

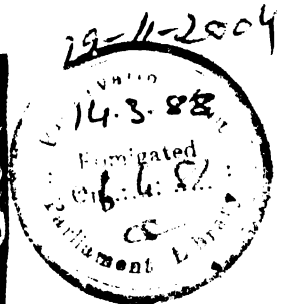
Thursday, 14th February, 1935

THE
COUNCIL OF STATE DEBATES

VOLUME I, 1935

(11th February to 17th April, 1935)

NINTH SESSION
OF THE
THIRD COUNCIL OF STATE, 1935



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COUNCIL OF STATE.

Thursday, 14th February, 1935.

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

MOTION *RE* REPORT OF THE JOINT COMMITTEE ON INDIAN CONSTITUTIONAL REFORM—*concl'd.*

THE HONOURABLE THE PRESIDENT: Honourable Members, I am anxious that this debate should be concluded today and I therefore wish to enforce the time limit strictly. I will allow the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra to resume the debate but he will kindly conclude his remarks within 15 minutes.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central : Non-Muhammadan) : Sir, yesterday I dealt with responsibility in the centre and showed to the House it was illusory and was not responsibility but autocracy. I will deal today with responsibility in the provinces. By the amendments of my Honourable friends, Mr. Mohammad Yamin Khan and Raja Ghazanfar Ali Khan we find, Sir, that they say there is a distinct advance on the present constitution so far as the provinces are concerned. Sir, I admit that there is some advance in respect of two matters—firstly, that the electorate has been widened, and secondly, that the official bloc has been eliminated from the provincial Legislatures. That is all, as far as I could find out, from that volume. But we have to consider the scheme as a whole. And if we consider the scheme as a whole, we find that there are not only many features which go directly against the principle of responsibility but there are certain features which make the provincial autonomy now proposed worse than the present position. Sir, so far as the powers of the Governor are concerned, they are almost the same in the provinces as has been given to the Governor General. That is, the Executive Council has been abolished in the provinces but the Governor will have one financial adviser, one advocate general, and another adviser, which means that the Executive Council will remain in another form. Then, Sir, the Governor at present has no power of issuing Ordinances. Under the present constitution the Governor will have the power of issuing Ordinances for three months and stopping any legislation which he thinks undesirable. May I ask my Honourable friends whether this is an advance or a retrograde step? Then, Sir, as regards the police, in spite of the fact that it is said that law and order will be a transferred subject, the minister will have no responsibility and the Inspector General of Police will be the sole authority who will be responsible to the Governor. May I ask my friends, is this an advance or a retrograde step? It was only the other day that His Excellency the Viceroy, at a conference of Inspectors General of Police, said that they were quite safe. He said :

“ I am able with the authority of the Secretary of State to give you an assurance that His Majesty's Government cordially accept all the recommendations which the Committee have made in regard to these vital points which I have mentioned and are determined to secure all provision necessary to implement them in the new constitution ”.

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

Further on, Sir, he said :

“ If you are satisfied, as I hope you will be, that the recommendations of the Committee have strengthened the position of the police and that all that is possible has been done to protect the force from political interference, I trust you will give currency to your views and thereby establish among your officers and men a feeling of confidence ”.

That is what His Excellency the Viceroy said in addressing the Inspectors General the other day. So, Sir, our so-called responsible ministers, while being in charge of law and order, will have nothing to do with the police, with the Criminal Investigation Department, even on certain matters of information the Governor will not trust the ministers and disclose the information. I think that this responsibility is a sham. Sir, not only will our responsible ministers have no right of amending the Police Act in the legislature, they will have no right of amending the Regulations issued under the Police Act. This is the constitution under which law and order is going to be transferred to a responsible minister. Sir, the ministers' salaries at present are votable and they are always at the mercy of the Council, in spite of the fact that they are helped by the official bloc no doubt, but under the present constitution our responsible ministers' salaries will be non-votable and the Council will not be able to touch their salaries. So far as the all-India services are concerned, the minister will be not only helpless but though they will be directly under the Secretary of State for India, he will have no right of even transfer of those services without the previous sanction of the Governor. May I know, Sir, if any responsible minister can work properly with his subordinates when the subordinates know that the minister cannot touch them? They will disregard the views of the minister and pay more attention to the Secretary of State.

THE HONOURABLE MR. MOHAMMAD YAMIN KHAN (United Provinces : Nominated Non-Official) : What would happen if the minister had this power ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : It would happen, Sir, that they would have perfect regard for the ministers under whom they were working, they would be afraid of to be transferred or removed if the minister was displeased and they would carry out *in toto* the wishes of the minister.

THE HONOURABLE NAWAB KEWAJA HABIBULLAH OF DACCA (Bengal : Nominated Non-Official) : What happens in the English Civil Services in England? Can the Members change the officers ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I do not know. My Honourable friend is probably better informed about the constitution in England but, as far as I know, England is one of the most democratic of countries and there cannot be such an unconceivable thing that the minister will have no power to transfer or dismiss the services in the constitution. Sir, this is the much talked of provincial autonomy of which some of my friends are so much enamoured. It is better to remain under the present constitution for a few years more, since we will not then have to pay much, rather than to have this kind of provincial autonomy. Sir, I am reminded here of the words of John Stuart Mill when he said in his book on *Representative Government* that the Government of the people by the people had a meaning and reality, but government by one people of another had no

meaning and reality except that the governing people might keep them as a human cattle farm to serve their own purpose.

THE HONOURABLE MR. BIJAY KUMAR BASU (Bengal : Nominated Non-Official) : That is an exploded theory at the present moment.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Now I come to the Communal Award. The Communal Award has been the apple of discord in this country. There is acute difference of opinion between the Hindus and Muhammadans, especially from the Punjab and Bengal, and it is on account of this that we have said in our amendment that it is expedient not to say anything on the Communal Award. Sir, as long as communal representation lasts, there can be no responsible government in this country. I quite admit that there may be reservation of seats, but the electorate should be joint. The members should fight elections on political lines and not on communal lines. That is the only solution. The other day, when the Unity Conference had practically come to an agreement at Allahabad, the Government made an announcement regarding the separation of Sind. Government saw that the Hindus had agreed to make Sind a separate province and knew that it was likely that the Muhammadans of the Punjab and Bengal might have some consideration for the Hindus on account of this acceptance of theirs, they at once announced that Sind will become a separate province. The Muhammadans were making representations after representations, but Government was quite silent. It was their game to announce this at the time to break the Unity Conference, and so it broke. On the Communal Award, I request my friends, Hindus and Muhammadans, to come to an agreement. If there are joint electorates, I do not mind reservation of seats.

Sir, as the time at my disposal is very short, before closing my speech—

THE HONOURABLE THE PRESIDENT : Only two minutes more.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I will make an appeal to the Honourable the Leader of the House so far as this Motion is concerned. When discussion was held on the White Paper, the Honourable the Leader of the House agreed to send the proceedings to the Secretary of State without calling any division. This Council is not meant for such divisions. What is meant is that the views of the elected Members should be communicated. The Government's views are there, and they will not require any further expression of views, nor, so far as I understand from the debate in the other House has the Secretary of State called on the Government to ask the views of political parties in India and send them to England. If that is so, why is the Honourable the Leader of the House anxious for a division ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House) : I am not anxious.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : All nominated non-official Members have expressed their views as desired by their masters. The nominated bloc is going to be eliminated under the new constitution. If they want to be returned as members of the legislatures hereafter, they will have to face the electorate, and canvass for their votes. So, it is but right that they must give expression to the correct views here in spite of the fact that they are nominated.

THE HONOURABLE THE PRESIDENT: Will you please close your remarks?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: One minute, Sir. The worst thing that can happen is they will be asked to resign their seats. If they are asked to do so, I am sure they will become popular in the hearts of their countrymen and they will have better chances of being returned to the legislature. Therefore, I will appeal to them also that on a critical occasion like this, they should not commit political suicide by voting with the Government but should give expression to the views of the country at large.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER (Madras : Non-Muhammadan): Mr. President, I thank you, Sir, for kindly permitting me to have my say on this occasion.

In the course of the debate it was shown fairly clearly that the seed of growth for a healthy development of a responsible government under the new constitution proposed by the Joint Parliamentary Committee Report could not be found anywhere in it. Although the present system of government has far outgrown its usefulness in the country, due to its gradual irresponsible nature to real public opinion and interests, yet there will not be any harm if we continue for some time more until we get a really responsible constitution after suitable modifications in the proposed new scheme. As well observed in the Report, and as we also know, the country has come to feel a correct national spirit from the teachings of democratic principles by the Government themselves. It is conceded also that proper opportunities should be given to allow the national spirit to run its natural and legitimate course along the lines of administration in the country.

Permit me, Sir, to say what a layman like myself thinks of the present and coming administrative methods, as he understands them from his day-to-day experience of the work of the administration. Well, Sir, what is the position now both in the centre and in the local Governments of the day? I do not think I should go into an elaborate description of things at the present moment. It is enough if I say that the present administration as it is understood now by ordinary men of commonsense is nothing more than a movement of a large, or say, the largest machinery with the rapidly diminishing touch of humanity, in proportion to the increasing number of spokes or wheels added to it, by way of additions and separations of departments and sections with its ever-increasing expenditure. The country, whatever its conditions, should find money to meet the cost of running this soulless machinery. The new constitution, which has been well examined by all the leaders and experienced politicians of the country, is nothing more than an addition at one stroke of a new and bewildering sort of constitution, the type of which could nowhere be found in any civilized country of the world. We all know, Sir, that it is a recognized fact that our cost of administration at present, when compared to other countries, is not in proportion to the capacity of the country to bear. More especially, now the present state of our country has come to the position that it could not possibly bear even the present burden of taxation. Yet every year the tax is increased in one way or other, directly or otherwise, not for any additional benefit of a real and lasting nature, but simply to meet the increasing expenditure of administration. While such is our position, if this new scheme of reformed constitution is to be forced upon the country in spite of almost the unanimous protest of the country, with its innumerable safeguards, and

much lesser control over important subjects like the army, railway, finance, etc., I ask, Sir, how is the country going to find the additional crores of money—how and when it is going to find its limit ?

We are told, Sir, by my friend the Honourable Mr. Miller that given goodwill, trust and co-operation, which are the main things necessary, everything will come out right and the reforms can be worked well. Well, Sir, let me examine how far Government have shown in their administrative acts the highly valued attributes of co-operation, goodwill and trust to the leaders and politicians of the country. Permit me, Sir, to quote a few instances. The country has not forgotten the Ottawa Pact and its results. What would have been its fate if it had come before the present Assembly. The status and hope given to the country by the Indo-Japanese Agreement is now marred by the hasty and one-sided conclusion of the recent Indo-British Trade Agreement by Government and the verdict of the Assembly decision has made the public understand well the ways of Government. Another point I submit, Sir. We all know the changed programme of public service which Mahatma Gandhi has undertaken from the time of his release from prison and Government is also well aware of this very movement. Yet it is a wonder that Government should suspect his village reconstruction work and issue confidential circulars all round the country. If even much-needed charitable work is thwarted like this, if these are the ways in which the mind of the Government has begun to work, I ask, is there right and reason to expect the people to show trust and co-operation with what Government does ? Let us consider for a moment that in all matters requiring public co-operation barring if necessary a few leaders of strong extremist views, I ask, is there now or was there ever any difficulty for Government to get such co-operation and goodwill from any class or party of people, or leaders or politicians in the country ? Why create and show unnecessary suspicion and distrust of the leaders of the country, among whom will also be counted stalwart supporters of Government in and out of season. I submit, Sir, it will be a sad mistake if Government come to the conclusion that when the Bill is passed the people will be found to work and co-operation and goodwill will spontaneously grow in the country.

In justification of the several objectionable features and safeguards in the Bill, comparison was made with countries like Australia, Canada, New Zealand, etc. I ask, will the Government be prepared to show that in all other respects concerning national advancement in those countries that our Government are adopting the same methods and policies as they are ? I know our Government will be ready to answer that conditions in our country are not similar, due to many causes. If we begin to enquire what are those causes it is not difficult to understand that those causes are our own creations, well applauded, backed up, made more and more complicated by our Government themselves in their ingenious ways of policy, separate elections, communal awards, special responsibilities, and so on, thanks to the Congress propaganda and their emergence from their sufferings and their coming out with the full support of the masses of the country in their sincerity of their service. If Government really have any regard for the verdict of the country without counting mere prestige by their ingenious and ignoble ways and policies, as the recent elections to the other House have shown, I submit to this Honourable House that this is a splendid opportunity for Government to make amends for all past sins of commission and omission, to do the right thing, the benevolent thing by the country. This can be done by taking stock of all the views expressed by Members in both Houses and by other distinguished men in the country, and press upon His Majesty's Government to bring about the necessary alterations in the Bill. If it is passed without important alterations and fewer safeguards,

[Mr. V. C. Vellingiri Gounder.]

it will mean only one thing. The 150 years of British rule has only shown the fact that our country and its administrators and politicians are not fit to handle and to be trusted with branches of administration like the railways, finance, police, army and similar important subjects, upon which the welfare of millions depend and on which our revenues are spent. What more humiliating and insulting position can there be to our country? So may I appeal to the Government of Lord Willingdon that he will be pleased to press very strongly upon His Majesty's Government to show their magnanimity and accede to the requests of the unanimous voice of the country to recast the Bill in the light of the strong views expressed.

THE HONOURABLE NAWAB MALIK SIR MOHAMMAD HAYAT KHAN NOON (Punjab : Nominated Non-Official) : Sir, yesterday my Honourable friend Raja Ghazanfar Ali Khan questioned whether the House had been asked to give expression to its opinion, and it was also said—

THE HONOURABLE RAJA GHAZANFAR ALI KHAN (West Punjab : Muhammadan) : Sir, on a point of personal explanation, I never said that the House—

THE HONOURABLE THE PRESIDENT : Order, order. Let the Honourable Member finish his sentence.

THE HONOURABLE NAWAB MALIK SIR MOHAMMAD HAYAT KHAN NOON : It was also questioned whether this was an appropriate occasion for expressing an opinion. I submit, Sir, that the Bill has been based on the Joint Parliamentary Committee's Report and it is being discussed in Parliament now. If this is not a suitable time to give expression to the opinion of the House, there could be no better occasion. If the Bill is passed into an Act then I do not see what good can be effected by expressing our opinions.

Sir, I certainly think that the proposed constitution is an improvement on the existing one, and it is a very great improvement in the case of the provinces. A good deal has been said against the safeguards, but I think the safeguards are meant for exceptional occasions and unforeseen situations. No Governor would even dream of using those powers as a daily routine.

Then, Sir, about the ministers it was said that the future ministers will be put in such a position that they will not be able to discharge their responsibilities efficiently. I see no reason for that apprehension. The ministers in future will in my opinion be more powerful. The official bloc is going to be done away with in the provincial Councils. Law and order is being put in charge of a minister and they will have the support of the elected members, and if they are competent and reasonable men I do not think their view or policy will be overruled or that they could be overawed by anybody.

Then I will just say a few words about the Communal Award. Yesterday I was very pleased to notice that the Honourable the Leader of the Opposition had put down in his amendment that no opinion should be expressed on the Communal Award. But I was rather unpleasantly surprised that a large number of his own Party gave expression to their opinion and criticized the Award. My Honourable friend Sardar Buta Singh from the Punjab also condemned the Award. I beg to remind my Honourable friend that his community has been given 40 or 50 per cent. more seats than it is entitled to on the basis of population. If the Honourable Member thinks

that the Award should not have been so liberal to his community and if he can induce his community to give up the extra number of seats, the other communities in the Punjab will take them most thankfully !

Then, Sir, about this Communal Award no better substitute acceptable to all the communities has been put forward and if at any time we can put forward such a scheme, there is not the least doubt that the Government will be prepared to alter it accordingly. As practical politics, Sir, I suggest to the House that we should accept the constitution which is being given to us and try to work it successfully and ask for more.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTY (Madras: Non-Muhammadan): Mr. President, the Joint Parliamentary Committee Report has been so thoroughly discussed in the press and on the platform that there is very little left that can be said either in favour or against some of its proposals. If I take part in this discussion, it is not because I hope to contribute any new points but only because I feel that this House owes a duty to the country in trying to present the recommendations in their proper perspective. This House is known for its sober and critical judgment of public questions and measures of Government. I trust that the Honourable Members will not rush off at a tangent because they find that outside this House opinion is expressed in any particular manner. I am sure the Honourable Members of this House will agree with me when I say that whatever may be stated about the merits of any particular proposal, the thoroughness with which the problems have been examined and the carefulness with which conclusions have been arrived at can hardly be denied. The Committee has been accused by many as betraying a deep distrust of Indian opinion and aspirations. I should like to ask whether, if such is the case, the politicians in this country have not given room to that distrust among a section of the British public and whether their activities, speeches and their threats have always been calculated to engender goodwill and to create a feeling of trust. It was only the other day that in another place a Resolution was carried rejecting the Indo-British Trade Agreement in spite of the clear and lucid speech of the Honourable the Commerce Member that the Agreement was only intended to clarify the existing position and to put in formal language the practice that has grown up during the last ten years relating to the tariff policy of the Government. This Resolution has had a reaction in England and has aroused more suspicion than ever among the commercial communities in that country.

Nor can I possibly understand the frame of mind of those individuals who advise the country to reject the proposals altogether and state that they will prefer to continue under the existing constitution. That is a counsel of despair, which I trust this House which contains among its members men of large experience in public affairs will not endorse. Mr. President, I feel that while on the one hand we cannot subscribe to the destructive criticisms that have been levelled against the Report, we are bound at the same time to point out in what directions the Report can be improved upon, so as to secure greater goodwill for the working of the new constitution in the country. It is an axiomatic truth that no constitution propounded for a country of the size of India with conflicting interests can be satisfactory to all concerned. In fact I would go further and state that if to-morrow the politicians of Great Britain were to sit down and draft a new constitution for that country, it would be impeached from the extreme right and from the extreme left as unsatisfactory, dangerous or halting in its proposals.

[Diwan Bahadur G. Narayanaswami Chetty.]

As realists we must face the practical situation that we find in this country. The fact that representatives of all communities have not been able to come to a settlement on questions like franchise or representation either in this country where for a long number of years attempts have been made in this direction or in England where these representatives gathered together to discuss such issues cannot be ignored. This fact more than anything else has led to certain necessary provisions being embodied in the Parliamentary Committee's proposals, provisions which are now attacked as detracting from either provincial autonomy or responsible government in the centre.

A careful study of the proposals of the Committee will enable one to realize that many of the safeguards and reservations propounded therein were agreed to by one section or other of Indian public opinion represented at the Round Table Conference. I would go further and state that in many cases they were demanded by some section or other of the representatives. It is in the light of these facts that one must necessarily examine these proposals. I do not suggest that every one of the recommendations of the Committee have had the approval of some section of Indian opinion; nor do I venture to state that if a section, however small it may be, puts forward a view, that can be made a justification for the safeguard based on that view being included in the Report. Examining the proposals from these considerations, I have come to the conclusion that some at least of the recommendations of the Committee require modification.

There is the question of "indirect election" to the federal Legislature, the lower House at the centre. I must confess that an overwhelming bulk of Indian opinion both at the Round Table Conference and in the country is against such indirect election. A responsible Committee appointed by the British Government presided over by Lord Lothian and composed as it was by seven members of the British Parliament and Indian representatives came to the conclusion that such indirect elections to the lower House are unsuited; they have given elaborate reasons for their conclusions and when it is remembered that many of the British members were in favour of direct elections, the value of these conclusions can be appreciated at their worth. I have read carefully the counter-arguments used by the Joint Parliamentary Committee on the subject and I must confess that I see nothing in them to make me alter my opinion that indirect elections are not suited for the country. I am strongly of opinion that His Majesty's Government should alter the proposals and should prescribe direct elections to the lower House.

There is another question on which Indian opinion whether in Burma or in India is equally unanimous. The conditions of Indians in Burma will be made much worse if the proposals of the Joint Parliamentary Committee Report are adopted. Indians have gone to Burma as Englishmen have, with a right to settle there and carry on business in the full hope that Burma was as much a province of India as Bengal or the Punjab.

THE HONOURABLE THE PRESIDENT: You need not refer to Burma now, because I have already ruled that a separate discussion will take place on that question.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTY: Hereafter the centre of political gravity will be shifted to the provinces where a great and responsible power is transferred to the people. There is therefore a great opportunity for sincere workers in the cause of the people to contribute to the economic and political advancement of the people. Much

depends upon the development of the parliamentary system in the legislature ; in fact the scheme is based on parliamentary system of parties—parties based on sound political principles. If the ministers are capable men with a wider vision and if there is a party following and if the administration is carried on on safe lines, the special powers of the Governor need not be invoked. I only take it that it is not in the day-to-day administration that these powers can be or are capable of being exercised. If these powers are exercised by the Governor unjustly, the ministers can resign and appeal to the country. No Governor therefore will be willing to create a deadlock and uncomfortable situation in the country. We need not be apprehensive of the practical working of the scheme as much depends upon the class of men who are selected for the administrative responsibility.

Sir, I feel that enough attention has not been paid in this country to the great possibilities and potentialities of an all-India federation. India can never march through the goal of Swaraj or dominion status unless the clear line of demarcation that now exists between British India and Princely India is obliterated. In the welding of these two sections, in bringing the representatives of the princes and of the people of British India into a common legislature and in making this section to realize their own responsibility for defence and for the internal peace of the country lies the real political salvation. People who talk of a British India federation do not, in my humble view, realize the utter hopelessness of such a proposition. At any rate they forget or ignore the numerous qualifications and restraints which must inevitably be imposed on self-governing British India if the promises, pledges and treaties which His Majesty's Government have made to the Indian princes have to be maintained intact. An all-India federation is one big political advance—an advance may I add, which no amount of agitation in British India can bring about without the goodwill of Great Britain and voluntary accession of the Indian princes.

May I take this opportunity of expressing our great appreciation of the statesmanlike speech of the Secretary of State at the stage of the second reading of the Bill. His emphatic declaration that dominion status is the avowed goal of constitutional progress in India, that the preamble of the 1919 Act means nothing less, taken with the circumstances under which the declaration was made, can leave no doubt now in the minds of reasonable Indians. Having regard to all the controversies which have raged over the question since 1923, I consider that declaration to be as vital as that of August, 1917. I trust that those Liberals and Moderates who saw in the omission of any reference to dominion status in the Bill, an intention on the part of Great Britain to go back on its pledges, will now accept the generous declaration and come out openly to support the Government. They will do no good either to themselves or to the country by meekly imitating Congressmen and allowing themselves to be tied to the chariot wheels of the Congress. Their spokesmen at Poona stated that federation and dominion status were two cardinal principles and neither should be allowed to weaken the other. The emphatic declaration of Sir Samuel Hoare makes it abundantly clear, apart from the assurances which the provincial Governors gave and the repeated declarations of His Excellency the Viceroy, that there is not now and in fact there never was, any intention of going back on the pledge of dominion status. I ask this House to acknowledge with gratitude this generous and noble gesture of the British Government.

I have touched on only a few cardinal aspects of the Report and have suggested a few vital amendments. I may be told—in fact it has been freely suggested—that no amendments endorsed by the Legislature in India will

[Diwan Bahadur G. Narayanaswami Chetty.]

have any effect on the course of Parliamentary legislation. I venture to profoundly disagree from this position. If even at this stage, Indian opinion can be unanimous and can take a reasonable and practical line of criticism of these proposals, I am sure neither the British Government nor the Houses of Parliament will ignore this opinion. Unfortunately if mere destructive criticism is indulged in or endorsed by the various legislatures and extreme propositions put forward about the rejecting of the constitution, certainly no shade of opinion in England will think it worth while to adopt these suggestions.

To crown all these, we have got at the present moment as the head of the administration in India a genuine and trusted friend of India and a tried administrator whose sympathy for and willingness to promote the legitimate aspirations of this country can never be questioned. His Excellency's letter written in his capacity as the Governor of Bombay to Mr. Lloyd George forcibly pleading for the cause of India bears ample testimony to his deep concern for the well-being of the Indian people. I am sure this House will agree with me when I say that Indian interests will be safe in His Excellency's hands and that given co-operation and goodwill, His Excellency will be able to steer the Indian vessel along the glorious path of sound constitutional development.

On the whole it seems to me that the new reforms are a great advance over the present and if necessary modifications are made they will conduce to the best interests of the country. It is easy to point out the defects in the scheme; but as yet we have not been able to work out an agreed scheme. I therefore would appeal to all parties, interests and creeds of India to work the constitution in a spirit of co-operation, sincerity and unity. If it is worked in such a spirit, there will be no occasion for the use of special powers and they will ultimately disappear. It is because we in India do not trust each other, and because one section of political thought has put forward extreme claims and has tried to render all constitutional government impossible, that the necessity for the safeguards has arisen. Any hostile attitude that may be taken against the scheme would give a helping hand to those in England who are opposed to the transference of political power to the people of this country. I therefore beg of all parties to accept the scheme and work it to the best advantage. This will, in my humble opinion, be the greatest recommendation for our obtaining full Swaraj.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House): Sir, the debate which is on the point of concluding is a unique one from many points of view. It is a debate in which a very large number of Members have taken part, not less than 28 members,—I believe, of all the elected Members present during the last two days, only two have denied us the pleasure of hearing them. I think I may congratulate the Council on the high level maintained during the course of this debate. There has been on the whole a debate which can be said to be marked by self-restraint and good feeling—no doubt at times views have been sharply expressed but still with no undue heat—at times some Members let themselves go but I have no doubt their intention was all to the good. They wanted to be emphatic.

Again, Sir, the debate included some maiden speeches and I am sure you will agree with me that the maiden speech of the Honourable Member from Jhelum, Raja Ghazanfar Ali Khan, was a very interesting one. No doubt his experience of the administration both in British India and Indian

India enabled him to speak with authority in certain parts of his speech and I am sure he said many things with which most of us would be ready to agree.

Again, it was very refreshing to see that the debate was conducted in a way as to show a great deal of independence of thought. Members did not feel bound to support the well recognized parties that exist in the country, and the various shades of opinion expressed were pretty numerous. However, it will be my endeavour in the few remarks that I will address now to the House to show that as a matter of fact the opinions expressed on points on which an expression of opinion is called for are not so very numerous as at first sight they might appear. At times no doubt the same speaker happened to give expression to views that were by no means consistent but then in controversies when feelings run high that is a phenomenon which is not unusual or unnatural.

Again, there were what we might call the humours of the debate. I, with your permission, Sir, will venture to illustrate this observation with one instance. Members opposite have more than once said that the proposed reforms, what good are they? We would much rather stay where we are than make this advance. I think most of the Members opposite, with two exceptions, held that view. The exceptions were the Honourable Sir Phiroze Sethna, who said he did not agree, and I think perhaps, if I am not mistaken, the Honourable Lala Jagdish Prasad also did not think as his leader did. However, it is immaterial whether there were one or two. The fact remains that the Progressive Party took up the attitude that the present constitution is bad, very bad, but still we would work along on this constitution in preference to what is being offered to us in the shape of a Bill framed on the basis of the Joint Committee's Report. Now, this was an expression of opinion by speakers some of them distinguished for their legal knowledge, their business ability, political experience and so on. May I venture to take them back to the year 1920? I think most of them were at that time in public life. Perhaps two of them were too young then. I remember the events that took place then. In 1920, the year after the passing of the Government of India Act of 1919, the constitution which the Progressive Party now wish to stand by and to follow was the constitution which India considered so bad that they boycotted the elections and refused to come into the legislatures. Is that the constitution which after 14 years' experience has become so good as to be better than the one which is being offered?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : That was the Congress Party that boycotted and not we.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : The Leader of the Opposition says that the people who did these things were the benighted Congress Party, and that he and his friends did not agree with them, and that they thought that the Montagu-Chelmsford Report was really good. Now, may I remind him of the description in the public press, in particular, the national press, of the people who came into the Councils, that they were traitors to the country, that they were reactionaries, etc. I do not think that in the dictionary of wicked words there was any expression that the Congress press or the National press did not use in condemning the constitution which after 14 years has been found by the Progressive Party to be so good that they would stick to it rather than accept the new reforms. That shows, Sir, how our ideas change, or how lapses of memory make people take up positions which if they had coolly and calmly deliberated over the matter,

[Khan Bahadur Mian Sir Fazl-i-Husain.]

they would never have ventured to take. I cannot conceive that any Indian politician keeping before his eye the condemnation of the Government of India Act of 1919 framed on the basis of the Montagu-Chelmsford Report, could have the temerity to say today that it is better than what is being offered. What is the position? If the Progressive Party is right that what is being offered is worse than what we have got, and the Congress Party said in 1920 that what was being offered by the Act of 1919 was worse than what they had got, you notice where we reach. We reach the pre-reform period of 1919, where in many provinces there were no Councils, no legislatures to speak of, and we get on to the beautiful days of one Lieutenant-Governor or Governor, with the help of a secretary, economically but autocratically administering the province. We can push things to an absurdity. But whatever the point of view may be, let us remember the facts. The facts are well within the memory of every man. It is so ridiculous to go on from stage to stage saying, "Really, we do not want any advance. We have never wanted". Let me not be tempted to labour the point any more.

Next, I think it would be best if I tell the Council what I am not going to do, and then state what I do wish to emphasize. I do not think I am called upon to enter upon a discussion in detail. Many points have been taken by the Honourable Members opposite, which are good points. There are others which are weak. There are some points which can be perfectly made and I believe convincingly made. There are others in which we may not be able to convince the Honourable Members who took it. But is this the stage to enter into a controversy on points of detail? We have reached now, in February, 1935, after seven or eight years, the stage where the reforms under discussion have given us this Bill, the second reading of which has been finished, which Bill is in the Committee stage now in the House of Commons, which Bill we may assume with minor changes is likely to be passed. It will serve no useful purpose to begin to re-discuss the different points in that Bill, which have been under discussion for the last three or four years. No good at all. What then do I propose to do? In the next few minutes that I propose to address the House, I will try to analyse the views expressed in the House in the hope of concentrating the attention of Honourable Members to points of importance. We have amongst us those who feel that the Report is not all that India expected; others think that it is not all that India deserved; there are others who think that the Report is so bad that it is unacceptable to them; then we come to the fourth group who say that it is a Report which they cannot but reject. The first class consists of those who think that they have not got what they expected; the second class say that they have not got what they deserved; the third class say that what is being given is unacceptable, and the fourth are the rejectionists. There is a slight difference between the unacceptablers and the rejectionists. The unacceptablers are a little milder than the rejectionists. Is that not so? Well, what does it matter whether you belong to the one class or the other? Here is this Report and here is this Bill. You do not claim that you have the authority to legislate. You do not deny that as a subordinate Legislature, and with your Government, the Government of India, as a subordinate Government, they are in a position of taking both their legislation and their orders from the authorities in England.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Then why debate?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : A very natural question. If the Honourable the Leader of the Opposition has the

decision of a matter in his own hands—in his Party, does he deny the members of his Party the right to discuss? Does he deny the right to England to hear our views before coming to a decision? He has a right to say, "No, I will not express any opinion" but he cannot deny the right of the supreme authority to call for discussion in case any of us do wish to discuss, and is that authority not justified in asking for a discussion when we find that only two of the elected Members were able, I have no doubt with the exercise of considerable self-control, not to speak. For him to say, "Why call for a discussion" when we are all anxious to discuss is, I think, a little bit uncalled for.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Legislation on the India Bill is proceeding in England without Parliament knowing our views.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : There again the Honourable the Leader of the Opposition is not well informed. He does not know that there are agencies which flash his views and my views and other peoples' views within a few hours of their being uttered here, just as we get possessed of what was said in the House of Commons within a few hours of the utterances there. Let him not be under any misapprehension on that point. Our point of view may not agree with their point of view, but that they do not know our point of view is not correct. As a matter of fact, on the whole perhaps it might have been good for India if the means of communication were not so good as they are.

**THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muham-
madan) :** May we know to which group, out of the four mentioned, the Government of India belong?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Will it help him to decide as to how to vote if this information were given?

THE HONOURABLE MR. HOSSAIN IMAM : It may, if we find that we are in the same boat.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : I do not know whether it is always wise to be in the same boat, considering that accidents are not infrequent in boating. However, to proceed.

These are the four categories to which various people who have given expression to their views belong. But I want you, Sir, to permit me to go a little further in my analysis. After all does it matter very much what our views are as to the Report and as to the proposed constitution, considering that the legislation is already under discussion in the House of Commons, considering also that the view that the present position is better than that proposed and therefore we would rather stay where we are is not a view that can be accepted. It is not the genuine view of the people who gave expression to it.

**THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern :
Non-Muhammadan) :** It is my genuine feeling and the feeling of the Liberal group at least.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : I am glad you have added the word "feeling". Feeling is one thing and view is quite a different thing.

THE HONOURABLE MR. P. N. SAPRU : Sir, it is a definite view and conviction based on a study of the Report.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Now that is exactly what I thought a young man would say. It is so difficult to separate one's feelings and sometimes when one is young feeling overrides thought. Mind you, I do not object to it, nor do I venture to criticize that frame of mind. In fact at times I admire and honour that aspect of a man's character. After all, it would not do if every body felt and acted the same. Still, the fact remains that these views do not matter very much and the view that the present is better than the proposed constitution is not likely to be taken at its face value, and people who are critical of such remarks are bound to call it bluff. Nobody will believe it. What then is of importance is the constitution which the House of Commons is discussing and is likely to enact and whether it will be worked in India by Indians or not. That is the question. It has been put more than once in the House of Commons. It has to be answered by you. There are those who say, "Oh, we will answer that question when we see the Bill as it is enacted; we will not answer it now; we do not know whether the Bill will undergo alterations in the House of Commons or not; it may be passed in a form which is quite different from what it is now". I admit the force of that argument, but all the same I say that the question has been put and if we have nothing to conceal there is no reason why we should not be ready to answer it. What is my answer to it? Sir, holding the view I do of the position of India and of the position of the Indian Legislature I think it is not open to Indians pursuing constitutional methods of agitation to refuse to work the constitution which is being enacted for them by those who have the authority to do so. That position might be challenged from many points. It may be said that there have been instances in different countries where constitutionally a different position has been taken up by a subordinate people. I will not deny that. But constituted as India is today I hold and maintain that it is not open to India to refuse the new constitution which may be prepared for it by the authority which has the power to do so. What then is the view of the Honourable Members? Here, Sir, I hold that the view to which most of the Honourable Members who have taken part in the debate have given expression is that that constitution is bound to be worked by them. Some have said, "We will work it fairly". That is one of the amendments, to give it a fair trial. There are others who said, "We will work it, but we will work it sullenly". That was the view given expression to by the Honourable Member from the United Provinces. He said, "What is the good of Government securing such co-operation? It will be given, but it will be given in a spirit of unwillingness, of sullenness and non-co-operation". Well, I will try to go a little further in my analysis. Will that school of thought work the constitution constitutionally or with the object of obstructing it and making it unworkable? There is nothing new about these questions. There is nothing new about the position envisaged by me in these observations. What happened in the past, in 1920? One school of thought said they hated the Montagu Reforms to such an extent that they would boycott them, they would not enter the legislatures and would keep away from them. But that school of thought gave up that position three or four years later and in 1926, you will remember, they came trooping into the legislatures. Why? With the object of obstructing the reforms; with the object of demonstrating that the reforms were unworkable. They began in that frame of mind, but they gradually got into their stride and began to work them. Therefore we have before us this precedent of the 1919 reforms, how some of us boycotted

them, how the boycotters or some of the boycotters became Swarajists and co-operators, how they divided themselves into two schools of thought, those who would work them to show that they were unworkable and others who gave up the struggle and came to work them for what they were worth; and it is out of such parents that the Progressive Party has been born to stand by those reforms to the extent that it would not have any new reform, but would stick to them rather than go forward. So, Sir, I assure the House that situated as we are working the reforms, whether it is done by A, B or C or X, Y or Z, is inevitable. Some of us are bound to work them; others may not be able to control their feelings and for the time being feel that they will not work them and they cannot work them, they must not work them. Therefore am I right in thinking that barring very few exceptions, in this House there are no Members who take up the view that if this Bill is enacted during the course of this year or the next, that it will not be worked? On the other hand it seems inevitable, that some of us who will not work it, will find that there are many more ready to work it, that of those who are ready to work it the number of those who would work it sullenly, if there are any, will gradually decrease and they will then start the new idea that we must work it honestly and fairly and vigorously, but at the same time we must try to obtain an advance; and when these two ideas are put together I have no doubt the party which has these two items on its programme will be able to command a large following. Again, we must remember that if we adopt any attitude other than that I have indicated, what is the constitutional device to which we can resort in order to have our views enforced and more or less compel the authorities which have the framing of our constitution to frame another constitution more acceptable to us than the present? Have we not for the time being more or less exhausted all the constitutional devices? Has this struggle since 1919—really 16 years now—not been a fairly prolonged one in which many people have suffered in life, in health, in wealth? Is it fair for our political leaders to think of placing any further strain on the country? My answer to these questions, Sir, is in the negative. It is not fair. Let the country have a breathing space. Whatever the nature of these reforms, let us try to do the best we can honestly by them. Ten years hence will be time enough to review the situation and formulate proposals. Situated as we are all the differences between minorities and majorities, between classes and classes have been so prominently brought up that for the time being it is hopeless to adjust them. Here I see before me the Progressive Party of this Council delivering strong speeches against the proposed constitution. They would have a fit if they knew that the interests of landlords and capitalists will be at the mercy of the members of the legislatures and the safeguards in the hands of the Governor and the Governor General to protect them will not exist. That is so far as the landlords and the capitalists of the Progressive Party are concerned.

I turn then for a moment to the religious people. They would have a fit if they were told that under the reforms scheme previous assent to religious legislation or veto in the interests of the orthodox is not safe in the custody of the Governor and the Governor General. Religious-minded people, the landlords, the capitalists. What is left of the country? The masses. The masses would be most unhappy, if the Labour Members of the House of Commons are to be believed, because they feel that this constitution is going to set up an oligarchy, in India and God save them from the oligarchy. Therefore I say let us close the controversy. We have had enough of it for 16 years. Let us have a truce for ten years and work this thing for whatever it is worth, good, bad or indifferent, and then let it be up to those who are at the helm of

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affairs to review the position and see what form the agitation, struggle for political advancement of India, should take. My advice therefore to the House is that on this matter such points as have already been decided by His Majesty's Government it is no use to cavil at them or to find fault with them or try to disown them. They are there and it will be better to accept them whether we like them or not. As to working them I have sufficiently indicated my view and that, I may say for the benefit of the Deputy Leader of the Progressive Party, is the view of the Government of India as well. (Applause.)

THE HONOURABLE THE PRESIDENT : We have now arrived at a stage when the decision of the Council will be taken. I must point out to Honourable Members that I have decided to put all the amendments to the vote of the Council in the order in which they were proposed, as I think any other course would not be just and fair to all the proposers of other amendments. I will take first the amendment proposed by the Leader of the Opposition and I would like his expression of opinion on part 2 of his amendment, which says :

" This Council does not deem it expedient to express any opinion on the Communal Award ".

Honourable Members have seen that almost every Member who spoke for the last two days has expressed a most definite opinion one way or the other on this question and in view of that, does he still desire to press part 2 of his amendment ?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Yes, Sir.

THE HONOURABLE THE PRESIDENT : Original Motion moved :

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

to which an amendment has been moved :

" That for the original Motion the following be substituted, namely :

' 1. That the scheme of constitutional reform formulated in the Joint Select Committee's Report is entirely unacceptable to this Council and to the bulk of the people of India and this Council therefore recommends to the Governor General in Council that he may be pleased to inform His Majesty's Government that the Council desires that legislation based on the Report should not be proceeded with. This Council further urges that immediate steps should be taken to frame a constitution which would establish real responsible government both at the centre and the provinces.

' 2. This Council does not deem it expedient to express any opinion on the Communal Award '."

The Question is :

" That this amendment be made."

The Council divided :

AYES—10.

Banerjee, The Honourable Mr. Jagadish Chandra.
Barua, The Honourable Srijut Heramba Prasad.
Chari, The Honourable Mr. P. C. D.
Gounder, The Honourable Mr. V. C. Vellingiri.
Hossain Imam, The Honourable Mr.

Jagdish Prasad, The Honourable Rai Bahadur Lala.
Kidwai, The Honourable Shaikh Mushir Hosain.
Mehrotra, The Honourable Rai Bahadur Lala Mathura Prasad.
Ram Saran Das, The Honourable Rai Bahadur Lala.
Sapru, The Honourable Mr. P. N.

NOES—36.

Basu, The Honourable Mr. Bijay Kumar.	Miller, The Honourable Mr. E.
Buta Singh, The Honourable Sardar.	Mitchell, The Honourable Mr. D. G.
Charanjit Singh, The Honourable Raja.	Mitha, The Honourable Sir Suleman Cassim Haji.
Chetty, The Honourable Diwan Bahadur G. Narayanaswami.	Muhammad Din, The Honourable Khan Bahadur Chaudri.
Choksy, The Honourable Khan Bahadur Dr. Sir Nasarvanji.	Noon, The Honourable Nawab Malik Sir Mohammad Hayat Khan.
Commander-in-Chief, His Excellency the Devadose, The Honourable Sir David.	Padshah Sahib Bahadur, The Honourable Saiyed Mohamed.
Fazli-Husain, The Honourable Khan Bahadur Mian Sir.	Philip, The Honourable Mr. C. L.
Ghazanfar Ali Khan, The Honourable Raja.	Raghunandan Prasad Singh, The Honour- able Raja.
Ghosal, The Honourable Mr. Jyotena- nath.	Ray of Dinajpur, The Honourable Maharaja Jagadish Nath.
Glass, The Honourable Mr. J. B.	Russell, The Honourable Sir Guthrie.
Glancy, The Honourable Sir Bertrand.	Spence, The Honourable Mr. G. H.
Habibullah of Dacca, The Honourable Nawab Khwaja.	Stewart, The Honourable Mr. F. W.
Hafeez, The Honourable Khan Bahadur Syed Abdul.	Stewart, The Honourable Mr. T. A.
Hallett, The Honourable Mr. M. G.	Suhrawardy, The Honourable Mr. Mah- mood.
Jalan, The Honourable Rai Bahadur Radha Krishna.	Tallents, The Honourable Mr. P. C.
Johnson, The Honourable Mr. J. N. G.	Ugra, The Honourable Rai Sahib Pandit Gokaran Nath.
Kameshwar Singh of Darbhanga, The Honourable Maharajadhiraja Sir.	Yamin Khan, The Honourable Mr. Mohammad.
Menon, The Honourable Diwan Bahadur Sir Ramunni.	

The Motion was negatived.

THE HONOURABLE THE PRESIDENT : Original Motion moved :

“ That the Report of the Joint Committee on Indian Constitutional Reform be taken into consideration ”

to which an amendment has been moved :

“ That for the original Motion the following be substituted, namely :

‘ This Council is of the considered opinion with reference to the constitution scheme as formulated in the Report of the Joint Parliamentary Committee that :

- (1) The scheme is unsatisfactory, inadequate and disappointing.
- (2) It is not what Indians were led to expect nor in consonance with Indian public opinion, or with the avowed object with which the Round Table Conferences were held.
- (3) The changes made in the Joint Parliamentary Committee's Report in regard to some of the recommendations of the White Paper are distinctly worse and are a setback.
- (4) The avoidance of any reference to dominion status is so deliberate and significant as to have given rise to the apprehension that the British Government intends to depart from the policy of conferring such status upon British India.
- (5) The powers proposed to be retained in the Governor General and the Governors, otherwise called ‘safeguards’ are so extensive, substantial and all-comprehensive that they will seriously interfere with the working of the constitution and seriously prejudice the advance of India to full responsibility both in the provinces and at the centre and to dominion status.
- (6) The whole scheme should be so improved as to give substantial effect to the recommendations unanimously made by the British Indian Delegation in their joint report submitted to the Joint Parliamentary Committee.

[Mr. President.]

The Question is :

“That this amendment be made.”

The Motion was negatived.

THE HONOURABLE THE PRESIDENT : As regards the next amendment, that of the Honourable Raja Ghazanfar Ali Khan, I propose to divide it. I will first put part 1 of the amendment to the vote, and then, after the decision of the Council has been taken, I will put parts 2 and 3.

Original Motion moved :

“That the Report of the Joint Committee on Indian Constitutional Reform be taken into consideration ”

to which an amendment has been moved :

“That this House accepts the Communal Award so far as it goes until a substitute is agreed upon by the various communities concerned ”.

The Question is :

“That this amendment be made.”

The Council divided :

AYES—31.

Chetty, The Honourable Diwan Bahadur G. Narayanaswami.
Choksy, The Honourable Khan Bahadur Dr. Sir Nasarvanji.
Commander-in-Chief, His Excellency the.
Devadoss, The Honourable Sir David.
Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.
Ghazanfar Ali Khan, The Honourable Raja.
Ghosal, The Honourable Mr. Jyotsnath.
Glass, The Honourable Mr. J. B.
Glancy, The Honourable Sir Bertrand.
Habibullah of Dacca, The Honourable Nawab Khwaja.
Hafeez, The Honourable Khan Bahadur Syed Abdul.
Halim, The Honourable Khan Bahadur Hafiz Muhammad.
Hallett, The Honourable Mr. M. G.
Hossain Imam, The Honourable Mr.
Johnson, The Honourable Mr. J. N. G.

Menon, The Honourable Diwan Bahadur Sir Ramunni.
Miller, The Honourable Mr. E.
Mitchell, The Honourable Mr. D. G.
Mitha, The Honourable Sir Suleman Cassim Haji.
Muhammad Din, The Honourable Khan Bahadur Chaudri.
Noon, The Honourable Nawab Malik Sir Mohammad Hayat Khan.
Padshah Sahib Bahadur, The Honourable Saiyed Mohamed.
Philip, The Honourable Mr. C. L.
Russell, The Honourable Sir Guthrie.
Spence, The Honourable Mr. G. H.
Stewart, The Honourable Mr. F. W.
Stewart, The Honourable Mr. T. A.
Suhrwardy, The Honourable Mr. Mahmood.
Tallents, The Honourable Mr. P. C.
Ugra, The Honourable Rai Sahib Pandit Gokaran Nath.
Yamin Khan, The Honourable Mr. Mohamud.

NOES—13.

Banerjee, The Honourable Mr. Jagadish Chandra.
Barna, The Honourable sriput Heramba Prasad.
Basu, The Honourable Mr. Bijay Kumar.
Buta Singh, The Honourable Sardar.
Gounder, The Honourable Mr. V. C. Vellingatti.
Jagdish Prasad, The Honourable Rai Bahadur Lala.
Jala, The Honourable Rai Bahadur Sadha Krishna.

Kameahwar Singh of Darbhanga, The Honourable Maharajadhiraja Sir.
Khaparde, The Honourable Mr. G. S.
Mehrotra, The Honourable Rai Bahadur Lala Mathura Prasad.
Raghunandan Prasad Singh, The Honourable Raja.
Ram Saran Das, The Honourable Rai Bahadur Lala.
Sapru, The Honourable Mr. P. N.

The Motion was adopted.

THE HONOURABLE SIR DAVID DEVADOSS : May I suggest, Sir, that the second and third parts of this amendment be put separately, as Members may like to vote differently on each ?

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : I have no objection, Sir, to your putting the parts separately if Members so desire.

THE HONOURABLE THE PRESIDENT : I am prepared to meet the wishes of the House and will put the parts separately.

Original Motion moved :

“ That the Report of the Joint Committee on Indian Constitutional Reform be taken into consideration ”

to which an amendment has been moved :

“ That as regards the scheme of provincial autonomy this House is of opinion that it is a distinct advance on the present constitution but to satisfy the political aspirations of people the idea of second chambers in provinces should be abandoned and provisions relating to police rules, secret service, and intelligence departments should be so modified as to make the transfer of law and order real and effective ”.

The Question is :

“ That this amendment be made. ”

The Council divided :

AYES—9.

Barua, The Honourable Srijut Horamba Prasad.
Chari, The Honourable Mr. P. C. D.
Devadoss, The Honourable Sir David.
Ghazanfar Ali Khan, The Honourable Raja.
Gounder, The Honourable Mr. V. C. Vellingiri.

Habibullah of Dacca, The Honourable Nawab Khwaja.
Mitha, The Honourable Sir Suleman Cassim Haji.
Padshah Sahib Bahadur, The Honourable Saiyed Mohamed.
Suhrawardy, The Honourable Mr. Mahmood.

NOES—34.

Basu, The Honourable Mr. Bijay Kumar.
Buta Singh, The Honourable Sardar.
Charanjit Singh, The Honourable Raja.
Chetty, The Honourable Diwan Bahadur G. Narayanaswami.
Choksy, The Honourable Khan Bahadur Dr. Sir Nasarvanji.
Commander-in-Chief, His Excellency the Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.
Ghosal, The Honourable Mr. Jyotsnath.
Glass, The Honourable Mr. J. B.
Glancy, The Honourable Sir Bertrand.
Hafeez, The Honourable Khan Bahadur Syed Abdul.
Hallott, The Honourable Mr. M. G.
Jalan, The Honourable Rai Bahadur Radha Krishna.
Johnson, The Honourable Mr. J. N. G.
Kameshwar Singh of Darbhanga, The Honourable Maharajadhiraja Sir.
Khaparde, The Honourable Mr. G. S.
Mehrotra, The Honourable Rai Bahadur Lala Mathura Prasad.

Menon, The Honourable Diwan Bahadur Sir Ramunni.
Miller, The Honourable Mr. E.
Mitchell, The Honourable Mr. D. G.
Muhammad Din, The Honourable Khan Bahadur Chaudri.
Noon, The Honourable Nawab Malik Sir Mohammad Hayat Khan.
Philip, The Honourable Mr. C. L.
Raghunandan Prasad Singh, The Honourable Raja.
Ram Saran Das, The Honourable Rai Bahadur Lala.
Ray of Dinajpur, The Honourable Maharaja Jagadish Nath.
Russell, The Honourable Sir Guthrie.
Sapru, The Honourable Mr. P. N.
Spence, The Honourable Mr. G. H.
Stewart, The Honourable Mr. F. W.
Stewart, The Honourable Mr. T. A.
Tallents, The Honourable Mr. P. C.
Ugra, The Honourable Rai Sahib Pandit Gokaran Nath.
Yamin Khan, The Honourable Mr. Mohammad.

The Motion was negatived.

THE HONOURABLE THE PRESIDENT: Original Motion moved :

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

to which an amendment has been moved :

"That with respect to the scheme of Central Government this House is definitely of opinion that it is retrograde and a setback to the progress of the country towards the realization of the ultimate goal of responsible government and therefore that either the federation should be confined for the present to British India alone and the method of election to the lower House should be direct instead of indirect or that the conditions laid down by the Indian States for their entry in the proposed scheme of federation should be radically changed and the safeguards substantially modified in consultation with Indian opinion so as to make the responsibility at the centre a reality "

The Question is :

"That this amendment be made. "

The Council divided :

AYES—10.

Banerjee, The Honourable Mr. Jagadish Chandra.
Barua, The Honourable Srijit Heramba Prasad.
Chari, The Honourable Mr. P. C. D.
Ghazanfar Ali Khan, The Honourable Raja.
Gounder, The Honourable Mr. V. C. Vellingiri.

Hossain Imam, The Honourable Mr. Jagdish Prasad, The Honourable Rai Bahadur Lala.
Mitha, The Honourable Sir Suleman Cassim Haji.
Raghunandan Prasad Singh, The Honourable Raja.
Ram Saren Das, The Honourable Rai Bahadur Lala.

NOES—34.

Basu, The Honourable Mr. Bijay Kumar.
Charanjit Singh, The Honourable Raja.
Chetty, The Honourable Diwan Bahadur G. Narayanaswami.
Choksy, The Honourable Khan Bahadur Dr. Sir Nasarvanji.
Commander-in-Chief, His Excellency the.
Devadoss, The Honourable Sir David.
Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.
Ghosal, The Honourable Mr. Jyotana-nath.
Glass, The Honourable Mr. J. B.
Glancy, The Honourable Sir Bertrand.
Habibullah of Dacca, The Honourable Nawab Khwaja.
Hafeez, The Honourable Khan Bahadur Syed Abdul.
Haldar, The Honourable Mr. M. G.
Jalan, The Honourable Rai Bahadur Radha Krishna.
Johnson, The Honourable Mr. J. N. G.
Kameswar Singh of Darbhanga, The Honourable Maharajahdiraja Sir.
Khande, The Honourable Mr. G. S.

Mehrotra, The Honourable Rai Bahadur Lala Mathura Prasad.
Menon, The Honourable Diwan Bahadur Sir Ramunni.
Miller, The Honourable Mr. E.
Mitchell, The Honourable Mr. D. G.
Muhammad Din, The Honourable Khan Bahadur Chaudri.
Noon, The Honourable Nawab Malik Sir Mohammad Hayat Khan.
Philip, The Honourable Mr. C. L.
Ray of Dineajpur, The Honourable Maharaja Jagadish Nath.
Russell, The Honourable Sir Guthrie.
Sapru, The Honourable Mr. P. N.
Spence, The Honourable Mr. G. H.
Stewart The Honourable Mr. F. W.
Stewart, The Honourable Mr. T. A.
Suhrawardy, The Honourable Mr. Mahmood.
Tallents, The Honourable Mr. P. C.
Ugra, The Honourable Rai Sahib Pandit Gokaran Nath.
Yamin Khan, The Honourable Mr. Mohammad.

The Motion was negatived.

THE HONOURABLE THE PRESIDENT : We will now take up the fourth and last amendment, that of the Honourable Mr. Mohammad Yamin Khan.

THE HONOURABLE MR. HOSSAIN IMAM : On a point of order, Sir. The Motion being " that for the original Motion the following be substituted " and substitution having already been made, the original Motion ceases to exist and therefore I think the Motion of the Honourable Mr. Mohammad Yamin Khan is out of order.

THE HONOURABLE THE PRESIDENT : I entirely disagree with you. The Motion is entirely in order, and I propose also to tack on to it the amendment of the Honourable Raja Ghazanfar Ali Khan which has been carried by the House.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : I would request you not to do so, Sir, as some of us cannot possibly support Mr. Mohammad Yamin Khan's amendment, and I hope therefore voting will not be taken on the first part of my amendment again.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : On a further point of order, Sir. The Honourable Mohammad Yamin Khan's Motion speaks of working the constitution. We have been asked here merely to consider the Report and in another place, Sir, a statement has been made that the Government of India has not been asked to ascertain whether public opinion is prepared to work this constitution or not. I submit, Sir, that the amendment does not arise out of the terms of the original Motion and it is out of order.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : May I point out that this amendment was moved more than 48 hours ago. No objection was taken at the time that the amendment was out of order. The debate has gone on for two and a half days and the objection taken that the amendment is out of order is certainly out of time if not out of order. I do not see how Honourable Members at the time of voting can take up this attitude. Whether it will form part of one substitution or another will depend upon whether it is carried. It may be that it will be rejected, in which case no question arises. The first thing to do is to put the amendment to the vote and see what happens.

THE HONOURABLE THE PRESIDENT : The Government suggestion is that the amendment of the Honourable Mr. Mohammad Yamin Khan should be put to the vote separately.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Yes, that is what must happen.

THE HONOURABLE THE PRESIDENT : Then what will be the position of the first part of Raja Ghazanfar Ali Khan's amendment?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Two things happen. One is that in case the Honourable Mr. Mohammad Yamin Khan's amendment is thrown out then the only amendment carried is the one which has already been passed. In case Mr. Mohammad Yamin Khan's amendment is carried, these are the two parts which are carried and which—

THE HONOURABLE THE PRESIDENT : Two separately carried ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Yes. In the other place there were two parts separately carried ; whether they belong to the same mover or different movers is immaterial.

THE HONOURABLE THE PRESIDENT : I would like to act according to the wish particularly in this case of the mover of the amendment. If you are keen on your amendment being put separately and the Honourable Mr. Mohammad Yamin Khan is desirous of having his put separately, I have no objection. What is your opinion ?

THE HONOURABLE MR. MOHAMMAD YAMIN KHAN : I would like it put separately.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : May I submit on this most important constitutional issue that, as pointed out by my Honourable friend Mr. Sapru, the Motion which you put before the House was that " part 1 of the amendment moved by me may be adopted in place of the original Motion " .

THE HONOURABLE MR. G. H. SPENCE : No, Sir. The Honourable Member is mistaken.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : That was the Motion that part 1 of my amendment may be adopted for the original Motion ; and therefore the House having decided out of those three parts to adopt part 1 for the original Motion and to reject the other two parts, the original Motion now stands :

" This House accepts the Communal Award so far as it goes until a substitute is agreed upon by the various communities concerned " .

Therefore I do not see how any other amendment in relation to the original Motion can be moved at this stage. That is No. 1. The second is that the Honourable the Leader of the House just pointed out that this amendment was given notice of 48 hours ago and we have not taken any action so far. The reason, I must submit, is that it was only yesterday at 11-30 that in answer to question No. 209 put by Mr. Satyamurti in the Legislature Assembly, the Law Member declared that the Secretary of State had not asked the Government of India to consult anybody whether they are going to work the constitution or not. That information was not in our possession, Sir, till this morning when we read it in the papers. That is why we could not raise the point that this amendment should be ruled out. We could not put this matter to you earlier, Sir, but now that we know the Secretary of State's attitude, we put it before you for your decision.

THE HONOURABLE MR. MOHAMMAD YAMIN KHAN : Sir, may I submit to you that as it happened my amendment was the first in order on the paper and while it was discussed that how these amendments should be put it was pointed out that my amendment was the first to come in and it was at the express desire of all the Members concerned that it was decided by you, Sir, a consultation with all the Parties that all the amendments would be put

irrespective of what the result would be and that has been done. The amendment of Raja Ghazanfar Ali Khan is not bit by bit, it is one and a whole. His amendment was "that for the original Motion the following be substituted, namely, (1), (2) and (3)". Two have been rejected. Now it is not for him to say that the whole amendment has been carried. It was not part by part. He did not mention that for part so and so in the original Motion this part may be substituted, and for part so and so in the original Motion this other part should be substituted. But for the thing as it stands the whole amendment should be substituted. This has not been done in any way and the original Motion also remains in respect of the two other parts which he has tabled and therefore I do not know why he raises this proposition, which is logically and legally erroneous.

THE HONOURABLE MR. G. H. SPENCE (Government of India : Nominated Official) : Sir, my submission is as follows. The Honourable Raja Ghazanfar Ali Khan's amendment was "that for the original Motion the following be substituted, (1), (2), (3)". The Chair, realizing that (1), (2) and (3) raised entirely different issues and that some Honourable Members might want to vote for one and against another, did not put the question in the form "That for the original Motion the following be substituted". The question put by the Chair was "that this House accepts the Communal Award so far as it goes until a substitute is agreed upon by the various communities concerned". The House adopted that proposition and there is no question of going back on it. What the House has got to do now is to arrive at one self-contained proposition embracing all the points which the House wishes to affirm in lieu of the original non-committal Motion moved by the Leader. Therefore the Honourable Mr. Mohammad Yamin Khan's amendment, I submit, can be put. It is altogether immaterial whether it is put along with the proposition already adopted on the Honourable Raja's amendment or not. The objection taken by the Honourable Raja that if that proposition were tacked on to Mr. Yamin Khan's amendment he would wish to oppose Mr. Yamin Khan's amendment but could only oppose it by opposing his own falls to the ground entirely. Whatever the Council does on Mr. Yamin Khan's amendment, the Council has definitely decided that it accepts the Communal Award. If Mr. Yamin Khan's amendment drops, then the acceptance of the Communal Award is tacked on to the non-committal formula in which the Motion was moved by the Leader. If the Council accepts Mr. Yamin Khan's amendment, then its expression of opinion with reference to the Communal Award must necessarily be tacked on to Mr. Yamin Khan's amendment. (Applause.)

THE HONOURABLE MR. HOSSAIN IMAM : Do we take it that the interpretation which the Honourable Secretary of the Council of State has given is that we are to pass substantive Motions and not an amendment to the original Motion. If it is an amendment to the original Motion, then the wording of the amendment as given on the order paper is the material thing ; and the way in which it has been put by the Chair is not constitutionally recognized, it is only for the sake of convenience that particular words are used. But the original wording of the amendment being "that ~~it~~ be substituted"; then without the permission of the House no one has the right to change that amendment simply by saying it can not be a substantive Motion. First of all the House should have decided whether it is going to consider these things as the substantive Motion and to be governed by the rule governing the substantive Motion or as an amendment to that Motion and therefore to

[Mr. Hossain Imam.]

be governed by different rules. On this position, Sir, I wish to have your ruling.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Sir, the position now is that for the original Motion of the Leader of the House part 1 of Raja Ghazanfar Ali Khan's amendment has been substituted. Hence the original Motion of the Honourable the Leader of the House is not before us. What is before us now is :

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

Now how can Mr. Yamin Khan substitute his Motion for the original Motion which has already been replaced by part 1 of Raja Ghazanfar Ali Khan's amendment. So the only thing that can be done is for Mr. Yamin Khan to move an amendment to the amendment which has been adopted by the House and which is before us.

THE HONOURABLE MR. MOHAMMAD YAMIN KHAN : I would like to point out, Sir, was it not out of order for Raja Ghazanfar Ali Khan to move his parts 2 and 3 ?

THE HONOURABLE THE PRESIDENT : The points raised in the course of argument are merely of academic interest and there is nothing unconstitutional in the manner in which I have put the amendments. So far as the nature of the amendments is concerned, the method of putting them as well as the original Motion rests entirely with the President and he exercises his own discretion. That discretion has been supported and fortified by an agreement which was arrived at between the proposers of the several amendments and it was unanimously agreed that the first amendment of the Honourable Mr. Mohammad Yamin Khan should be taken last for the convenience of Honourable Members and therefore this objection on the part of Honourable Members at this stage comes with a bad grace. I must also state in connection with the amendment that some of the Honourable Members are in error in stating that I used the word "substituted" in putting the first part of the Honourable Raja Ghazanfar Ali Khan's amendment. I did not do so : as a matter of fact I deliberately avoided using that word. I will now therefore put the Honourable Mr. Mohammad Yamin Khan's amendment to the vote.

The original Motion was :

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

to which an amendment has been moved by the Honourable Mr. Mohammad Yamin Khan :

"That this Council is of opinion that though the Report of the Joint Parliamentary Committee falls far short of the aspirations of the political parties in India and does not accept some of the demands put by the Indian Delegation to the Round Table Conference, the constitution proposed under the scheme of the Report is a great advance on the present constitution and will be given a fair trial in working by the people of India".

The Question is :

"That this amendment be made."

(After the division bell had been rung.)

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER : Mr. President, may I know if the official bloc is going to vote ?

THE HONOURABLE THE PRESIDENT: This is not the stage at which to raise a point like that.

The Council divided:

AYES—32.

Basu, The Honourable Mr. Bijay Kumar.
Charanjit Singh, The Honourable Raja.
Chetty, The Honourable Diwan Bahadur G. Narayanaswami.
Chokay, The Honourable Khan Bahadur Dr. Sir Nasarvanji.
Commander-in-Chief, His Excellency the Devadoss, The Honourable Sir David.
Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.
Ghosal, The Honourable Mr. Jyotnath.
Glass, The Honourable Mr. J. B.
Glancy, The Honourable Sir Bertrand.
Habibullah of Dacca, The Honourable Nawab Khwaja.
Hafeez, The Honourable Khan Bahadur Sved Abdul.
Hallett, The Honourable Mr. M. G.
Jalan, The Honourable Rai Bahadur Radha Krishna.
Johnson, The Honourable Mr. J. N. G.
Kameshwar Singh of Darbhanga, The Honourable Maharajadhiraja Sir.

Menon, The Honourable Diwan Bahadur Sir Ramunni.
Miller, The Honourable Mr. E.
Mitchell, The Honourable Mr. D. G.
Muhammad Din, The Honourable Khan Bahadur Chaudri.
Noon, The Honourable Nawab Malik Sir Mohammad Hayat Khan.
Padshah Sahib Bahadur, The Honourable Saiyed Mohamed.
Philip, The Honourable Mr. C. L.
Raghunandan Prasad Singh, The Honourable Raja.
Ray of Dinajpur, The Honourable Maharaja Jagadish Nath.
Russell, The Honourable Sir Guthrie.
Spence, The Honourable Mr. G. E.
Stewart, The Honourable Mr. F. W.
Stewart, The Honourable Mr. T. A.
Tallents, The Honourable Mr. P. C.
Ugra, The Honourable Rai Sahib Pandit Gokaran Nath.
Yamin Khan, The Honourable Mr. Mohammad.

NOES—14.

Banerjee, The Honourable Mr. Jagadish Chandra.
Barua, The Honourable Srijut Heramba Prasad.
Buta Singh, The Honourable Sardar.
Chari, The Honourable Mr. P. C. D.
Ghazanfar Ali Khan, The Honourable Raja.
Gounder, The Honourable Mr. V. C. Vellingiri.
Halim, The Honourable Khan Bahadur Hafiz Muhammad.

Hossain Imam, The Honourable Mr. Jagdish Prasad, The Honourable Rai Bahadur Lala.
Khaparde, The Honourable Mr. G. S.
Kidwai, The Honourable Shaikh Mushir Hossain.
Mehrotra, The Honourable Rai Bahadur Lala Mathura Prasad.
Ram Saran Das, The Honourable Rai Bahadur Lala.
Sapru, The Honourable Mr. P. N.

The Motion was adopted.

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

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

THE HONOURABLE THE PRESIDENT: As a result of the decisions reached by the Council before the luncheon adjournment, the Motion before the Council now stands in the following form:

"That this Council is of opinion that though the Report of the Joint Parliamentary Committee falls far short of the aspirations of the political parties in India and does not accept some of the demands put by the Indian Delegation to the Round Table Conference, the constitution proposed under the scheme of the Report is a great advance on the present constitution and will be given a fair trial in working by the people of India.

"This Council accepts the Communal Award so far as it goes until a substitute is agreed upon by the various communities concerned".

[Mr. President.]

The Honourable Mr. Chari should move his amendment in the following form :

“ That to the Motion before the Council the following be added, etc.”.

THE HONOURABLE MR. P. C. D. CHARI (Burma : General) : Sir, I move :

“ That to the Motion before the Council the following be added :

‘ 1. That this Council is opposed to the separation of Burma in the near future and on the basis of the present constitution.

‘ 2. This Council reiterates the recommendations made by it by a Resolution passed on the 15th August as regards the free and unrestricted entry of Indians into Burma after separation and as regards safeguards for the Indians, Indian shipping and Indian companies on the same footing as United Kingdom British subjects ships and companies in a separated Burma and this Council regrets very much that the Resolution of this House was ignored in making the Report.

‘ 3. This Council is strongly opposed to the recommendations of the Parliamentary Committee in regard to the Governor General’s special responsibility with regard to the tariffs on commodities of Burmese origin and to the powers proposed to be given to the Secretary of State to regulate, direct and fix the export and import duties on goods exported from India to Burma or imported into India from Burma after separation and resents the recommendations as a serious inroad into the fiscal autonomy convention for India ’.”

Sir, it is well known that the connection between Burma and India is several centuries old. Though the Burmans may belong to a different race but I am not quite sure about that and it is arguable there is a common culture and the prevailing religion of Burma, Buddhism, is an Indian religion. There is a great affinity between the two countries, cultural and otherwise. Even before the British conquest Indians went freely to Burma and carried on avocations there on the same footing as Burmans. Since the British conquest it has been the deliberate policy of the Government to encourage Indians to go to Burma, to settle down and to invest their capital there. As a result of this encouragement and because Burma was a province of India, Indians have been stimulated to invest their capital in Burma and hold a very large stake in Burma, and are second in importance only to the indigenous people of Burma. In agriculture, in industry and trade and all other avocations Indians have taken a prominent part and Burma has been greatly developed by Indian capital, Indian labour and Indian enterprise. I can say without fear of contradiction that Burma owes its present prosperity to Indian enterprise, capital and labour. Having brought Burma to that state of prosperity we hardly expected that any section of the people would be so ungrateful as to raise an anti-Indian agitation with a view to squeeze out the Indian from the land and to injure his economic and other interests in Burma. Seven years ago, Sir, standing in this place in the last Council I moved a Resolution for the appointment of a Committee to co-operate with the Simon Commission, after a large section of India had declared for a boycott of the all-white Commission and after the Assembly had given its verdict in favour of boycott of the Commission. My primary object in doing so was to see that Burma’s case against separation may not go in default. It was all the more necessary for me to do that because the largest section of the Burmese population had non-co-operated as a protest against the dyarchical reforms introduced there, and I very well know that the great majority of Burmans would boycott the Commission, and it was my duty to put forward the view, not only of the Indian community in Burma, which is an integral part of the population, but the view of the majority who had for other reasons adopted a policy of non-co-operation. With this end in view I submitted a memorandum on behalf of all the Indians, of course I was joined by leaders of the various

Indian communities. I was subjected to a lengthy cross-examination on this question of separation or association with India, and in the course of it Sir John Simon put to me one question, and it is this :

“ If, as you say, the vast majority of Burmans are against separation, how is it we have not evidence of it here ? ”

and he followed it up by pointing out that there was no Resolution passed in the local Council for continuance of the association with India in a scheme of reforms. I at once pointed out that for the sake of opposing separation the non-co-operation party is not prepared to give up this policy of non-co-operation and as regards this Council, the Council had so far not expressed an opinion in favour of separation and that meant they were in favour of maintenance of the *status quo*. At the close of my examination by Sir John Simon, he suggested that the Burma Legislative Council should immediately express the view whether they are in favour of separation or not and I pointed out to him that it would be very unfair because elections to the Legislative Council were not fought on this issue of separation *versus* continuance with India, and secondly, that it would not reflect the opinion of the country as the vast majority—90 per cent. of the voters—had non-co-operated at the time of the elections. Still within a few days after this suggestion the local Legislative Council passed an Adjournment Motion moved by the Leader of the Peoples' Party and the result of it was that they were in favour of separation of Burma from India. Subsequent events showed that this was not the opinion of the country. The Statutory Commission however acted upon this Resolution and said that the opinion in Burma is decidedly in favour of separation. They have also given certain other reasons to which I would allude a little later ; and subsequently when the Round Table Conference was called, the Burma Government probably suggested it and it happened that only the leader of the separationist group had been invited to the Round Table Conference and the leaders of the anti-separationist party were not invited to the Round Table Conference. We are all aware that a Sub-Committee on Burma was appointed and there was only this voice, the solitary voice of the separationist ; and as a result of it they came to the hasty conclusion that Burma be separated from India. In the meanwhile representations were sent by cablegram and otherwise protesting that the voice of the anti-separationists were not heard before this record about Burma was made and at the plenary Round Table Conference the question was again mooted by several Indian delegates. As a result of it it was decided and it was declared by the Prime Minister that before separation the desires of the people of Burma will be consulted and that if the people of Burma desire that there should be separation that desire will be given effect to. Mr. Jinnah said that India was primarily concerned and demanded that Indian opinion should be consulted before deciding about separation or continuance with India and the Prime Minister on behalf of His Majesty's Government gave an assurance that Indian opinion will be consulted. Until this day I have not seen that the Government has taken any steps to consult Indian opinion and I am inviting Indian opinion probably for the first time by introducing the first part of the amendment.

Let me analyse the position in Burma. The Indian community has been opposed to separation all along and today it is opposed to separation. The European community has all along maintained an attitude of neutrality ; and as regards the Burmese, I will show presently that the vast bulk of the Burmese population are decidedly against separation and they want to continue as a part of India. In 1932 in November an election was held and the election was

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

fought on this issue, His Majesty's Government clearly stated this issue. They said :

"The first step is to ascertain whether the people of Burma endorse the provisional decision that separation should take place. The people of Burma will be in a position to decide whether or not they are in favour of separation from India. That decision will determine whether on the one hand Burma should be independent of India with a constitution on the lines set forth above or, on the other hand, should remain a province of India with the prospects indicated in the proceedings of the two sessions of the Indian Round Table Conference—and in this connection it should be remembered that if an Indian federation is established it cannot be on the basis that members can leave it as and when they choose "

On this definite issue the elections were held and the Government took care to broadcast this in the Burmese vernacular, and on this issue the result was as follows : 42 anti-separationists, 29 separationists and nine neutrals were returned ; and as regards the number of votes polled, the anti-separationists polled 500,000 votes whereas the separationists polled only about 270,000 votes. On the basis of that election Burma definitely decided not to separate from India by a majority of two to one. This was in November, 1932. In December a Resolution was moved by U Ba Pe, who is the Chief Minister and who is still the Leader of the Separationist Party that Burma be separated from India and this Resolution was defeated. There was another Resolution moved that the Council was opposed to the separation of Burma on the basis of the constitution. Those are the words in which this issue was put. This clear-cut issue was answered in favour of Burma continuing as a province of India and they definitely stated that they were against separation on the basis of this constitution. Then there were two other Resolutions passed at the same meeting which created a little bit of confusion. They are not really confusing. They were in the nature of riders and I shall read to you those Resolutions also. They are in the form of a consolidated Resolution which reads thus :

"The Council eventually, on 22nd December, adopted a Resolution which (1) opposed the separation of Burma from India on the basis of the constitution outlined by the Prime Minister on 12th January, 1932 ; (2) emphatically opposed the unconditional and permanent federation of Burma with India ; (3) promised continued opposition to the separation of Burma from India except on certain conditions ; and (4) proposed that, in the event of these conditions not being fulfilled, Burma should be included in the Indian federation on special conditions differentiating her from other provinces and including the right to secede at will from the federation "

So as a result of those riders which were added to the main Resolution opposing separation and with a view to elucidate the position beyond the possibility of doubt, a special session was held between the 25th April, 1933 and the 6th May, 1933, in which the issue was sought to be clarified. But the separationist knowing full well that we are in a hopeless minority in the Council and there was no chance of their carrying a Resolution in favour of separation adopted a very undignified, if I may say so, and extremely dilatory course. I do not know how it was permitted but I find from the proceedings that the separationist Members went on speaking for hours and days together and each Member speaking for a whole day and even more, and as a result of it the time allotted for coming to a decision on this point expired and the anti-separationists were anxious that their point of view should also be put forward in the session and be allowed to force things to a division and they wanted that their point should also be put and a decision arrived at. Somehow this very reasonable request was not acceded to and as a result of it the position remained as it was before that special session was held. So the position is,

not only did the election results show that Burma was decidedly against separation, but the definite Resolutions moved in the Council also showed that Burma was also against the separation. And so far, up to this day, no Resolution had been passed stating that Burma was in favour of separation. That is the position today. And one would expect that the Prime Minister and His Majesty's Government would stick to their own words given at a time when this election issue was put before the Burma electorate. On the other hand, we find that the Secretary of State took up this attitude later on in the course of discussions in the Select Committee, that Government is not bound to consider the election results and the Resolutions of the Legislative Council alone. That need not be the primary consideration in arriving at a decision on the question of federation or separation. Well, the doubt, if there was any doubt as regards the attitude of the people, was further clarified by the anti-separationists who, finding that they had not the opportunity to force it to a division and to arrive at an unequivocal Resolution placing beyond doubt the views of Burma, have adopted the only other course open to them and that was by sending a memorandum in writing setting forth that Burma was against separation over the signatures of 44 out of 80 elected Members of the House. From this it is quite clear that the elected Members representing the people of Burma were decidedly against separation and this was further made quite clear at the Select Committee at which the anti-separationist leaders were present and in the course of a discussion in answer to a question pertinently put to these leaders this is what was said—I shall read the question and answer which will show that these people who represented the anti-separationists gave the real feeling in the country. Again the position was made clear beyond doubt before the Joint Parliamentary Committee by U Chit Hlaing and Dr. Ba Maw. The latter in reply to the Archbishop of Canterbury said :

“ If our choice is limited to separation on the basis of the Prime Minister's proposed constitution and an entry into the Indian federation on the same terms as the other Indian provinces, we unhesitatingly choose the federal alternative as being in keeping with the very clear mandate we had obtained from the country ”.

It is absolutely clear that out of the two alternatives they selected the alternative of entering the Indian federation unconditionally, if they are obliged to. No doubt they would very much like to have the opportunity of reviewing their position at some future date, but if that opportunity is not given and there is no other alternative they were decidedly in favour of entering into the Indian federation unconditionally. So there cannot be any doubt as regards the majority opinion, the overwhelming opinion in Burma against separation, and we Indians are prepared to abide by the opinion of the majority community which will be affected by separation or association. And even if you disregard the views of the other communities like Indians and Europeans the vast bulk of the people of Burma are decidedly in favour of association with India unconditionally. That is the position with regard to the sentiment and the desire of the Burmese people.

Well, Sir, there are other aspects of this question which are considered necessary to be gone into and one of these considerations is the fiscal position. It is made out that Burma and the conditions of Burma would suffer greatly and do suffer greatly as a result of being part of India through a policy of discriminating protection. The interests of the consumer in Burma as regards their requirements in the matter of steel and textiles are being affected when the consumer is unnecessarily taxed in view of the fact that there is no industry worthy of the name in Burma. Well, my submission is that the fiscal question

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should be decided as a whole, whether in regard to that question, Burma stands to lose or gain by remaining as part of India, and I get very strong support from the Report of the Joint Parliamentary Committee itself. It is this. In view of the fact that the time at our disposal is very short I would merely refer to one passage, the concluding passage of the Report on this aspect of separation. I am reading from paragraph 434.

"The difficulty of regulating the economic relations of India and Burma in the period immediately following separation has presented itself to us as the most serious obstacle to a recommendation in favour of separation, which on all other grounds seems plainly to be indicated".

Then they solve it by one or two other sentences by suggesting a trade agreement and all that. I will come to that when I deal with the trade agreement. Here I am referring to it for the purpose of showing that in the considered opinion of the Select Committee, the most serious obstacle in favour of separation is that the economic position of Burma would seriously suffer immediately after separation. I have read the Report very carefully, and I would summarize my view in one or two sentences. They have very carefully gone through all these questions. The Burmese sentiment in favour of association with India is there. The economic interests of Burma will be considerably better by her remaining as a part of India. These are the two main considerations which will have to weigh in deciding about federation or separation. It is suggested that as Burma after separation will get all the central revenues which the Indian central revenues are now getting, there will be a gain to the revenues of Burma. In the Memorandum as regards the financial position as a result of separation prepared by Messrs. Howard and Nixon, they could not agree upon the figures under various heads. They held different views. It is claimed that Burma will gain to the extent of Rs. 3 crores in the way of revenue. As against this, we have got the fact that if Burma ceases to be a part of India, India will be losing these Rs. 3 crores. India will see to it that she gets Rs. 3 crores if she can possibly get it by taxing the Indo-Burma trade. This naturally leads me to the third portion of my amendment regarding the provision recommending a trade agreement. There the recommendation is that before separation, the Government of India and the Government of Burma may come to a sort of agreement. It will not be really a trade agreement. They would be settling the principles which ought to be incorporated relating to the duties. If they cannot come to an agreement, there is a definite recommendation that the Secretary of State would impose an agreement. That means that so long as the India and Burma Governments are made aware of this fact that if they do not come to an agreement, there will be an agreement imposed—of course, it will not be an agreement at all—that takes away the bargaining power, the whip hand, which India has in getting a favourable trade agreement with Burma. They propose to give effect to it, as I read from the Bill, by giving a power to the Secretary of State by means of Orders in Council to regulate the export and import duties immediately after separation. As regards the period beyond that, the Governor General of India, who is only the agent of the Secretary of State—and the Secretary of State will be both of India and Burma—the Governor General is given a special responsibility with reference to the fixing of duties on commodities of Burmese origin. No doubt it is stated that the special responsibility will be to prevent discriminatory tariffs, or penalty tariffs against commodities of Burmese origin. But we all know what the result of this will be. It will lead to the maintenance of the favourable agreement,

which Burma may secure by this recommendation that in the event of India and Burma not coming to an agreement, the Secretary of State will impose a trade agreement, and that will be embodied in the Statute. We are aware that steps have been taken to arrange the preliminaries for this trade agreement. I have read in the papers—I have not heard of any communication on the subject so far—that the Government of India invited a few commercial representatives of India also to discuss this question. But this matter is not merely a question of trade adjustment and trade relationship between India and Burma. I will presently show that having regard to the trade position between India and Burma, India has got the whip hand. If there is no trade agreement, if there is the natural application of export and import duties on goods coming from Burma and goods going from India, having regard to the trade position, there is a tremendous advantage in favour of India, and India will be in a position to have a very strong weapon in her hands, in the event of the life and property of their nationals in Burma being affected by the Burmese people, the Burmese Legislature or the Burmese Government. Having this whip hand, they could always retain this advantage, and the moment India finds that the interests of Indians are injuriously affected, and the rights of Indians are being invaded, then it will be possible for the Government of India to take reprisals or such measures as adopting a different tariff policy as will bring Burma to her senses. Now, at one stroke of the pen, what is recommended is otherwise. In the best economic interests of India the Secretary of State ought to have certain powers. It is admitted that the exercise of these powers will be an encroachment on the fiscal autonomy convention for India. The Report specifically admits that it will be an encroachment. They say in paragraph 430 :

“That an agreement of this kind embodied in the Constitution Act, even though mutually advantageous to the two countries, must necessarily constitute to some extent an encroachment upon the fiscal liberty which India already enjoys. We do not see any actual advantage or gain to the Burmese people or to India by separation”.

It is not in consonance with Burma's opinion. This separation if forced down the unwilling throats of Burmans will mean an inroad upon the fiscal autonomy convention of India. Well, we do not know what imperialistic or military considerations are behind the scheme as they are not mentioned in the Report, but it is quite clear, considering all aspects of the question, separation is not to the advantage of Burma and the Burmese people.

I shall now go into the trade figures and show how India has got the whip hand in the matter of bargaining, if her hands are not tied at the outset with a view to prevent her from making good use of the trade position. The position is that the export of commodities from Burma to India has doubled during the last ten years, whereas Indian exports to Burma have remained at the pre-war level. India takes a total of 48 per cent. of the export trade of Burma, amounting to 14 per cent. of the total Indian imports, while Burma imports from India 42 per cent. of its total imports, though that represents only 5½ per cent. of India's total exports. If therefore Burma taxes Indian commodities going into Burma, our position will be very strong indeed, because the balance of advantage is surely in favour of India. The detailed figures under the main items show that Burma will be seriously affected unless she secures and continues to have the goodwill of India. Under mineral oils her entire exports go to India. Of rice, husked and unhusked, 1,788,914 tons were exported to India and 1,526,589 tons to other foreign countries, while last year under this head, out of two million tons exported, India took over two millions. Of wood and timber India took 124,762 tons, while only 25,000 odd went elsewhere. Of grains, pulse and flour India took 64,021 tons and foreign countries

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only 4,783 tons. Of fresh vegetables India took a bulk valued at Rs. 28·6½ lakhs, and foreign countries nothing. Of paraffin and candles India took 2,268 tons. All these are commodities which we can get from other countries as easily as from Burma. That is what I want to emphasize. These are not the monopoly of Burma. And as regards India's exports to Burma, these are negligible, only 5¼ per cent. of the total exports of India and we can afford to lose a little if necessary. The Indian exports consist of cotton manufactures, including twists and yarn, manufactured jute, tobacco, grain and pulse, and coal and metals. Of course when you adopt a particular fiscal policy certain trades may have to suffer, but I want to point out that India stands to lose very little. As regards Bengal coal, which Burma takes, it is the cheapest and comes from the nearest possible place. So Burma will always take Bengal coal. As regards jute she cannot but take it. So, out of this 5¼ per cent. of our export total only a very small proportion will be affected. I should like to know from the Government of India whether they have taken the views of commercial bodies generally, not only those who may be affected directly, because of course the latter will attach considerably more importance to their own particular interests than the national interest, and are not likely to advocate any course which may mean a loss for them. I hope therefore that if separation has to take place that all interests, commercial and others, will be consulted, because it is not only a question of the trade position but involves many other factors, and it is primarily a matter of safeguarding the life and property of our nationals in Burma. It was asked in the other place whether the Legislature would be consulted on this question of an Indo-Burma Trade Agreement, and the answer was

“ Yes, the Assembly will be given an opportunity of expressing its opinion and of discussing it, but we are not prepared to await the approval of the Legislature ”.

It is indeed a sorry state of affairs when we are not allowed to have our say in a matter affecting the life and death of our nationals in Burma. I therefore do hope the Government should consult the opinion of public bodies, commercial and others, before a decision is taken.

Then I come to the question of safeguards. I reserved it to the last, because, as you are aware, I put this matter very clearly before you during the August session and I do not propose to take much time of the House having regard to the fact that I apprised you of all difficulties to which we would be subjected and the present proposals, if adopted, will subject us and would lead to the gradual elimination of all Indians from Burma. Though I have put it in the Resolution and call it a safeguard, it is not a safeguard in the real sense. We are only asking that the present rights of Indians in Burma, the rights which Indians enjoy in Burma today, should not be affected by separation. The other day His Excellency the Viceroy was pleased to assure the Burma delegates that whatever may happen the existing rights of Indians in Burma will not be affected. This is only an individual assurance, I take it, which is given on the part of the Government of India. But I want a further assurance, a statutory assurance in the shape of a provision in the Burma Constitution Act itself that our existing rights will not be invaded by legislative or administrative discrimination. Such safeguards have been given to Europeans not only in the Indian constitution but also in the Burma constitution and I ask what has been done in the case of the United Kingdom British subjects, ships and companies in Burma should be extended to Indians, Indian ships and companies as well. Is it too much for me to ask? It is the barest

safeguard that I am asking and a safeguard which has been considered necessary in the case of the powerful interests of Europeans. The main thing we are concerned about is the free and unrestricted right of entry of Indians into Burma. The United Kingdom British subjects are given that and today Indians are enjoying a free and unrestricted entry. I ask what justification is there to restrict or deny this free right of entry to Indians? It is unnecessary for me to labour this point. It is only an elementary principle that if you want to effect a change you should not invade upon the existing rights of people. They have got it today and we want it to be continued by a statutory provision in the Burma Act.

The other safeguards are dealt with in a detailed manner in my Motion and they relate to the employment of Indians in the public services and to grants-in-aid for our vernacular schools. We want a specific provision in view of the Memorandum of the Secretary of State before the Joint Select Committee. He suggests that the local Legislature after separation should have the power to prevent any alienation of agricultural land from passing on to non-agriculturists. Mind you, it seeks to restrict the alienation not only of agricultural land in the hands of agriculturists, but it seeks to impose a restriction on the transfer of any agricultural land, irrespective of the fact whether it is in the hands today of agriculturists or not. That is a very serious inroad on the right of property. Who would expect the agriculturists to have money, especially in view of the conditions which are likely to prevail after separation to purchase these properties from Indians. The value of these properties will approximate gradually to zero and they will be of no value at all. As regards the other safeguards it is unnecessary for me to emphasize. They are merely bare rights which every minority community under every constitution is given; we ask for that and nothing more.

Sir, it will not be proper on my part to continue my speech any longer and I should be very happy indeed if Honourable Members from various other provinces would take an interest in this matter, because it is an all-India question, though it relates to the position of Indians in Burma, and I appeal to you all to support me in this Motion, which is only asking for bare justice and natural justice and nothing more—a fair deal and no favour.

Sir, with these words, I commend my amendment to your acceptance.

THE HONOURABLE MR. J. B. GLASS (Burma Chamber of Commerce):
Sir, the first part of the Honourable Mr. Chari's amendment invites this House to express an opinion on the important question of the separation of Burma. My constituency has never desired, nor does it desire now, to interfere with the free exercise by the people of Burma of their choice between federation and separation, but though the Chamber is left, as the Joint Parliamentary Committee has been, without any clear expression of opinion from the Burma Council, it is perhaps not without significance that my three Burman friends, recently elected to the Legislative Assembly, are separationists.

Hitherto this has been the position taken by the Indian Legislature, and I do not think that this House should accept the invitation of the Honourable Mr. Chari to express any other opinion on that issue.

We, as a Chamber, have always limited our comments to pointing out some of the consequences which might follow, in the event of either of these alternatives being adopted.

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While, however, we have scrupulously refrained from expressing an opinion, or from influencing the opinion of the people of Burma on the political aspect of separation we have all along maintained that, if separation is agreed upon, trade relations between India and Burma initially should be regulated by an agreement on the basis of the existing conditions of free trade. We realize that such an agreement cannot necessarily be permanent. It is, however, important, in view of the close association between India and Burma during the last 50 years that violent dislocation should not take place in fiscal relationship between these two countries on separation. We, therefore, advocate that such an agreement should be on a basis of the *status quo*, for a period, say five years, sufficiently long to prevent uncertainty in trade circles and to enable the new Government of Burma to conclude an equitable agreement with the Government of India in consultation with the interests concerned on the basis of a longer period tariff policy. It must be realized that Burma is at present an integral part of the economic unit, which is contained within the present Indian Empire, and that, therefore, any sudden dislocation of that position will have serious consequences to both countries.

There is one other matter which is relevant to the proposed separation of Burma. We feel, and in this we are supported by representatives of most communities, that the new constitution of Burma should not be built upon unsound foundations, such as extra taxation as a measure of budgetary expediency, which would be detrimental to trading interests and a hindrance to trade recovery. I recognize that the Governments concerned are faced with a difficult situation; but it is my duty, as representing commercial interests, to express in clear terms what our own views on these proposals are.

I now turn to the second part of the Honourable Mr. Chari's amendment and here I am able to say that I am in general sympathy with the desire underlying it. As far as the immigration of Indians into Burma is concerned, we take the view that the *status quo* should be maintained, as in the case of the proposed trade convention, until such time as it can be substituted after full enquiry, by regulation on the basis of an agreement between the two countries. I stress the importance of the necessity for an agreement between the two countries, as the interests of immigrant labour, as well as of indigenous labour should be considered.

With regard to the safeguards for Indian commercial interests in Burma in regard to discrimination we feel that our Indian friends are justified in asking for protection. All however, they are anxious to obtain is what we are anxious to obtain, a fair field and no favour. They seek no special advantage any more than we do. They do, however, seek protection against unfair discrimination, and their demands are dictated only by ordinary prudence.

May I also say that we have considerable sympathy with some of the contentions of the Chettiyar community in Burma, and I would observe that paragraph 473 of the Joint Parliamentary Committee's Report is somewhat unfortunate in its reference to this community. We trust therefore that His Majesty's Government will be as sympathetic as possible to the representations they are now making to the Secretary of State.

I regret that I am not able to agree with the third part of my Honourable friend's amendment. The proposal of the Joint Parliamentary Committee is that the Governor General should have a special responsibility to prevent measures which would submit Burmese goods imported into India from Burma to penal treatment. This responsibility will be more explicitly defined in the

Instrument of Instructions, and will be identical with the special responsibility which the Governor is to have in regard to penal treatment by Burma of Indian goods from India (paragraphs 345 and 472). This proposal, however, does not in any way affect the freedom of the new Government of Burma to develop its own fiscal and economic policy, or to negotiate agreements with India or any other country on the basis of tariff concessions. It is only intended to give the Governor General powers in reserve to intervene if any measures are taken which are not in the interests of India, but with the object of injuring the interests of Burma. This similarly applies to the Governor of Burma in connection with India. That some such provision is essential is shown by the fact that in recent debates in another place certain threats were uttered by quite responsible politicians suggesting the possibility of retaliation against Burma after separation. I would further point out that this provision for a special responsibility does not limit the field of responsibility of the ministries, but only gives the Governor General constitutional power, if in his opinion that responsibility has been used not to further the interests of India, but to damage Burma, or *vice versa* similarly the Governor to dissent from his ministers and to withhold his assent to such measures as they may propose in pursuance of that policy.

With regard to the powers which are to be given to the Secretary of State by Order in Council with regard to tariffs, etc., it should be pointed out that the purpose of this proposal has perhaps been misunderstood. The existing Governments of India and Burma have no power to make a trade agreement which will, for all time, bind the future Governments. Therefore, power must be given to His Majesty in Council, as suggested in paragraph 431 of the Joint Parliamentary Committee Report, otherwise all Indian imports into Burma will, after separation, automatically become subject to existing tariffs for foreign goods. In the event of an agreement between India and Burma this provision would be of a temporary nature for the period between the formation of the new Government of Burma and the conclusion of an agreement between that new Government and the Government of India. If, however, the Governments of India and Burma do not come to an agreement (in my view an unlikely contingency), either before or after separation, His Majesty's Government must have power to prescribe some scale of duties as between the two countries, in order to avoid a hopeless dislocation of trade between them to the detriment of the consumer and of commercial interests. This is no derogation of the principle of fiscal autonomy, but is purely a practical piece of machinery designed to assist the relationship between India and Burma during a difficult period of transition, *i.e.*, from one between two provinces of the same political unit, to one between two separate Governments, each with autonomous powers in regard to its fiscal policy.

I repeat, therefore, that I express no opinion on the question of separation. If, however, separation is agreed upon, and the conditions regarding trade relationships, safeguards for Indian and Burmese commerce, and freedom of immigration, on an agreed basis, are granted, I believe that the recommendations of the Joint Parliamentary Committee, based as they are on protracted discussions with representatives from Burma, from the Statutory Commission, through various Round Table Conferences, to their Report, represent a remarkable advance towards Burma's goal of full responsibility, as an integral part of the British Empire.

I am quite aware that the proposals fail in many respects to meet the views of my Chamber and the aspirations of my Burmese and other friends; but the Report definitely faces facts and I sincerely believe that if the proposals are worked in a spirit of goodwill and with a genuine desire to develop to the fullest

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extent the powers which are now proposed to be given, the peoples of Burma and India will realize the value of the responsibility granted, and will by the establishment of conventions and the wise use of power, render the utilization of the safeguards unnecessary.

I shall not attempt to follow the Honourable Mr. Chari fully into the figures he has quoted but it would perhaps be sufficient to say that 90 per cent. of the Burma exports he refers to consist of rice 42 per cent., oil 35 per cent., timber 10 per cent. India took some 1,700,000 tons of Burma rice last year and the Honourable Mr. Chari surely cannot wish to suggest that he desires to raise prices to the consumer in India by taxation. This trade, I may mention, is handled chiefly by Indians.

This brings us to oil and timber. In regard to oil it has to be remembered that the present excise duty will be substituted by an equivalent import tax after separation. As to timber, this is largely used by Indian railways and an attack on teak also means harming Indian teak millers and interests in Burma.

It has also to be remembered that Burma forms a natural and growing outlet for Indian manufactured goods, and under a policy of discriminating protection, with tariffs against her, she would be unable to compete in Burma with Japan and other countries.

I will not say more on this subject as the whole question is now under discussion between the Governments of India and Burma.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : Sir, I should like to associate our group with the Motion of the Honourable Mr. Chari. The Burman question illustrates the inutility of the Round Table Conference. Sir, in concluding the Burma Round Table Conference on January 12th, 1932, the Prime Minister made a certain statement and the purport of that statement was this, that the first step was to ascertain whether the people of Burma were prepared to endorse the provisional decision that had been arrived at in regard to separation. For provisionally at the first Round Table Conference it was decided that Burma should be separated. The Prime Minister said that the first step would be to ascertain whether the people of Burma desired separation, and in order to enable them to take a decision on this matter, they would have all the material before them—that is to say, they would be made aware of the general character of the constitution that was proposed for Burma and also of the financial consequences of separation of Burma from India. Now, Sir, on the basis of this declaration, there was a general election held in which the direct issue was separation or no separation. What was the result of that election? The result of the election was that the separationists were defeated at the polls. By an overwhelming majority of votes, the electorate decided in favour of the continuance of Burma with India. The separationists secured 270,000 votes and the anti-separationists secured about 500,000 votes. Therefore, the voting was nearly two to one. Now, Sir, after this victory of the anti-separationists, the Burma Council met, and what happened? A Motion in favour of separation was moved by the Leader of the Separation Party in the Burma Council, and that Resolution was defeated by the Burma Legislative Council, though subsequently, it is true, that that very Council passed another Resolution accepting separation. But, as a matter of fact, both voted against separation on the basis of the Prime Minister's announcement. In this connection, it is of interest to note that another Resolution was moved and carried

in the same session of the Burma Legislative Council to the effect that Burma shall separate on certain conditions only. This was used by the separationists as a weapon against the anti-separationists to counteract their defeat at the poll and in the Legislative Council.

Then, Sir, the Government thought fit to call upon the Council to declare its mind once more on the question of separation *versus* federation. A special session was held in April, or May, 1934 ? But, Sir, the separation issue was not considered because of the tactics of the separationists. They used obstructionist tactics and it was impossible on account of these tactics for the issue to be considered by the Council, and therefore the Council was brought to an end without the Council having reached any conclusion on the issue.

Now, Sir, before the Joint Parliamentary Committee, the Archbishop of Canterbury put certain questions to the leader of the Burma Delegation, and what was the answer of the leader of the Burma Delegation ? This is the answer.

“ If our choice is limited to separation on the basis of the Prime Minister's proposed constitution and entering into the Indian federation on the same terms as the other Indian provinces, we unhesitatingly choose the federal alternative as in keeping with the clear mandate we have obtained from the country ”.

This is a very clear statement. The position, as I understand it, is that the Burmese do not feel satisfied with the constitution that has been recommended or suggested for them by the Joint Select Committee, and therefore they are not, on the basis of that constitution, prepared to secede from India. I know, Sir, that in the original statement which the Prime Minister made at the first Round Table Conference, the Prime Minister said that Burma cannot have it both ways ; she cannot separate and not separate ; if she wants to enter the Indian federation, she must continue to remain a part of the Indian federation ; she must decide to remain in the Indian federation with open eyes. But, Sir, putting the case at its highest, it cannot be said that Burma is now desirous of separating from India. The nature of the constitution which has been proposed for Burma is such that Burma thinks that she will be best consulting her own interests by remaining with India. If that is the position, we can only oppose the separation of Burma. I wish this question really to be settled by the Burmans themselves. I am not an Indian imperialist. I want self-determination for my country, and I am prepared to concede that right to the Burmans also. Burman interests must have precedence over all other interests. They must be paramount. But, Sir, after examining the history of this question, one is forced to the conclusion that there has been no free vote on this question in Burma and that there has been a great deal of manipulation in regard to this matter in Burma. Therefore, Sir, we are entitled to say that having regard to the results of the election, in so far as Burman opinion has expressed itself it has expressed itself against separation. Sir, attempts have been made to prove that the separation of Burma from India would be financially advantageous to Burma. Now, Sir, I just wish to say that the figures based in this matter on the Howard-Nixon Memorandum cannot be accepted as precise, both because on several items the authors of the note were unable to agree and also because the figures on which these estimates are based are some years old and therefore out of date. Assuming that Burma is going to be separated, what of the future ? It is suggested that there should be a trade agreement between India and Burma on the basis of free trade. Burma cannot have it both ways. If she is to be separated, then the trade agreement must follow, and not precede, separation. I do not say that a trade agreement will not be mutually advantageous to both. But

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the trade agreement must follow separation, and not precede separation. We do not wish our export trade with Burma to be affected. We wish to retain the right to levy such duties as we may choose to levy upon Burman goods. We have a large export and import trade with Burma and I do not see why we should fetter our fiscal autonomy at all just in order to enable Burma to separate herself from us. If there is to be a trade agreement, let there be a trade agreement after the issue of separation has been decided, and let India's fiscal autonomy in this respect not be fettered in any manner whatever. That is our position and I think it is a perfectly consistent and honourable position for us to take.

Then, Sir, it is also pertinent for us to inquire what will be Burma's international status after she has been separated from India. At present Burma is represented at the League of Nations because she is a part of India and India is represented on the League of Nations. Will Burma, after she is separated, be permitted to become a member of the League of Nations? Will she have any representation on the League of Nations or not?

Then there is the question of free entry of Indians into Burma. Sir, at the first Round Table Conference the sub-committee especially stressed the importance of there being no discrimination as regards Indians entering Burma. Now, Sir, as far as I know, the position now is that there will be no discrimination so far as Britishers are concerned, but so far as Indians are concerned that is not going to be the position, and what we say is this. We have also helped to build up Burma. If Britishers have helped to build up Burma, we have also helped. Indian labour and Indian capital have had some share in the building up of Burma, and you must not in this matter discriminate between Indian labour and British labour; you must not in this matter discriminate between Indian capital and British capital. Therefore, Sir, if the Britisher is going to have the right of free entry into Burma we see no reason why we who are close neighbours of Burma, who have cultural affinities with Burma, who have more interests in Burma than temporary sojourners there, why we should not have also the right of free entry into Burma?

Then, Sir, so far as other safeguards are concerned, they were prominently placed before this Council by the Honourable Mr. Chari in a Resolution which he moved at the last session of the Council of State, and our group stands by the Honourable Mr. Chari's Resolution. Therefore I would conclude by saying this. Let there be a free decision on this question of the separation of Burma. If Burma wishes to separate let her do so, but let her do so with open eyes. But if she is separated from us we cannot bind ourselves in advance by any trade agreements which may hamper our trade development because we must primarily look to our own interests in this matter.

Sir, with these words I give my cordial support to the amendment of the Honourable Mr. Chari.

*THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Mr. President, the subject-matter of the debate is about the effect which the future constitution will have as regards Burma. In considering the first part of the Motion of the Honourable Mr. Chari I think it is necessary that we should look at this from two points of view, firstly, from the point of view of Burmans, and secondly, from the point of view of Indians, because we two are the parties who up till now have been united and who are now to be separated. The two Members who have preceded me, Sir, have amply shown

* Speech not corrected by the Honourable Member.

that the opinion of Burma on this question is not in favour of separation. If anything, it is overwhelmingly in favour of continuation of the federation. If it is necessary to get a more definite opinion, it is open to the Secretary of State to call for a new election or, better still, have a referendum on the specific issue of acceptance of the proposed Burma White Paper scheme or of the position of a province under the Indian federation. These are the two issues which ought to be placed before the Burman people, and India will not grudge Burmans the right to decide their own fate. Sir, it is not without precedent. In the Phillipine Islands the United States of America have just decided to abide by the decision of the people, and it would not be a bad principle if the other Anglo-Saxon race followed the same procedure.

THE HONOURABLE THE PRESIDENT : That is after the expiration of ten years, not immediately ?

THE HONOURABLE MR. HOSSAIN IMAM : But the present experimental proposals do not in any way bar the future Phillipine constitution from giving a definite opinion, either for separation or for continuation with the United States. What they have done now is to bring in a constitution which gives partial autonomy and a basis for certain development, and the free transit of goods has been stopped.

Mr. President, I have here to tell my Burman friends that it is in their interest that they should continue with Indian India, and I will cite to them the reasons for this proposition of mine. It is a well-known proposition that united we stand and divided we fall. We have seen how other parts of the British Empire are now being treated. Are they being offered a constitution better than that of India, however bad it might be ? Have they any prospect of attaining dominion status in any other part of the British dependencies ? The reply is "No". It is only because India is too big a proposition to keep in subjection that England thinks it is better to have its goodwill. If Burma is separated it will not have the same amount of force behind it which it can have while united with India. Sir, what will be the logical conclusion of separation ? The logical conclusion of separation will be that at the present moment, while we and they both are under subjection, we might be forced to have any sort of agreement which might be thrust on us. But a time will come when India will have the power of retaliation, and if the Burmans separate from us and ill-treat our nationals, we can bring their trade to a standstill. It is known, Sir, that although we export only less than Rs. 10 crores worth of goods to Burma—in the last financial year we exported Rs. 9·39 crores worth—the imports into India from Burma amounted to Rs. 24·29 crores. So that they have a favourable balance of trade against India to the value of Rs. 15 crores. It is that enormous trade which is coming into India duty free, it is that advantage which they have to weigh in the balance and to decide whether it is a bigger advantage than fending for themselves as a separate entity will confer. Mr. President, the logical result of separation will be that we will not look upon Burmans as a part of us, with the result that they will have to fight their battles alone and they can best estimate their prospects of success. Burma we are told is a united country, with no racial distinctions, castes or communities. But, Sir, there are communities there of different races ; and what is more nearly half of Burma is outside the scope of the reforms. The total area of Burma is about—

THE HONOURABLE MR. P. C. D. CHARI : The Report says it is one-half.

THE HONOURABLE MR. HOSSAIN IMAM: Half is an excluded area. In that area Englishmen are going to have their sway without any hindrance. That is the main reason why Burma is being separated. It is to form a colony for the surplus population from the home country and it is because of that we are being debarred free right of entry. As it is India is sufficiently troubled about her surplus population and only the other day we had a discussion on the vexed question of treatment of Indians in the Colonies. We asked for bread and we are getting stone from the Government.

Sir, I wish Government to enlighten the House on one point. All the records that I can lay my hands on do not give the information. I want to know what will be the financial effect of the separation. The Report has treated this matter rather cursorily in one paragraph of theirs. They have given the result of separation of Burma as involving a reduction in India's revenue of Rs. 3½ crores. In paragraph 267 they say:

"The revenues of India will suffer a loss estimated to be possibly as much as Rs. 3 crores per annum, less the yield of any revenue duties on import from Burma which may be introduced from the date of separation".

I wonder on what they base this estimate? From the papers that I have with me I find that the income from customs at Rangoon was Rs. 4½ crores in 1932-33 and Rs. 3½ crores in 1933-34. Add to this the income from railways and from the salt duties. That means a loss to Indian revenues of more than Rs. 5 crores. We do not find either in the Report or other Government paper what relief in defence expenditure we are to get if Burma is separated. It is a strange proposition that when it comes to the distribution of assets of the currency department or when it comes to the allocation of unalotted unproductive debts, the proportion of Burma is fixed at 10·5 per cent., but when it comes to paying to India that proposition is forgotten altogether. Where Burma is to receive she must receive 10·5 per cent. Where Burma is to give, there is no proportion fixed. In the Memorandum on Financial Questions arising out of the proposed separation the two Commissioners did not come to any agreement and the Government of India has not made any statement up till now as to what has been finally decided in the matter. This paper, although marked confidential, is public property and was published in 1931 and we do not know what the intention is. Everywhere we are told that so far as defence is concerned, the Military Department and the Commander-in-Chief have the final say. In this connection what will be the debit expenditure from India? No military authority or any other authority has made any statement. We find that the Finance Department have been asked to estimate what will be the strength of the army required. In paragraph 117 they say that an extra British battalion will be required involving an additional expenditure of Rs. 25·8 lakhs. We are not even told whether that extra battalion will come from the Indian army of occupation or whether it will be drawn from the Home establishment. It is only right that if Burma is to be separated from us and she is to receive 10·5 per cent. of the assets of the currency and other departments, she should also shoulder 10·5 per cent. of the military expenditure and the requisite personnel, preferably British personnel, should be transferred to the Burma Government.

Mr. President, as regards the effect of the separation on the revenues of Burma, it is surprising on what they have based their estimates. We are told that they will have all the advantages of the customs, income-tax and

salt duty and Burma would require to tax exports from India to her own country. The estimate which has been given in this Memorandum says that Burma will have to pay interest charges of Rs. 2½ crores, out of which Rs. 1.56 crores are due to the transfer to them of the Burma Railways; and here I have got the report of the Burma Railways. The Burma Railways are paying their way. They are not a deficit proposition. They only become a deficit proposition if we make the deduction for depreciation fund at the allotted rate. You know well, Mr. President, no railway in the world is paying its way, paying full interest charges as well as making provision at the customary rate for depreciation, so that out of the Rs. 2½ crores of additional expenditure in payment of interest which Burma will have to shoulder she will be getting Rs. 1½ crores from the railways itself; while in exchange for the Rs. 1 crore which she will have to pay for unallotted assets we will have to make good either from the currency department or Burma will be entitled to get the assets of the currency department in the proportion of 21 per cent. gold, 30 per cent. sterling security, 11 per cent. Indian security and 38 per cent. silver. These assets when transferred to Burma will bring in their own revenue; they are likely to get Rs. 5 crores of additional income due to the transfer to them of the customs and income-tax department and the additional expenditure they will have to meet will not exceed more than Rs. 2 crores. Still they will be better off by Rs. 3 crores. The idea underlying the separation scheme is to make entry of things free in Burma and thereby bring the customs revenue to vanishing point. The idea is to decrease income-tax as much as they possibly can in the higher limits.

THE HONOURABLE THE PRESIDENT: Will you please conclude your remarks.

THE HONOURABLE MR. HOSSAIN IMAM: I will not take more than two minutes. Sir, big merchants, Britishers, who are established in Burma may have an easy way. It is simply to exploit Burma in the interests of Britain that this scheme of separation is brought forward; our Burman friends are blind to the realities of the situation and they will in the near future rue the day. Sir, this Resolution refers practically to a Resolution which was moved by the Honourable Mr. Chari in the House and I regret to find, Sir, how greatly Government has fallen from its pedestal on which it stood on that date. Let me quote, Sir, what the Honourable the Leader of the House said on the 15th August:

“In all these reforms Resolutions, Government have adopted a definite policy, that is to say, the non-official section of the House is free to express such opinion as it likes on all reform proposals. Therefore, in conformity with that policy, official Members of the Council will not take part in the voting and the House is free to come to such conclusions as it likes on the Resolution itself”.

I wish, Sir, the Government had stuck to that clear-cut policy and not intervened in the voting to load the dice in favour of the proposition for which they are not free voters.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhamnadan): Sir, I rise to support the Motion moved by my Honourable friend, Mr. Chari. Most of the ground has been covered by the speakers who preceded me and they have left little for me to say. Sir, this has been established that the new constitution is forcing Burma to separate from India. I understand, Sir, that even the Burma Legislative Council did not like the

[Rai Bahadur Lala Ram Saran Das.]

idea of separation. The new constitution which has been offered by the Government to Burma, on that constitution even the separationists refused to have the separation. If I rightly understand, the three Burman representatives to the Assembly have published their opinion that under the new constitution they are not in favour of separation. Burmans in their recent electoral campaign have also indicated that Burma does not like to separate from India. Sir, about one million Indians live in Burma. Most of them have settled there and it is also a fact that Burma owes its present development to untiring efforts of Europeans and Indians. In case both these had not worked there you could not have Burma as prosperous and developed as it is today.

My friend, the Honourable Mr. Hossain Imam, has given you the figures of export from India to Burma. I will now give for the information of this House some figures of the exports from Burma to India which will show whether India is a big buyer of Burman produce or not. Take mineral oils. I will give you the figures for the year 1933-34. In that year 715,830 tons of mineral oils were exported to India, while not even an ounce of mineral oil was exported to any foreign country. As regards rice and other things, I need not waste the time of the Council at this stage. The figures will prove that India has been the biggest buyer of Burma produce among all the countries of the world. Sir, when Indians have greatly helped in the development of Burma there seems no reason why they should be differentially treated. From what we see in the new constitution, these one million Indians have been allotted only two additional seats; while other people, take the case of Anglo-Indians, whose population in Burma is only 19,200, have been given two additional seats. And, Sir, the Karens minority have been given 12 places instead of five Indians who have been there and have played a prominent part in the country's commercial and industrial uplift of Burma. Is that the right way to treat them? Why should they not have representation according to their importance and according to their population in the country?

Sir, we see the various disabilities to which Indians will be put in Burma after the separation. The most vexed questions are restrictions on the right of free entry. When non-Indians will be allowed a free entry without any restriction why should Indians be treated differentially? Sir, where is protection for Indian trade and banking? It is with great regret that we note that the Joint Select Committee have divided one million in Burma into three categories—(1) government servants, (2) money-lenders, and (3) labour. Why, Sir, have merchants and professional men not been differentiated? Are they not really developing the country? Have not these people given all sorts of facilities to Burmans and, along with their European brethren, coached them in the crafts, industries and trades. Therefore, Sir, when the bulk of Burmans do not want separation and if I am right that even the Government of India does not want it, and even the Governor of Burma is against separation (if I am wrong, the Honourable the Leader will put me right), I cannot understand why separation is being forced upon Burma?

I will not take up more of the time of the House, Sir, but I would urge upon this Council that when the circumstances are such, they ought not to vote in favour of the separation of Burma. In case Burma is to be separated and as the Honourable the Leader of the House a little while ago told us that we are helpless and that our efforts will not be of any great value in making

Parliament to come to any correct conclusion, I would say that the rights and protection which India deserves should be given.

With these words, Sir, I support the Motion.

THE HONOURABLE MR. T. A. STEWART (Commerce Secretary): Sir, I would take up only a very little time of the House in explaining what I conceive has been a misunderstanding on the part of several of the speakers today. That misunderstanding has, I suggest, been caused by the wording of paragraph 2 of the Honourable Mr. Chari's amendment. The last part of it expresses a regret that the Resolution of this House was ignored in the framing of the Joint Parliamentary Committee Report, and it gives the impression that the Joint Parliamentary Committee has entirely ignored the recommendations that were made in respect of safeguards for Indians in their professional and industrial and commercial capacities in Burma, for Indian shipping and for Indian companies.

Now, in paragraph 472 of the Report, the Committee say that Indians should be afforded in Burma generally the same measure of protection in regard to their business avocations and commercial undertakings as have been recommended for United Kingdom subjects. Now it may be that the Honourable Mr. Chari and other Members have failed to realize what were the implications of those recommendations. I can assist them to an understanding of them; if they will look to clause 340 and the following clauses of the draft Bill they will find that in respect of professions and avocations, in respect of Indian companies, in respect of Indian shipping, in respect of the enjoyment of subsidies and bounties, British subjects domiciled in India and Indian companies enjoy the same privileges as British companies and British individuals domiciled in the United Kingdom. I trust that that matter has been cleared up.

Mr. Chari is again opposed to the special responsibility which is imposed on the Governor General to prevent penal tariff treatment against goods imported into India from Burma. The reason he gave for his desire to remove this so-called objectionable feature is that once a trade agreement had been arrived at, this provision would prevent the Governor General from allowing any change to be made thereafter. I think the Honourable Mr. Chari has entirely ignored the recommended definition of what should be considered to be penal discrimination, which is contained in paragraph 345 of the Report.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Before concluding the Indo-Burma Trade Agreement, will the Government take into its confidence the Legislature and the various commercial bodies?

THE HONOURABLE MR. T. A. STEWART: I suggest to the Honourable Member that that question is hardly relevant to what I was saying. The suggested definition of "commercial discrimination" is contained in the words

"That it will be the duty of the Governor General to intervene in tariff policy and the negotiation or variation of tariff agreements only if in his opinion the intention of the policy contemplated is to subject trade between....."—I change the words—
".....between India and Burma to restrictions conceived not in the economic interests of India but with the object of injuring the interests of Burma".

THE HONOURABLE MR. P. C. D. CHARI: I want to protect not only the economic interests but also the political interests and the interests of life and property of Indians in Burma.

THE HONOURABLE MR. T. A. STEWART : I understood the Honourable Mr. Chari to say that this provision would prevent the Governor General from allowing any change. If, in his Instrument of Instructions, that definition of "commercial discrimination" is included, it will be impossible for the situation contemplated by the Honourable Mr. Chari to arise.

THE HONOURABLE KHAN BAHADUR MIAN SIE FAZL-I-HUSAIN (Leader of the House) : Sir, all I can say is that the interests of Indians in Burma have been most carefully watched by different departments of the Government of India, and nothing that any one entrusted with the duty of protecting them could have done, has been left undone by me and by my colleagues. I can assure the House that at every stage of this difficult matter, we have done our best to protect Indian interests and to promote them. We may have achieved some success—according to some, a good deal of success; according to others we may have failed to achieve all the success we desired or deserved. But then, such are the affairs of the world that one can never feel absolutely satisfied at the objectives gained.

A good deal has been said about voting and so on. After all, what does that matter? I have been told that last year I said, "We will not vote", and I have been asked why we want to vote now. The reason is obvious. Last year the proposals were at the stage of proposals. We were revolving in our minds as to what conclusions to reach. We have travelled a good deal since then, and that is the reason why the position today is not the same as what it was at that time. Still, it makes no difference. Decisions have been reached. The alterations that can be made now are few and far between, and the expressions of opinion are bound to be valuable if there is anything in them.

THE HONOURABLE THE PRESIDENT : Amendment moved :

"That to the Motion before the Council, the following be added, namely :—

1. That this Council is opposed to the separation of Burma in the near future and on the basis of the present constitution.

2. This Council reiterates the recommendations made by it by a Resolution passed on the 15th August as regards the free and unrestricted entry of Indians into Burma after separation and as regards safeguards for the Indians, Indian shipping and Indian companies on the same footing as United Kingdom British subjects ships and companies in a separated Burma and this Council regrets very much that the Resolution of this House was ignored in making the Report.

3. This Council is strongly opposed to the recommendations of the Parliamentary Committee in regard to the Governor General's special responsibility with regard to the tariffs on commodities of Burmese origin and to the powers proposed to be given to the Secretary of State to regulate, direct and fix the export and import duties on goods exported from India to Burma or imported into India from Burma after separation and reverts the recommendations as a serious inroad into the fiscal autonomy convention for India."

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : I beg to request you, Sir, to kindly put these three parts separately, so that we may be able to vote on each of them.

THE HONOURABLE THE PRESIDENT : The Question is :

"That part 1 of the amendment be added."

The Motion was negatived.

THE HONOURABLE THE PRESIDENT : The Question is :

“ That part 2 of the amendment be added.”

THE HONOURABLE DEWAN BAHADUR NARAYANASWAMI CHETTY :
And the division on part 1, Sir ?

THE HONOURABLE THE PRESIDENT : A division was not called for.
Who asked for the division ?

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTY :
Somebody asked.

THE HONOURABLE THE PRESIDENT : An Honourable Member must get up and make a proper request to the Chair in an audible manner.

The Question is :

“ That part 2 of the amendment be added.”

The Council divided :

AYES—14.

Banerjee, The Honourable Mr. Jagadish Chandra.
Barua, The Honourable Srijut Heramba Prosad.
Chari, The Honourable Mr. P. C. D.
Chetty, The Honourable Diwan Bahadur G. Narayanaswami.
Devadoss, The Honourable Sir David.
Ghazanfar Ali Khan, The Honourable Raja.
Gounder, The Honourable Mr. V. C. Vellingiri.

Hossain Imam, The Honourable Mr. Khaparde, The Honourable Mr. G. S. Menon, The Honourable Diwan Bahadur Sir Ramunni.
Mitha, The Honourable Sir Suleman Cassim Haji.
Ram Saran Dass, The Honourable Rai Bahadur Lala.
Sapru, The Honourable Mr. P. N. Yamin Khan, The Honourable Mr. Mohammad.

NOES—22.

Basu, The Honourable Mr. Bijay Kumar.
Charanjit Singh, The Honourable Raja.
Choksy, The Honourable Khan Bahadur Dr. Sir Nasarvanji.
Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.
Ghosal, The Honourable Mr. Jyotsnath.
Glass, The Honourable Mr. J. B.
Glancy, The Honourable Sir Bertrand.
Hafeez, The Honourable Khan Bahadur Syed Abdul.
Hallett, The Honourable Mr. M. G.
Johnson, The Honourable Mr. J. N. G.
Miller, The Honourable Mr. E.

Mitchell, The Honourable Mr. D. G.
Noon, The Honourable Nawab Malik Sir Mohammad Hayat Khan.
Philip, The Honourable Mr. C. L.
Ray of Dinajpur, The Honourable Maharaja Jagadish Nath.
Russell, The Honourable Sir Guthrie.
Spence, The Honourable Mr. G. H.
Stewart, The Honourable Mr. F. W.
Stewart, The Honourable Mr. T. A.
Suhrawardy, The Honourable Mr. Mahmood.
Tallents, The Honourable Mr. P. C.
Ugra, The Honourable Rai Sahib Pandit Gokaran Nath.

The Motion was negatived.

THE HONOURABLE THE PRESIDENT : The Question is :

“ That part 3 of the amendment be added.”

The Council divided :

AYES—11.

Banerjee, The Honourable Mr. Jagadish Chandra.
Barna, The Honourable Srijiut Heramba Prosad.
Chari, The Honourable Mr. P. C. D.
Chetty, The Honourable Diwan Bahadur G. Narayanaswami.
Devadoss, The Honourable Sir David.
Gounder, The Honourable Mr. V. C. Vellingiri.

Hossain Imam, The Honourable Mr. Khaparde, The Honourable Mr. G. S. Menon, The Honourable Diwan Bahadur Sir Ramunni.
Ram Saran Das, The Honourable Rai Bahadur Lals.
Sapru, The Honourable Mr. P. N.

NOES—25.

Basu, The Honourable Mr. Bijay Kumar.
Charanjit Singh, The Honourable Raja.
Choksy, The Honourable Khan Bahadur Dr. Sir Nasarvanji.
Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.
Ghazanfar Ali Khan, The Honourable Raja.
Ghosal, The Honourable Mr. Jyotsnath.
Glass, The Honourable Mr. J. B.
Glancy, The Honourable Sir Bertrand.
Hafeez, The Honourable Khan Bahadur Syed Abdul.
Hallett, The Honourable Mr. M. G.
Johnson, The Honourable Mr. J. N. G.
Miller, The Honourable Mr. E.
Mitchell, The Honourable Mr. D. G.

Mitha, The Honourable Sir Suleman Cassim Haji.
Noon, The Honourable Nawab Malik Sir Mohammad Hayat Khan.
Philip, The Honourable Mr. C. L.
Ray of Dinajpur, The Honourable Maharaja Jagadish Nath.
Russell, The Honourable Sir Guthrie.
Spence, the Honourable Mr. G. H.
Stewart, The Honourable Mr. E. W.
Stewart, The Honourable Mr. T. A.
Suhrwardy, The Honourable Mr. Mahmood.
Tallents, The Honourable Mr. P. C.
Ugra, The Honourable Rai Sahib Pandit Gokaran Nath.
Yamin Khan, The Honourable Mr. Mohammad.

The Motion was negatived.

THE HONOURABLE THE PRESIDENT: I will now put as a substantive Motion both the amendments which have been separately passed by the Council :

“ That this Council is of opinion that though the Report of the Joint Parliamentary Committee falls far short of the aspirations of the political parties in India and does not accept some of the demands put by the Indian Delegation to the Round Table Conference, the constitution proposed under the scheme of the Report is a great advance on the present constitution and will be given a fair trial in working by the people of India.

“ This Council accepts the Communal Award so far as it goes until a substitute is agreed upon by the various communities concerned ”.

The Question is :

“ That this Motion be made.”

The Motion was adopted.

The Council then adjourned till Eleven of the Clock on Saturday, the 16th February, 1935.