europeans which has been consistently opposed by us during the last 20 years and which has also not found favour with His Majesty's Government so far. The establishment of this Board seems to

indicate to me a weakening in the previous attitude of His Majesty's Government and to show a leaning in the direction of advancing the status of the Europeans in order to prepare the way for a further constitutional advance in their position in the near future. That seems to me to be the greatest danger underlying the action now taken by His Majesty's Government. The Government of India do not seem to me to appreciate the significance, the seriousness of this at all when they tell us in their communiqué that the Order-in-Council only continues a practice which has been observed in the past.

As regards the settlement of the Jews to which I have referred, that to
 1 P. M. will have an unfortunate effect on Indians by promoting European colonisation. I am not against either the settlement of Europeans or the settlement of Jews by itself in East Africa. But we cannot shut our eyes to the fact that in the present situation the settlement of the Jews would add to the strength of the European community and reinforce those racial feelings which have kept East Africa in a state of tension for nearly a quarter of a century. And this settlement of the Jews is going to be actively encouraged and promoted by His Majesty's Government. They are thus making themselves responsible for the further spread of anti-Indian feeling and for an increase in the numbers of those who are seeking to put down our countrymen by every means in their power. I trust that this added explanation of the causes that make us view the Order-in-Council with indignation and resentment, as my Resolution says, will make both Sir Jagdish Prasad and Mr. Parker feel that we are not giving way merely to feelings in condemning the action taken by His Majesty's Government. In doing so, on the contrary, we are taking into account the past history of the matter and drawing from the policy embodied in the Order-in-Council the conclusions which they would themselves have drawn had they been in our position—I mean if Sir Jagdish Prasad had been a non-official or if the Honourable Mr. Parker had been an Indian.

Sir, my last tour made me feel acutely that Indians, not having the political status to which they are entitled, have no position anywhere in the world, whether in the British Empire or outside. I have received the kindest treatment possible from Britishers whom I met in Australia and New Zealand, China and Japan. Nevertheless, I cannot conceal from myself the fact that we are today not merely helots of the Empire but helots of the world. I cordially agree with my Honourable friend Sir Jagdish Prasad that the present situation will improve only when we are able to control our own affairs in this country. But many things may happen before that time comes. Things may take such a turn as to become almost irremediable. I therefore ask both the Government of India and of the enlightened members of the European community to support us in our endeavours to prevent a situation arising in which the various races inhabiting the Empire would be ranged on opposite sides in accordance with their colour and civilisation.

THE HONOURABLE KUNWAR SIB JAGDISH PRASAD: Sir, I only wish to add a few observations to what I said before in reply to some of the remarks made by my Honourable friend opposite. My Honourable friend seemed to convey the impression that the Government of India were not fully alive to all the implications of the Order-in-Council. I can assure him that the Government of India realise the full significance of the Order-in-Council and I can assure him that it has been our endeavour and will continue to be our endeavour to bring about that harmony between the races the absence of which causes so many difficulties. As to broad questions of policy in regard to Indians:

[Kunwar Sir Jagdish Prasad.]

abroad there has never been any difference between the non-official section of the House and those who sit on this side, and I think we can claim with a certain amount of justification that we have always truly and fully represented Indian sentiment. I can assure my Honourable friend that in this respect there has been no change whatever in the attitude of the Government of India.

THE HONOURABLE THE PRESIDENT : The Question is :

" That this Council recommends to the Governor General in Council to convey to His Majesty's Government in the United Kingdom the feelings of indignation and resentment with which the Kenya (Highlands) Order-in-Council, which involves discrimination against Indians, has been received in this country."

The Motion was adopted.

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

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

RESOLUTION *RE* REVISION OF PAY OF INDIAN COMMISSIONED OFFICERS.

THE HONOURABLE MR. G. S. MOTILAL (Bombay : Non-Muhammadan) : Sir, I beg to move :

" That this Council recommends to the Governor General in Council that the scale of pay of the Indian commissioned officers in the initial stages until Rs. 600 is reached, which is inadequate, should be suitably revised."

A little while ago we were discussing a Resolution which expressed our deep indignation and strong protest against the extension of disabilities imposed upon Indians outside India, against Indian settlers in the Kenya Colony. The affairs of that Colony are not under the control of the Government in this country. They are controlled by His Majesty's Government ; but the subject-matter of the Resolution which we are discussing lies within the power of the Government of India and the recommendations of the Defence Department will have with the Government a very great, and I must say decisive, effect in remedying the difficulties and hardships under which I.C.Os. are suffering at present. In moving this Resolution I have but one object in view, and that is to draw the attention of the authorities to the hardships of I.C.Os. in the Indian Army and the desirability and necessity of attending to their legitimate requirements. In order that the House may clearly visualise some of the essential facts bearing upon the Resolution, I should like to present a brief outline of the organisation of our defence forces and the place which the I.C.Os. occupy in that scheme.

The Indian defence forces consist of three arms—the Army, the Royal Indian Navy and the Royal Indian Air Force. The last two being at present of minor proportions, I shall limit myself to describing the composition of the army. It must be understood that I don't wish to discuss today the larger question of accelerating the pace of Indianisation of the army or of any other reform of a major importance. My Resolution is confined to remedying the inadequacy of the scale of pay of the I.C.Os. in the Indian Army in the initial stages.

In the Army in India there is a large British element, consisting of both officers and other ranks. Nearly one-third of the British Army is quartered in India and the cost of this is met from the Indian exchequer. All the officers in these British battalions are British by race and belong to the K.C.O. cadre. The Indian Army proper consisting of Indian ranks is officered by British officers who are, of course, all K.C.Os., by a few Indian K.C.Os. and by a few I.C.Os. There are also the V.C.Os. who officer the Indian Army.

Now, K.C.Os. are officers who receive their commission direct from the King in Britain. Before 1920 all K.C.Os. used to be British by race. After the war, however, a few Indians—some 20 every year—were admitted to Sandhurst, Woolwich and Cranwell—

THE HONOURABLE MR. P. N. SAPRU : Ten.

THE HONOURABLE MR. G. S. MOTILAL —and after passing out they were granted the King's Commission and they too became K.C.Os. This went on until the year 1933 when consequent on the opening in India of the Indian Military Academy at Dehra Dun admission of Indians to Sandhurst and allied institutions in Britain was discontinued. Indians could no longer become K.C.Os. A new cadre was created, the I.C.O. cadre; and all who passed out of the Dun Academy were eligible for recruitment to this cadre. This new cadre, the I.C.O. cadre, differed from the K.C.O. cadre in several ways. Firstly, the I.C.O. is entitled to command only troops in the Indian Army whereas a K.C.O. is entitled to command troops both at England and in India. A K.C.O. can choose which army he wants to serve in. An I.C.O. is of necessity bound to serve only in the Indian Army. Secondly, there is considerable difference in the rates of their pay, about which I shall touch at greater length presently. The V.C.Os. are those who were given some kind of recognition after the war for services rendered, and they are really officers of the lowest rank in the army—if I may say so without meaning any disparagement to them. I may remind Honourable Members that as these V.C.Os. retire some of their vacancies will be filled up by I.C.Os. and at any rate no more V.C.Os. will be recruited. It may now perhaps interest Honourable Members to know how many K.C.Os. there are in the defence forces and how many of them are Indians; how many I.C.Os. there are and how they are distributed. There are over 7,000 K.C.Os. in the entire defence forces in India and of these about half are in the actual fighting units. The others are in the administrative and medical and other services. Of these K.C.Os. who are Indians number only 125. As regards the I.C.Os., there are about 316 of them, and it is interesting to note that of these about 150 are in the non-combatant units of the Indian Army. The V.C.Os. number just under 4,000.

I now come to the question of the pay of the K.C.O. and the I.C.O. It will be found from the figures that are published in the various publications of the Government of India that the salary which an I.C.O. gets is inadequate in the earlier stages. I should now tell the House what is the salary which an I.C.O. on joining the service gets. He starts as a second lieutenant and the salary which he gets is Rs. 300 a month, whereas a K.C.O. gets a starting salary of Rs. 480 inclusive of certain allowances which he gets in addition to his basic salary on the scale of the Home establishment. Then, on the completion of two and a quarter years' service he becomes a lieutenant and commences to get a salary of Rs. 350 a month, whereas a K.C.O. gets a salary of Rs. 535. Then, Sir, after about another four years, that is, at the end of six years, the salary of an I.C.O. would rise to Rs. 400 a month. While a British officer, that is, a K.C.O., would by the end of this period be getting a salary of Rs. 630.

[Mr. G. S. Motilal.]

Now, the salary of an I.C.O. is a consolidated salary and he does not get any additional allowance for marriage as the K.C.O. gets. The marriage allowance of a K.C.O. ranges from Rs. 85 to Rs. 150. At the end of 10 years' service, an I.C.O. gets Rs. 500. It is not my purpose to compare the salaries which an I.C.O. gets and a K.C.O. gets. At the top the salary of an I.C.O. is Rs. 1,200 and that of a K.C.O. is Rs. 1,800, if he is unmarried and if he is married it is Rs. 1,950. But an I.C.O. has to spend a certain amount of money which makes it difficult for him to make both ends meet, particularly in the initial stages. I am not advocating that in all stages the I.C.O. should get a salary equal to that of the K.C.O. or even in the earlier stages his salary should be raised so that it should be equal to that of the K.C.O. An I.C.O. has got to live in a mess and has got to bear the expenses of a mess and a band and those expenses have to be shared by all and such expenses come to, as I am reliably informed and from the discussions which have taken place in the other House, not less than Rs. 270 a month. He has now to live for the first two years or the first two and a half years with a bare Rs. 30 with which to meet all other expenses. I need not describe what those expenses would be. We can very well imagine that for ourselves. If he has to meet the bill of the mess which comes to Rs. 270 and then to live a social life on Rs. 30 for all other expenses, it is an ordeal the difficulty of which we can easily understand.

I am not complaining, Sir, that there exists this difference in pay, mainly because such complaints don't serve any useful purpose with the Defence Department which is controlled by outside authority. We would, of course, like to see the pay of all K.C.Os. reduced to proportions which the country could afford to bear. But that happy millenium, when we could fix our own grades of pay has not yet come. What we, however, cannot understand is the reason why there should be such a great difference in the pays of K.C.Os. and I.C.Os. The I.C.O. gets just about 60 per cent. of the pay of a K.C.O., and I would ask the House to remember that I am not calculating the many allowances drawn by the K. C. O. This difference in scales would not have bothered us much had it not been for the fact that it works insidiously to instil in the I.C.Os. feelings of inferiority complex and also makes it impossible for them to live up to the standards set by K.C.Os. Honourable Members must remember that both K.C.Os. and I.C.Os. are equally well-equipped for their jobs and that they have both gone through similar courses of training. Why then this difference in pays? Both of them are called upon to live in the same mess and in fact live the same standard of life. I understand from reliable sources that it costs about Rs. 270 a month to pay the mess and band bills of an I.C.O. which is the same amount that has to be paid by a K.C.O.

I plead for a suitable revision in the scale of pay of the I.C.Os., especially in the earlier stages until the I.C.Os. get such pay as will enable them to live within that pay without having to borrow for their very necessities. I can not here and now suggest a figure at which an I.C.O. can be expected to live within his income. This, however, is a matter of detail which can be looked into by the Department or Committee. I imagine that some Honourable Members may say that revising the scale of the I.C.Os. would mean an extra burden to the taxpayer. The other day in answer to one of my questions His Excellency the Commander-in-Chief said that to raise the pay of the I.C.Os. to the level of that of K.C.Os. would mean an additional sum of Rs. 5 lakhs. At present our I.C.Os. are costing us Rs. 13 lakhs. I ask whether this additional sum at the outside of Rs. 5 lakhs is a sum too much to pay? In a defence budget of over Rs. 45 crores, if it is going to be said that the

Department cannot manage to find by economising somewhere a sum of Rs. 5 lakhs, I am not going to swallow that as a reasonable excuse. A very important point is at stake, namely, the question of young Indians taking to the army as a career. You cannot expect Indians to compete for vacancies at the Dun Academy when you make it so hard for them even to live when they receive their commissions. Why then complain that a sufficient number of Indians are not forthcoming to man the army? This is one of the reasons and I have some hopes that His Excellency the Commander-in-Chief, sympathetic Chief that I take him to be, will have consideration for these young Indian officers of his and do by them what is square and fair.

The standard of living in the mess is set for the I.C.O. by his fellow-officers who are K.C.Os. and many of whom are possibly his seniors and who any way can afford to spend far more than the I.C.O. This standard which is purely a conventional one nevertheless is such that it cannot be waived aside. In the army conventions acquire the power of commands and they demand implicit adherence. No I.C.O. can dare to be indifferent to them or not mind them.

The expenses of the mess being the expenses of all have to be shared alike by all. Equal sharing of expenses sounds exceedingly excellent and even looks like a part of socialism. But one must not forget that the ability to bear the share is not alike equal. Where men get varying incomes, to ask them to share equally expenses, is a kind of cruel cut.

The I.C.O. has no control over the expenditure of the mess. He may be by nature a frugal man, and left to himself he would have perhaps found it possible to cut his coat according to the length of cloth available. Here in the mess, however, he is asked to make a full length coat with a smaller piece of cloth and must not fail to have the required coat. When he sees the wine flow round merrily, shooting up the bill he will have to pay finally, there is no cheer in his heart but only a groan for the memory of the bill he will have to pay at the end.

Things being thus the I.C.O. is bound to be a discontented officer. You send into the army a fine young man having given him a first rate military education and you give him a lower pay than you pay his colleague who possesses the same training but who possesses something else, a fair skin. You pay him so inadequately that he finds himself unable to meet his bills. How can he be expected to sing songs of contentment and whistle all the day cheerfully as a soldier should.

I very much wish, Sir, that a slab system of division of expenditure in the mess had been devised by our retiring Finance Member, and I wish His Excellency had taken up that system in real earnest and applied it to his officers' messes. The Finance Member then would have had the consolation that he had left behind in India some hearts at least brimming with gratitude and the name of Grigg would always be synonymous with gratitude in I.C.Os.' hearts. Let the officer be empowered to take from the mess what he needs for his nourishment but when it comes to the matter of payment let each one pay according to his means.

When I ask for the revision of the pay of the I.C.Os., do not mistake me, Sir, to be asking for this because I feel that the K.C.Os. get much more and that there should be some equality. No, I am not guided by this criterion alone. I ask for this revision on the ground that the present pay of the I.C.Os. is apparently inadequate, that they can't meet their normal bills from this

[Mr. G. S. Motilal.]

salary. Therefore, in the earlier stages, they should get a salary which will make them live a contented life.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I rise to support the Resolution. Sir, some time back, I was one of those who advocated in this very House that the salaries of Indians ought not to be the same as those of Europeans. In this case, from experience we realise that in the initial stages of service the Indian officers find it very difficult to make both ends meet. Besides this, the colour complex and racial discrimination are evident in this matter, and this state of affairs ought to be changed because this is causing discontent among those who are in service and those who are likely to join military service. In the first place, the training given to K.C.Os. is only one and a half years while that to the I.C.Os. is two and a half years. British K.C.Os. get their commission one year and three days earlier as compared with I.C.Os., which automatically make them senior for life. Although I know that the service of the I.C.O. counts a year before the commission, still, K.C.Os. get seniority of one year and three days. Sir, in the case of Indians, their service counts from the day that they join an Indianised regiment. This is resented by the public as well as by the officers. There is discrimination in their salaries as well as in their allowances. The I.C.O. gets two-thirds of the salary of the K.C.O. As regards other allowances, which are not permissible to I.C.Os., I mention the marriage allowance of Rs. 100 per month begins when officers are over 30 years of age, house allowance of Rs. 50 per mensem to lieutenants. On the other hand, a 5 per cent. cut on salary is made as house allowances for bachelors and 10 per cent. for married officers. Then, Sir, the mess and the club charges are the same in both cases. Therefore, the I.C.Os. find it very difficult to maintain their status as well as their body from the salary and allowances which are at present given to them. Then, Sir, people think, and I think too that it was the intention of Government to thus effect economy. Sir, from what I find at present, it appears that the I.C.Os. are simply replacing the V.C.Os. A subedar who used to get Rs. 100 a month is now being replaced by an I.C.O. on Rs. 300 a month. So, there is no Indianisation but simply displacement. Even these poor I.C.Os. are, owing to their colour and complex, segregated from K.C.Os. This segregation to the Indianised division cannot be understood. Why not interchange I.C.Os. with K.C.Os. and let there be interchange from one regiment to another without distinction of the Indianised division? I hope His Excellency the Commander-in-Chief will be kind enough to explain why this segregation exists. Where is the advantage? The other day I did refer in this very House to the fact whether or not it was due to racial discrimination and whether or not it was meant that in time to come the Indian officer should not command a British officer who is junior to him in age and service. On that day His Excellency did not perhaps like to give an answer on this point. In case I am wrong, he will very kindly put me right and explain to us whether or not it is a fact that this Indianising a division is due to that cause.

I now come to the self-respect of Indians. The treatment accorded to them, generally speaking, is not what it ought to be. Therefore, I wish that this demand of my Honourable friend the Mover of the Resolution is accepted, because we have found by experience that it is very hard on the I.C.Os. to keep up their status and dignity on the present scales of salaries and allowances and I hope His Excellency will accept the Resolution.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : General) : Sir, I welcome this Resolution from a responsible Member of the Congress Party and I congratulate him on bringing this Resolution in the House. I congratulate him because he has made himself bold to bring in a Resolution for increasing the pay of these officers while the Karachi resolution of the Congress has fixed the pay of Rs. 500 for the highest officers in the country. In this Resolution we find a responsible member of the Congress Party wanting to increase the initial pay of these officers even before they reach the Rs. 600 stage, and after that of course they will go on to yet higher scales. So far as our position on this question is concerned, we feel that our Indian officers should serve India at a sacrifice and then, and then only, we will be justified in asking the Britishers to take less pay. On this principle we have been agitating for a very long time. I would request my Honourable friend Mr. Motilal not to press this Resolution. I think the Sandhurst Committee may be able to investigate this question fully and I would request him to wait till that Committee has reached a decision on this point. I would therefore request him not to press his Resolution today.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : Sir, my point of view is identical with that of Mr. Kalikar. I am not opposed to this Resolution. There may be a case for an increase in the initial scales of pay and it will no doubt be considered by the Sandhurst Committee. I would await the Report of that Committee on this question before I make up my mind one way or the other. But what I want to say is that it is rather amusing to find that my friend Mr. Motilal has come here as the champion of the services. I thought that his Party believed in a drastic reduction of the salaries of the services. Not that I do not think the salaries are too high ; I think the salaries are too high. But he believes in a maximum limit of Rs. 500, and his Party has drastically reduced the salaries of the provincial services, and they have passed certain new taxes which will hit some of those services still further. Now he has come here as the supporter of a service that, without disrespect to His Excellency the Commander-in-Chief, I would not particularly consider as productive in a well ordered world ; I mean if we were all peace-loving people we would not need even a police. It is rather strange that a member of an extreme pacifist Party should come forward and ask that the salaries of military officers should be increased. The suggestion comes from a Party which is reducing the salaries of the provincial services. (Inaudible interruption.) I do not know about your province. I suppose your province will come next. The policy is the same, and that is what has amused me. I cannot see how Mr. Motilal who has signed the Congress creed has moved this Resolution.

THE HONOURABLE SIR A. P. PATRO (Nominated Non-Official) : Sir, the Resolution as worded is very generously conceived and the arguments of the Honourable Mover also support my statement that what he meant was the raising of the salaries at the initial stage of the existing services and not of the future entrants. Secondly, he also does not ask for raising of the salaries in comparison with the K.C.Os., the British cadets. He avoided that comparison and submitted to the House that it was owing to the particular difficulties which the Indian officer has in meeting additional expenditure to which he is not accustomed in his normal social status and surroundings. He has to adapt himself to new surroundings which require a larger expenditure than he would incur if he lived in the atmosphere of his own social surroundings. He has to pay for additional equipment and for mess and other items outside his normal life. But in this connection we have also to see the posi-

[Sir. A. P. Patro.]

tion of the Indian officer in a similar situation in other services, where the initial salary he receives is such that he cannot maintain himself honourably and adequately. Take, for instance, the All-India Police Service. The newly recruited Assistant Superintendent of Police has to maintain a horse and undergo other expenses of his training for six months or a year upon an inadequate initial salary.

Then it has been said by the Honourable Mr. Kalikar and the Honourable Mr. Sapru that it is the essential creed of the Congress that officers should not receive a salary of more than Rs. 500. Even ministers in the provinces are allowed only Rs. 500, and it is outrageous that salaries of Rs. 400 and Rs. 600 should be demanded for young officers. But they forget the explanation which the Leader of the Party gave and which is faithfully followed by the Honourable Mover, namely, do not make a fetish of the resolutions of the Congress or of the All-India Congress Committee. Do not make a fetish of that. Therefore, following the dictates of his Leader, the Honourable Mover is justified in bringing this Resolution. Therefore, whatever the creed of the Party may be for the time being, do not be very serious about it, because they do not mean to carry it out completely and consistently. Then in regard to the services, we have to remember two points. This difficulty of expenditure by a new cadet will not arise if there is good judgment at the time of the selection of the candidates. One of the essential factors in order to determine whether the pay is sufficient or not is the kind of people recruited to military service. I know that many families which send out their youngsters to Sandhurst are able to maintain them there and for some time after they come out. There will be no difficulty in such cases; but the difficulty will arise in cases where they are not able to maintain themselves either in the earlier training or afterwards. In such cases some help would be necessary with a view to make the service attractive. I feel that one of the reasons—I have heard from recruits to the service—why there is lack of entrants into Sandhurst is that there is not sufficient pay for them to maintain themselves in military service. It is not mere idle talk. I asked them as to what are the items of expenditure they have to undergo. Are they obligatory expenses or only optional. Some of them are very obligatory. The mess, for instance, is a necessity for two reasons. Every young man who goes to the mess will learn that discipline of the mess which is not ordinarily maintained in civil life. Secondly, association with senior members teaches him that kind of military character which is essential for young men to acquire. There are other reasons for which the mess is an absolute necessity. The expenses have to be regulated. Instead of asking the Government to raise the salaries of these people, you shall have to make concessions to these people in the case of mess expenses. That is most essential. Therefore, we have to ask for reorganisation or readjustment of the expenditure and not for the rise of salaries. The increase of salaries in one case would mean injustice in the case of other services. Therefore, if that is a heavy item, as is pointed out—Rs. 275 a month out of Rs. 300—we should appeal to His Excellency the Commander-in-Chief and ask him to reorganise the mess system. That class of people who are not able to maintain the standard may be allowed certain concessions. I believe some concession is shown already—Rs. 50 a month or something like that is already given as mess allowance. I am not quite sure. And if a greater concession is shown that would adjust any special cases where the candidate is not able to maintain himself. I would suggest to the Honourable Mover that instead of asking for a uniform rise in salaries through, both for existing people and

future recruits, he should ask for reformation and readjustment in the matter of mess expenditure. If we compare the salaries given to Indians here with those given in other places in other countries for civil servants, for instance, it is too much for this country to bear the expenditure. We have already been burdened with a heavy bill in the matter of salaries of civil servants. In the matter of military service we are paying nearly Rs. 11 to Rs. 12 crores as salaries only. In Japan, for instance, we find the civil service man enters service and gets the equivalent in Yen of Rs. 85 or Rs. 87 a month. Here an entrant into a civil service starts with Rs. 600 with allowance. (*An Honourable Member* : "No, no.") Europeans start on Rs. 600 and the Indian on Rs. 400. Japan, a very rich country, which has nearly 75 per cent. more than the *per capita* income of India pays only these small salaries. It is not for the sake of salary, but for the sake of national service and for the sake of improving their country they get such small salaries. If Rs. 300 is paid on first entering service for these people, I should say it is quite adequate and as I said, military service for Indians may not be attractive on account of the expenditure that they have to incur. The right type of people must be selected, control must be exercised and expenditure should be regulated by the authorities. If these things are done there will be no need for increasing the salaries. Take, for instance, the case of the United Kingdom where the income *per capita* is Rs. 1,240. In India the income *per capita* is Rs. 80, but the standard of living in England is much higher than here and the salaries of public servants are much lower than in India. The civil servant of the administrative class, that is the first class, starts on about Rs. 340 a month and he ends with £1,500 finally. It is quite extraordinary here. The scale of salaries in India are not comparable with the scale of salaries prevailing in wealthier countries. So far as the present position is concerned, whether recruitment would be accelerated and whether there is sufficient encouragement to young men to come into the service should be looked into. It is the earnest desire of all, namely, the authorities and the public, that there should be greater recruitment into the military service. Indians should be encouraged to come in large numbers. We should first make a good choice in the matter of recruits. Secondly, when they join service, encouragement should be given to such people as are not able to make both ends meet. Then recruitment will be much better than what it is today. The one reason for the fall in the number of recruits is the fear of this expenditure ; it should therefore be regulated. I am waiting to see what suggestions His Excellency is going to make in regard to mess expenditure. I said the mess is absolutely necessary in order to improve the tone and character of the cadet, but whether that could be done within reasonable limits is a matter for the authorities. A reasonable standard of comfort must be given to the young men and allowances should be adjusted accordingly, but not by a wholesale increase of salaries of existing and future recruits as is suggested in the Resolution.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, to start with I should like to thank the Honourable Mover of the Resolution for the points he has brought to my notice—the figures he has used in support of his main argument are not, however, quite accurate as I shall make clearer later on, but I am quite satisfied that the Honourable Mover has presented his figures in all good faith of their accuracy.

I will now proceed to put the *present* situation, the *present* situation with regard to the specific point raised in the Resolution, clearly before the House.

I think it is generally accepted that officers of any service serving in their own country should be paid less than those who are compelled to spend their

[His Excellency the Commander-in-Chief.]

lives abroad. This has always been recognised. British Service officers in the army for example receive much less, both in pay and pensions, than their confreres who spend the whole of their service in India and British Service officers serving in India receive compensation for the increased expenses to which they are subjected by serving away from their homes. When Indians were first granted commissions in the Indian Army, no separate scheme of pay had been worked out and they, therefore, received exactly the same as their British comrades. This was the case also in the other services; but as the number of Indians increased the necessary changes were made and new scales of pay were drawn up. In the Civil Services a basic rate was settled both for British and Indian, and the former received, in addition, an overseas allowance. As regards the army, it was decided that Indian Commissioned officers should be paid approximately the same as an officer of the British Army serving in England and this must certainly be held to be equitable, particularly as arrangements could be made in the regiments to which these young officers were to be posted for the scale of living not to be unnecessarily forced up. In point of fact, however, these young officers do receive considerably more than officers of the British Army serving in England. The following figures should make it clear to Honourable Members that they have not been ungenerously treated and that allowance has been made for the fact that comparatively few of them have considerable private means.

A second lieutenant in the British Army in England receives Rs. 285 per mensem and an Indian Commissioned second lieutenant receives Rs. 340 per mensem.

A lieutenant in the British Service receives Rs. 325 per mensem whilst an Indian Commissioned lieutenant receives Rs. 365.

A lieutenant after six years' service draws Rs. 355 per mensem in England as against Rs. 400 by the Indian Commissioned officer of the same seniority.

A captain in the British Service receives Rs. 395 per mensem rising after 11 years' service to Rs. 445 and after 14 years' service to Rs. 535, and an Indian Commissioned captain receives Rs. 450 per mensem rising to Rs. 500 and thence to Rs. 600 per mensem.

The difference, therefore, is in the neighbourhood of Rs. 50 to Rs. 60 rank for rank in favour of the Indian Commissioned officer. Originally, it is true, Indian Commissioned officers started at Rs. 300 a month, but as a result of various representations it was decided that this was not sufficient and second lieutenants were accordingly granted financial assistance in the form of a messing allowance credited to the officer against his mess bill to the extent of Rs. 40 a month, and lieutenants during their first three years and nine months' service in that rank were granted a similar allowance to the extent of Rs. 15 a month. These allowances are admissible during privilege leave and while attending courses of instruction.

While, for every reason, it is to be hoped that these concessions will prove to be adequate, the question of the sufficiency of the pay of Indian Commissioned officers is, in point of fact, still constantly being examined and reports are regularly received from regiments as to the financial position of the young officers serving in them.

The whole case has, I admit, been complicated by the fact that different rates of pay are drawn by King's Commissioned Indian officers and Indian

Commissioned officers and I fear that this may give rise to a certain amount of jealousy. It is, of course, an anomaly that those Indians who obtained commissions prior to 1932-33 should be paid as though they had contracted to serve the whole of their active life outside their own country and it is perhaps unfortunate that the Resolution moved by Sir Sivaswamy Aiyer in the Legislative Assembly in March, 1921, which was accepted by Government, was not carried into effect sooner. The Resolution runs as follows :

“ This Assembly recommends to the Governor General in Council that in the interests of economy, and in view of the likelihood of the growth of the Indian element in the commissioned ranks, it is essential that before vested interests arise, the pay of all commissioned ranks in all branches of the army should be fixed on an Indian basis with an overseas allowance in the case of British officers, and with a similar allowance for Indian officers holding the King's commission, when serving overseas ”.

The anomaly will, however, right itself in time ; it exists in all other services and the case of the army is in no way an exception. There would be two methods only of accelerating the process and neither of them can, I think, be found in any way acceptable. The first would be to raise the pay of Indian Commissioned officers to the same level as that received by King's Commissioned officers, but, as I have already indicated, there can be no possible justification for such a course, and, in addition, the financial burden which would be thrown upon the country would be excessive. It must be remembered that representations have constantly been made in the Legislature and elsewhere to the effect that the cost of the army and of Government services generally should be reduced as the country is a poor one and one of the arguments frequently adduced in favour of rapid Indianisation is that it will enable these services to be carried on at a cheaper rate.

The alternative would be to reduce the pay of King's Commissioned Indian officers. There is, however, no doubt that they have a vested interest in the pay which they receive and that they entered the Service in expectation of those very favourable rates. It would, therefore, be unjust and unfair radically to alter their conditions of service. While, therefore, I am conscious of the difficulties involved, I am afraid that, for the reasons I have given, the position cannot be altered and whatever changes, alterations or additions may subsequently be made in and to the pay and allowances of the Indian Commissioned officer, the existing differences must, to a large extent, remain until they disappear naturally with the passage of time.

Finally, I am not prepared at present to agree, from the information now available to me, that the rates of pay for Indian Commissioned officers up to the time they receive Rs. 600 a month are *prima facie* inadequate or require radical alteration. I do not wish it to be thought that I am unsympathetic to the difficulties of any type of army officers, least of all those receiving the lowest pay, and I can assure Honourable Members that this is a matter which is continually kept in mind at Headquarters and with which I am myself personally continually in touch. Should circumstances change to such an extent that a revision of pay becomes necessary, Honourable Members may rely on me to give the matter sympathetic consideration, but for the present I have no option but to oppose the Resolution.

THE HONOURABLE MR. G. S. MOTILAL : Sir, I am very grateful to His Excellency the Commander-in-Chief who has considered the Resolution very sympathetically and given the revised rates of pay of the Indian Commissioned officers, which are slightly better than those which I had been able to make out from those publications which were available to me. The assurance which His Excellency has given that whenever he finds that something has got to be

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done and there is a real necessity for revising the pay or in some other way making it adequate, he will do so, is one which I heartily welcome, and I am sure that His Excellency will have this assurance he had given us ever in mind.

Sir, some remarks fell from some Honourable Members who are usually friendly to me. They said that the Congress has accepted a policy that the salaries should not ordinarily and usually be more than Rs. 500 a month and yet, they said that I being a member of that Party, have sponsored this Resolution which requires the salary to be revised and raised. They have only half followed the Congress policy.

THE HONOURABLE MR. P. N. SAPRU ; It is very difficult to follow the Congress policy.

THE HONOURABLE MR. G. S. MOTILAL : For them it is very difficult to follow. Naturally there are parties which are in opposite camps as the Congress and the Liberals. Then those who have accepted seats on the Indian Sandhurst Committee—I do not say every member of the Committee—there are honourable exceptions—but some among them are so obsessed by their appointment, they think that every question connected with the defence problems of the country should be left over to that Committee and nothing should be said in this House. None would be happier, Sir, than myself if such a consummation as the satisfactory solution of all defence questions could be reached by this Committee. I wonder what this Committee will achieve in the end. However, I congratulate Mr. Kalikar on his appointment to the Committee and I hope he will do some service to the country. But, with all that, I am not so sure that the Committee will alone be able to solve all the problems of the defence of the country wholly a partly. The question has been raised that the Congress does not want more than Rs. 500 to be paid —

THE HONOURABLE SIR MUHAMMAD YAKUB (Nominated Non-Official) : They do not know about the allowances which the Congress Ministers get.

AN HONOURABLE MEMBER : The motor allowance.

ANOTHER HONOURABLE MEMBER : House allowance.

THE HONOURABLE MR. G. S. MOTILAL : The Congress does not make a fetish of the thing. Let us remember.

THE HONOURABLE THE PRESIDENT : If you go into all that, you will find yourself in a scrape.

THE HONOURABLE MR. G. S. MOTILAL : I could not understand some Members' attitude although they were sympathetic, whether they were supporting the Resolution or opposing it. I suppose they were doing both. (*An Honourable Member* : "We had an open mind".) Some had open minds and those who had closed minds could not re-open their minds. They did both. They supported it in one breath and opposed it in another. It was pointed out that if the Indian officers were not finding it easy to live within their means—I hope the Honourable Member who made this remark will not forget it so soon—there was another way of doing it without increasing the salary, and that was to give them some allowance to meet their mess charges. I do not say that it should be done by means of a rise in salary alone. If there is an alternative

method of doing it, it may be employed. If there is a grievance, then it has got to be remedied whether in this particular way or in some other way. So, in a way, I claim, I had support and also opposition from the same members. However, in view of what His Excellency the Commander-in-Chief has said, I do not wish to press this Resolution. I therefore ask leave to withdraw it, Sir.

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

DELHI MASAJID BILL.

THE HONOURABLE KUNWAR HAJEE ISMAIEL ALIKHAN (Nominated Non-Official): Sir, I beg to move :

“ That the Bill to make better provision for the administration of Masajid and the Endowment of the Jama Masjid, Fatehpuri Masjid and Kalan Masjid of Delhi be circulated for the purpose of eliciting opinion thereon.”

Mr. President, at the outset I must confess my inability and lack of knowledge of local conditions in the drafting of this Bill. The objects and reasons of this Bill were explained by me at the introductory stage. No doubt it is an urgent need to pass such a sort of legislation without any loss of time and save these endowments from further mismanagement. But I have great respect for the established policy of the Government of India to be guided by public opinion in such religious or semi-religious matters and that is why I have brought forward the Motion for circulation of this Bill and not for Select Committee for consideration. I am sure, Sir, that the bulk of the opinion of the Muslim community will be in favour of my Bill, but it will strengthen the hands of this Honourable House by inviting them through the proper channel.

I admit that it is not a perfect Bill. But certainly it is a great improvement on the existing practice and the management which is considered very undesirable. Under the present condition no independent and responsible person could be elected to these committees.

In the years 1862 and 1877, Government arrived at an agreement with a few Muslims and formed two different managing committees of the Jama Masjid and Fatehpuri Masjid, but the membership of these committees was for lifetime without any rules and regulations. By this Bill, the term of membership is changed from lifetime to five years. Time has been advanced and changed that the public in general have no confidence in such unrepresentative and undemocratic committees. Those who read the local Urdu papers must be fully aware of the Court case which is going on between the members of the public and the managing committee of the Fatehpuri Mosque. I do not like the idea of wasting the time of the House by entering into lengthy criticisms which are published from time to time in local Urdu papers.

Sir, large property is attached with these Mosques which yield an income of a considerable amount, and the public is in complete darkness about the management. No annual administration report is issued by the present committees nor have I seen any audited accounts in the local papers. It is highly desirable that the committee which is to manage such a large property, which these Mosques possess, should be properly constituted by some piece of legislation and not by agreement.

The public in general may not be satisfied with the constitution of the committee which I have embodied in my Bill, as I have adopted the idea of

[Kunwar Hajee Ismaiel Alikhan.]

representation by means of indirect election. In my humble opinion direct election is an expensive machinery which we must avoid as far as possible for such religious or semi-religious institutions. I have also made provision in this Bill that any mosque can come under the management of this Committee by the consent of the Chief Commissioner.

Sir, before I resume my seat I will strongly urge upon the Government to actively co-operate in seeing that this change is brought about without further loss of time.

Sir, I move.

THE HONOURABLE MR. F. H. PUCKLE (Home Secretary): Sir, Government do not oppose circulation of this Bill, but I want to make it very clear at this stage that the ultimate attitude of Government towards it will depend entirely on what the local feeling in Delhi is regarding it. The Honourable Mover himself has admitted that he does not know what local conditions in Delhi are, and I fancy most of us here are in the same case. The handling of this Bill will require, I fancy, a considerable amount of tact, if it is not to arouse resentment. Government's future attitude will depend entirely on the opinions which come in as a result of circulation.

THE HONOURABLE THE PRESIDENT: The Question is:

"That the Bill to make better provision for the administration of Masajid and the Endowment of the Jama Masjid, Fatehpuri Masjid and Kalan Majid of Delhi be circulated for the purpose of eliciting opinion thereon."

The Motion was adopted.

RESOLUTION *RE* CONSTITUTION OF THE LEGISLATURES IN INDIA ON A UNI-CAMERAL AND ENTIRELY ELECTED BASIS.

***THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY** (East Bengal: Non-Muhammadan): Sir, I beg to move the Resolution which stands in my name and runs as follows:

"This Council recommends to the Governor General in Council to have the Government of India Act, 1935, so amended as to allow the constitution of the Legislatures both central and provincial in India on an economic and uni-cameral basis giving (a) representation to agricultural, commercial, industrial and intellectual interests in the country in proportion to their contribution to the coffers of the State by way of direct taxation; and (b) equal representation to the capitalist and labour section of each of the above interests according to the following classification, *viz.*:-

- (i) those deriving their income from agriculture and paying land revenue therefor will form the capitalist and those actually cultivating the lands will form the labour section of the agricultural interest;
- (ii) those deriving their income from commercial pursuits and paying income-tax therefor will form the capitalist and those of the same pursuit but not paying any income-tax therefor will form the labour section of the commercial interest;
- (iii) those deriving their income from the various professions and both public and private services and paying income-tax therefor will form the capitalist and those able to read and write in any vernacular language will form the labour section of the intellectual interest; and
- (iv) those deriving their income from industrial pursuits and paying income-tax therefor will form the capitalist and those engaged in such pursuits but paying no income-tax therefor and all factory labourers will form the labour section of the industrial interest."

*Not corrected by the Honourable Member.

On the 23rd September, 1929, I had moved a similar Resolution in the Council of State and the Government opposed it on the ground that that was not a proper time nor a fitting place for such discussion as the Statutory Commission was engaged on an exhaustive inquiry on all the questions affecting the constitution. Now, however, that both British India and Indian India are clamouring for the drawing up of a constitution of their own and His Excellency the Viceroy has asked the Indian Chiefs to recognise the validity of such claims on behalf of their subjects in a manner, I venture to submit that it is time to take up the matter once again and bring it before public notice. It is with this object and not so much as to force the Government to accept my Resolution that I stand before the House today.

Bryce in his *Modern Democracy*, Vol II, page 452, says :

“ The functions thrust upon Governments are becoming more numerous and complex, so that greater and greater special knowledge and skill are required to discharge them ”

and at page 520 of the same book he says :

“ Alike in France, in America and in England the constitutional machinery that exists for investigating, preparing and enacting legislation upon economic and industrial topics has failed to give satisfaction ”.

Several countries in Europe have therefore made provisions for safeguarding the various economic interests when remodelling their constitutions. England has created a Board of Trade and Germany a National Economic Council whose function—

“ is one of conciliation and harmonisation of the ideals of the workers and employers with a view to increasing thereby the technical efficiency of production ”

and it is endowed with sufficient political power to place it on a parity with the Reichstag in matters of legislation. The Fascist Grand Council which has of late supplanted the Parliament in Italy is also on an economic basis, giving representation to capitalist and labour organisations existing in the country on an equal footing.

(At this stage the Honourable the President vacated the Chair, which was taken by the Honourable Sir David Devadoss.)

Mr. Gladstone acknowledged that—

“ a large diversity of representation is a capital object in a good electoral system ’

and Lord Acton observed—

“ The most certain test by which we can judge whether a nation is really free is the amount of security enjoyed by the minorities ”.

Mill went so far as to say :

“ It is an essential part of democracy that minorities should be represented. No real democracy, nothing but a false show of democracy is possible without it ”.

Bagehot characterises a good Parliament as being one in which—

“ the majority ought to represent the general average intelligence of the country and the various members ought to represent the various special interests, special opinions and special prejudices to be found in the community. There ought to be an advocate for every particular sect ”.

It was contended that the adoption on a scale almost universal of the principle of single member constituencies would secure adequate representation to minorities. This anticipation has nowhere been fulfilled. On the contrary

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it has tended to the exaggeration of majorities. In the United States Congress about one-half of the members are lawyers. In the French Senate—

“ the bulk of the Senators have of late years been professional men, chiefly physicians and lawyers, with a few agriculturists. The higher walks of commerce, landed property and industry are not largely represented ”.

The French Chamber of Deputies consists chiefly of the same upper strata of the middle classes as does the United States Congress or the Parliament of Canada, the chief difference being that in those bodies there are even more lawyers. A similar condition also prevails in the Legislatures in India, although the Government had tried to minimise its bad effect by providing special representation to special interests to a very limited extent, *viz.*, the landlords, the various chambers of commerce and industrial labour. The Report of the Committee of the All-Parties Conference (Nehru Report) at page 49 says :

“ We are certain that as soon as India is free and can face her problems unhampered by alien authority and intervention, the minds of her people will turn to the vital problems of the day. The result will be that parties will be formed in the country and in the Legislature on entirely other grounds chiefly economic we presume. We shall then find Hindus and Muslims and Sikhs in one party acting together ”.

Sir, if organised society in which all people have their just dues and fair share of the amenities of life consistent with the welfare of the State as a whole, living in harmonious co-operation be the end of social evolution, an end which had been attained in India of old and which is being sought to be attained by the Congress again, I think we should chalk out a path of our own by evolving a scheme of representation in the Legislatures which will as much as possible ensure to various economic interests in the country the power and influence to shape the destinies of the country in proportion to their stake and importance. I have therefore proposed that representation should be given to agricultural, commercial, industrial and intellectual interests in the country in proportion to their contributions to the coffers of the State by way of direct taxation in the shape of land revenue and income-tax. This classification, I venture to submit, is comprehensive of all the interests existing in the country and their fair representation on the definite principle of their contribution to the State coffers will set at rest the mad rush for the grabbing of more power by one interest or the other and lead by a process of attribution and rubbing off of angularities to harmonious co-operation for the benefit and levelling up of the status of all interests. So long, Sir, as private ownership is recognised, and the Congress has not yet advocated its abolition, for purposes of harmonious co-operation and safeguarding the interests of both capital which is yet strong and labour which is now weak but is gradually coming into power, it is, I submit, necessary that they should have equal representation so as to be able to meet each other face to face with equal strength and effect a harmonious co-operation instead of being thrown to the wall by the other. Capital and labour, Sir, have an international aspect and as such representation on an economic basis is more likely to build up the Indian nation more rapidly than representation on a territorial basis with all its local patriotism and jealousies.

I shall now deal with the remaining part of my Resolution relating to the constitution of the Legislature on a uni-cameral basis.

(At this stage the Honourable the President resumed the Chair.)

Most of the countries in Europe other than England and France where unitary forms of government prevail, and the United States of America and

the Dominions of Canada, South Africa and Australia were formed 4-5 p. m. out of the federation of different States and a bi-cameral form of legislature had to be adopted for the purpose of safeguarding the zealously guarded interests of States which had been in conflict with one another before the Federation. In England the Barons were the first to wrest the powers from the Sovereign and retained it in the Upper House and the Lower House had no popular foundation till a very late period and when it came to power it deprived the Upper House of all powers in 1911 over money Bills and put an end to their co-ordinate authority in matters of ordinary legislation by leaving to them only a two years' suspensive veto.

In France after Louis Napoleon Bonaparte had been taken prisoner, the legislative body then in authority, composed of a majority of three monarchist parties fighting against one another, afforded an opportunity for creating the French Republic by a majority of one vote, but when the constitution was being framed the monarchists prevailed over the republicans who preferred the uni-cameral system and established the Upper House.

On account of the system of election prevailing in the Lower Houses being unsound leaving to the creation of party majority and administration of government on party lines and consequent hasty legislations to serve sectional interests the existence of the second chamber has been sought to be justified in the hope that it would prevent hasty legislation. But in actual practice this has hardly occurred. This is what Bryce in his *Modern Democracies* says :

(In France) "While feeling the natural and inevitable jealousy of a second chamber towards a first chamber, it recognises its inferiority and seldom challenges its rival to a duel. In [Switzerland].....there is no provision for deciding an issue on which the Houses may differ, but differences are neither frequent nor serious".

In Canada this is what Marriot in his *Second Chamber* at page 101 says :

"That it would impose delays upon ill-conceived legislative projects, that it would give time to the electorate for sober second thought that it would secure the country against political surprises and would circumvent unscrupulous party stratagems, the Senate has in every respect disappointed the hopes of its sponsors".

The Australian Senate has also failed to perform—

"both its special functions and what is considered to be its main function, viz., that of protecting the electorate from legislation of an advanced type".

And Woodrow Wilson at page VIII of his preface to *Congressional Government* speaking of the American Senate says :

"It is to be doubted whether I could say quite so confidently now as I said in 1884 that the Senate of the United States faithfully represents the several elements of the Nation's make up and furnishes me with a prudent and normally constituted moderating and revising chamber".

Spender in his *Public Life*, Volume I, page 170, therefore is constrained to say :

"It is impossible that a great electorate conscious of its power will ever again give either the hereditary peers or any body of men elected by fancy franchise the power of veto over its own decisions".

Confronted with this state of facts and the difficulty of adopting a sound principle of electing the second chamber several States in Europe have done away with the second chamber. And I submit that if equal seats are given to capital and labour and all economic interests to be found in the country are given their

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proper share of representation in the Legislature it will have the effect of rolling up the two chambers into one instead of making it a two-legged body, one leg trying to go one way than the other and prevent hasty legislation by any interested section thereof.

I will now, Sir, bring my remarks to a close by quoting one observation from Walter Bagehot's *English Constitution, 1920*, at page 107. It runs as follows :

“ With a perfect lower house it is certain that an upper house would be scarcely of any value. If we had an ideal House of Commons perfectly representing the nation, always moderate, never passionate, abounding in men of leisure, never omitting the slow and steady forms necessary for good consideration, it is certain that we should not need a higher chamber. The work would be done so well that we should not want anyone to look over or revise it. And whatever is unnecessary in government is pernicious. Human life makes so much complexity necessary that an artificial addition is sure to do harm. You cannot tell where the needless bit of machinery will catch and clog the hundred needful wheels, but the chances are conclusive that it will impede them somewhere ”.

Sir, with these words, I beg to commend my Resolution.

THE HONOURABLE THE PRESIDENT (to the Honourable the Leader of the House) : If you will proceed with your reply to the Resolution, it will simplify matters.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House) : I am sure, Sir, that Honourable Members have been duly impressed by the compendiousness of the Resolution. I must also congratulate my Honourable friend on the persistence of his constitutional ideas, because I gather that notice of a Resolution on somewhat similar lines was given by him as far back as 1925, but I believe he did not pursue the matter to the bitter end and did not move the Resolution. I am sure that my Honourable friend did not expect that a Resolution of this kind could be accepted by any Government. He said his idea was to bring it to the notice of the public. Further, we are grateful to him for the glimpses which he has given us into world history, especially in its constitutional aspects, as, for example, the views of certain constitutional historians about France, Switzerland, Australia, and so on. I regret very much that not being as close a student as he is of constitutional doctrine I was not able to follow the relevancy of his remarks in regard to the Resolution which he has moved, but I take it that the Resolution—and I hope he will correct me if I am wrong—purports to have two principles, first, that all Legislatures should be uni-cameral and secondly, that representation should be on an economic basis. Well, as regards the first point, that is whether the Legislature should be bi-cameral or uni-cameral, as my Honourable friend knows, the whole of this question was very carefully gone into before the Government of India Act was passed. The whole problem was discussed and a certain number of provinces have got bi-cameral Legislatures, but, as he probably knows, under section 308 of the Government of India Act, it is open at the end of 10 years after the commencement of Part III of the Act for any Provincial Minister, on behalf of the Council of Ministers to get a Resolution passed to be submitted to Parliament, that the Legislature should be bi-cameral or should be uni-cameral. So far, therefore, as the provinces are concerned, I would suggest to my Honourable friend that he had better wait till the period of 10 years is over and then stimulate action on the part of the Provincial Ministers if he still at that time holds the same views as he does now.

As regards the Federal Legislature, that under the Act is going to be bicameral. Until the Government of India Act is altered, I fear there is no hope in that direction so far as the Federal Legislature is concerned.

As regards the system of election, the present constituencies are based on a territorial and communal basis and there again, as far as the provinces are concerned, it is open to the Minister to suggest changes. That must be done at the end of 10 years and I would therefore commend the same course so far as the electoral arrangements are concerned to my Honourable friend as I have done with regard to the question whether there should be two Chambers or one.

I at once concede one claim that has been made by my Honourable friend that he has struck out a path of his own, because, as far as my information goes, no constitution in the world at present is exactly on the lines which he has suggested. If I am wrong, I hope he will correct me. I should like to ask him whether any constitution at present in any part of the world, east or west, is based on the lines which he has suggested in his Resolution. And therefore I hope he will not consider me to be too unsympathetic or too conservative if I must decline at this stage to accept this revolutionary change in the system of the constitution which he has suggested.

THE HONOURABLE MR. P. N. SAPRU: You must congratulate him on his originality, Sir.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: That I have already done, for having struck out a path of his own. I am afraid that at the moment he seems to be a somewhat lonely revolutionary. I hope in time he will be able to get a few more companions, first among the members of his own party, and then perhaps among the other Members of the House.

I therefore must with considerable reluctance oppose my Honourable friend's Resolution. I would also suggest to him that, having now ventilated his views, he might now think it desirable to withdraw his Resolution.

* THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: The Honourable the Leader of the House has referred to the Government of India Act. I know that under the Government of India Act we have to wait and we have to go through a particular process. That is exactly why I want the Government of India Act to be changed. As regards the nature of my proposal, I submit that the Italian constitution is based on similar lines. The Fascist Grand Council is based on an economic basis. What they have given is representation to the different economic organisations, both capitalistic and labour, and my proposal is based on similar lines, but the only difference between that and what I propose is that in my Resolution I propose that instead of giving representation to the various economic organisations you give representation to the people directly who form part of those economic organisations, so that the constitution may be based more upon popular franchise than upon closed bodies like the Chambers of Commerce and the other sectional organisations.

THE HONOURABLE THE PRESIDENT: I am sure our successors will take that into consideration.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: It was not so much with a hope that this House, constituted as it is, should pass

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my Resolution but with a view to ventilate my proposal that I brought this Resolution. If leave is granted me, I will now withdraw it.

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

STATEMENT OF BUSINESS.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House): Sir, as the Honourable Members are aware we meet again on Monday, the 20th which is a day appointed for non-official business. I propose that the Council may meet again on Wednesday, the 22nd when the following Government Bills will come before the Council:

A Bill to establish standards of weight throughout British India.

A Bill further to amend the Indian Merchant Shipping Act, 1923, for a certain purpose.

A Bill to amend the Insurance Act, 1938.

A Bill further to amend the law relating to the protection of Inventions and Designs.

A Bill further to amend the Workmen's Compensation Act, 1923, for a certain purpose.

A Bill to amend the Cotton Ginning and Pressing Factories Act, 1925, for certain purposes.

The Council then adjourned till Eleven of the Clock on Monday, the 20th March, 1939.
