

1922

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FROM  
INDIA

DATE  
23RD MARCH 1922

FOR CIRCULATION  
Mr.  
Mr.  
Mr.  
Mr. Grindle  
Mr. H. Lambert  
Mr. I. Road 28 JUL 22  
Mr. J. P. Smith  
Mr. Church

SUBJECT  
POSITION OF INDIANS  
Encloses copy of report of debate in Indian Legislative Assembly on 9th February 1922.

Previous Paper  
*Gu*  
*13/3/22*  
*John*  
*Parley*

MINUTES  
*Mr. J. P. Smith*  
There is a strong feeling  
among the Indian members of the  
Legislative Assembly that the  
Government of India should  
only deal with Indian affairs,  
and that the question of  
representation, which is the  
most important problem, is  
left open.  
The question of immigration  
they ignore the fact that,  
rights of citizenship, which is  
an important question, is  
left open.

Subsequent Paper  
*J.P.*  
*1/10/22*

After the debate on the  
question of citizenship, the  
Government have been  
asked to consider the  
question of citizenship.

The Public Communication in this regard should be addressed to—

The Director General of Public Relations,  
India Office, London, S.W. 1.



INDIA OFFICE  
1384  
REPLY  
23 MAR 22  
MARCH 1922

I. A. C. 262

40  
12/12  
L. A. C. 262  
L. A. C. 262  
L. A. C. 262

Sir,

40  
12/12

With reference to the letter from the Secretary of State for India to transmit for the information of the Secretary of State for the Colonies copy of the report of the debate in the Indian Legislative Assembly (See Page 2303-2342 of the enclosed report.) which took place on 6th February 1922 relative to the position of Malaya

Kan. 7a

I am, Sir,

Your obedient servant,

Under Secretary,  
Colonial Office,  
S.W.

Sup 2304-234

# LEGISLATIVE ASSEMBLY DEBATES

THURSDAY, 9th FEBRUARY, 1922

Vol. II—No. 31

## OFFICIAL REPORT

CO 53

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- 2024
- Questions and Answers
- Discussion, Questions and Answer
- Statement of Business
- Statement of the Government of the Local Government
- Resolution of the Assembly of Madras for the

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Sup 2304-234

# LEGISLATIVE ASSEMBLY DEBATES

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- 0442
- Questions and Answers
- Discussion, Question and Answer
- Statement of Chairman
- Resolution of Government of Medical Education
- Resolution of Ministry of Housing for India

CO 53

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## LEGISLATIVE ASSEMBLY

Thursday, 9th February 1940

## MEMBER SWORN

Shri Bhanja Deo, O.R. No. 10 (Bikaner).

## QUESTION AND ANSWER.

## SCHOOL FOR TRAINING MEN AND WOMEN TELE

177. Mr. N. M. Joshi: (1) Will Government be at schools conducted or aided by Government for telegraphists for the Telegraph Department and for such mentioning which schools are for (a) Europeans and (b) Indians?

(2) Will Government be pleased to state the names of such schools or classes attached to schools?

(3) Will Government be pleased to state whether they intend to open such classes in the future and what result?

(4) Will Government be pleased to state the names of telegraphists to the schools and (a) station and (b) station?

Colonel G. S. D'A. Crookshank: (1) There is a school at Mubarakpur Faiyaz Khera, Bikaner, since that reply was given. There is a Bombay Education Board. Even class consists of first year students less than 12 after recruits are not a fixed quantity of the school.

(2) For every candidate trained in a selected school and admitted into the service if he is drafted into the General Post Office Service, is paid to the school by the Government is irrespective of any grants payable by the Government.

(3) A copy of the rules under which such schools are sent to all Post Offices where there was a post office for Indian candidates.

1	2	3	4	5	6

PUBLIC RECORD OFFICE

CCO 538 / 287

PUBLIC RECORD OFFICE, LONDON

OTTO

requirements of the Department are being met by the number of telegraphists recruited during the last three months.

1937-38  
1938-39

The Hon. Mr. ...  
General Service ...  
Mr. ...

Mr. M. M. Joshi ...

General Mr. D. A. ...

Mr. H. ...

Mr. ...

Mr. ...

The Government ...

An ...

clear that, where it is necessary to disperse unlawful assemblies and if assemblies refuse to disperse when ordered to do so by competent authority, it is the intention of the Government to ...

In the second place, attention is drawn to the statement of Mr. ...

There is one more point to which I shall refer, and that is the statement that a special ...

UNSTARRED QUESTION AND ANSWER

CONTROLLER OF CONTRACTS ORGANISATION

265 Mr. K. C. ... Will Government be ...

(a) whether the Controller of Contracts organisation at present attached to the Quartermaster General's Branch Army Headquarters is a central agency set up mainly to ...

(b) whether ...

(c) ...

(d) whether ...

Sir Godfrey Fall: (a) The Controller of Contracts ...

(b) The question of making this organisation ...



I should like to say that the present system of education of the medical profession in India is not a success. It is not a success because it does not produce the number of men which is needed for the service. It is not a success because it does not produce the quality of men which is needed for the service. I believe (and very rightly so, as I did myself) devoted to maintaining a lucrative private practice. Now, it is well known that most of the members of the Indian Medical Service, to which I belonged, are birds of passage. The result is that the preliminary, and in some cases more than the preliminary, training devolves on the second class of teachers, viz. Assistant Surgeons. I call them Assistant Surgeons, because they generally are of the M. B., B. S. or the L. M. S. type and enter that service in Government. They are young, inexperienced, and un-pledged doctors, who, for their own benefit and their own convenience, keep on for a year or two, and in some cases longer, on the residential staff of our various hospitals. They are very rarely, if ever, permanent men. I must at the same time admit that there are a few good professorial chairs given to Indian Medical men. Bombay is an example of this. But, at the same time, there is no doubt a feeling that these appointments are few and far between. Now, what is the result of this training? Our graduates are imperfectly trained compared to the European schools and graduates. They are absolutely devoid, or to a large extent devoid, of any national medical pride. They are wishing to succeed in life and to improve their knowledge are compelled to go to Europe, to England, to the Continent: some go to Australia and some to Japan. When they return, they look down on their own fellow countrymen and yet India offers the finer field for practical work than any other part of the world. It may surprise this House to know that Indian students who wish to qualify or obtain a degree in ophthalmology (a disease which abounds in India, to which specialists from all parts of the world come to gather experience), ears, throat, teeth, etc., have to go to Europe to acquire this so-called special knowledge.

Our poorer and most brilliant students are therefore penalized, and they have to remain in the background for want of funds to enable them to go to England. It may be pertinent here to ask: 'Why should these brilliant students in India be so penalized, and those who wish to get on in this world be forced to go to England to spend their parent's hard-earned money when India offers the best field, provided efficient training were imparted to them? Why should this be so?' I submit, with all respect to those in charge of our various Hospitals in India, that there is a want of skilled staff, which results in deficient and defective training and which in its turn is partly attributable to a parsimonious Government. The Indians, rightly or wrongly, say that, owing to the official monopoly, our institutions are defective, though the staff are very keen indeed in improving things. There is another factor which plays an important part in this defective training, viz., the inferior type of Indian Medical Service men who are coming out to India to-day. The Indian Medical Service was once the most brilliant Service in any part of the world. It consisted of a band of devoted men who gave their lives to this country, and who have made their names in the various departments of general work. The Indian Medical Service at

present time is one of the European standard. It is not a success because the bulk of the staff, and most of a country's doctors, are now coming out. That applies to the staff of the various hospitals from England. Now let me refer to the medical profession as a whole. The examination now in India, the Indians, have been so long in the habit of saying something more about the Indian Medical Service, and the basis of the English schools will not come out to the Indian mind. The reasons, viz. India, they say, is not good enough, they really mean, the settled state of the country, the economic conditions, the press, the Government, the Service is unattractive to them, and there is not the faintest doubt that the racial feeling which exists to-day is playing a big part in preventing them from coming out. Similar reasons apply to the police and inferiority of the other services in India—the Indian Civil Service, the Army, and even, I believe, the Women's Medical Service.

I now come to the Indians. The vast and fine of our intellectual and private work at the Indian Medical Service, because they can do better in private practice. They say and very rightly say that the honors are reserved for them but for the Europeans. There is too much racial prejudice and official influence at work, but, aside from this point, I must make a distinction and offer my tribute of gratitude and acknowledgement to the present Director-General of the Indian Medical Service, Sir W. B. Edwards, who, I know, has got the Indian interests deeply and truly at heart.

The conclusion is that there is too much of the European half-mark and the European standard in the country, and the Indian mind is not trained to a national medical pride. This even applies to the Indian Medical Service. Another point which is this: we cannot go to Europe, because the European schools are so congested that it is difficult for them to accept an Indian student. I do not think that what I have said here can be carried in practice. I challenge the Government to do something to see that students in these conditions? Our hospitals, our students, our graduates, and the women and children of this country whose lives are in our hands, are with awe. Let me now make a mental list of the things which the Medical Committee of the Reforms. The House is to say that we are in a position to say 'Yes' to this. To attain this, I submit, we must prepare the ground as far as our medical needs are concerned. Are we doing so to-day? I say emphatically 'No.' For there is no national medical pride existing in our institutions; no unification of medical degrees; there is no pride in the very few—who is proud of his Indian M. D. or other degree—who are in this respect. It is for this reason that I regret that medicine and the medical administration of this country has been made a transferred subject. I submit that it should have been retained as an Imperial subject, for we might then have got our own Indian Government Medical Council. I want to change all this; I want to inculcate a sense of national medical pride; I want to put our house in order, to raise the standard of medical training and make it equal to the very best in Europe; to demand equal recognition by deserving before desiring; to improve our training and to get the best staff possible; to kill the European half-mark in all these distinctions that stand in our way; to supply our own medical men for the entire medical services, including the army and civil; to make the Service more popular to have it a first class Service and open to the best men in the world; to recruit freely in India, instead of depending on other countries for our medical men; and to be independent of other Dominion States, to let



[Lieut.-Col. H. A. J. Claxey.]

in India, you will not get institutions where the highest knowledge can be imparted. I consider it a matter of regret and of distinction that medical men in India are not a large number of medical experts and distinguished men in their profession. There should not be one first-class institution where the higher training could be imparted, and that it should be possible to urge that the absence of these institutions constitutes a difficulty in the way of employing Indians in the higher ranks of the Service.

Further on, he remarks:

It is my belief is that medical science should become more nationalised, that the training of medical men in India, should be based on a knowledge of medicine in the country, that they should go down among the people in a larger degree than is possible under present conditions. It is towards that end that it is suggested that a separate Civil Medical Service should be constituted. It is in the interests of humanity that it should be so constituted. Where our existing institutions are deficient, his provision is made for improving them up to the highest standard. Let it be open to Indians as such in practice, as it is in theory to obtain a fair share of appointments in the Indian Medical Service, if they prove their merit and worth.

I have but a few more observations left. The Right Honourable Srinivasa Sastri, in summing up and in reply to a question put by the Honourable Sir William Vincent, said:

It has already been proposed—it came out abundantly in the evidence—that Indian students, before being admitted to the examination, should be compelled to undergo a practical course in England. Some fix it at one year, some fix it at a year and a half, and some fix it at two years. That, it seems to me, is not according to the facts of the case. It is not doing with equanimity the results of the free admission. Let it be remembered that it is becoming increasingly difficult for us to gain admission into the medical schools for training in England.

He then says:

In the events, place and the interests of those who want the advancement of the services of India, it is those who will be patriotic, who after their own interests, will gain in India, and derive the benefit of their manual wisdom to the benefit of the country.

The Honourable Surgeon General Sir William Edwards, the Director of the Indian Medical Service, when speaking on this Resolution,

in the course of his speech, said:—I have not before tonight the opportunity of speaking further on this matter, but before tonight, in the course of this Resolution, I think it my duty to refer to this Council. I do so to fear that the Indian Medical Service, and its conditions, are not such as will cause a certain medical man of the highest rank to be attracted to it. It must therefore be considered and acted upon in the interests of India, the former of the two considerations.

These words were never uttered by any officer in the Indian Medical Service. These words were made in 1918, four years ago. It is to be noted that it has been intended?

With these few remarks, Sir, I place my Resolution before this House for their consideration, hoping that they will consider it from the various aspects which I have placed before them, and I trust that they will receive it with approval.

The Honourable Mian Sir Muhammad Shah (Education Member): Sir, I have deep interest which my Honourable friend, Colonel Gidney, takes in the cause of medical education in this country, is in his case, particularly

natural, and I am sure Honourable Members will agree with me in bringing forward this Resolution, he is actuated by the best of motives. At the same time, from the various schemes of Indianisation of our medical services, many of which have already been adopted and others are in the course of formulation, as well as in the institution of examinations in this country for the purposes of recruitment to those services, Honourable Members will realise that the Government of India are in entire sympathy with the ultimate object which the Honourable Member has in view.

The question which arises upon this Resolution, therefore, is not one of principle, for in respect of principle we are all in agreement. The question at issue is really one of method, and in offering the few observations which I intend to make upon this Resolution, I propose to confine myself to that question—that is to say, the question of method.

Sir, it is quite true that the Member in charge of Education in the Government of India is not a medical expert, but the question before the House is not one of a scientific medical proposition, with reference to which different medical schools hold different opinions. The question is one upon which, I venture to submit, every Member of this House, be he an expert in medicine or not, has a position to pronounce a definite opinion.

Sir, a careful analysis of the Resolution moved by my Honourable friend will make it clear to Honourable Members that the proposal put forward by him is divisible into three parts. In the first place, there is the proposal for the appointment of a Committee and the constitution of that Committee. There is, in the second place, the nature of the inquiry which this Committee is intended to make; and, in the third place, the ultimate object with which that inquiry is to be undertaken. Now, I propose to deal with these three aspects of the proposal embodied in this Resolution separately, in order to show how, and in what manner, I am in entire sympathy with the object which my Honourable friend has in view, the method proposed by him is entirely misconceived.

Sir, the Honourable Member has referred to what happened in Simla in the last Session. Honourable Members will remember that in the summer of 1921, the Government of India Council, being very anxious to effect a reorganisation of the Medical Service in India, should have taken up the requisite steps to give effect to this action in connection with the proposals which are being made in this country. As I emphasised in my speech, that action was not taken upon any racial or political considerations, and was taken by the Government of India in the discharge of the statutory obligations which rest upon their shoulders under a Statute passed by the British Parliament. Well, Sir, in connection with the action which was then contemplated by the General Medical Council, a debate took place in this House in its Simla Session, and a certain Resolution, to which I need not refer in detail, was adopted. That Resolution was communicated by the Government of India to the Secretary of State, and by the Secretary of State to the General Medical Council. Honourable Members are aware that in response to what was urged by this House, and the Government of India, the General Medical Council have postponed the carrying into effect of that Resolution and have sent out Dr. Norman Walker to make inquiries on the spot as to the exact position with regard

[Mian Sir Muhammad Shafi.]

to medical education in this country. As the Hon. Member for the A. W. P. informed the House, the Government of India have not held any kind of ascertained Councils in India with Dr. Norman Walker in the inquiry, and the proposal is that when these two gentlemen tour almost all over the country, in each Province they will have co-opted with themselves their inquiry one official and two non-official medical representatives. It will thus be seen that in this inquiry, which is about to be inaugurated—I may inform the House that Dr. Norman Walker is already in Delhi and he proposes to address those Members of the two Houses who will be present at the gathering to-morrow upon the nature of the inquiry he has come out to make and upon other matters connected with the subject-matter of this Resolution. Well, Sir, we shall have a representative of the General Medical Council—a representative of the Government of India, an official representative of the Provincial Government—meaning one official representative of the Government and two non-official medical experts in each Province represented. In these circumstances, I ask: Is it at all necessary, would it not be entirely superfluous of the part of the Governor General in Council, to appoint another Committee of Inquiry, which also is to be sent about the country for the purposes mentioned in this Resolution? It seems to me that the proposition, as I have put it, has only to be stated in order that it should be readily accepted by this House.

Again, my Honourable friend himself has admitted that the expenditure involved in the inquiry which he advocates will be, according to him, three times as much as the expenditure involved in Dr. Norman Walker's inquiry. I was not aware that the Government of India were possessed of a superfluity of funds which they could spend on this inquiry and that inquiry. Indeed, we are face to face with a financial stringency unparalleled in the past history of India, and, in these circumstances, when we have an inquiry already actually, practically, going on, or at any rate soon to be commenced, in circumstances which have already experienced, does our financial position justify the acceptance by this House of a Resolution involving an expensive inquiry of the kind which my Honourable friend has proposed in this Resolution?

The next point which I wish to place before the House for its consideration is this: What is the nature of the inquiry which the Resolution contemplates? Now, Sir, he invites your attention to the exact wording of the Resolution in this connection. This is how the Resolution runs:

To inquire into the training that is obtained in the various Medical and Surgical institutions, both official and non-official, and to submit recommendations with a view to bringing the Indian institutions, in all respects, on a level with those of the United Kingdom.

Now, Honourable Members are aware that, in the new state of things which has been brought into existence by the Reforms Scheme, University education, including medical education, is a transferred provincial subject. When the Resolution asks the Governor General in Council to do this: to appoint a Committee to inquire into a branch of University education in the provinces when the administration of that subject has been transferred into the hands of Ministers elected representatives of the people who, in

the discharge of their respective duties, are answerable to the Provincial Legislative Councils. The latest thing, I understand, was that the Universities ought to be given more and more of an autonomous character in the discharge of their duties, and it seems to me that one of the fundamental principles for the successful working of that scheme is that we, this House as well as the Governor General in Council, take as broad a mind is non-interference with the administration of such a subject when under the Government of India, and we have transferred provincial subjects. Sir, there may be, and I really there is, a good deal of truth in what Colonel Baines has said with regard to the actual staff of officers obtaining in our educational institutions in the provinces in so far as medical training is concerned. But Colonel Baines has misapprehended the point in which such a proposition ought to be considered. I am sure my Honourable friends here who represent the Indian Provinces will not be prepared to admit the correctness of any measure which has been made by my Honourable friend with regard to medical education in their provinces.

Lieut.-Col. R. A. S. CHITRY: I made an exception with regard to Madras.

The Honourable Mian Sir Muhammad Shafi: And I doubt very much, I doubt very much indeed, if the representatives of the Presidency of Bengal, and particularly if amongst them there are any who are Fellows of the Calcutta University, will be prepared to admit that the criticism made by my Honourable friend applies to medical education in that Province. The only objection is that, when the Resolution with regard to this matter which the British Medical Council proposed to take last year was discussed in the House, loud protests were heard from the Bengal Province against what was said by my Honourable friend himself with regard to the matter of medical training and medical education in this Province. As regards the other Provinces, the criticism made by my friend is generally of a very general nature. I do not think it necessary to enter into a discussion of that kind by the provincial Legislative Councils as to the nature in which medical education is defective which constitutes the main purpose of the discussion as this ought to be raised, so that the attention of the Ministers who are in charge of education in these Provinces may be directed to the defects obtaining in those systems. This is a matter which my Honourable friend has in view. That I submit is the proper procedure to be pursued in a case like this, and I would earnestly request this House to accept a Resolution which is calculated to give effect to that principle and to that constitutional principle.

Now, the substance of what my Honourable friend has in view in connection with the matter which he has proposed, is embodied in the first words of the Resolution, and that is, to create in India a suitable field of recruitment for the British Medical Service. Now, here again I find in direct harmony with the substance of what my Honourable friend has in view. But I would like to draw the attention of the House to the fact that the British Medical Service, which includes not only the Indian Medical Service, but also the British Provincial Medical Service and the subordinate Medical services. There is again the same constitutional objection arises. In regard to the British Medical Service and the subordinate Medical Service the Governor General has no power whatever, in the conditions which have been brought into existence by the Reform Scheme to interfere. These are concerns of the provincial Governments,



[Sir Daya Prasad Sarashikari.]

The transfer of questions, Sir, have been always there. How long since the transfer of questions, Sir, have been always there. How long since the transfer of questions, Sir, have been always there. How long since the transfer of questions, Sir, have been always there.

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Commission had gone into the matter very thoroughly and had not expressed their own. However, no one

There is what Colonel Gidney unduly insisted upon, and that, I think, can be achieved without the comprehensive inquiry that he is wanting to have instituted. I need not quote at length what the Secretary of State said on the occasion, but it was fairly decisive. Then come the Public Services Commission in 1930. It is not only in India but in other parts of the world. It is not only in India but in other parts of the world.

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That we shall view the matter from a different point of view. How long since the transfer of questions, Sir, have been always there. How long since the transfer of questions, Sir, have been always there. How long since the transfer of questions, Sir, have been always there.

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[Sir Deva Prasad Sarvadhikary.]  
 ought to be limited in the way that I have described in my amendment, namely, that it should be an inquiry by a Committee.

consisting of representatives of each of the Medical Colleges affiliated to Indian Universities and of the Government of India inquiring into and suggesting improvements (in conjunction and consultation if necessary with the nominee of the General Council of Medical Education proposed to be sent out for the purpose).

—this had been drafted and sent, Sir, before Dr. Norman Walker had arrived—

for teaching Missions in Indian Medical Colleges by means of sister Universities, colonial countries, the United States and elsewhere.

I need not go into a variety of details that might be urged in support of the position that I have just stated, and I am sure it is reasonable in its no use doing that in this Assembly, and if there is to be an inquiry, let it be, please may I respectfully suggest, that Committee.

**Mr. Bahadur C. S. Subramaniam:** (Madras ceded districts and Chittoor, Non-Mohammedan) Sir, I propose the Resolution and also the amendment that is proposed. An inquiry into any concerned presupposes a belief that something is wrong. Unless the House comes to the conclusion that there is something wrong in the medical instruction in the ceded districts, I do not think that an inquiry will be justified in accordance with the inquiry of the kind mentioned in the Resolution or in the amendment. Sir, this question was discussed at the education was the subject of the discussion, to test Sir's opinion, and now, as a result of that discussion, we have a very wise and a very wise and the result of the inquiry made by the Government and the Government will have to take into consideration the conditions of the medical education in India. Over and above all this there is the question of cost, and the question of cost is a matter which has to be kept in mind. Of course, if the anticipated results are such as to justify the considerations of cost, if we are assured that the inquiry is of great need and an inquiry will result in bettering our conditions, then possibly the question of cost might be put aside. After what we have heard from Sir Muhammad Shah and considering the really important position which the Reform Scheme has given to the Government, and in the Ministry, an inquiry of the kind mentioned in the Resolution, I think is inadvisable, and therefore, I would like to suggest the Resolution, and as Sir Deva Prasad Sarvadhikary has said that it will be quite proper to withdraw the amendment and not to further discuss it, I think the House will be wise in rejecting it.

**Dr. H. S. Gour:** (Nagpur Division, Non-Mohammedan) I confess with the majority of the laymen in this House that we are perhaps not qualified to speak on a subject purely medical, but, as the Honourable Member for Nagpur has pointed out, this is not a question which deals with the technical aspect of medical education, and my further justification for making on this subject is that I have received a clear support from the Honourable Mover of this Resolution. I think that all members of this House will sympathise with the principle underlying the Resolution, but I do not accord my support either to the Resolution or to the amendment.

moved by Dr. Sarvadhikary. As it has been said from the Government benches that this is a question which appertains to the provincial Governments, I beg to draw the attention of the Honourable Member for Education to the fact that the constitution of the Walker Committee is the best reflection of the plea that the matter is not within the jurisdiction of the Central Government, and, if that had been the sole obstacle to the inquiry proposed, I submit that the Members of this House would not regard it as insuperable. But there are other and more weighty reasons. As my friend, Mr. Subramaniam, has pointed out, the question is not in the main objection to the carrying into effect of the proposal. I am sorry to hear that the Honourable Member told us that a Committee has already been appointed to inquire into the condition and state of medical education in this country. But from what has fallen from the Honourable Member during the discussion, I believe that the scope of the inquiry to be made is not of the same nature as that which is proposed by Sir Deva Prasad Sarvadhikary. I am sure that the House will be satisfied with the doubt that the results will be of the same nature as those which have been obtained in England, and that the House will be satisfied with the results of the inquiry and it appears to be the intention of the Government to refer the matter to the Secretary of State for Education.

**Mr. M. S. Subramaniam:** (Madras ceded districts and Chittoor, Non-Mohammedan) Sir, I propose the Resolution and also the amendment that is proposed. An inquiry into any concerned presupposes a belief that something is wrong. Unless the House comes to the conclusion that there is something wrong in the medical instruction in the ceded districts, I do not think that an inquiry will be justified in accordance with the inquiry of the kind mentioned in the Resolution or in the amendment. Sir, this question was discussed at the education was the subject of the discussion, to test Sir's opinion, and now, as a result of that discussion, we have a very wise and a very wise and the result of the inquiry made by the Government and the Government will have to take into consideration the conditions of the medical education in India. Over and above all this there is the question of cost, and the question of cost is a matter which has to be kept in mind. Of course, if the anticipated results are such as to justify the considerations of cost, if we are assured that the inquiry is of great need and an inquiry will result in bettering our conditions, then possibly the question of cost might be put aside. After what we have heard from Sir Muhammad Shah and considering the really important position which the Reform Scheme has given to the Government, and in the Ministry, an inquiry of the kind mentioned in the Resolution, I think is inadvisable, and therefore, I would like to suggest the Resolution, and as Sir Deva Prasad Sarvadhikary has said that it will be quite proper to withdraw the amendment and not to further discuss it, I think the House will be wise in rejecting it.

**The Hon. the Minister for Education:** Sir, I have the pleasure to announce that the House will be holding a meeting to-morrow to which Members of the House are invited.

**Dr. H. S. Gour:** (Nagpur Division, Non-Mohammedan) I confess with the majority of the laymen in this House that we are perhaps not qualified to speak on a subject purely medical, but, as the Honourable Member for Nagpur has pointed out, this is not a question which deals with the technical aspect of medical education, and my further justification for making on this subject is that I have received a clear support from the Honourable Mover of this Resolution. I think that all members of this House will sympathise with the principle underlying the Resolution, but I do not accord my support either to the Resolution or to the amendment.

Mr. J. N. Mukherjee (Calcutta suburbs: Non-Muhammadian Urban): Sir, I had no intention to participate in the debate over this subject, but, after listening to my Honourable friend, Rao Bahadur C. S. Subramaniam, I thought I might usefully add a word or two to the debate that is going on. Now, Sir, I agree with the Honourable Member for Education that the scope of the inquiry that has been suggested by the Resolution is too wide for practical purposes, especially at the present time of unusual stringency; and I think that even if suggestions were made for effecting improvements in the entire medical education system in this country, there would be no funds coming forth to carry out suggested improvements all along the line. There is another point before the House. It is not long since debate in this House was directed to the question of education in midwifery in this country, the Faculty in England not being willing to recognise the practical training on the subject which India could impart to students in certain parts of this country. That being so, Sir, and further it being a fact that Dr. Norman Walker is now in this country to make an inquiry, we shall not be doing wisely if we allow an opportunity to go by without bringing this subject of education in midwifery specially before this Committee of Inquiry. I, therefore, give my great sympathy with the amendment which has been brought forward by my friend, Sir Deyya Prasad Sarvadhikary. The present seems to me to be a very opportune moment for carrying on an inquiry regarding the teaching of midwifery; and I venture to suggest that inasmuch as this point has been very specially under the consideration of the Council of Medical Education in England, we in this country should try and associate with Dr. Walker the very best man available in India as regards the practical teaching of midwifery obtainable here in order to assist him in the investigation that is going to be held by him and his Committee. This will advance the solution of the question of backwardness, if any, in this respect very much forward. Instead of making a general inquiry into the whole subject of medical education, it seems to me that, if we directed our energies towards the practical aspects of this subject, we might hope to achieve some useful result. Therefore, Sir, my submission to the House is that it should take the amendment into consideration and give it its support.

LEAD. CH. E. A. J. CHENEY: Sir, I have listened very attentively to the various criticisms made on my Resolution and regret to observe, with much surprise, that it has not met with much support from the House, the chief objection being financial stringency. I have already looked upon Mr. M. M. Muhammad Shah, the Honourable Member in charge of Education, as a very gallant courtesier, but I have now learnt that he is a great flirt. He first started flirting with Madras, with the result that he had already made love when moving my Resolution. Next he started a violent flirtation with Bengal, to whom I am already wedded, as I received my first medical education in that Province. This was certainly not very gallant of him. He then resorted to a certain discussion which took place between myself and the Members from Bengal when the midwifery training was discussed at the last Simla Session. He then indulged in various incidental and somewhat irrelevant statements, and finally denounced, for the edification of this House of laymen (I use the word with great respect), that Dr. Norman Walker would deliver an address to Members of both Houses, to-morrow, on the scope of his inquiry in India, etc. I have puzzled my brain as to why he tried to bait or flounce this House by referring to a lecture to be given by Dr. Norman Walker. It seems to be in the guise of a sprat to catch a mackerel. I should like to know, otherwise why this invitation to laymen to this lecture?

The Honourable the Education Member has given three main reasons for opposing my Resolution. Firstly, he says that this was such an intensely provincial transferred subject that we must keep our hands off. He then gave us the constitution of the Committee on which there is one official, an Indian Medical Service officer, an Administrator and a brilliant departmental administrator, I admit, but what I want is a man versed in hospital training; a man who has lived his life within the four walls of a hospital and trained medical students. We are told there is also to be a Government official who will give the Committee a Government blessing and complexion no doubt; also two non-official medical men. Now I admit the strength of that Committee, but it is not strong enough and is mainly Indian in character and constitution, with one man only from England—a skin specialist who is not an expert in midwifery (I am most pertinently not going to let the apologist for having a skin specialist to investigate our midwifery deficiencies, Dr. Norman Walker, an eminent man in his particular subject, but without a special complaint of the constitution of this Committee, is the absence of suitable and adequate European experts on it. We have had our hospitals going for years and European experts on it. We have had our hospitals today. Not accepted yet in this country, and what is our condition to-day? Not accepted by the General Medical Council. Our best leave to go to England and spend large sums of money in foreign lands to acquire a little extra polish or complexion to their knowledge, and perform the usual deficient training, as the Honourable the Home Member himself admitted in a former discussion in 1918 on the Civil Medical Service.

He then told us about India's financial stringency. I know that there is acute financial stringency, and no doubt we will know much more about it in a few days more, but, as we always to have that thrown at us whenever any one gets up to ask for some urgent and vital improvements in India? Are we going to suffer for the financial profligacy that has characterised the Government of India in the past? Are the needs of India going to be sacrificed and unheeded in that? Are we always to be told that some improvement is desired, that it is impossible because there is no money—the Exchequer is depleted? If that is the case, then it is absolutely useless to make requests for Committees in this House and there is no need for us to try to improve the condition of things in India. This is not fair and I refuse to accept this reason.

The Honourable Member for Education next told us that we must not interfere with Provincial Government. I ask, Sir, why then is he interfering? He cannot interfere with the State and then interfere himself, although in a more limited capacity, Lord Needham, Deputy Director-General, Indian Medical Service, is not a member of the Provincial Government. If that is the case, then we must have India with the Provincial Administration. I would like to know what is and what is done for the good of India for the purpose of what is allowed to him should be allowed to my Committee also, if it were a question.

He then told us that the administration of universities depends very largely on their autonomy as character. I quite agree with that. He then told us plainly—and I thank him for it—that many things I have said are more or less correct. Well, if these are these faults—be they more, be they less—they must be remedied, and it is up to this House to do so. Are we going to allow the medical needs of India to suffer? We have the Member in charge of this Department admitting that there is some truth in



...to go into the entire medical needs and training and not into the need for better training in midwifery only; nor should my Resolution be refused acceptance merely on the grounds of provincial interference and financial impotency. I submit this is false economy on the part of Government. I, therefore, with all respect to the Honourable Member in charge of this Department, and my friend, Sir Deva Prasad Sarvadhikary, regret I cannot accept their offer of withdrawal of my Resolution by the amendment that he has put before the Honourable House. Sir, I know, judging from the speeches delivered, that the Members are not in favour of this Resolution. Notwithstanding that, I hope that our medical training really stands in need of improvement and I feel bold to say that this day is not far distant when some of the Indian Members will agree to this Resolution and I feel sure it will then be carried. (A Vote.)  
 I have it to the previous? No, I do not intend to do that. I am not in favour of what will be the action of Dr. Walker's Committee and what the Government has done. This objection was raised by an Honourable Member who is an advocate of the Government on this point, so far as financial stringency is concerned, and offered as an amendment. Mr. Subrahmanyam: He asked what would be the cost attached to this Committee. Will the Government kindly tell me what will be the cost of Dr. Walker's Committee? Mr. Subrahmanyam will then be answered, the House will then be answered, I will be answered and we will then be able to say whether the gain, if my Committee is sanctioned, will be commensurate with the expenditure or not. In reply of the Government. This is most regrettable—most astonishing—yet the Member in charge of this Department has brought forward as one of the main arguments against my Resolution, the present financial stringency and at the same time he does not know what is going to cost. I stick to my Resolution, I stick to the issue and I decline very respectfully to withdraw my Resolution. It will be accepted or rejected on its own merits.

Sir Deva Prasad Sarvadhikary: With your leave, I wish to make a suggestion to the Honourable Member. Some of the points of view mentioned by Colonel Gidney and me would be met if a special committee, say like Dr. Hamilton of Bombay.

The Honourable Mian Sir Muhammad Shafi: I have a few words in connection with the amendment moved by my Honourable friend, Sir Deva Prasad Sarvadhikary, in order to remove a misapprehension. My Honourable friend was pleased to say that the view of Dr. Norman Walker's inquiry itself showed that there was very little in the constitutional objection advanced by me, and in that view he was supported by Dr. Gour. I am afraid both my Honourable and learned friends have entirely misunderstood the position. By an Act of Parliament the General Medical Council in England is possessed of certain statutory authority and has also certain statutory obligations to perform. All medical degrees given by any University whatsoever throughout the British Empire have to be registered under the Act with the General Medical Council before they can be recognised for certain purposes. Those purposes, Honourable Members will remember, were mentioned in the speech which I delivered in Simla in connection with the

Resolution which was moved by Mr. Subrahmanyam there. Now, an authority established under an Act of Parliament, possessed of certain powers and having certain obligations to perform is well within its own power to send any delegate in order to satisfy itself that the medical education given in our Universities is up to the required standard.

Mr. M. S. Inam: (Moulana) Indian University: A delegate should be sent to the Honourable Mian Sir Muhammad Shafi. The Honourable Mian Sir Muhammad Shafi is a delegate of the General Medical Council and the inquiry which is being held in connection with certain representatives of the Government of India and the provinces, by virtue of the authority which the General Medical Council is possessed of under the Act of Parliament which brought it into being. The object of that inquiry has no connection whatsoever with having what is called a special committee which I am sorry to say is a Member of the Council of India, and which has been appointed to inquire into the question of the improvement of medical education in India. The object of the inquiry which is being held in connection with the inquiry which I am sorry to say is a Member of the Council of India, and which has been appointed to inquire into the question of the improvement of medical education in India.

Then, my friend, Colonel Gidney, who is a Member of the Council of India, has expressed the view that he was no expert in the particular branch of the subject connected with the inquiry to which he has been appointed. May I point out that the object of the inquiry, if the Council of India or any other term may be used in connection therewith, of the Council of India, is that medical officers, official as well as non-official, who are well acquainted with the provinces with the state of medical education there, should be associated with Dr. Norman Walker's inquiry which is being held in connection with the inquiry which I am sorry to say is a Member of the Council of India, and which has been appointed to inquire into the question of the improvement of medical education in India.

Mr. President: The original question is that the Assembly recommends that a special committee be appointed to inquire into the question of the improvement of medical education in India. That this Assembly recommends that a special committee be appointed to inquire into the question of the improvement of medical education in India, and that the House be pleased to appoint a Committee of professional experts, and to be obtained from the United Kingdom in consultation with the General Medical Council, and the other half

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...since which amendment has been moved, as follows:

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The question is that amendment be made.

The motion was negatived.

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The motion was negatived.

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**RESOLUTION ON THE EQUALITY OF STATUS FOR INDIANS IN AFRICA**

...the following resolution...

Mr. K. B. L. Agnew moved the following resolution:

...the Governor General...  
 ...the Imperial Government...  
 ...the subjects in all parts of Africa...  
 ...the British Empire...

Sir, the history of British rule in this country would be described by an extremist in two phrases, 'breach of promises' and 'the interpretation of promises in favour of the whites' and it was but natural that, from the experience of the past, many Indians had lost all faith in the promises

made by England or in the British sense of justice. It had been a deep-seated belief with many of my countrymen that British imperialism would lead to circumstances, rise about to the annihilation and complete equality of civil, social and political privileges to Indians. But, after the experience of the 'South African Republic' by the Indians, I am now, as the 'Raiders' Revolution would be interpreted, so by the British Government, to be the British. I gave notice of this Resolution to the House on the 11th of August and, although the Government of India, the Government of Africa and the Government of the British Empire, were all present in the Chamber, it was not until the 11th of August that the Resolution was passed.

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[Mr. K. B. L. Agnihotri.]

the wants of the labourer, but, when once established, he quickly extended his dealings to natives and Europeans. These Bombay Muhammadans have for centuries traded along the East Coast of Africa, the Persian Gulf, Burma into the Transvaal and the Cape Province, finding a favourable field for their activities in the pioneer development of the Transvaal which followed the gold rush generally. They maintain a close connection with India which they still regard as their permanent home. The Asiatic Inquiries Com-

missioner has noted and how the reputation of being remarkably capable and energetic business men had compelled to hold their own against European competitors in these respects. Some are wealthy merchants with branch businesses in the districts.

The majority of the emigrants have settled down in that country in such an unhesitant, cordial manner that they have taken to occupations—employment on railways, industrial labour, both skilled and unskilled, the learned professions, and minor municipalities, clerical work, trading and the like. Some of the Colonists have seen Indians. Many of them cannot speak or understand any Indian language. There are about 125,000 Indians in all in the Union of South Africa of which about 60,000 are of the Indian race.

By Article 14 of the London Convention of 1884, the British and Republican Governments, 'all persons of the Indian race who are naturalized citizens of the Republic shall have the same rights as the citizens of the Republic, and the right to hire or possess land, to engage in business, to own houses, shops and premises and to carry on any industry which may be subject to any special taxation other than that which is imposed upon the citizens of the Republic. Indians thus got full rights of citizenship. This was the first in the case of Indians; this attitude of the British Government and the Government wanted to take away the special rights conferred on them and with that view, addressed a letter dated 17th January, 1903, to the special Government inquiring whether the proposed legislative modifications were approved by Her Majesty's Government as being in accordance with the London Convention. Correspondence ensued and the British Government finally concluded that the British Government was not entitled to take away the special rights of the Convention of London. The Convention Law III of 1903 stated on the general principle that 'no equality between the three and colonies of races shall be introduced. That section of the Convention in that provision did not deny all the rights of citizens conferred by Indians there. It reduced them to the position of helots. In all these instances of the Convention Law III, and disagreeful treatment was given to the British Government. It was promised over Committee of the British Government, I would arrange the Indians ever. It was promised to describe that in that the British Government and the Government of India for the British and responsibilities to their Indian subjects abroad. There was a public opinion in this country at the time to pressure the Government to its duties. The Indian Congress of the Transvaal protest, and the British High Commissioner raised a very feeble protest against this law. It had its effect. An amendment was made to the law by the Republican Government. Law III of 1903, enacted was to the effect that persons belonging to any of the aboriginal races of Asia, including the Indian, the Asiatic, Coolies (Indians are described there as 'Coolies', it will be correct to say (including 'castes'), Malays and Muhammadan subjects

of the Turkish Empire, shall not acquire the rights of citizenship in the South African Republic, shall not be owners of landed property in the Republic, and the traders shall have to get themselves registered and pay £25 as registration fee, and the Government shall assign special places for their habitation, though they were free to live with their masters. After the amendment, the law, as it exists today, is to this effect that Asiatics cannot obtain the burgher right and cannot be owners of fixed property except only in such places as may for purposes of sanitation be assigned. The British High Commissioner wrote on the 24th September, 1896: 'Although the amended law is still a contravention of the 14th Article of the Convention of London, I shall not advise Her Majesty's Government to offer further opposition to it, in view of Your Honour's opinion that it is necessary for the protection of the public health.' On 4th November, 1896, the Secretary of State intimated that Her Majesty's Government no longer raised any objection to the legislation in regard to Asiatic traders having regard to the amendment introduced into Law III of 1895. 'What equanimity of mind? It did not strike them that the British Government was only an excuse to hide the ulterior motives of the Government of the Republic. The status and rights of British citizens in the Republic were allowed to disappear and the greatest act of injustice was done to Indians in the Transvaal. I cannot find words strong enough to describe the conduct by the Government which the then Government of India adopted towards them.

Under this amended law, the trading, residence and other rights, which were beyond the control of the Government, were doubtless, either upon the initiative of the Indian Government or owing to some other cause, enforced by the British Government. It is not clear that the law was immediately enforced, but it seems that the British Government desired the Indians to purchase property in the name of the Republic and to take mortgages from them. Later on, in the Transvaal, the Government desired the enforcement of the law. Under the provisions of the British Agent, the Indians discovered the law. The Indians were not aware that their rights were curtailed by the Gold Law of 1903. The British Government consistently opposed the restrictive provisions of the law. Under this law the Indians could not work in the mines, the diggings in the gold mines. The Government of India was not aware of the avowed grounds of the Gold Law and it will be interesting to know that the status of Indians suffered most after the war and during the period when the province was a Crown Colony. It is reported that the law was enforced with the greatest rigour. The British authorities in the Colonies changed front after the war and introduced further restrictions on the Indians. Lord Milner, the then Governor of the Transvaal, wrote to the Secretary of State

on the 24th September, 1896, to place certain points on an equality with whites in the Republic, and that afterwards, it is in progress in the Republic of South Africa. The Secretary of State, in his reply of 20th July, 1904, emphasized that in the context of the law. The British Government had steadily maintained its position as a trustee of rights and subsequently to the award of 1895 to a Republic, it was the interest of the British Indian subjects in the Republic, and that the treatment of these fellow subjects forms a part of the Empire, and against the late South African Republic. After the proposed legislation for restricting further the rights of Indians was dropped.

In 1906 the British Government granted full responsible Self-Government to South Africa. The British Government, at this stage, also forgot its duty and responsibility to their Indian subjects in the Colony. They

[Mr. K. P. L. Agnihothri.]

were fully cognizant of the Colonials' bitter feelings against the Indians. They knew that they could not, while in power, do much to safeguard or protect the Indians' interests in the Colonies; still, without any thought in the matter, they kept no reasonable safeguards to protect the interests of Indians under the new Government, but left the Indians helpless and at the mercy of the Colonials. This was another breach of faith and violation of trust on the part of the British Government. From that time onwards, the British Government's responsibility was confined to the tendering of friendly advice. It was once said by Mr. Winston Churchill in the House of Commons in 1906: "I believe that there is some provision in the South Africa Act governing the Union, relative to the reservation for Imperial consideration of enactments adversely affecting the interests of subject races as a class, but, like all such reservations, the provision seems to be a delusion in view of the established principle of non-interference in the internal affairs of a Self-Governing Dominion."

This conversion of once subjects of England into subjects of South Africa was a matter of grave concern, specially when it was effected without having consulted the wishes of the people concerned.

Immediately after the grant, in the very first session of the Union Parliament, Acts were passed for further restricting the rights of Indians, whereby the access to the Transvaal was further restricted. Indians were not allowed to get their wives and children from India, and were required to give thumb impressions at registration. Indian visitors and tourists, of whatever high status they be, were not allowed to enter the province. The Indians, getting no assistance from the Imperial Government, had recourse to passive resistance and got some relief. Later on, the late Mr. Gokhale's visit to the Colony relieved the tension existing between the Government and the Indians. But the Immigration and the Immigrants Regulation Act of 1913 gave an impetus to it, and passive resistance was started on a large scale under the leadership of Mahatma Gandhi. Later, an agreement, known as the Poona Gandhi Agreement between Mr. Gandhi and the Union Government, was arrived at. An Indian Relief Bill was passed and the Indians, therefore, enjoyed a slightly better rights with respect to trade, leases, etc., and were allowed to get their families from this country. This state of affairs did not last long. The Union Government again resiled from their agreement and passed Act XXXVIII of 1919 which had the effect of restricting the rights acquired after the agreement of 1914. It is now for the Imperial Government to exercise their wholesome influence in securing to Indians the rights of a British subject in the Colony.

In Orange Free State, the Indians are much worse off. By the laws of the former Republic, which are still in force, they are prohibited from trading or carrying on business of any description whatsoever.

In Natal, the Indians have always enjoyed the same rights and privileges as to ownership of land as Europeans. The same licensing laws are applicable to both, but the treatment accorded to Indians in the administration of those laws is different. In Natal, the Indians settled there mostly at the request of the Natal Government. According to the report of the Asiatic Inquiries Commission:

"The South African-born Indians form an intelligent, well-educated and energetic element of the Indian community both in Natal and the Transvaal."

The Natal Government attempted to pass two drastic measures in 1918 which were destined to restrict the trading rights of Indians and had for their object the complete eviction of Indians. The Imperial Government expressed their views in very forcible language, and the laws were not passed. The Law, III of 1895, applies to the northern districts of Natal, where the Indians have the same restricted rights as in the Transvaal.

In Zululand, there is nothing in the law to debar Indians from settling lands, but it is said that they can neither reside nor trade there.

In the Cape Province, which is the only province where Indians have better rights, the Asiatics possess both parliamentary and municipal franchise. They cannot stand for election, though the Indians are on terms of equality with Europeans with respect to the rights of ownership and trade. There is no disposition on the part of the Europeans to deprive Indians of these rights except in certain municipalities which attempt to restrict the number of traders. The licensing laws are not administered properly by certain municipalities; the licensees to Indians are frequently refused. On the whole, the Indians are better off. My countrymen feel very grateful to the Europeans of the Cape Province for their just and sympathetic attitude towards our people and their efforts to show the position of British Indians in the Union of South Africa as follows below:

	Number of Indians.	Existing rights or privileges.	Relative position.	Proposed or possible conditions.
Cape Colony	7,000	Municipal franchise, political franchise, no segregation in the case of education. Colonies are not rigidly restricted.	Asiatics possess both parliamentary and municipal franchise.	None.
Natal	125,500	Municipal franchise, no segregation in law or education, rights of ownership and trade, political franchise, no rigidly restricted.	No political franchise. Municipal franchise on local basis. Political franchise in some municipalities. Municipal franchise, no segregation in law or education.	Restoration of some political franchise. Restriction of municipal franchise. Political franchise on local basis.
Transvaal	15,000	Right to franchise, no segregation in law or education.	No political franchise. Municipal franchise on local basis. Political franchise in some municipalities. Municipal franchise, no segregation in law or education.	Restoration of trade franchise. Political franchise on local basis. Municipal franchise on local basis. Political franchise in some municipalities. Municipal franchise, no segregation in law or education.
Orange Free State	200	None except the right to live as a domestic servant.	None.	These rights should be allowed.

Sir, General Smuts' assurance at the Imperial Conference in 1924 had raised some hopes in our hearts and it was believed that in future the Indians in South Africa would get better treatment. In the Imperial Conference in 1918, Lord Siza, who went as a representative from this country, moved a

[Mr. K. E. L. Agnihotri.]

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	Number of Indians.	Existing status or privileges.	Political franchise.	Proposed or possible disabilities.
Cape Colony	7,000	Municipal franchise, political franchise, no restriction in the matter of ownership, colour bar not rigidly enforced.	Political franchise, no colour bar, no restriction in the matter of ownership.	None.
Natal	125,000	Municipal franchise, no restriction in law of franchise, rights of ownership, colour bar not rigidly enforced.	No political franchise, no colour bar, no restriction in the matter of ownership.	Restriction of ownership, political franchise, no colour bar, no restriction in the matter of ownership.
Transvaal	35,000	Political franchise, no restriction in law of franchise, rights of ownership, colour bar not rigidly enforced.	Political franchise, no colour bar, no restriction in the matter of ownership.	Restriction of trade, political franchise, no colour bar, no restriction in the matter of ownership.
Orange Free State	200	None except the right of life as a servant.	None.	These rights should be allowed.

Sir, General Smuts' assurance at the Imperial Conference in 1921 had raised some hopes in our hearts and it was believed that the Indians in South Africa would get better treatment. In the Imperial Conference, in 1918, Lord Sinha, who went as a representative from this country, moved



[Mr. K. B. L. Agnihotri.]

What a sword of Damocles hanging over the Indians from the town? This official march led by the British, and the Government of India, in a strong despatch, exposed the racial prejudice underlying it. In 1919, the East African Government appointed an Economic Commission of European officials and non-officials, who, blinded by race prejudice, reported injuriously to the Indian interests and in most offensive and provocative language maliciously slandered the Indians settled there. The report justly created great indignation and excitement among the Indians in East Africa.

Indians from the Mining fields, who exclude Indians from the mines since 1919, and the Government of India, are disgusted with the British Government. The Public Opinion in India is against the British Government. Every day the British Government is being exposed by the Indian press. The British Government is being exposed by the Indian press. The British Government is being exposed by the Indian press.

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... they form a part, with the same rights as the Indians under foreign control. The British Government has betrayed the trust and confidence of the Indians. The British Government has betrayed the trust and confidence of the Indians.

... having the South Africans to show out undignified and dishonourable. I am afraid that the British Government is going to throw justice and the rights of the Indians in the case of Kenya also. Could such a thing be done as administrative convenience, satisfaction and social amenities take away the cherished and fundamental rights of the subjects? As the Imperial Government has betrayed us in the past, it is but proper that they should redeem now by influencing the South Africans to restore us to our legitimate status and should themselves see that we are in every respect treated on terms of equality in East Africa also. Political hypocrisies are very disgraceful and will ruin the Empire in no time. Are these the principles for which England entered into the Great War? At that critical period British statesmen were not ashamed to regard us on terms of equality and brotherhood but would they now relegate us to terms of inferiority? Let the warning be taken in time. No Indian can tolerate this insult any further.

In Uganda and

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**Mr. N. M. Sarath** (Bombay; Nominated Non-Official). Sir, while voting in favour of this Resolution, I wish to dissociate myself from his remarks that it is the Imperial Government that is responsible for what is contained in the despatch which Mr. Winston Churchill has made. I desire to state that I am not responsible for the utterance of any responsible Minister of the Crown, to which I appeal to the British Government to stick to their principles of equality and status in South Africa as well as in East Africa.

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[Sir Frank Carter.]

this, that I would far prefer to vote for a Conference between the representatives of the South African Union and the representatives of the Government of India and the Indian Legislature than the Resolution of the Honourable the Minister, but there is little use in calling such a Conference unless, as I have said, India has set her house in order.

Mr. Jinnah has said that it is necessary to point out that, if the British Government insist on the statement in regard to Mr. Winston Churchill, the state of affairs that would be created in this country would be something that it is impossible for us to describe with these words. Sir Jinnah said that it is impossible for us to describe with these words the state of affairs that would be created in this country if the British Government insist on the statement in regard to Mr. Winston Churchill.

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Mr. N. M. Joubert.

...to the Commission, and I believe they will be satisfied with the report of the Commission.

The Commission of Enquiry, of which Sir William Halliday was the head, was appointed in 1911 to inquire into the conditions of the Indians in the various parts of the Union. They were given a very wide scope, and I think they have done very well indeed. They have reported that the Indians are in a very backward position, and that they are not receiving the same treatment as the other races. They have also pointed out that the Government should take steps to improve their position, and that they should be given the same opportunities as the other races.

In 1912, the Commission also reported on the conditions of the Indians in the various parts of the Union. They found that the Indians were in a very backward position, and that they were not receiving the same treatment as the other races. They also pointed out that the Government should take steps to improve their position, and that they should be given the same opportunities as the other races.

It is the duty of the Government to take steps to improve the position of the Indians, and to give them the same opportunities as the other races. This means that they should be given the same rights as the other races, and that they should be treated as equals. It means that they should be given the same opportunities to advance in the various professions, and that they should be given the same rights as the other races.

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...the South African or the Irish, for the matter of that. When then apply this to the British Indian, you find that the whole of the Indian race has been left behind. It may be that the whole of the Indian race has been left behind, but that does not mean that the Indian race should be left behind. It means that the Indian race should be given the same opportunities as the other races.

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[Muzah Iwar Saran.]

Having my way, surely it is not going to you. The tiger said: 'Nothing of the kind. This is impudence for which I am going to punish you. The punishment the poor lamb did receive and it was that he went inside the tiger. Now, these Indians, artisans, men who do not count, in the words of my Honourable friend, Sir Frank Carter, who gave expression to this sentiment with great vehemence in answer to an interjection of my Honourable and esteemed friend, Mr. Samarath. He said: 'They do not matter; you need not bother about them'. These Indians are traders, shop-keepers and I suppose, coolies, whom my friend, Mr. Joshi, represents here. These were the men who were living and working in Kenya. A long time after comes the white man and says: 'Good gracious. How impudent these black men are. These black men living here have the impudence and audacity to Avastu of occupying land in the highlands! Nothing of the kind. We have built this Island out of our capital. We have fought this Great War'. All these arguments are being trotted out in order to deprive the Indian of his right to acquire land in the highlands. My Honourable friend, Mr. Spence, says: 'Why should you deprive the Englishmen of the highlands?' 'Good gracious! Deprive the Englishmen! Even the wildest amongst us has not got the courage to dream of depriving the Englishmen of land in the highlands. What the poor Indian, who does not count, who does not matter, according to Sir Frank Carter, is struggling for is to have his little right recognised to a little share in those glorious highlands. That is all. We are not seeking to oust the Englishmen. It is our claim, it is our prayer, it is our appeal, that we should have our share in them. Sir, I am exceedingly obliged to Sir Frank Carter and to my Honourable friend, Mr. Spence, for the speeches they have delivered. They have made the position of the Britishers in this country quite clear. We now know where they stand. Sir Frank Carter, as usual, started with an expression of sympathy with our aspirations. My Sir, is the approved style now of doing things. With apologies to the Honourable gentlemen occupying the Government Benches, whenever they want to defeat a Resolution, they get up and say: 'Oh I can assure you that Government is in considerable sympathy with it, but I must wait for the "but" and when it comes, the result is that the Resolution is destroyed. And no one, by the way, is a greater adept in this art than my Honourable and esteemed friend, Sir William Vincent. (Laughter.) Now, Sir, the non-co-operator is the whipping boy of this Council. If there is a collision between two trains, the non-co-operator is in some mysterious way responsible for it. Had it not been for these wicked non-co-operators the train would have gone on all right. Had it not been for non-co-operation, the British settlers and the white people in Kenya would have said: 'Hello, my friends, Indians, we have been dying for you. We are going to do everything for you. What nonsense? You are such good fellows. We can't get on without you. Highlands, you take them, we give to the lowlands.' But now they say: 'Look here! We would do everything for you but for this non-co-operation'. And Sir Frank Carter tells us: 'Set your house in order'. To be serious, Sir, Mr. Carter once was perfectly right. Unless and until you set your house in order, you cannot expect your people to be respected out of India. In India that the real battle has to be fought. It is in India that the oppressed individual, the Britisher in Kenya, will have the courage to set up and do for our right, which is the inherent right of every British subject. Sir, the Right Honourable Winston Churchill has been taken to task. I

do not agree with my Honourable friends at all. You must make a distinction in post-racial speeches. The man in a post-racial speech sometimes says more than he really means to say. I have not the honour of the acquaintance of the Right Honourable gentleman, but it may be that there are causes which are not known to the public why this speech was made. Sir, I wish to express my entire sympathy, not sympathy of the Carter brand, but really genuine sympathy, with the observations of my Honourable friend, Mr. Samarath, who, if I may say so, has delivered an admirable speech and has put the Indian point of view in very clear and forcible language before the House. Sir, the question which this House has got to consider, and which Government has got to consider, and which the Colonies have got to consider, is this: Is all this talk of equal partnership in the Empire a camouflage, or is it a reality? If it is a reality, then Indians claim, and I submit, rightly claim, that their rights, in the Dominions and in the Colonies and everywhere, should be equal to that of any other British subject, be he dark, be he white, or be he brown. If that be so, then I submit that there is absolutely no justification for the Right Honourable gentleman saying that the highlands will be reserved for Europeans and his decision is final. May I tell him, in all humility, that to say that any decision in politics is final is a mit take. Many a final decision has been upset. It has been upset in India. It has been upset in other countries, and I may say that it will be upset in future. Sir, this is a question on which there is absolute unanimity between Indians of all shades of thought and opinion. They consider it to be the test of the sincerity of the statement that Indians are the equal subjects of the King. If they are the equal subjects of the King, they want equal rights and they are ready for equal responsibilities. It behoves us, it behoves the Government of India, and it behoves the authorities in England, to recognise this fact clearly, so that the non-recognition of this principle may not lead to trouble—trouble which we may not be in a position to clearly foresee at present.

Sir, before I sit down, I wish to say that our grateful thanks are due to the Government of India for the bold fight that they have put up on our behalf as far as this question is concerned, and we wish to say nothing, and to do nothing that might embarrass them in their fight. We wish in this matter, to strengthen the hands of those who may fight our battle, the battle for the absolute equality of all the races and non-races within the Empire.

Dr. H. C. Gour (Nagpur Division: Non-Muhammadan): In speaking to this Resolution, I shall not take my cue from the facts of the casual correspondence, a South African European resident of Kenya, who contributed his opinion to a journal, from which my Honourable friend on the left has given a garbled quotation. Due to his courtesy, I am in possession of this magazine and I shall complete the quotation which he left imperfect. That very correspondent, putting up an appeal for the Right Honourable European, in the very next sentence after the one quoted by Sir Frank Carter, admits that with the exception of these Indians—and I give to the House his

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(Mushki Lwar Sarai.)

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[Dr. H. S. Goer.]

preparing their liberty by squeezing out the Asiatic. We are not in any way siding with these violent people. I have a very high regard for the British people on my right and on my left. The Honourable Mr. Spence, speaking on behalf of the people of Kenya, tells us that the British subject would be at sea unless this Colony is reserved for him. The Honourable Sir Frank Carter tells us: 'You would have certainly got all the rights you want, and it not been for that mad Gandhi.' Now, for the contention between Mr. Gandhi and his non-co-operation movement and the claim of the British subject in Kenya is as intimate as Mr. Gandhi's relation with the sun and the moon. He has said that this non-co-operation movement is responsible for the non-co-operation in Kenya. I say my friend is a mad man. He has said that the non-co-operation movement is responsible for the non-co-operation in Kenya. He has said that the non-co-operation movement is responsible for the non-co-operation in Kenya. He has said that the non-co-operation movement is responsible for the non-co-operation in Kenya.

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The Honourable Mr. R. N. Sarma (Neyyoor Member), Sir, the House has had a very good opportunity of hearing the views of the Indian, as well as European Members, and I am particularly glad that Sir Frank Carter and Mr. Spence have put forward before the Assembly what they considered to be the views of the European community in Kenya, and supported them by such arguments as appeared to them to be just and reasonable. I say, I am glad they have done it, because it would have been a useless debate if the House had not an opportunity of hearing both sides of the question thrashed out and the opportunity of arriving at a reasonable decision.

I shall not deal at any great length with the original Resolution, because from the minutes of the Assembly, it is clear that they have considered that subject in detail. I think that the House will be able to follow the original Resolution.

The House has also heard the views of the Indian community in Kenya, and I think that the House will be able to follow the original Resolution. I think that the House will be able to follow the original Resolution. I think that the House will be able to follow the original Resolution. I think that the House will be able to follow the original Resolution.

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[Mr. B. N. Sinha.]

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WEDNESDAY, 27th DECEMBER, 1922.

Mr. G. N. Searle.

front Africa being established in Central and East Africa, the whole of Africa was expunged, not the worst of the Continent, but only his own share as he would in fact be the proper owner. I am not maintaining the importance or significance thereof by suggesting that the views of a Minister in charge of the Colonies are not entitled to weight, but at the same time his individual statement cannot altogether be treated as giving prominence to these particular views in post-gradual questions as to what they have meant to the state of the country under their charge. I think we could have it at that.

Then, with regard to immigration also, we have made representations to His Majesty's Government to protect absolutely the coasting trade of Indians entering East Africa, and we have no reason to suppose that our representations would not be accepted.

There were are one of two statements made by Mr. Frank Carter which I think I might deal with roughly. (Laughter.) His language is necessarily inexact generally and not in great detail. The Honorable Member may perhaps be in possession of information of which we are not as to the state of the feeling of Indians in East Africa. But we have received numerous representations from East African Indians with regard to their attitude on the several questions which I have mentioned, and I may state to the House that it was with considerable anxiety that we were able to persuade the East African Indian Community to deal with our wishes and not to make the position of His Majesty's Government or of the Secretary of State difficult by any obstinate behaviour. Well, I am only mentioning that for the purpose of correcting any impression that may arise that I have not stated what I know and what we have reason to believe as to the state of things in East Africa. Frank Carter may be right in his statement that the vast majority of Indians are merely following one or two leaders who take a particular view of the whole question, but we have not believed, they do not follow their leaders, and the various groups to be all cases, and I have a very strong reason which the Government of India is in a position to confer self-governing institutions upon the Indian community.

As regards the attitude of the East African Indians, which I have heard to be, as my friend says, I think we need not be alarmed upon that point, but I think we should be careful. It is possible that some of them might say that they are not of the race. There is no gainsaying that, and I think it is very likely that part of His Majesty's Dominions in the British Empire, and that was one of the reasons why the Indian community should be found in favour of Indians when Mr. Montagu recommended conferring self-governing institutions upon the Indian community.

I come now to another part of Mr. Frank Carter's statement, and I have great fears in it, and that is, that the pressure of the Government of India are making it difficult for the Government to deal with the Indian community to the same extent as perhaps they might have done but for those things. I am not saying that this is an adequate reason for not granting the Indians in the way in which they ought to be treated, but I think that, equal status, which is their due. But I am only bringing it to the House that the view that sometimes prevails, that the Government of India are not in a position to benefit, is not a correct view, and that the Government will be forced to

EQUALITY OF STATUS FOR INDIANS

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[Mr. E. N. Sarma.]

Well, Sir, I have little else to add. I am sure the British Cabinet and the Government there cannot take responsibility on any point they ought to take before I feel that the question as to what to do in the three-continenters' attitude to any of the proposals in the Motion that are brought out before us is resolved into some useful settlement.

With regard to the amendments in the Resolution moved by Mr. Sarma, Sir, I do not propose to discuss the Government's failure to do this. I do not propose to make the Indian States a subject of discussion in this House. I do not propose to make the Indian States a subject of discussion in this House. I do not propose to make the Indian States a subject of discussion in this House.

With regard to the amendments moved by Mr. Sarma, I would suggest that it would be more consonant with the dignity of this House and possibly the position of Government here would drop the words 'feeling of indignation' and use the words 'protest' or 'strong protest' as the case may be. The Government of India, I may state, have already been in communication with His Majesty's Government regarding the attitude which Mr. Churchill has chosen to adopt and have given expression to the views which, I have already said, have been the guiding principles of their policy, and nothing would be gained, I think, by being unnecessarily strong in the use of language, especially when we are dealing with such an exalted personage as the one whose pronouncements are the subject matter of the controversy to-day.

**Mr. President:** Does the Honourable the Revenue Member move that as an amendment?

**Mr. N. M. Samarth:** I have given sufficient expression to the feeling of indignation of this Assembly on this subject and it does not matter now if the expression 'indignation' goes out of the amendment, and I should be quite satisfied with the words 'emphatic protest.'

**Mr. President:** Amendment moved:

In lines 3 and 4 of the amendment for the words 'the Assembly's feeling of indignation at' substitute the words 'the emphatic protest of the Assembly against.'

The motion was adopted.

**Mr. K. B. L. Aguihotri:** Sir, I am much obliged to the Government of India for the sympathetic attitude that they have adopted towards the Indians in South Africa and East Africa and for having taken up their cause.

As the House and the Government have sympathetically received the Resolution, I have not much to say in reply, but I have to refer to the point raised by the Honourable Mr. Spence with regard to the Report of the Economic Commission to be the outstanding question of justice. Probably it may be news to Mr. Spence that the Government of India in the despatch dated 27th December, 1920, to which the Honourable Mr. Sarma has referred, had characterised the Report of that Com-

mission to the same extent as I have done in my speech. In the despatch of that despatch, the Government of India have stated:

"It is undoubtedly true that the Government of India have not been able to do more for the Indian States in the past than to have them remain as British Protectorates."

The Hon. Mr. Spence's main object in his speech in East Africa by Mr. Arthur J. Lacey, who was the Secretary for India, was to urge the Government to take steps to improve the position of the Indian States in East Africa. The Hon. Mr. Spence's main object in his speech in East Africa by Mr. Arthur J. Lacey, who was the Secretary for India, was to urge the Government to take steps to improve the position of the Indian States in East Africa.

I think it is a pity that the Government of India have not been able to do more for the Indian States in the past than to have them remain as British Protectorates. The Hon. Mr. Spence's main object in his speech in East Africa by Mr. Arthur J. Lacey, who was the Secretary for India, was to urge the Government to take steps to improve the position of the Indian States in East Africa.

I hope that will help to improve the position of the Indian States in East Africa. The Hon. Mr. Spence's main object in his speech in East Africa by Mr. Arthur J. Lacey, who was the Secretary for India, was to urge the Government to take steps to improve the position of the Indian States in East Africa.

**Mr. President:** This is the first question.

The Hon. Mr. Spence's main object in his speech in East Africa by Mr. Arthur J. Lacey, who was the Secretary for India, was to urge the Government to take steps to improve the position of the Indian States in East Africa.

The question is now before the House.

The motion was adopted.

The Hon. Mr. Spence's main object in his speech in East Africa by Mr. Arthur J. Lacey, who was the Secretary for India, was to urge the Government to take steps to improve the position of the Indian States in East Africa.

The question is now before the House.

The motion was adopted.

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The Hon. Mr. Spence's main object in his speech in East Africa by Mr. Arthur J. Lacey, who was the Secretary for India, was to urge the Government to take steps to improve the position of the Indian States in East Africa.

The motion was adopted.

The motion was adopted.

The question is that the following Resolution, as amended, be accepted:

That His Majesty's Government in the Privy Council be desired to advise His Majesty's Government in the Privy Council that he do not assent to His Majesty's Government's intention to grant to His Majesty's African territories the equal claims of Indians in regard to admission with all other classes of His Majesty's subjects, which was recognized and affirmed so recently as at the Imperial Conference of 1921, and further, that he do not assent to the Secretary of State for India and, through him, being in the opinion of His Majesty's Government the explicit protest of the Assembly against the Government reported to have been made recently by the Right Honourable Winston Churchill at the East African dinner in London.

The motion was adopted by a vote of 102 to 10.

The Assembly then adjourned to the House of the Commons at 11 o'clock, on Monday, 27th February, 1922.

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CONFIDENTIAL  
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DATE 11/11/2008  
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# COUNCIL OF STATE DEBATES

THURSDAY, 23rd FEBRUARY, 1922

Vol. II—No. 17

## OFFICIAL REPORT



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## COUNCIL OF STATE.

Thursday, the 23rd February, 1942.

The Council of State assembled at Metcalfe House at Eleven of the Clock. The Honourable the President was in the Chair.

## QUESTIONS AND ANSWERS.

## BOMBAY AGRICULTURAL DEPARTMENT AND ITS METHODS OF WORK.

88. The HONOURABLE Mr. KALE: (a) Has the attention of Government been drawn to an article appearing in the *Services of India* of 19th January, 1922, under the heading "The Bombay Agricultural Department. Its methods of work?"

(b) Will Government be pleased to state if the criticism contained in that article, of the so-called Manjri method of sugar cane cultivation, will be given due weight in considering the recommendations of the Inland Committee, particularly those set forth in paragraph 103 of its Report, relating to the appointment and the work of Professor Knight of the College of Agriculture, Poona?

The HONOURABLE Mr. B. N. SARMA: (a) Yes.

(b) The Sugar Committee proposed that Research Stations in the Provinces should be brought under the control of, and be administered by, the Government of India. The Government of India are not at present prepared to accept this proposal, and the subject of the Honourable Member's question is therefore one for the consideration of the Bombay Government.

## TREATMENT OF POLITICAL PRISONERS.

89. THE HONOURABLE Mr. BHURGI: Will the Government be pleased to answer the following questions?

(i) Whether any measures that prisoners, including those convicted for political offences, of high education and social status are made to do their own work?

(ii) Whether the their hands with palms open and unbound, some of the prisoners, which Muhammadan, stand with their hands in a menacing posture at the approach of the police officials?

(iii) Whether any formula, "Sarkar-ek ba" or "Sarkar-ek ba" is used to frighten the prisoners?

(iv) Whether any measures of their whole person?

(v) Whether any measures by custom or practice, or any other in the Jail Regula...

(vi) What is the procedure and object of and what work is served by (a) (b) and (c) respectively: firstly, in the case of political prisoners, and secondly, in the case of persons of high education and social status convicted for political offences, and whether Government are considered there are sufficient grounds to enforce them by the (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z) (aa) (ab) (ac) (ad) (ae) (af) (ag) (ah) (ai) (aj) (ak) (al) (am) (an) (ao) (ap) (aq) (ar) (as) (at) (au) (av) (aw) (ax) (ay) (az) (ba) (bb) (bc) (bd) (be) (bf) (bg) (bh) (bi) (bj) (bk) (bl) (bm) (bn) (bo) (bp) (bq) (br) (bs) (bt) (bu) (bv) (bw) (bx) (by) (bz) (ca) (cb) (cc) (cd) (ce) (cf) (cg) (ch) (ci) (cj) (ck) (cl) (cm) (cn) (co) (cp) (cq) (cr) (cs) (ct) (cu) (cv) (cw) (cx) (cy) (cz) (da) (db) (dc) (dd) (de) (df) (dg) (dh) (di) (dj) (dk) (dl) (dm) (dn) (do) (dp) (dq) (dr) (ds) (dt) (du) (dv) (dw) (dx) (dy) (dz) (ea) (eb) (ec) (ed) (ee) (ef) (eg) 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\* The Honourable Mr. Bhurgrī was not present.

other Government are aware that resort to these practices in the case of political proceedings is calculated to humiliate and degrade those who are supposed to be loyal, that there is a strong feeling in the public mind that such a thing is a disgrace and that it has given rise to strong indignation, wherever these have been observed and by whom.

(b) It is also to be noted that the desirability of the taking of such a course is not only not shown in the case of political proceedings...

The Hon. the Member in question has been made aware of the position and he has given an answer which is very satisfactory.

**DAILY ALLOWANCES FOR MEMBERS OF THE LEGISLATURE.**

90. \*The HONOURABLE MR. BHURGEE. — I am glad to see that the Government are not permanently resident in Delhi and that they are attending the same the meetings of the Legislature and that they are not so far from Delhi as to be unable to attend the meetings of the Legislature. I am pleased to quote any rule in their support...

The HONOURABLE MR. B. MONCRIEFF. — I am glad to see that the Member's attention is invited to the Resolution of the Government of India in the Finance Department No. 2441-E B., dated 10th December 1920, prescribing the scales of daily or travelling allowances payable to Members of the Indian Legislature. Under this Resolution daily allowance is admissible only to those Members who are required to leave their official headquarters or usual places of residence to attend meetings of the Legislature.

A Member who is a permanent resident of Delhi is not entitled to the daily allowance when attending the meetings of the Legislature, but he would be so entitled should he attend the meetings in other places.

**THE HONOURABLE MR. BHURGEE'S ABSENCE.**

The HONOURABLE THE PRESIDENT. — I should like to ask if the Honourable Member received private notices from the Honourable Mr. BhurgEE of his intended absence?

The HONOURABLE MR. S. P. O'CONNELL. — I am sorry to say that Mr. BhurgEE was not attending.

**RESOLUTIONS CONCERNING THE COLLECTIONS OF THE BUREAU OF TAXATION.**

The HONOURABLE THE PRESIDENT. — Before we proceed to the business of the day, I should like to mention to the Council a matter which has come under consideration in connection with the Hon. Mr. O'Connell's question. The Honourable Member inquired whether it was known that the Resolution had been accepted, and whether it was possible to get it out. I should like to say that the Resolution was accepted by the Council and when I take the place of the Member in question, I should like to say that the Resolution, as it stands, is not yet passed.

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The HONOURABLE MR. S. P. O'CONNELL. — I am sorry to say that Mr. BhurgEE was not attending.

The HONOURABLE THE PRESIDENT. — Before we proceed to the business of the day, I should like to mention to the Council a matter which has come under consideration in connection with the Hon. Mr. O'Connell's question.

**INDIAN BUREAU OF TAXATION.**

The HONOURABLE MR. S. P. O'CONNELL. — I am sorry to say that Mr. BhurgEE was not attending.





[Diwan Bahadur V. Ramabhadra Naidu.]

now proposed by the Legislative Secretary places the point beyond all doubt.

The HONOURABLE RALA P. N. ROY OF DIGHAPATIA: Sir, may I ask a question? Supposing a man has a sugar cane plantation and uses machines for making sugar, would he come under this Act? Or if a man has a husking machine and sells rice after husking it, would it come under this Act or not? I am merely inquiring.

The HONOURABLE MR. H. MONCRIEFF SMITH: In those circumstances I do not think that the profits derived from the performance of the process referred to would be liable to tax.

The motion was adopted.

Clause 2, as amended, and clause 3 were added to the Bill.

The HONOURABLE MR. H. MONCRIEFF SMITH: Sir, I beg to move:

That for the Explanation to clause 4 (2) of the Bill the following Explanation be substituted, namely:—

Profits or gains accruing or arising without British India shall not be deemed to be received or brought into British India within the meaning of this clause by reason only of the fact that they are taken into account in the balance sheet prepared in British India.

This amendment merely redrafts the Explanation which was introduced into this clause in the other Chamber. The position of Government towards it is that they consider the Explanation is not necessary, but if the Legislature desires to have it there, it does no harm. I have sought to bring it into conformity with the rest of the Act.

The motion was adopted.

The HONOURABLE MR. LALUBHAI SAMALDAR: Sir, there has been a misunderstanding in some quarters about the actual meaning of this clause and I want the Finance Department to take note of it, so that the matter may be made clear when issuing instructions. Some Members have told me that they feel that if you invest one lakh out of India and make a profit within 3 years of say 2 lakhs and brought up both the capital and profit, namely 3 lakhs, income-tax should be charged on 2 lakhs only and not on the capital which was brought back. I believe that is the clear meaning of the clause as it stands, but I would like that to be clearly stated in the instructions sent out by the Department to Income-tax Collectors.

The HONOURABLE MR. E. M. COOK: We will see that that is done. I agree with my Honourable friend.

Clause 4, as amended, and clauses 5, 6, 7 and 8 were added to the Bill.

The HONOURABLE RALA SURHBIR SINHA: Sir, I beg to move:

That in clause 9 (2) of the Bill before the word 'sum' where it occurs for the first time the following words be inserted, namely:—

the actual rental received, or in the absence of any satisfactory evidence.

The clause, as amended, will run thus: K

(2) For the purposes of this section the expression 'annual value' shall be deemed to mean the actual rental received or in the absence of any satisfactory evidence the sum for which the property might reasonably be expected to let from year to year.

In clause 9 (2) it is provided that—

the tax shall be payable by an assessee under the head 'Property' in respect of the *bona fide* annual value of property consisting of any buildings or lands appurtenant thereto of which he is the owner;

and in sub-clause (2) it is stated that—

'annual value' shall be deemed to mean the sum for which the property might reasonably be expected to let from year to year.

The object of my amendment is that in cases where the actual rental received is found to be satisfactory, the assessing officer should and must assess on that actual rental. If he finds that the real rents have been concealed or that the rents received are not satisfactory, then he may use his discretion. In these clauses (1) and (2) the meaning is not clear. It may be said that generally the assessing officer shall take into consideration the actual rent received, but I want it to be provided in the Act that if the actual rents received are satisfactory and reasonable and the assessing officer finds no concealment, then he ought to charge income-tax on the actual rent received and should not use his discretion in those cases, and if he finds that the rents received are not actual or that some concealment has been made, in that case only he should use his discretion. This is the object of my amendment, and I put it forward for the acceptance of this Council.

The HONOURABLE MR. E. M. COOK: There is an air of sweet reasonableness about my Honourable Friend's amendment, but I am afraid this disappears on closer examination. If this amendment is passed, the result would be that any owner of a house who likes to let it to his son or nephew or second cousin, or to anybody of that sort, for Rs. 10 or 15 a year can do so, and he will only have to pay tax on that rental, because, according to my Honourable Friend's amendment, he would be perfectly able to produce 'satisfactory evidence' that the rent received by him was only that amount. He could easily bring matters with his son, nephew or second cousin. I am afraid the amendment goes through, human nature being what it is, there will be quite substantial loss to the public revenues, and therefore I must oppose it. My Honourable Friend also said that the present clause is not clear, but I think it quite clear. It says that the annual value shall be the sum for which the property might reasonably be expected to let from year to year. If the actual rental received, or the actual rental shown in the deed or whatever it is, is not less than the sum for which the property might reasonably be expected to let from year to year, then that amount is the annual value. I personally suspect see any difficulty at all in this clause.

The HONOURABLE MR. UMAR HAYAT KHAN: Sir, I strongly support the amendment. I know the difficulty myself, because I have got some houses in Simla, but they are never let out to any one, but it is supposed that they are let out, and I am charged on them. Income means money derived by letting out the houses, but when a house is not let out or rented, it will not be reasonable for Government to charge anything. If I don't get anything it is rather hard that I should be taxed. In the same way, as my Honourable Friend pointed out, if some body else's house is in the occupation of a man who does get any income, it is not right that he should be taxed.

The HONOURABLE SIR ALF. VANDER MURRAY: Sir, I beg to support the Honourable Mr. Cook in his reading of the clause and to differ strongly

[Sir Alexander Murray.]  
 from the Honourable Member of the amendment, and also from my Honourable Friend, Sir Umar Hayat Khan. The latter has told us that he has got in Simla three houses for which he gets no rent. It is most probable that he should have three rent-free houses there and that I should pay a very expensive rent to live there. If my Honourable Friend has got no house there, and if I am willing to live in it and pay rent, I think he is not entitled to say that he ought not to be taxed in respect of the assessed letting value of that house. It ought to be taken into account in calculating the income of the Honourable Sir Umar Hayat Khan. Very similarly, take the Honourable Friend, Lala Sukhbir Singh. I do not know whether he owns any houses in Calcutta.

The HONOURABLE Sd. SHAMPER SINGH: Yes.

The HONOURABLE Sd. SHAMPER SINGH: Yes. Sir, I do not know if it is a good friend of mine. It is quite probable that the assessed rental value is at the rate of Rs. 1,000 a month, or Rs. 12,000 a year. Now, he is proposing to assess that he gets no rent in Calcutta. Now, it is probable that he gets no rent in Calcutta, but he is not entitled to say that he ought not to be taxed in respect of the assessed letting value of that house. It ought to be taken into account in calculating the income of the Honourable Sir Umar Hayat Khan. Very similarly, take the Honourable Friend, Lala Sukhbir Singh. I do not know whether he owns any houses in Calcutta.

The HONOURABLE THE PRESIDENT: The question is—

That in clause 9 (b) of the Bill before the word "and" which has been inserted, the following words be inserted, namely—  
 "and the value of the property in the character of any land or building which is assessed as such."

The Hon. Mr. W. MONTAGU SMITH: Sir, I have to move...

The Hon. Mr. W. MONTAGU SMITH: Sir, I have to move... [The Hon. Mr. W. Montagu Smith is speaking in support of the amendment.]

...the Bill in the Legislative Assembly. The Bill is now before the House, and it is proposed to amend it. The amendment proposed is to insert the following words in clause 9 (b) of the Bill:—

The HONOURABLE THE PRESIDENT: I have read the amendment so far as it relates to clause 9 (b) of the Bill. I have not been able to follow it. The Hon. Mr. W. Montagu Smith has not been able to follow it. The Hon. Mr. W. Montagu Smith has not been able to follow it.

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Sir Arthur Cohen:

he receives from, or his share in the account of the undivided family. This concession in many cases may be a considerable advantage and, consequently, he will not be inclined to give up his income tax concession. I understand that the Revenue Department has not yet decided the matter, but I should like to know what the Government intend to do in this respect.

There is also the question of the right of a person, or a joint Committee, of the Revenue Department, to deduct income tax from the undivided family, and of his wife being treated as a deduction in respect of the maintenance of the family, or a wife. That is, although a Hindu undivided family pays income tax, and the trustee presiding of such members of that undivided family are liable for the tax, it is not the case that, I think, His Majesty's Government have not yet decided that a deduction should be made from the income of a Hindu undivided family in respect of the maintenance of children. I consider that such a concession would be a very valuable one, and I should like to know whether the Government are prepared to consider it. I describe such a concession as a concession to the Hindu undivided family, because it is a concession to a Hindu undivided family, and not to a Hindu individual. I should like to know whether the Government are prepared to consider such a concession.

I feel sure, Sir, that the Government will be prepared to consider such a concession, and I have little doubt that the Joint Committee will be prepared to recommend such a concession, and that they will be prepared to recommend such a concession.

The Honorable Member will find that the Government are prepared to consider such a concession, and I have little doubt that the Joint Committee will be prepared to recommend such a concession, and that they will be prepared to recommend such a concession.

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... what should you consider that he is not living? For this purpose, you should consider that he is not living. He should get his share.

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[Sir Arthur Peacock.]

he receives from, or his share in the income of the undivided family. This concession in many cases is an appreciable advantage, and it is not clear how it can be made to work to the disadvantage of the undivided family. I think the Government should consider the interests of the undivided family.

There is also the question of the undivided family. The Joint Committee, of the House, recommended that a deduction in respect of the maintenance of the family should be allowed. I think the Government should consider the interests of the undivided family. I do not think, Sir, that the Government should do that. I think the Government should consider the interests of the undivided family. I do not think, Sir, that the Government should do that. I think the Government should consider the interests of the undivided family.

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The Honorable Member asks me to propose the amendment. I think the Government should consider the interests of the undivided family. I do not think, Sir, that the Government should do that. I think the Government should consider the interests of the undivided family.

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Lala Bala Sahai has said that the infant member of the undivided family is a full member. That is perfectly true. But before accepting the conclusion which he draws from that fact I should like to go back to the reason why we refer to taxation as a joint



[Sir Alexander Mackenzie:] ... the Member ... concessions in favour of the Hindu family system.

The Honorable Mr. ... the undivided ... of the public treasury ... Hindu families ... Honorable Mr. ... the amount of ... per cent. of the ... insurance in this country. If that is so, why should he be afraid?

The Honorable Mr. SETHNA: ... other communities are not ... it.

The Honorable Mr. ... Then I come to the question of ... Hindu family. ... For example, ... each one of them may be ... income-tax but many of them ... income of different members of the ... income-tax and perhaps income-tax ... Is this not a sacrifice ... has been altogether lost sight of ... I do not think Government would ... the amount of life insurance ... for consumption. ... independent families and they may not be brought into ... income-tax at all. ... having the joint income out of which to draw their shares according to their needs; and naturally it is not reasonable and fair that the members ... of the family should be allowed exemption on the ground of life insurance. ... insurance on behalf of the life of children and infants is insignificant ... I do not, therefore, think that we ought to be ... concession. I do not regard it as a concession and I do not believe that there is any injustice involved to other communities in this matter at all. If the other communities were to live on the same Hindu families live, jointly, certainly I shall be prepared to ... concession. I myself am not much in favour of the system of the Hindu family because it involves some disadvantages. There you have a

... who have to take it as it is, and as ... there is also no ... of a concessional ...

... Mr. ... the amount ... of the public treasury ... there are other persons who do not take a direct share and yet are entitled to maintenance. ... If all the ... and their income divided, you will find that they ... are so industrious and ... come under the ... there is no ... and in view ... maintenance ... I do not think ... I have ... which have ... considered by the ...

The Honorable Mr. ... I agree with what was said by ... namely, that they had ... Hindu joint family system. ... the child was of no economic value ... the family ... of the State. ... the child is of no value shows a

The Honorable Mr. MALCOLM HAILEY: ... point of ... I should ... But it is ... that the ...

The Honorable Mr. ... we ... there should be an increase ... increase the economic ... point at which ... if this concession is granted, will be ... Honorable Mr. ... said the member from

[Sir Alexander Mackenzie.] ... the Members ... concessions in ...

The Honourable Member ... Sir, I am not sure ... of the undivided ... of the joint ... whether the ... Hindu families ... communities or ... Honourable Mr. ... the amount of ... of child life does not represent ... per cent. of the ... insurance in this country. If that is so, why should he be afraid ...

The Honourable Mr. SETHNA: ... other communities are not getting it ...

The Honourable Mr. V. G. ... Then I come to the question of income-tax ... which has been made of the so-called sacrifice made by the Hindu family on behalf of the undivided Hindu family. If I understand the question correctly, however, I think it is the undivided Hindu family which is making a sacrifice on behalf of the public treasury. For example, if the members of the undivided Hindu family were to be separately taxed in their own units, each one of them may be called upon to pay a certain amount of income-tax but many of them would be exempted from the payment of tax altogether, while others may have to pay at a lower rate. When the income of different members of the family is brought together, the exemption disappears and the family becomes subject to the payment of the income-tax and perhaps income-tax at a higher rate. (A word in favour of the public treasury and of the other communities.) I think the point has been altogether lost sight of in the discussion which has taken place on this question. Then the undivided Hindu family being exempted, I do not think Government would be making any sacrifice in favour of the family if all the members of that family were allowed to contribute to the amount paid for life insurance. The undivided Hindu family is a unit of property which is not for production, at least not for production of any public utility, or for consumption. Take, for instance, if the family were to be divided and the property were to be partitioned, there will be no tax payable by the dependent families and they may not be brought into the net of the income-tax at all. Here are so many members living under the same roof, having one joint income out of which to draw their shares according to their needs; and naturally it is not reasonable and fair that the members of the family should be allowed exemption on the ground of life insurance. As the Honourable Mr. Sethna has pointed out, the total amount of life insurance on behalf of the life of children and infants is insignificant. I do not, therefore, think that we ought to be hurried into refusing what is called a concession. I do not regard it as a concession, and I do not believe that there is any injustice involved in other communities in this matter at all. If the other communities were to live on the Hindu families live, jointly, certainly I shall be prepared to give up the concession. I myself am not much in favour of the system of the Hindu family because it involves some disadvantages. There you have a

... you have to take it as it is, and so ... there is also no ... of a concession. I oppose the ...

... the undivided Hindu family ... the public treasury ... the amount of ... of child life does not represent ... per cent. of the ... insurance in this country. If that is so, why should he be afraid ...

The Honourable Mr. ... I do not think it necessary ... considered by the ... and ...

The Honourable Mr. MALCOLM HALL: ... I should ... But it is ... of ...

The Honourable Mr. LAURHAR SAMAR: ... I should ... But it is ... of ...





The Honorable Raja PROMODA NATH ROY OF DIGHAIPATHA is was there all the time

558 The Honorable THE PRESIDENT: The Honorable Member must not enter into a conversation with another Honorable Member.

The Honorable Raja PROMODA NATH ROY OF DIGHAIPATHA to support the assessment levied by the Honourable Assistant Collector that if the power of assessment lies only with the Government, the object of this Bill will be fulfilled, and that the law will be passed in the matter of assessment, the law and less justice will be done. The Collectors are not the assessors, who always try to do as much as possible, and the law will be passed in the matter of assessment, the law and less justice will be done. The Collectors are not the assessors, who always try to do as much as possible, and the law will be passed in the matter of assessment, the law and less justice will be done.

The Honorable Mr. ANJAN DAS I beg to support the amendment proposed by my Honorable Friend. As regards the object of this Bill, I think that in case the assessment is made by the Government, the law will be passed in the matter of assessment, the law and less justice will be done. The Collectors are not the assessors, who always try to do as much as possible, and the law will be passed in the matter of assessment, the law and less justice will be done.

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should welcome is a correct assessment on his income, nothing more and nothing less. It was said by the Honourable Mover that the assessee would go in fear before the appellate authorities. He thought that the assessment might be enhanced. In fact, when the fear of having to pay more is actually removed, the assessee will be relieved. The authority has no power to enhance the assessment, and the assessee will be relieved. The authority has no power to enhance the assessment, and the assessee will be relieved. The authority has no power to enhance the assessment, and the assessee will be relieved.

The Honorable Mr. MANGALIA SHRENI KANTY CHAUDHRY CHAI I beg to support the amendment proposed by my Honorable Friend. As regards the object of this Bill, I think that in case the assessment is made by the Government, the law will be passed in the matter of assessment, the law and less justice will be done.

The Honorable Mr. MALHOTRA HALEY I beg to support the amendment proposed by my Honorable Friend. As regards the object of this Bill, I think that in case the assessment is made by the Government, the law will be passed in the matter of assessment, the law and less justice will be done.

The motion was negatived.

The Honorable Mr. BHAI SINGH A few minutes before the Honorable Mr. Anjan Das, the Honorable Mr. Khan, raised the question of non-official assessors. I took this opportunity to discuss the matter of non-official assessors. The Honorable Mr. Bhai Singh suggested that the law should be passed in the matter of assessment, the law and less justice will be done.

The HONOURABLE SIR MALCOLM HALLEY: I should have been very much more willing to accede to the desire of the Honourable Member if he himself in his turn had been willing to take the sense of the House of his proposal.

23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

It is provided that if an assessee desires to appeal, the Income-tax officer shall treat the assessment as if it were a demand, and not at his discretion, that is so long as the assessee has decided to appeal. If the assessee does not appeal, the Income-tax officer shall treat the assessment as if it were a demand, and not at his discretion, that is so long as the assessee has decided to appeal. If the assessee does not appeal, the Income-tax officer shall treat the assessment as if it were a demand, and not at his discretion, that is so long as the assessee has decided to appeal.

SIR ALEXANDER MUNNICK: It is to be opposed. Here, again, I would like to see that no change whatever has been made in the present law. As a matter of fact, the law has been retained in its entirety. The Income-tax officer may, in his discretion, treat the assessment as if it were a demand, and not at his discretion, that is so long as the assessee has decided to appeal.

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The HONOURABLE SIR MALCOLM HALLEY: Sir, I only wish to make it clear to the House that the assessees who have hitherto opposed an amendment of the law, and that they may be assessed to pay a large sum of income-tax, may object to the assessment as a whole is justifiable, but he may object to some particular item. Now, Sir, in those circumstances, it is reasonable that he should say to the Income-tax officer:

I am objecting to practically the whole of this assessment, but will not say your assessment is wrong, but I will say that I am objecting to the whole of it.

Such an application could and no doubt would be accepted under our Bill as framed and this is entirely reasonable. But the case is very different where you have an assesseo who, whatever his own views may be as to the justice or injustice of his assessment, desires to put off till the very last moment the payment of his legal dues.

...we are all good citizens, and we are no doubt welcome in the Government of India, and we are all contributing to the maintenance of the State, and when it comes to sign the Income-tax Bill, we are all contributing to the maintenance of the State, and when it comes to sign the Income-tax Bill, we are all contributing to the maintenance of the State. I am objecting to practically the whole of this assessment, but will not say your assessment is wrong, but I will say that I am objecting to the whole of it.

...the amount of the assessment received by the assesseo, and the amount of the assessment received by the assesseo, and the amount of the assessment received by the assesseo.

SIR LALBHAI SAMALDAS: The Income-tax officer may, in his discretion, treat the assessment as if it were a demand, and not at his discretion, that is so long as the assesseo has decided to appeal.

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[Mr. Lalubhai Samaldas.]

amount six annas. It has been accepted as a rule, and it is a very sound rule, that if a man pays income-tax at one place he need not pay it again in another in the same year on the same income. I merely want that principle to be extended to super-tax. We represented this matter before the Joint Committee. The Joint Committee, however, thought that as the persons who are likely to be affected are very few and as they are very rich persons, they need not extend the principle of justice and fairness to these rich persons. I say, Sir, that if the poor has a right to justice, the rich has an equal right to justice, and that is why I have come before this House with this amendment. The amendment merely says, if I may put it in ordinary language, that a party who has paid super-tax on one or two private companies should not be asked to pay the same over again. I want that only 4 annas should be charged. He should only get any exemption if he has to pay more than 4 annas to the extent of the super-tax charged on his holding in the company. I think my proposal is a fair one, and I hope the House and the Honourable the Finance Member will accept it.

THE HONOURABLE SIR ALEXANDER MURRAY: Sir, the Honourable Member of this amendment has stated the position very fairly, but if you can spare me a few minutes, I will state the other point of view as we saw it in the Joint Committee. Under the first Indian Super-tax Act of 1917, super-tax at the sliding scale was imposed on the dividends of companies in excess of Rs. 50,000 excepting an amount not exceeding Rs. 10,000, and still retaining an allowance of Rs. 10,000 of the income of the company in those days on companies was on the graduated scale of 10 per cent. Everybody objected to the increase of that tax with the result that by the Super-tax Act of 1921, the 1917 Act was repealed, and the taxable income of a company for super-tax was made the same as that for income-tax and a super-tax at a flat rate of one anna in the rupee was levied upon the net income of every company excepting those companies which were exempted. When the Bill was under discussion the very objections now put forward by the Honourable Sir Malcolm Hailey, who was then Finance Member also, in moving that the Bill be referred to a Select Committee, said that the main purpose of the Bill was to substitute a super-tax at a flat rate of one anna in the rupee on the net income of the company in the case of 1 to 50,000 rupees, and that the Bill was referred to the Council because it was considered that the principle of super-taxation of the individual, but he said that the Bill was not an amendment to the existing law, but it was a new Bill, and it was under the obligation of the Council to consider it. He further stated that the new form of super-tax cases a payment of both kinds of super-tax, and that this would be an undue hardship. Further, he took place when the Bill was being passed and he made the following quotations from the speech of the Honourable Sir Malcolm Hailey, which I will not detain the Council at this time.

Since the Bill became law, one or two companies have raised the point that it is unfair to levy super-tax more than once on income derived from companies. The Government of India, however, have not given much encouragement to the suggestion that the basis of assessing companies for super-tax should be changed. Their main objection is that

a limited liability company enjoys certain advantages of corporate capital and defined liability, and it is in respect of these privileges that it is being taxed at this flat rate of one anna in the rupee. Immediately after the Corporation tax, was introduced in the United Kingdom. That was the first tax that I know of at Home that went away from the principle of the taxation of the individual and ultimate receiver of the income. In some ways the Corporation tax at Home and the tax on companies in this country are very similar, with this difference however that in England, dividends received from a company that has already paid its Corporation tax of one anna in the rupee are not liable to that tax in the hands of another Company. That is what my Honourable Friend, the Member of the amendment, has suggested we ought to do in this country; that is, not to tax companies twice in respect of the same income. There is, however, a distinct difference between the practice at Home and the practice here. First of all, the allowance at Home is exact only of the first company that pays the Corporation tax is only £500, but here the allowance for each company that pays the super-tax of one anna is half a lakh of rupees. Further at Home debenture interest is not allowed as a good deduction, and the amount that can be deducted as remuneration to Directors or Managers is only £10,000. In India, however, the Directors of India companies have so far refused to alter the basis of assessment.

The question came up for discussion before the All-India Income-tax Committee that sat at Simla last July, but the Committee considered that there should be no alteration, more particularly in view of the loss of income involved. The matter again came up for discussion before the Joint Committee here last month, and the Committee expressed the opinion that the provisions of the Bill and the present Act should be retained, but that if the rate of this tax is to be enhanced in future, the Government of India should consider whether the whole basis of the method of assessment does not require revision. The Joint Committee felt that so long as the rate of companies did not exceed one anna in the rupee, and so long as the first Rs. 50,000 was allowed as a deduction to every company paying the tax, and so long as debenture interest and Dividend Managers' commissions and Directors' fees were allowed to be deducted, there was no special urgency in revising the method of assessment, and in any event there was no alternative super-tax put before the Committee to recoup the loss of tax that would probably be incurred by the concession that has been asked for by the Honourable Member of the amendment. It was for these reasons that the Committee recommended the whole Bill to be referred to the Council. The Honourable Member of the amendment has made now in the Council a number of the amendments which are of a very minor character, and which do not materially increase the burden of the tax on companies. The basis of taxation of companies is not to be altered.

THE HONOURABLE COLONEL SIR JAMAL HAYAT KHAN: Sir, this amendment has got no sympathy from me, because the income-tax payers have already been treated lightly, and as long as they are not taxed up to a certain limit, I would always ask that they should be treated in one way or the other. For this reason, I am against the amendment.

THE HONOURABLE SIR MALCOLM HALEY: Sir, when the Honourable Mr. Lalubhai Samaldas spoke of this Bill as being the primary object of

[Sir Malcolm Hailey.]  
 which was to assist in the assessment and ease of collection, I did not expect to see that carried forward with a proposition which would have a result of doing far beyond the original purpose of the Bill, the result, namely, of relieving certain wealthy individuals and certain wealthy companies of part of the tax which they have now to pay. Throughout the Bill we had been speaking in order to benefit ourselves by increasing our revenue, and it is hardly necessary to state that anybody should take the opportunity of carrying forward a Bill of procedure and assessment, in order to benefit or relieve any class of the community of a substantial part of their present taxation. The Honourable Member spoke of the majority of the Select Committee of which he was a member. He is a member of it then; with this proposition of the Committee:

'We are of opinion that the provisions of the Bill and the present Act should be retained but that if the Government desire to give the Government does not require'

Since the Government, the duties of assessment, I have understood have been top strong with my friend, and he has been the same. Finally, he has elsewhere appealed to us not to differ from the House. But this amendment, not perhaps in an identical form as I pointed out afterwards, but in purport the same, was introduced in the other House and I am justified in saying that it was withdrawn because it would have seemed likely to sympathise with it. Sir Alexander Murray has said, if I may say so, with admirable lucidity and precision the reasons for which the Select Committee came to the decision I have just mentioned, which were fully accepted by Government. I do not, therefore, need to go back to the history of the case again. Let me merely repeat the main particular of the tax, the flat company tax as it may be called, which is a part of an assessment to a graded super-tax of the unassessed profits of companies. The companies themselves objected to that form of assessment, and in that instance that we introduced the flat super-tax, apparently some companies now repent of their representation to us and desire that we should introduce another variation that will give the right holding companies a share part of the taxation falling on them.

MR. MALUBHAI SAMALDAS: Unfair.

The Hon. MALCOLM HAILEY: Is it really unfair? Why is it? Because they enjoy limited liability, and they have money. Each of these advantages and are not to be taken away from them. It seems to me immaterial where the profit comes from. It is plain that our company may be a large one, or it may be a small one, or it may be an industrial concern, or it may be a non-industrial concern. If it is an industrial concern, it would be charged to income tax, and it would not be charged to any other company be charged with company tax. The Honourable Member spoke of the proportion of the tax which the companies could be given the full amount of any tax that they were charged with. I do not see a proportion of any tax. Does he really propose that the tax should be shared between the subordinate companies and the holding company?

to them, namely, that they should, first of all, deduct Rs. 50,000, that they should deduct all their fixed charges, mortgages, debentures and the like? If we acceded to his proposition we should have to make a radical alteration of the law in order to protect ourselves from loss. We should have to withdraw entirely, as they have withdrawn in England. It would be more correct to say that they have never granted in England those advantages which the companies enjoy under our present law, and the general withdrawal of these concessions would be of advantage to poorer companies. But let me point out that it goes much further still. The original proposition of a holding company is respect of taxation that already paid in respect of the profits of what I have called subordinate company. What my own proposal is this, that in assessing subordinate company, what an individual, that individual should receive a concession in respect of the profits of a holding company or companies charged to the same company, or that the profits of a holding company should be taken into account in assessing the profits of a holding company, or that the profits of a holding company should be taken into account in assessing the profits of a holding company, or that the profits of a holding company should be taken into account in assessing the profits of a holding company. I believe that the company is at an disadvantage which more favourably situated than many companies under our present law which imposed a graded super-tax on the distributed profits. I do not think the Honourable Member to point out a single company which is proportionately more heavily taxed under the present law than under the old law. Indeed, I might almost go so far as to say that the only company which has not profited by our present procedure, as against our old procedure, for these reasons I fully assented to the proposition and that it means heavy. I quite agree that if the law is to be changed, it must be in favour of the holding companies and not in favour of the subordinate companies. If of it, it is a concession to the holding companies as they are in this position.

The Hon. MALCOLM HAILEY: The Hon. Member has said that the company is at an disadvantage which more favourably situated than many companies under our present law which imposed a graded super-tax on the distributed profits. I do not think the Honourable Member to point out a single company which is proportionately more heavily taxed under the present law than under the old law. Indeed, I might almost go so far as to say that the only company which has not profited by our present procedure, as against our old procedure, for these reasons I fully assented to the proposition and that it means heavy. I quite agree that if the law is to be changed, it must be in favour of the holding companies and not in favour of the subordinate companies. If of it, it is a concession to the holding companies as they are in this position.

The Council reassembled after Lunch at Three of the Clock. The Honourable the President was in the Chair.

BILLS PASSED BY THE LEGISLATIVE ASSEMBLY

The SECRETARY OF THE COUNCIL: Sir, in accordance with rule 25 of the Indian Legislative Rules, I lay on the table the Bills which were passed for the Legislative Assembly at its meeting of the 22nd February 1922. They are as follows:

- (1) A Bill further to amend the Indian Limitation Act, 1908.
- (2) A Bill further to amend the Provincial Small Courts Act, 1907, and the Code of Civil Procedure, 1908, to provide for the award of costs by way of damages in respect of vexatious claims of damages or costs.
- (3) The Indian Universities (Amendment) Bill, 1921.

GOVERNOR GENERAL'S ASSAULT ON CERTAIN ARTS

The SECRETARY OF THE COUNCIL: Sir, I inform you that His Excellency has been pleased to grant assent to the following Bills:

- (1) The Special Laws (Amendment) Act, 1921.
- (2) The Indian Criminal Law (Amendment) Bill, 1921.

INDIAN INCOME-TAX BILL, 1922

The Bill to consolidate and amend the law relating to income tax and Super-tax, as passed by the Legislative Assembly, was then taken up for further consideration.

Clauses 56, 57, 58 and 59 were added to the Bill.

The HONOURABLE MR. LALUBHAI SHARDA: Sir, I shall not rouse the ire of the Honourable Member in a previous session. He was a eloquent orator and I shall not try to do better. He would on the same principle as I have stated that I refer to this matter on personal grounds and not as a Member of the Council. I have no objection to his making any statement which he may desire to make on these clauses, but I do not think it is a question of clarity or of grounds of unfairness to the general taxpayer. We have to get justice and fairness, and I am sorry that the Honourable Member attributed those motives to me when he said that I was speaking on behalf of a particular party.

Clauses 56, 57, 58 and 59 were considered by us in the Joint Committee, and it was decided at the suggestion of the levy of super-tax on the profits of feeder railways could not be taken up by the Committee, and that it should be taken up by the Department. The feeder railways have not

usually been able to declare big dividends. As a matter of fact, to attract money for the feeder railways, the Government have to attract capital. The guarantee that Government give is not now sufficient to attract capital, and I believe there are proposals to the effect that, unless the guarantee interest is raised to something near what the Government borrow, it would not be possible to attract money for feeder railways. To levy a super-tax merely because of the total amount of the annual income of a railway does no harm to the shareholders of such railways. In the hypothetical case, suppose a big feeder railway earns 5 lakhs a year, but that as it makes 2 lakhs 50 thousand and it pays 50 percent, although after paying super-tax it is still making 10 lakhs, but it is a question of the capacity of the Government to raise super-tax.

THE HONOURABLE MR. COLM HANLEY: I may say, Sir, that I have no objection to Mr. Sharada's remarks, but I think it is better to make against him in debate, just as I should refer to a point which he may make against me.

With regard to this particular clause, it will be seen that it is a clause which he has raised, really has exceeded the Income-tax Bill, and it is a question of our relations with the railways which have been constructed on the same terms. We are considering this as a separate matter, and I need hardly say that this question comes up of revising the Bill. I shall also bring this question into consideration.

THE HONOURABLE MR. COLM HANLEY: Sir, I have no objection to Mr. Sharada's remarks, but I think it is better to make against him in debate, just as I should refer to a point which he may make against me.

THE HONOURABLE MR. COLM HANLEY: Sir, I have no objection to Mr. Sharada's remarks, but I think it is better to make against him in debate, just as I should refer to a point which he may make against me.

THE HONOURABLE MR. COLM HANLEY: Sir, I have no objection to Mr. Sharada's remarks, but I think it is better to make against him in debate, just as I should refer to a point which he may make against me. I mention the fact that the amount of super-tax was 22 crores; so that the amount of super-tax was 22 crores.

[Sir Malcolm Hailey.]

classes are also doing something in the interests of the State. But, Sir, the Bill has also been welcomed on other grounds, grounds which are more directly in consonance with the views with which we sit forward. The Honourable Mr. Lalubhai Samaldas and Sir Dinshaw Malhotra, who sit on the ground that it did really tend to greater correctness of assessment and greater ease of collection. That, Sir, is what we set out to obtain. The Honourable Mr. J. B. K. S. has also pointed out the history of the Bill. Some of our Ministers have increased money in the Secretariat, and are the product of such a kind of thing. They are cratically a part of that class. When we passed the old Act needed revision, but to work in a spirit of honesty and to be recommended itself to your friends. The first of all the members of the committee in 1917, and the second of all the members of the committee in 1921, and the third of all the members of the committee in 1922. Then, Sir, the Bill was discussed in a Joint Committee, which included all the members of the Council and all the members of the Legislative Council, and it was considered by a distinguished non-official, an eminent authority in Income Tax law. The Bill is now before you, and I should be very glad if in practice it achieves the purpose which we set before ourselves, namely, to make the administration of this important part of our taxation easier for the tax-payer, simpler for ourselves, and more just all round. It has been produced, as I said before, not purely for the Government, but designed to make the amount of workload or to prevent violations of the law; it has neither been framed nor drafted by that spirit, but it has been forged on the anvil of the debate between Government and those who are most concerned in paying the tax.

The Honourable Mr. V. G. KALBHE: Sir, I support the motion which has been placed before the Council. It is a great pleasure to me to see that the Bill is now before the Council. I have followed the process of its preparation, and I am glad to see that it has been produced in a spirit of honesty and to be recommended itself to your friends. The first of all the members of the committee in 1917, and the second of all the members of the committee in 1921, and the third of all the members of the committee in 1922. Then, Sir, the Bill was discussed in a Joint Committee, which included all the members of the Council and all the members of the Legislative Council, and it was considered by a distinguished non-official, an eminent authority in Income Tax law. The Bill is now before you, and I should be very glad if in practice it achieves the purpose which we set before ourselves, namely, to make the administration of this important part of our taxation easier for the tax-payer, simpler for ourselves, and more just all round. It has been produced, as I said before, not purely for the Government, but designed to make the amount of workload or to prevent violations of the law; it has neither been framed nor drafted by that spirit, but it has been forged on the anvil of the debate between Government and those who are most concerned in paying the tax.

in a family, I may say that there are five crores of heads of agricultural families, and between them, these five crores of people pay 85 crores of rupees, so that each family pays about Rs. 7. On the other hand, so far as the income-tax is concerned, about 21 lakhs or 3 lakhs of persons are paying 21 crores of rupees. Now this difference represents, as I have said, the material progress that the country is making, and I welcome this Bill because it shows the direction in which we are advancing. The Bill shows a great improvement upon the old machinery of income-tax. I hope that in years to come we shall see more and more out of this material advance. On the point of view of the general tax-payer I am sorry that people are asked to pay more and more, but I hope my friend, the Member, will pardon me for saying that we have to pay larger amounts, but we are progressing at the time of the Bill. Our income tax is the Western type, and it is a very good type; and we are C. I hope we shall be able to secure the Bill, and I am sure that it will be produced, and I am sure that it will be a great improvement upon the old machinery of income-tax. The distinction between the old and the new machinery of income-tax is that the old machinery was based on the old machinery, and the new machinery is based on the new machinery. I am sure that it will be a great improvement upon the old machinery of income-tax.

The Hon. Mr. M. H. ... I am sure that it will be a great improvement upon the old machinery of income-tax. The distinction between the old and the new machinery of income-tax is that the old machinery was based on the old machinery, and the new machinery is based on the new machinery. I am sure that it will be a great improvement upon the old machinery of income-tax.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: I would not say anything more, Sir.

The HONOURABLE THE PRESIDENT: The question is:

That the Bill to consolidate and amend the law relating to the Secretary and other officers appointed by the Legislative Assembly and to amend the law relating to the officers of the Secretariat be passed.

The motion was adopted.

RESOLUTION OF THE RIGHT HONOURABLE WINSTON CHURCHILL AS PASSED AT THE EAST AFRICAN DINNER ON THE STATUS OF INDIANS IN EAST AFRICA.

The HONOURABLE THE PRESIDENT: With reference to the next item on the agenda, the Resolution to be moved by the Honourable Member is:

That the Council recommends to the Governor General in Council that he should advise the Right Honourable the Secretary of State for India the words 'British subjects' in this Council and in the country generally by the speech of the Right Honourable Winston Churchill delivered at the East African dinner in London on the 12th of January 1922, in which the Right Honourable Member expressed his opinion that any differentiation against Indians as such with regard to the ownership of land or the franchise or any extension of such differential treatment to Indians in the mandated territory of Tanganyika will be inconsistent with the principles underlying the Resolution passed at the last Imperial Conference regarding the status of Indians in the Empire.

The HONOURABLE THE PRESIDENT: I have to explain to me the words 'British subjects' in the Resolution. I see that the words 'British subjects' are not in the Resolution. I see that the words 'British subjects' are not in the Resolution. I see that the words 'British subjects' are not in the Resolution. I see that the words 'British subjects' are not in the Resolution.

The HONOURABLE MR. LALUBHAI SAMALDAS: We have a Resolution arising out of the Right Honourable Member's speech. I do not want, as far as I possibly can, to go beyond what the Right Honourable Winston Churchill and the points raised in his speech. I do not intend in any way to repeat myself or argue the points raised in his speech. I will try my best to confine myself to the points raised in his speech. I will try my best to confine myself to the points raised in his speech.

The HONOURABLE THE PRESIDENT: I have to explain to me the words 'British subjects' in the Resolution. I see that the words 'British subjects' are not in the Resolution. I see that the words 'British subjects' are not in the Resolution. I see that the words 'British subjects' are not in the Resolution.

The HONOURABLE MR. V. G. GALE: Will it not be possible to refer to the whole situation of affairs in East Africa?

The HONOURABLE THE PRESIDENT: There was argued at great length in September. I think the Honourable Member himself argued to a great length. The standing orders are perfectly clear and strict on this subject. We cannot discuss within one year a Resolution which has already been discussed. I quite admit that it will be difficult to keep Honourable Members to this point, and therefore I trust to them to keep themselves in order. I am sure they will do it.

The HONOURABLE MR. LALUBHAI SAMALDAS: Sir, I beg to move the following Resolution:

This Council recommends to the Governor General in Council that he should communicate to the Right Honourable the Secretary of State for India the strong feeling of the Council and in the country generally by the speech of the Right Honourable Winston Churchill delivered at the East African dinner in London, and that in the opinion of this Council any further restriction on Indian rights with regard to the ownership of land or the franchise or any extension of such differential treatment to Indians in the mandated territory of Tanganyika will be inconsistent with the principles underlying the Resolution passed at the last Imperial Conference regarding the status of Indians in the Empire.

The HONOURABLE THE PRESIDENT: I think I must rule the whole of the latter portion of the Resolution, and that in the opinion of this Council, etc. out of order. The Honourable Member can deal with the speech of the Right Honourable Winston Churchill, but I think that all the words from and including 'and that in the opinion of this Council in the Empire' must go out.

The HONOURABLE MR. SETHNA: Sir, in the speech of the Right Honourable Winston Churchill there are points which refer to words in the second part of the Resolution. How can speakers possibly restrict themselves?

The HONOURABLE THE PRESIDENT: I think the Honourable Member has heard my ruling in this. Anything arising out of the speech of the Right Honourable Winston Churchill is out of order. I will not allow the re-arguing in breach of the ruling. The Resolution which has already been argued is the only one that will be allowed.

The HONOURABLE MR. LALUBHAI SAMALDAS: Sir, I am in a position. I will not restrict myself to the points raised in the speech of the Right Honourable Winston Churchill. At the moment I go a little further. I shall not discuss the points raised in the speech of the Right Honourable Winston Churchill. I shall not discuss the points raised in the speech of the Right Honourable Winston Churchill. I shall not discuss the points raised in the speech of the Right Honourable Winston Churchill.

The HONOURABLE THE PRESIDENT: I have to explain to me the words 'British subjects' in the Resolution. I see that the words 'British subjects' are not in the Resolution. I see that the words 'British subjects' are not in the Resolution.

The HONOURABLE MR. LALUBHAI SAMALDAS: Before I move the Resolution, may I ask a direct question of the Honourable Member in charge? A Resolution, as you have stated, was moved in the Simla Session on the 22nd and 23rd of September. I would like to know what action Government have taken on that Resolution. I would like to know what action Government have taken on that Resolution. I would like to know what action Government have taken on that Resolution.

The HONOURABLE THE PRESIDENT: I have to explain to me the words 'British subjects' in the Resolution. I see that the words 'British subjects' are not in the Resolution. I see that the words 'British subjects' are not in the Resolution.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: I would not say anything more, Sir.

The HONOURABLE THE PRESIDENT: The question is—

That the Bill to consolidate and amend the law relating to the Legislative Assembly be passed by the Legislative Assembly and amended by the Council of State.

The motion was adopted.

RESOLUTION OF THE RIGHT HONOURABLE WINSTON CHURCHILL'S SPEECH AT THE EAST AFRICAN DINNER ON THE STATUS OF INDIANS IN EAST AFRICA.

HONOURABLE THE PRESIDENT: With reference to the next item on the agenda, the Resolution to be moved by the Honourable Member is—

The Council recommends to the Governor General in Council that he should communicate to the Right Honourable the Secretary of State for India the strong feeling of the Council in the opinion of the country generally by the speech of the Right Honourable Winston Churchill delivered at the East African dinner in London, and that in the opinion of this Council any further restrictions on Indian immigration into East Africa, or any differentiation against Indians as such with regard to the ownership of land or the franchise, or any extension of such differential treatment to Indians in the mandated territory of Tanganyika will be inconsistent with the principle underlying the Resolution passed at the last Imperial Conference regarding the status of Indians in the Empire.

The Hon. Member explains the Resolution and the debate thereon. The Hon. Member says that the Resolution is a very important one and that it is a very important one. The Hon. Member says that the Resolution is a very important one and that it is a very important one.

HONOURABLE MR. LALUBHAI SAMALDAS: Sir, I am very glad to see the Resolution which has been passed. I do not want, as far as I possibly can, to go against the Right Honourable Winston Churchill and the points which he has made. I do not in any way repeat myself or argue against what the Right Honourable Winston Churchill has said in his speech and to quote what he has said thereafter which is new but genuine.

HONOURABLE MR. V. G. GALE: Will it not be possible to refer to the whole matter of the status of Indians in East Africa? The Hon. Member says that the Resolution is a very important one and that it is a very important one.

HONOURABLE THE PRESIDENT: There is a great deal to be said on this subject. I think the Hon. Member's speech is of a great length. The standing orders are perfectly clear and strict on this subject. We cannot discuss within one year a Resolution which has already been discussed. I quite admit that it will be difficult to keep the Hon. Members to this point, and therefore I trust to them to keep themselves in order. I am sure they will do it.

The HONOURABLE MR. LALUBHAI SAMALDAS: Sir, I beg to move the following Resolution:

This Council recommends to the Governor General in Council that he should communicate to the Right Honourable the Secretary of State for India the strong feeling of the Council in the opinion of the country generally by the speech of the Right Honourable Winston Churchill delivered at the East African dinner in London, and that in the opinion of this Council any further restrictions on Indian immigration into East Africa, or any differentiation against Indians as such with regard to the ownership of land or the franchise, or any extension of such differential treatment to Indians in the mandated territory of Tanganyika will be inconsistent with the principle underlying the Resolution passed at the last Imperial Conference regarding the status of Indians in the Empire.

HONOURABLE THE PRESIDENT: I think I must rule the whole of the latter portion of the Resolution, and that in the opinion of this Council, etc. out of order. The Honourable Member can deal with the speech of the Right Honourable Winston Churchill, but I think that all the words from and including 'and that in the opinion of this Council in the Empire' must go out.

HONOURABLE MR. SETHNA: Sir, in the speech of the Right Honourable Winston Churchill there are points which refer to words themselves? The Resolution. How can speakers possibly restrict themselves?

HONOURABLE THE PRESIDENT: I think the Honourable Member has heard my ruling. My ruling is this. Anything coming out of the speech of the Right Honourable Winston Churchill is in order. But I will not allow the re-arguing in breach of the Resolution which has already been struck at.

HONOURABLE MR. LALUBHAI SAMALDAS: Sir, I am very glad to see the Resolution which has been passed. I do not want, as far as I possibly can, to go against the Right Honourable Winston Churchill and the points which he has made. I do not in any way repeat myself or argue against what the Right Honourable Winston Churchill has said in his speech and to quote what he has said thereafter which is new but genuine.

HONOURABLE THE PRESIDENT: The Hon. Member is quite right. The Hon. Member is quite right.

HONOURABLE MR. LALUBHAI SAMALDAS: Before I move the Resolution, may I ask a direct question of the Hon. Member in charge? A Resolution, as you have observed, was moved in the Simla Session on the 22nd and 23rd of September. I would like to know what action Government have taken on that Resolution. I have heard rumours and we do not know how far they are true. I would like to have definite information on the subject would you mind giving that may have been stated.

HONOURABLE THE PRESIDENT: I have included Her Majesty's Secretary of State for the Colonies has said that the question of amalgamation of Kenya with Uganda, Tanganyika and the existing order. He has stated in a few years the creation

[Mr. Lalubhai Samaldas.]

of the great East African Federation taking its place in the Empire on equal terms with the great West African Colonies now so prosperous. I have tried to explain why I had included Tanganyika, and the reason why I did not include Uganda and Zanzibar, was that Tanganyika was a mandated territory while Uganda and Zanzibar were not. I will, however, confine myself to what the Right Honourable Winston Churchill said and what followed thereafter. The Right Honourable Winston Churchill said 'East African Federation'. He did not say what sort of Federation. But Lord Delamere who followed him says it very clearly that what the Right Honourable Winston Churchill meant was a white colony with the gradual evolution of Self-Government. His words are these:—

'Lord Delamere representing the European settlers, replying to Mr. Churchill, expressed pleasure at Mr. Churchill's confirmation of Kenya as a white colony with the gradual evolution of Self-Government.'

He then went on and said that he hoped that the control of Indian emigration would mean its practical prohibition. That is the reason why Sir, I had included the question of Indian emigration because Lord Delamere goes much further than what was discussed. He said, 'It was necessary to see that we restrict Indians and Government were not swamped by the ideals of another civilisation. Sir, I do not want to use any strong language, but we are surrounded in a not too far off manner of fashion by the idealism of our Western civilisation, and that the ideals of the East are higher than those of the Western civilisation. The majority of my countrymen believe that the ideals of the East are not up to the ideals of the West. And in the East have been more spiritual and more idealistic. Western civilisation but like much more like to have more to do with the East. What causes pain is that it would not however be a bar to the migration of Indians. A pure academic discussion does not matter. Here there are definite proposals made by the Right Honourable Winston Churchill which were sent to me confidentially by the Hon. Member Indian Congress, but they have now been published. I do not do so I need not treat them as confidential, where the question of emigration has been, if I may use the word, camouflaged. Saying that there would be equality for the Indian immigrants and the European immigrants, they are now laying down special restrictions. Till now an Indian immigrant was paying, I speak subject to correction, about Rs. 100 as a deposit before he was allowed to get out. He was not required to have a knowledge of English. The new rules say that the immigration regulations for Indians should be exactly the same as for Europeans. So far it looks as if we are to be on an equality with the Europeans. But when you come to the details, I hope the Council will see how it affects the immigrants of the Indians because the rule says, in addition to the existing amount of deposit further money deposit of Rs. 500, which may be increased to 500 forins, an educational test similar to that required for admission to the electoral roll and that there should be provision against fraud. We all agree that we are prepared to have all effective provision against fraud. But what is said that the educational test should be the same as that required for the electoral roll I must refer to the electoral roll test. That test is a reasonable knowledge of written and spoken English. I want to put it to

the Council whether they realise the kinship to the Indians who are now in that country. I will take one or two specific cases. It is just possible that the wife of one of the biggest Indians there like Mr. Jeevanji or Mr. Abdul Basui may not know English. Is she always to be prohibited from entering that country? Is that the test to be laid down? If the test is to be a literacy test it ought to be one in one's own language. If an English settler comes, is he required to know two languages? Why should a man going from this country to that place know not only his own vernacular but also another language, namely the English language? Therefore while to all appearances it may appear that English was given in actual practice it is not equality but it is harshly. When it may be said, as I have been asked by many of my friends, 'Then it may be said, as I have been asked by many of my friends, why should not an Indian immigrant pay 500 forins why should not an Indian immigrant pay the same?' This sounds at first sight quite plausible. I have been told by a gentleman who had been in East Africa that the deposit money required from either an Indian immigrant or an English immigrant is required to enable the Government to repatriate the man.

An Indian immigrant does not require more than Rs. 100 because he is about as far nearer to Kenya than the English immigrant would be. I am not sure about the figures but I take it that the distance from Kenya to Bombay will be about the same as the distance from that place from India. I am taking Bombay as the centre for India. Is there any reason, therefore, for laying down this condition under the name of equality of status? The Right Honourable the Secretary of State for the Colonies goes much further than this. He will now stick to the rules which he has given under his instructions, as I have been told.

'The interests of British settlers and native population of the Colonies and the immigration of Indians should be strictly regulated, and the Government should rule in respect of the immigration laws as to other laws, and here I should like to draw the attention of the Council to this phrase of all of which would be subject to the closest examination between the Government and the existing residents.'

Of course, the Right Honourable the Secretary of State for the Colonies has not said what he meant by the existing regulations. I do not think that the lines it is not very difficult to say that the existing regulations are meant for the European settlers only. Are we then to have special provisions in setting these terms and rules for immigrants? Would the Right Honourable gentleman, Mr. Winston Churchill, in spite of this, say that I do not wish to use any adjective to characterise it—would he say it is as fair to the Indians as he could possibly be? Is he always to consult the feelings of the residents, that is the European settlers, and to make the existing final rules are framed? That is a point which should be carefully considered and that country should have a voice at the time of emigration. Sir, the Right Honourable Winston Churchill has emphasised the word 'fair' in his telegram in these words, 'these Mr. Reuter's words, "fair" are the word which the telegram correctly represents his views. I am sure that the Highlands of East Africa should be reserved exclusively to the European



[Mr. Lalubhai Senaniya.]

I now come to Mr. Churchill's second speech. Were it not for the unreasoning attitude he has adopted throughout in this matter, I would not have referred to his second speech which one Indian paper calls as "unimportant." He is not still saying that he has made a mistake. He still thinks that he will be able to "cross the Secretary of State for India" to his "own" view. It is rather strange, Sir, that these views should come from a Minister who, when he went to East Africa in 1912, was not only accompanied by the then Secretary of State, but also by the then Secretary of State for India. It is rather strange, Sir, that these views should come from a Minister who, when he went to East Africa in 1912, was not only accompanied by the then Secretary of State, but also by the then Secretary of State for India.

...the Hon. the Secretary of State for India, Sir, ...

...the Hon. the Secretary of State for India, Sir, ...

...the Hon. the Secretary of State for India, Sir, ...

That is a speech which I would comment on in the Right Honourable Winston Churchill's speech to the British Cabinet.

I have said already more, Sir, and I have said that it is not only we who desire that there should be unity and that the Dominion that desire for unity. I want to make it clear that, whatever arrangements we have made or we may make with the Dominions, we have nothing to do with the Crown Colonies. They are apart by themselves and we have nothing to do with them. The Indian Empire and the Secretary of State for India should not be concerned with the Crown Colonies to be created in the Dominion.

Sir, in 1912, in the ... His Majesty the King-Emperor ...

...the Hon. the Secretary of State for India, Sir, ...

His Majesty is not of course satisfied with it. He could not be satisfied with it. The War has been over and he has not been satisfied with it. I suppose the Government of India should be satisfied with it through the Secretary of State for India. It is not the right man and the right moment to be satisfied with it.

by His Majesty. With these words, Sir, I commend this Resolution to the Council.

The HONOURABLE MR. SETHNA: Sir, may I now be permitted to move the amendment of which I gave notice this morning?

The HONOURABLE THE PRESIDENT: No.

The HONOURABLE MR. SETHNA: If it is your ruling that we should not cover the same ground as was covered in the Simla debate, I shall try to adhere to it as closely as possible. Though I understand it will be very difficult to lay down a correct line of demarcation. The Honourable Member observed that very considerable resentment has been caused in this country by the way in which the matter of the Right Honourable the Secretary of State for India, Sir, was argued that the terms of the agreement at that moment should be considered as final. It appears to be treated as a final decision. Great Britain will have to go back on its pledged word. Great Britain in accordance with the terms of the agreement at the time of the war, has solemnly pledged to recognise the principle of self-determination. If therefore she were to withdraw from that decision, it would be tantamount to an act of betrayal. We may often hear the talk of treating the matter as a question of expediency in the future, but when it comes to the type of the Indian Empire, it is not expedient to lay down principles for the future. The principle of self-determination of all Indian lawfully acquired territories should be maintained before any British territory.

British Government has to consider the consequences thereof. The British Government has to consider the consequences thereof. The British Government has to consider the consequences thereof. The British Government has to consider the consequences thereof.

disaffection that prevails in the ... indeed very grateful, may more than ... as well as to the Secretary of State for ... have taken up, and I am sure the hands ... will be very greatly strengthened if my ... of whom I am sorry to find are present ... they will turn up, will not only support ... but also by their speeches, because if they ... to convince British statesmen at Home that ... because of their first-hand knowledge of the conditions ... of what has been said by Mr. Churchill and to ... our claims and recognise the intensity of the discontent which this has brought about. I understand, Sir, that much of the existing discontent in the ... because of the majority of Indians who present their ... Perhaps conditions may arise at some ... I would appeal to the Government of India to ... in the direction themselves. I am ... from ... in which the recommendation is ... in regard to the granting of land to soldiers who ...

...the Hon. the Secretary of State for India, Sir, ...

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[Mr. Sethna.]

I am aware Sir, that one such deputation has gone to Fiji and it is accompanied by an Indian officer, Lieutenant Hissam-ud-Din. I hope the result of his inquiries will enable the Government of India to send out a colony of desirable soldiers to Fiji and particularly to the places where there is so much trouble extended to Indians colonising. Any proposal Sir, to colonisation is opposed to mere importation of labour will be adaptable in principle to any other colony as in Fiji, and I believe that there is no better type of recruits for a tropical country than the Indian officer and soldier who is an ardent settler, and quite different from the petty trader who is the only type one has hitherto seen in these colonies. It is for Sir, the Government of India needs such a hand in the matter and sees that the better class of Indians do go, perhaps the solution of the Indian problem may be much nearer than is the case at the present moment.

In conclusion, Sir, I would only like to say that what is puzzling and what we cannot possibly understand, is the attitude of the Right Honourable Winston Churchill, to judge from the speech referred to by the Honourable Member and to compare it with his own pronouncements, with his own writings, to which reference has been made on previous occasions, and of which he consents and approves in the strongest language possible, the deliberate squeezing out of the millions of Indians from the regions in which he has established himself under every security of good laws. And he says—

At all, we ask, in such a policy feasible to the Government, to reduce the 300 millions of our Indian Empire.

Mr. Churchill to-day is a member of the Government, and it is to him to recall what he has said and to expect to bring about a reasonable solution of its existing problems and to be the catalyst that work in connection with this issue to bring about the change.

The Honourable Member Sir, I rise to associate myself with the Motion of the Hon. Mr. ... How sad it is that under the dictates of the present day politics, pledges and promises are given only to be cast aside when the time may suit and justice—fair and simple justice—is denied between man and man on racial grounds. Well, has the renowned Hindu poet Tulsi Das said "Yadogi jay jagad gauri nana, so katha bhavna." The purport of this couplet is that although there is great unity of essence in the world, the differences or the contemptuous treatment of one's race or nation is the worst of all. Sir, it is the duty of His House to declare in unequivocal and emphatic terms that such shall not break any differential treatment or inequality of status between Indians and Europeans either in India or abroad. I wonder how the Honourable Mr. Winston Churchill, the responsible Minister of the Crown, thought it prudent and justifiable to see that the Highways of India shall remain reserved for the European population and to see that the Indians. It was at dinner table and the Honourable Member in absent-mindedness warned the white people away without raising the least objection. It was Sir, Churchill himself who has said that the Government has never beyond a shadow of doubt that the Government's treatment is based on solid grounds and is not based on sophistry or agitation. We have

to Lord Hardinge for the courage and earnestness with which he is the cause of the Indians in the colonies and it is gratifying that the Government of Lord Harding is dealing with the question with so much ... The Right Honourable Secretary of State for India has given us assurance by his speech delivered a few days ago that the pronouncement made by the Hon. Secretary was not the decision of the British Cabinet but his own personal view and that the solution of the question will not be arrived at without the full considerations of the millions of India. That will give us advice and ease the isolated mind of India, but it should be impressed on the British Cabinet and the Parliament that the emphasis that the Government has put on the forging of such a bond and the more congenial and fairer treatment of Indians, that are being recommended to the Government and the Parliament, is a step towards the East.

With these words, Sir, I support the Resolution. The Honourable Member Mr. RAMASHADRA NAIDU, Sir, in according my hearty support to the Honourable Mr. Lalubhai Sharnaldas' Motion, I shall confine myself to an observation or two. I would have expected that with the far-reaching reputation of His Excellency Lord Hardinge, the Indian question in East Africa was on a fair way to solution. And with the cooperation of the Great War for the success of the Indian people did he not ... The Government met out to Indians ... On the other hand, the Government has never been made to perceive that some regulations ... The Government look on the one side of the Colonials with ... it not with incomprehensible ... In governing dominions and the colonies must be allowed a fair share in making their own laws and regulations. We Indians ... to objection to a fair latitude being allowed.

Our objection is that the same should be a fairer and fairer colony of East Africa which was at the time of the British flag can be allowed to flout the elementary rights of British subjects to any class of His Majesty's subjects. It is this principle that must be insisted upon by the Government, but I fear Mr. Winston Churchill is quite oblivious of it and would still segregate Indians from the white settlers, as if they ought to be hoodwinked from the standard of civilization as the white people really in East Africa such a degrading way of treatment and only to be characterized as a glaring breach of promise. When our soldiers were fighting the Germans in East Africa and wishing to free them, repeated promises were given that East Africa would be handed out to the Indian colony, and it was very witnessed that it was going to be handed out to an Indian High Commissioner and all the high officers under him would be Indians.

The Honourable THE PRESIDENT: I do not wish to interrupt the Honourable Member; he is doing from my ruling, though from the manner in which he is delivering his speech, I recognize that he is in a difficult position.

The Honourable DUWAN BHANUBHAI BHASKARHARA NAIDU: But the Government of the Colonials and of responsible British states, who are the conclusion of the Government is a totally different view and the Government is not to be held responsible for the East Africa dinner. It was said that Mr. ... I am not a member of the Government of the

[Diwan Bahadur Ramabhadra Naidu.]

the Colonial Secretary. But I fear that the Secretary of State for India will not be able to counteract this new move by Mr. Churchill, unless the Imperial Government as a body put their foot down on the attempt. I am ready to acknowledge gratefully the efforts of the Government of India and the Secretary of State to have bare justice done to the claims of Indians as British citizens. But even their united efforts will not avail much against the dead-set made by the Colonials to deprive Indians of what is only their due, unless the British Cabinet join hands with them and teach the colonials a sharp lesson. Resolutions in this Council and professions of good-will to Indians by British politicians are not going to help in the solution of what is called the Indian problem, unless the Imperial Government is made aware of the depth of resentment felt in India at the shabby treatment to which Indians are subjected in the colonies.

THE HONOURABLE SIR DINSHAW WACHA: Sir, I am not going to travel over the same grounds which the other speakers have taken, but I generally agree with all that has fallen from my Honourable Friend, Mr. Lalubhai, and with what has been effectively said by Mr. Sethna. I wish, however, that this House will primarily bear in mind that a post-prandial speech by any Minister is not to be taken very seriously, and least of all by a Minister of the erratic calibre of Mr. Winston Churchill. In fact, I have not taken this speech of his, this post-prandial speech of his, very seriously. I think it was Disraeli who once said (1860) of Lord Hartington that he was a man of "sound sense", but there were other people in his time who talk of nothing but "earnest nonsense," and I believe that Mr. Winston Churchill belongs to the latter species. When he was making that speech he was doing nothing more than uttering what Disraeli called "earnest nonsense" as a Minister. The fact is that he reveals to be in limelight. Political opinions may differ as Lord Morley has observed. They are susceptible of adjustment, not so political temperament which is fundamental. It is fundamental and in the case of the South African trouble, particularly the Kenya trouble, it is a fact that they have been much more a question of political temperament than political opinion.—Political temperament in this way, that the White colonials, more or less, are like the Bengal and Bihar planters of the time of the Ilbert Bill, who always boasted that they were superior creatures, made of porcelain clay, whereas they were nothing of the kind. They were all made of the common clay of humanity and there is hardly any difference between the colonials and the Indians in Kenya. I consider, therefore, that Indians anywhere have to stand firm on the common ground of being all common clay and have to show their teeth in order to prove to these boastful white colonials that they are so better. When Indians thus conduct themselves they will bow and kiss them. That would be happening very soon in the case of our countrymen in Kenya. But having said so much I do say that I will not take Mr. Churchill's words seriously. Whatever the facts may be, here is the Government of India who have come out of number determinedly taken up the cause of Indians in Kenya. They have formulated, and defined, what craves the Indians should have, namely, equality of status and other kindred privileges. I, therefore, strongly appeal to my Honourable Friends here to depend more upon the persistent representations of the Government of India than on the limelight harangue of Mr. Churchill. I do not believe that the Cabinet has still and finally decided the question, and I am very sceptic about the ultimatum Mr. Winston Churchill is reported to have announced in that speech to earn some ephemeral kudos from his dinner audience. Again, taking

into consideration that Lord Reading is our Viceroy who has over and over again said that he has come here to see stern justice done between man and man, between European and Indian, I consider that we can take his word as gospel and be fully confident that he will never allow this opportunity to pass but will do all in his power to see justice done to Indians in Kenya and fight out the cause with the Secretary of State in the manner that every Indian unit desires. Let us wish him success and hope that the Government of India will be successful and that we shall have cause to congratulate them. With these words I support the Resolution.

THE HONOURABLE MR. SIR HARNAM SINGH: Sir, the question of India's relation with other parts of the Empire has evoked a good deal of interest in recent years. The subject has produced an amount of bitterness which it is not happy to remember. The treatment meted out to the Indians in British Colonies is contrary to the principles of justice and fairplay which are characteristics of British politics. Serious complaints have been made from time to time of the indignities and oppressions to which the Indians have been subjected in the Colonies.

The recent observations of Mr. Churchill are extremely unfair to the Indians in Kenya, although it is they who have toiled for generations to develop the country. They express a sentiment which is certainly inconsistent with racial equality within the Empire. They violate the Imperial Conference Resolution according to which Indians are supposed to have an equal status with other subjects of the Empire.

It is only natural, therefore, that we take exception to the views expressed by Mr. Churchill, and I take this opportunity to express the strong indignation that I with my fellow Indians feel.

With these few words I support the Resolution.

THE HONOURABLE MR. V. G. KALE: I wish I could share the optimism of my revered leader, Sir Dinshaw Wacha, in the matter of this East African question. He has told us that we ought not to take Mr. Churchill very seriously. I know it has been said about Mr. Churchill that he is the spoiled child of the household of the British Cabinet, and therefore his antics and freaks must not be seriously considered. However, I think in this question there is much more than what we see in the words used by Mr. Churchill. We know what is the agitation that is being carried on against Indians in East Africa, and consequently the words of Mr. Churchill convey to us what is likely to happen if we do not stand by our rights and refuse any compromise that will be opposed to our self-respect and our natural rights. The Government of India, we are all aware, is constitutionally subordinate to the British Cabinet and Parliament. Unless the Government of India, therefore, makes it clear to the British Cabinet that it will be impossible in any way to reconcile public opinion in this country to the formula of a compromise and unless they say that it will be impossible for them to carry on in this country, unless and until the legitimate claims of Indians are satisfied, I do not think that a strong impression will be created upon the Cabinet and generally upon the British public. What the British Parliament and the British public are told by the white settlers in East Africa is that the word of the British Cabinet is pledged, pledged in favour of Europeans and against Indians. Supposing for a moment that there is such a pledge, which I dispute, the British public has to decide whether they will keep

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that has been the policy of His Majesty's Government, and I am quite confident that, when the inconvenience and the grave injustice that will be caused to Indians if there should be a departure in policy are pointed out to Mr. Churchill and to the British Cabinet, none would be permitted.

The only other subject, and that I may dispose of in a few words, is with reference to the Highlands. Mr. Churchill's pronouncement with regard to the Highlands is of a very general character. The Colonial Office seems to have come to a decision that the Highlands should be reserved for the Europeans. The Government of India has already intimated that a reservation in principle does not seem to have been made for some time past, and consequently the Government does not seem to be a solution in that form. The chief attention has been concentrated upon the question of transfer, and here again it is difficult to believe that at the previous policy of His Majesty's Government can be construed as having given any pledge to any extent that there would be a disallowance of transfer to Indians. In a pamphlet which was published in 1908 by the British Government it is stated—

"It is not in conformity with the view of His Majesty's Government to impose any restriction upon the free action of the community."

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The Government of India has been found fault with by Mr. Samaldas for being apologetic in their tone in communicating the Assembly's Resolution to the Secretary of State. I must take exception to that remark. I know that in certain quarters nothing that the Government of India may do, or has done can be rightly construed.

The Honorable Mr. YALUBHAI SAMALDAS: I do not belong to that school.

The Honorable Mr. B. N. SARMA: I am glad to hear that. When I asked the Assembly to be a little patient and that they should not look upon the solution of one item of a problem, however important it may be, against the Indians as a test of sincerity—I was found fault with as being in the case of the Indians away. Words have been attributed to me which I have never uttered, and I repudiate on behalf of the Government any charge that has been ever weakened in their advocacy of the Indian people's rights. If a struggle it may be called, of the two views, the view which is being urged seems to be favoured by the Colonial Office, and the view which is being urged seems to be favoured by the Indian people. I think Mr. Yalubhai Samaldas has done a great deal and deserves better. I do not think that any reference to comparisons as to what the Indian people and the public have done for the benefit of East Africa, and I will rather be recommissioned that there should be no question of comparing the Indians with the Indians have done large and therefore I am not in favour of the people of the Parliament or the general public. That is an attitude which I firmly deplore, but in

[Mr. B. N. Sarma.]

of support and who may become a public charge, and inasmuch as the cost of repatriation in the case of an Asiatic-Indian is included in the term Asiatic—may not have exceeded Rs. 50 at that time; the amount was fixed at Rs. 50. The Government of India until recently fought for the right of free emigration of Indians, and their settlement in other parts of the British Empire. They enjoy to that position notwithstanding the fact that the emigration which was being caused by the Government of India in the case of the Indians is in violation of the principle of the Government of India in the case of the Indians. The Government of India is in violation of the principle of the Government of India in the case of the Indians. The Government of India is in violation of the principle of the Government of India in the case of the Indians.

As regards India immigrants into East Africa, which would place the Indian immigrants and subject to the same general application these must be... [The text is very faint and partially obscured by shadows and bleed-through from the reverse side of the page.]

As regards India immigrants into East Africa, which would place the Indian immigrants and subject to the same general application these must be...





...the Bill... the Government... the House of Representatives...

...the Bill... the Government... the House of Representatives... the Bill...

(At this point the Hon. Member for the Chair...)

Of course, migration to places where Indians are not well treated no... should be prohibited. On looking into this Bill I find that every... protection and safeguard has been provided to Indians going from here...

...understanding anything contained in this Act... the provisions of this Act...

...the Hon. Member MR. B. N. SARKISIA...

The Hon. Member MR. B. N. SARKISIA... the Bill... the Government...

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The Hon. Member MR. AHMEDTHANE... the Bill... the Government... the House of Representatives...

The Honorable Mr. B. N. SAHMA: It is clear that somebody has given notice of this amendment and moved it under a misapprehension. The statements that are made by him go to confirm the necessity for the retention of clause 6. Of course, it will be the civil surgeon or the officer doing duty in the locality that will be employed by the Government ordinarily for the purpose of inspecting passengers on ships. No departure from existing practice is likely. All that the Honorable Member means is that the civil surgeon could be employed hereafter for the purpose of inspecting passengers just as they have been employed hitherto.

The HONORABLE KHAN BAHADUR AMRISETHAMBY MERICAI: They are already employed.

HONORABLE MR. B. N. SAHMA: Yes, it is clear that somebody has appointed and power has been given to the Government to appoint a medical officer to be in charge of the civil surgeon's office and he has no jurisdiction to discharge his duties. I think the Government has understood this clause.

The HONORABLE THE PRESIDENT: I think the Honorable Member wants to know the question I am asking. The question is that the Bill was adopted.

The Bill was added to the Bill.

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ADJOURNMENT

The HONORABLE THE PRESIDENT: The attendance of the members is very low. The Bill is adjourned till Monday, the 21st February, 1922, at Eleven o'clock.

The Honorable Mr. B. N. SARMA: I have already given notice of this amendment and moved it under a suspension. The statements that are made by him go to confirm the necessity for the retention of clause 6. Of course, it will be the duty of the civil surgeon or the officer doing duty in the locality that will be employed by the Government ordinarily for the purpose of inspecting passengers on ships. No departure from existing practice is likely. All that the Honorable Member means is that the civil surgeon should be employed hereafter for the purpose of inspecting passengers just as they have been employed hitherto.

The HONORABLE KJAN BHADUR ANJITHAMBY MARICAI: They are already employed.

HONORABLE MR. B. N. SARMA: Yes. It is clear that somebody appointed and power has to be given to the Government to appoint a medical officer to act as the civil surgeon. The Government has jurisdiction to discharge his duties. The Member has understood the Bill.

HONORABLE THE PRESIDENT: The question is that the Bill be passed. The Honorable Member will waive it. The question I am asking is that the Bill be passed.

The Bill was adopted. The Bill was added to the Bill.

ADJOURNMENT OF HOUSE

HONORABLE THE PRESIDENT: The attendance is till Monday, the 27th February, 1922, at 11 o'clock.



Copies of the Debates of the Legislative Assembly and of the Council of State are obtainable on sale from the following Government Book Depôts:

OFFICES OF THE—

- Superintendent, Government Printing, India, 2, Hastings Street,
- Superintendent, Government Press, Mount Road, Madras.
- Superintendent, Government Printing and Stationery, Bombay, Poona.
- Superintendent, Government Press, Allahabad.

# LEGISLATIVE ASSEMBLY DEBATES

THURSDAY, 9th FEBRUARY, 1922

Vol. II—No. 31

## OFFICIAL REPORT

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- Unstarred Question and Answer.
- Statement of Business.
- Resolution re Improvement of Medical Education in India.
- Resolution re Equality of Status for Indians in Africa.

LEGISLATIVE ASSEMBLY

Thursday, 6th February, 1922.

The Assembly met in the Assembly Chamber at Eleven of the Clock. Mr. President was in the Chair.

MEMBER SWORN

His Majesty's Secretary of State, Bhanja Das, O.B.E., of Kewra, M.L.A. (Bihar and Orissa) (Assistant Members).

QUESTION AND ANSWER

SCHOOLS FOR TRAINING MEN AND WOMEN TELEGRAPHISTS.

Mr. N. M. Jaisankar (1) Will Government be pleased to give a list of schools conducted or managed by Government for training men and women telegraphists by the Telegraph Department and the usual recruitment for each, and (2) which schools are for (a) Europeans and Anglo-Indians, and (b) Indians?

(2) Will Government be pleased to state the scale of grants paid to aided telegraphic schools or classes attached to schools?

(3) Will Government be pleased to state whether any Indian schools have been ever included in Government classes or the Central Aid system, and if so, with what results?

(4) Will Government be pleased to give the figures relating to the general recruitment of telegraphists in the Department during the last three years for (a) General, and (b) Special Service, and what are their scales of pay?

Colonel Sir S. B. H. ... is invited to the floor ... Mr. ... in ... 1921 ... the ... School ... the ... of ...

(2) ... of ... of Rs. 100 ... if he is drafted into the ... Service, is paid to the ... This payment is irrespective of any ... of Government.

(3) A copy of the rules which govern telegraphic classes can be opened in schools where there was a possibility of opening classes and two schools training Indian candidates were started. There has been no expansion recently of

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[Sat. Evg. 1922.]

the system, as the requirements of the Department are being met by the existing arrangements.

(4) The average number of telegraphists recruited during the last three years is as follows:

| Year | General Service | Special Service |
|------|-----------------|-----------------|
| 1919 | 1,100           | 1,100           |
| 1920 | 1,100           | 1,100           |
| 1921 | 1,100           | 1,100           |

The average number of telegraphists recruited in the Department only from 1st December 1919 to 31st December 1921 is as follows:

| Year | General Service | Special Service |
|------|-----------------|-----------------|
| 1919 | 1,100           | 1,100           |
| 1920 | 1,100           | 1,100           |
| 1921 | 1,100           | 1,100           |

Mr. N. M. Joshi: Will you, Government, see the necessity of providing more classes in the telegraph department?

Colonel Sir G. G. ... into that question and give the Honourable Member an answer.

MR. N. M. JOSHI TO THE GOVERNMENT.

The Hon. S. G. ... the Hon. Member, to give an answer to the question which he has just applied with notice.

Mr. President: Will you please allow me to ask a question for which notice has been given to the Chief as well.

Mr. N. M. Joshi: I will ask the question with your permission.

The Honourable Mr. ... I have not seen any written question ... I was to be asked a question ... The Government have already ... a full statement ... and they have given a more detailed explanation of it in this regard.

As regards the specific charge of misconduct made in Mr. Gandhi's last statement, I will have to refer to the Local Government, as to the truth of the allegations and I will please any information I receive at the disposal of the Honourable Member. But I must remind the Assembly that all these questions are really matters for Provincial Administrations to deal with, and many of them have, I believe, been taken up, or are being investigated by Local Governments. I would also ask the Assembly not to place too much reliance on vague statements of this kind, bearing in mind the fact that similar allegations, those, for instance, regarding the rail administration in Delhi, have proved to be without foundation. There are two particular charges, however, to which I must draw attention. One relates to the dispersal of unlawful assemblies by force, and I want to make it quite

clear that, where it is necessary to disperse unlawful assemblies and such assemblies refuse to disperse when ordered to do so by competent authority, it is the intention of the Government that, as in all other countries, they should be dispersed by force when this is necessary. In such cases force is the only remedy.

In the second ... I want the ... to bear in mind the recent tragic occurrence at ... whether that is any indication that this new pledge is being kept ... for Mr. Gandhi to consider that occurrence in the light of some of the remarks which he made after the more fatal disaster in Bombay.

There is ... and ... to be signed by volunteers ... out all but men of approved character ... so many servants of the Crown have lost their lives, and ... it remains for Mr. Gandhi to consider that occurrence in the light of some of the remarks which he made after the more fatal disaster in Bombay.

UNSTARRED QUESTION AND ANSWER.

2255. Mr. ... please to state:

(a) whether the Controller of Contracts ... organisation at present ... mainly, if not wholly, for ... of foodstuffs, petrol ... supplies

(b) whether the Government ... of Government ... on a permanent basis ... as considerably ... by which the organisation ... and its exact future status, i.e., whether it will be placed in the Quartermaster General's Branch or will remain as a branch directly under the control of the Government.

(c) whether it is a fact that the ... was an eminent businessman of Calcutta, ... the appointment, it has through ... and is even now held by Supply and Transport Corps officers? If so, what are the business qualifications of each of these officers to hold the appointment?

Sir Godfrey Pelly: (a) The Controller of Contracts administers a separate organisation, which is controlled directly by the Quartermaster General in India. The purpose of this organisation is as stated.

(b) The question of making this organisation permanent is at present under the consideration of Government. The future status of the Controller

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LEGISLATIVE ASSEMBLY.

[Sess. Part II, 1942]

the system, as the requirements of the Department are being met by the existing arrangements.

(c) The average number of telegraphists recruited during the last three years is as follows:

General Service

1939

1940

1941

The Stationery and Printing Department only from the 1st December 1941 to the 31st December 1942.

General Service: 1939-40, 1,000; 1940-41, 1,000; 1941-42, 1,000 (at the rate of 11 per cent. increase on the 1939-40 level).

Stationery and Printing: 1939-40, 100; 1940-41, 100; 1941-42, 100 (at the rate of 10 per cent. increase on the 1939-40 level).

Mr. N. K. Joshi: ... the necessity of ... the more classes ...

Colonel Sir ... into that question and give the Honourable ...

THE GOVERNMENT.

Mr. S. S. Govil: ... the Home Member, to ... my question ...

Mr. President: ... wishes to ask a question ...

Dr. H. K. ... your permission?

The Hon. ... I have not seen any written question ...

As regards the specific charges of misconduct made in Mr. Gandhi's last statement, I will have to refer to the Local Government, as to the facts of the allegations and I will place any information I receive at the disposal of the Honourable Member. But I must remind the Assembly that all these questions are really matters for Provincial Administrations to deal with, and many of them have, I believe, been taken up, or are being investigated by Local Governments. I would also ask the Assembly not to place so much reliance on verbal statements of this kind, bearing in mind the fact that similar allegations, those, for instance, regarding the jail administration in Delhi, have proved to be without foundation. There are two particular charges, however, to which I must draw attention. One relates to the dispersal of unlawful assemblies by force, and I want to make it quite

clear that, where it is necessary to disperse unlawful assemblies and such assemblies refuse to disperse when ordered to do so by competent authority, it is the intention of the Government that, as in all other countries, they should be dispersed by force when this is necessary. In such cases force is the only remedy.

In the second ...

The ... and ... to be signed by volunteers ... I want the ... to bear in mind the recent tragic occurrence at ... whether that is any indication that this new pledge is being kept ... for Mr. Gandhi to consider that occurrence in the ... he made after the more fatal ...

UNSTARRED QUESTION AND ANSWER.

CONTROLLER OF CONTRACTS ORGANISATION.

2255. Mr. ... please to state:

(a) whether the Controller of Contracts Organisation at present ... General's Branch, Army Headquarters ... mainly, if not wholly, for ... of foodstuffs, petrol ... miscellaneous supplies ...

(b) whether the Controller of Contracts Organisation is a permanent body ... Government ... as considerably ... by which the organisation ... the Controller General's Branch or will remain as a ...

(c) whether it is a fact that the ... or was an assistant businessman of Calcutta, ... the appointment, it has through ... and is now now held by Supply and Transport Corps officers? If so, what are the business qualifications of each of these officers to hold the appointment?

Sir Godfrey Fell: (a) The Controller of Contracts administers a separate organisation which is controlled directly by the Quartermaster General in India. The purpose of this organisation is as stated.

(b) The question of making this organisation permanent is at present under the consideration of Government. The future status of the Controller

of Contract...  
Committee...  
General.

(c) The savings to the...  
affirmative. As regards the...  
and Transport Corps have considered...

STATEMENT OF BUSINESS

The Honourable Sir William...  
make a statement of the legislative business to come before the House next week. On Monday, the 13th February, the following Bill, which was passed by the Council of States and just on the table of the Assembly on the 1st of February, will be taken into consideration, and if the Assembly so think fit, will, it is hoped, be passed:

- (1) A Bill to repeal certain provisions of the...  
Act, 1908.
- (2) A Bill to repeal certain special enactments...  
the ordinary criminal law.

The Report of the Select Committee...  
be taken into consideration on the same...  
as amended by the Committee, will be passed...

RESOLUTION RE: IMPROVEMENT OF MEDICAL EDUCATION IN INDIA.

Lieut.-Col. H. A. J. Gidday (Nominated) Anglo-Indian: Sir, the Resolution which stands in my name reads as follows:

'This Assembly recommends to the Government of India that it be pleased to appoint a Committee of persons...  
to visit the United Kingdom in consultation with the General Medical Council and...  
to learn India and to inquire...  
Medical and Surgical institutions...  
to bring the Indian institutions...  
with those of the United Kingdom...  
recruitment for its entire Medical Service.'

The Resolution that I am putting before this House places me in a position of some singularity inasmuch that I have not got any medical men here to contest what I am to say. It also leads me to state my disappointment and regret that there is not a Medical Member attached to this House sitting on the Government Benches, for I submit, to such intensely professional matters it will be much better for me to be helped by a medical man, especially when the Indian Medical Service and the medical needs of India are very prominent before the country to-day. The Service is represented most worthily by the Member who holds this portfolio, but at the same time, Sir, in these intensely scientific subjects, it is much better that they are dealt with first hand by a medical man. Sir, I feel I am entitled to talk with some authority on this matter, and, as such, I feel that I

should be...  
professional man, what I say is correct. Sir, I speak with some authority, because I have received my training in India, in London, in Edinburgh, in Oxford and in Cambridge, in all of which places I have qualified and received my degrees. I feel I can, therefore, speak with some authority. My Resolution is the sequel of one that was moved at the last Simla Session by Mr. Subrahmanyam. Honourable Members of this House will remember that at that Session Mr. Subrahmanyam pointed out to this House a certain letter which was received from the General Medical Council, in which he showed, or tried to show, the discourtesy extended to India, as compared with the courtesy given to the English schools. This House will remember that, on that occasion, it expressed itself in no uncertain terms regarding this Resolution. The General Medical Council, no doubt, was informed of this and they acted in a very wise manner inasmuch that they have extended their arms regarding the affiliation of Indian Universities and graduates, to a larger proportion than they had intended doing. To place themselves in a more secure position and justify this extension of grace, they have taken upon themselves to send out a representative, named Dr. Norman Walker. Now, it will be necessary to state what Dr. Norman Walker is going to do, or why he is coming out here. I have I am right in thinking that I am opposed to correction that Dr. Norman Walker has come out in consultation with the Government of India, but I do not know whether the provincial Governments have been consulted in the matter. I am told that he left England on the 15th of last month and should be here now or will shortly be in India.

To Dr. Norman Walker I wish to be appointed one of the most capable officers of the Indian Medical Service to help him. I refer to Colonel Neelgund, who is the Deputy Director General of the Indian Medical Service—and, what he comes from a province, he is to be aided by I believe two or three non-official Medical members. My intention, I understood, at first was to require into my defective and imperfect training, but I have since learnt that the inquiry will embrace a larger field, inasmuch as he will find out the various rules which govern our institutions, with a view to showing before the General Medical Council what we are doing, and what we should or should not continue to be doing. I think that the General Medical Council in England, I believe, that a very large number of the members that I propose in this Resolution are very well known. It is a question then of our medical needs and the objects to be attained, and the Government regarding the defects in their medical training, where we are known to be up to equality with the British Empire. Before I go further, it is perhaps necessary for me to state in a few words the nature of the training that is at present given to medical students in the various Universities and Colleges. I will only mention, and that is, Madras, that I believe that Madras stands not far behind as regards the training given in India, so far as the medical training is concerned. I believe that the students here are not less or more or weaker than those in the Indian Medical Service, and the same is the case with the students of the various Universities and those who have qualified in the Universities. There is no doubt it is the current belief that most of the best of the medical service officers, or the best of them, are held and retained by the Government.







[Lieut.-Col. H. A. J. Gidney.]

service in India, you will not get satisfaction where the highest education can be imparted. I consider it a matter of regret and of reproach to India that while it has had such a large number of medical experts and distinguished medical men in its service, there should not be one superior class institution where the highest training could be imparted, and that it should be recalled to mind that the absence of these institutions constitutes a difficulty in the way of employing Indians in the higher ranks of the Service.

**SATISFACTION**

Further up the Government. The Right Honourable Member asked whether the medical science should be more rationalised, that the results of medical research and the advantages accruing from a knowledge of medical science should be retained in India; they should be scattered more broadcast in the country; that they should go down among the people in a larger degree than is the case under present conditions. It is towards that end that it is suggested that a separate Civil Medical Service should be constituted. It is in the interests of humanity that it should be so constituted. Were our existing institutions deficient, the provision should be made for improving them up to the highest standard. Let it be open to Indians as much in practice as it is in theory to obtain a fair share of appointments in the Indian Medical Service, if it is shown their merit and worth.

I have but a few more extracts left. The Right Honourable Srinivasa Sestri, in summing up and in reply to a question put by the Honourable Sir William Vincent, said:

I think it has generally been supposed—it came out scientifically in the evidence—that an Indian, before being admitted to this examination, should be compelled to undergo a hospital course in England. Some fix it at one year, some fix it at a year and a half, and some fix it at two years. That, it seems to me, is not according to fair play, nor contemplating with equanimity the results of the five admissions. Let it be remembered too, it is becoming increasingly difficult for us to gain admission into any of the technical training in England.

And on, he says:

In all events, place within the reach of those who want the advantages of the course, the services of a body of people who will be able to give after their own will the benefit of their own education to the people of India.

The Hon. Mr. ... and Mr. ... speaking on this Resolution, said:

I will not weary the Council by going further on this point, but before touching upon the second part of this Resolution, I think it my duty to inform the Council that there is every reason to fear that the Indian Medical Service, under its conditions as they are, will cease to attract medical men of the highest attainment, other than those of Indian birth. Therefore, to secure the highest and I unhesitatingly maintain that in the interests of India, the Government should consider...

These words were never uttered by any officer in charge of the Service. When the Government made in 1914, four years ago, the question is, has it been answered?

With these few remarks, Sir, I place any Resolution before this House for their consideration, hoping that they will consider it from the various aspects which I have said before them, and I trust that they will receive it with approval.

The Honourable Member Sir Muhammad Shafi (Education Member): Sir, the deep interest which my Honourable friend, Colonel Gidney, takes in the cause of medical education in this country is, in his case, perfectly

natural, and I am sure Honourable Members will agree with me that, in bringing forward this Resolution, he is actuated by the best of motives. At the same time, from the various schemes of improvement of our Imperial services, many of which have already been adopted and others are in the course of formulation, as well as from the institution of examinations in this country for the purposes of recruitment to those services, Honourable Members will realise that the Government of India are in entire sympathy with the ultimate object which the Honourable Mover has in view.

The question which arises upon this Resolution, therefore, is not one of principle, for in respect of principle we are all in agreement. The question at issue is really one of method, and in offering the few observations which I intend to make upon this Resolution, I propose to confine myself to this question—that is to say, the question of method.

Sir, it is quite true that the Member in charge of Education in the Government of India is not a medical expert, but the question before the House is not one of scientific medical proposition with reference to which different medical schools hold different opinions. The question is one which, I venture to submit, every Member of this House, be he an expert in medicine or not, is in a position to pronounce a definite opinion.

Sir, a careful analysis of the Resolution moved by my Honourable friend will make it clear to Honourable Members that the proposal put forward by him is divisible into three parts. In the first place, there is the proposal for the appointment of a Committee and the constitution of that Committee. There is, in the second place, the nature of the inquiry which this Committee is intended to make; and there is, in the third place, the ultimate object with which that inquiry is to be undertaken. Now, I propose to deal with these three aspects of the proposal embodied in the Resolution separately, in order to show that, while I am in entire sympathy with the object which my Honourable friend has in view, the method proposed by him is entirely misconceived.

Sir, the Honourable Member has referred to what happened in Simla in the September Session. Honourable Members will remember that during the summer of 1921, the General Medical Council, being very anxious that practical training in Midwifery both in England and in India should be brought up to the requisite standard, took certain action in connection with the training which is being imparted in this country. As I explained on that occasion, that action was not based upon any racial or political considerations, and was taken by the General Medical Council in the discharge of the statutory obligations which rested upon them. It was under a Statute passed by the British Parliament. Well, Sir, in connection with the action which was then contemplated by the General Medical Council, a debate took place in this House in its Simla Session, and a certain Resolution, to which I need not refer in detail, was adopted. This Resolution was communicated by the Government of India to the Secretary of State and by the Secretary of State to the General Medical Council. Honourable Members are aware that it remains to this day unacted upon by this House and the Government of India, the General Medical Council have postponed the carrying into effect of that Resolution and have sent out Dr. Norman Walker to make inquiries on the spot, as to the exact position with regard



only the Hon. Member Sir Muhammad Shah, who has been

discussing the Bill. I have yet to be passed. I have yet to be passed. I have yet to be passed.

the Secretary of State has passed his orders. It will be the proper time for such a discussion.

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[Sir Deva Prasad Sarvadhikary.]

obligations. The statutory obligations, Sir, have been always there. How is it that, only within the last few years, they have been troubled with considerations like these and found it necessary to threaten withdrawal of recognition of Indian graduates? There would not really be very much the matter with regard to the exclusively Indian position if the threatened withdrawal of recognition came, because the scheme for the maintenance of the services is given in the Bill as it stands now. If the inquiry to which the Honourable Member has referred is made by the Government of India, it is not possible to say that the Government of India will be bound to accept the recommendations of the Board of Medical Education in England. It is not possible to say that the Government of India will be bound to accept the recommendations of the Board of Medical Education in England. It is not possible to say that the Government of India will be bound to accept the recommendations of the Board of Medical Education in England.

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... I have been ... the Commission ... graduates ...  
... I have been ... the Commission ... graduates ...  
... I have been ... the Commission ... graduates ...

Commission had gone into the matter very thoroughly and had reported their case. However, he said:

I agree that our training ... in this country, but ...  
... I agree that our training ... in this country, but ...  
... I agree that our training ... in this country, but ...

... Medical Colleges complete instruction in ...  
... Medical Colleges complete instruction in ...  
... Medical Colleges complete instruction in ...

Here again, Sir, a doubt arises as to what is intended to be done. Dr. Norman Walker will tell us to-morrow what his inquiry will be. We are concerned with his inquiry will be. We are concerned with his inquiry will be. We are concerned with his inquiry will be.

ought to be known in the way that I have described in my amendment, namely, that it should be an inquiry by a committee.

Consisting of representatives of each of the Medical Colleges affiliated to Indian Universities and of the Government of India inquiring into and suggesting improvements in (in conjunction and consultation if necessary with the nominee of the General Council of Medical Education proposed to be sent out for the purpose.)

This had been drafted and sent, Sir, before Dr. Norman Walker had moved—

for teaching Midwifery in Indian Medical Colleges by means of inter-University practical training on lines prevailing in Europe and otherwise.

I need not go into a variety of details that might be urged in support of the position that what the Council in England says is not tenable. It is no use doing that in this Assembly, and, if there is to be an inquiry, all the details may usefully be placed before that Committee.

**Rao Bahadur C. S. Subrahmanayam** (Madras ceded districts and Chittoor; Non-Muhammadian Rural): I oppose the Resolution and also the amendment that is proposed. An inquiry into any institution or any concerned presupposes a belief that something is wrong. Unless the House comes to the *prima facie* conclusion that there is something wrong in the medical instruction in the colleges of India, I do not think that the House will be justified in according its assent to an inquiry of the kind suggested in the Resolution or in the amendment. Now, Sir, this question of medical education was the subject of discussion in the last Simla Session, and now, as a result of that discussion, we have a gentleman coming out to make the necessary inquiries. I think that it would be very wise on our part to await the results of the inquiry made by this gentleman and those associated with him, and then see whether it is necessary that we should go further and investigate the conditions of the medical institutions in India. Owing to above all this, there is the question of cost, and the question of cost is a matter which we ought always to keep in mind. Of course, if the anticipated results are such as to outweigh the considerations of cost, if we are assured that the matter is one of great need and an inquiry would result in bettering our conditions, then possibly the question of cost might be put aside. After what we have heard from Sir Muhammad Shaif and considering the really important position which the Reform Scheme has given to the Local Governments and to the Ministers, an inquiry of this sort, started from here, I think is inadvisable, and, therefore, I would ask the House to reject the Resolution, and, as Sir Deva Prasad Sarvadhikary has said, that he will be quite content to withdraw his amendment and await further developments, I think the House will be wise in rejecting both.

**Dr. H. S. Gour** (Nagpur Division; Non-Muhammadian): I confess with the majority of the members in this House that we are perhaps not qualified to discuss a subject purely medical, but, as the Honourable Member for Education has pointed out, this is not a question which deals with the technical aspect of medical education, and my further justification for speaking on the subject is that I have received a clear passport from the House to the Motion of this Resolution. I think that all Members of the House are in sympathy with the principle underlying the Resolution, but I do not support either the Resolution or the amendment.

moved by Dr. Sarvadhikary. As it has been used from the Government benches that it is a question which appertains to the provincial Governments, I beg to draw the attention of the Honourable Member for Education to the fact that the constitution of the Walker Committee is the best representation of the plea that the matter is not within the jurisdiction of the Central Government, and, if that had been the sole obstacle to the inquiry proposed, I submit that the Members of this House would not regard it as insuperable. But there are other and more weighty objections. As my friend Mr. Subrahmanayam, has pointed out, the question of cost is the main objection to the carrying into effect of this proposal. The Honourable the Education Member tells us that a Committee has already been appointed to inquire into the condition and state of medical education in this country. But, from what he tells us, I think that the scope of the inquiry to be made by the Walker Committee would be necessarily limited. Dr. Walker comes as a delegate from the British Medical Council. He is, no doubt, to be associated in the inquiry with a representative of the Government of India, but I think that the primary object of the inquiry directed by the General Medical Council in England is to submit a report to that body as to the condition of medical education in the colleges in this country. If that be the sole object, and it appears to be the sole object, then I submit, the inquiry ordered by the Secretary of Health is not a substitute for the inquiry proposed in the original Resolutions. If the Government Bench can assure the House that the scope of this inquiry will be enlarged so as to cover the ground proposed by the Honourable Member of the Resolution, it will give us great satisfaction. Will the Walker Committee inquiry be made generally into the condition of medical education in this country? Will it suggest improvements in the matter of medical education with a view to make it possible that persons for the Indian Medical Services would be trained in this country? Would it or a finance committee the education of other departments besides that of the Indian Medical Services? The Honourable Member of this Resolution made a statement in reference to Dr. Norman Walker and said that he was an eminent dermatologist, and he pointed out that a dermatologist is not necessarily qualified to preside as a member of the committee suggested by him. To this my friend, the Honourable Mian Sir Muhammad Shaif, vouchsafed no reply. He told us, no doubt, in an extremely ambiguous way, that some meeting of the combined Chambers was to take place to-morrow.

**The Honourable Mian Sir Muhammad Shaif:** I said I understood that there will be held a meeting to-morrow to which Members of the two Chambers have been invited.

**Dr. H. S. Gour:** We are of the opinion that a meeting will take place to-morrow. I was inquiring from my friends, Sir, friends as to when and where this meeting is to take place and why they are so much obscurely about the time and the place and the nature of the meeting so myself. I hope that, when there is this meeting, the Honourable Member in charge of this Committee will be able to answer the Members of this House that the inquiry will be on the general lines of what I said in this debate and that eventually result in the improvement of work in the medical education of this country. If this is so, I am glad to know that the noble Member of the Resolution has not been misled by a gentleman who assured me that the only way to clear up the matter was to hold a meeting to-morrow. I think that we should have the meeting to-morrow, but I do not support either the Resolution or the amendment.

ought to be approved in the way that I have described in my amendment. Finally, this is not to be an inquiry by a Committee.

Consisting of representatives of each of the Medical Colleges affiliated to Indian Universities and of the Government of India inquiring into and suggesting improvements in conjunction and consultation if necessary with the nominee of the General Council of Medical Education proposed to be sent out for the purpose.

—this had been drafted and sent, Sir, before Dr. Norman Walker had arrived—

the teaching Midwifery in Indian Medical Colleges by means of inter-University practical training on lines prevailing in Europe and otherwise.

I need not go into a variety of details that might be urged in support of the position that what the Council in England says is not tenable. It is no use doing that in this Assembly, and, if there is to be an inquiry, all the details may usefully be placed before that Committee.

**Rao Bahadur C. S. Subrahmanyan** (Madras ceded districts and Chingleput: Non-Muhammadan Rural): I oppose the Resolution and also the amendment that is proposed. An inquiry into any institution or any concerned presupposes a belief that something is wrong. Unless the House comes to the *prima facie* conclusion that there is something wrong in the medical instruction in the colleges of India, I do not think that the House will be justified in according its assent to an inquiry of the kind suggested in the Resolution or in the amendment. Now, Sir, this question of medical education was the subject of discussion in the last Simla Session, and now, as a result of that discussion, we have a gentleman coming out to make the necessary inquiries. I think that it would be very wise on our part to await the results of the inquiry made by this gentleman and those associated with him, and then see whether it is necessary that we should go further and investigate the conditions of the medical institutions in India. Over and above all this, there is the question of cost, and the question of cost is a matter which we ought always to keep in mind. Of course, if the anticipated results are such as to outweigh the considerations of cost, if we are assured that the matter is one of great need and an inquiry would result in bettering our conditions, then possibly the question of cost might be put aside. After what we have heard from Sir Muhammad Shafi and considering the really important position which the Reform Scheme has given to the Local Governments and to the Ministers, an inquiry of this sort, started from here, I think is inadvisable, and, therefore, I would ask the House to reject the Resolution, and, as Sir Deva Prasad Sarvadhikary has said that he will be quite content to withdraw his amendment and await further developments, I think the House will be wise in rejecting both.

**Dr. H. S. Gour** (Nagpur Division: Non-Muhammadan): I come with the majority of the laymen in this House, but we are perhaps not qualified to speak on a subject purely medical, but the Honourable Member for Nagpur has pointed out, this is not a question which deals with the technical aspect of medical education, and my further justification for speaking on the subject is that I have received a clear passport from the House and the Members of this Resolution. I think that all Members of the House are in sympathy with the principle underlying the Resolution, but I would like to express either to the Resolution or to the involvement

involved by Dr. Sarvadhikary. As it has been said from the Government benches that this is a question which appertains to the provincial Governments, I beg to draw the attention of the Honourable Member for Education to the fact that the constitution of the Walker Committee is the best realization of the plea that the matter is not within the jurisdiction of the Central Government, and, if that had been the sole obstacle to the inquiry proposed, I submit that the Members of this House would not regard it as insuperable. But there are other and more weighty objections. As my friend Mr. Subrahmanyan, has pointed out, the question of cost is the main objection to the carrying into effect of this proposal. The Honourable the Education Member tells us that a Committee has already been appointed to inquire into the condition and state of medical education in this country. But, from what he said from the Honourable Member of the amendment, Dr. Sarvadhikary, I infer that the scope of the inquiry to be made by the Walker Committee would be necessarily limited. Dr. Walker comes as a delegate from the British Medical Council. He is, no doubt, to be associated in this inquiry with a representative of the Government of India, but I think that the primary object of the inquiry directed by the General Medical Council in England, is to submit a report to that body as to the condition of teaching in the medical colleges in this country. If that be the sole object, and it is necessary to be the sole object, then I submit, the inquiry ordered by the Secretary of State is not a substitute for the inquiry proposed in the original Resolution. If the Government Bench can assure the House that the scope of this inquiry will be enlarged so as to cover the ground proposed by the Honourable Member of the Resolution, it will give us great satisfaction. Will the Walker-Needham inquiry be made generally into the condition of medical education in this country? Will it suggest improvements in the matter of medical education with a view to make it possible that people like an Indian Medical Service would be trained in this country? Will the Government Bench require the Chairman of other departments besides the Education Department? The Honourable Member of this Resolution made a written reply to the Honourable Member Walker and said that he was an eminent dermatologist, and he pointed out that a dermatologist is not necessarily qualified to propose a Secretary of the nature suggested by him. To this my friend, the Honourable Mian Sir Muhammad Shafi, vouchsafed no reply. He took us, no doubt, in an extremely ambiguous way, that some meeting of the combined Chambers was to take place to-morrow.

The Honourable Mian Sir Muhammad Shafi: I said I understood that there will be held a meeting to-morrow to which Members of the two Chambers have been invited.

**Dr. H. S. Gour:** We are all that this meeting will take place to-morrow. I was inquiring from my medical friends as to when and where this meeting is to take place and why they are so in much obscurity about the time and the place and the nature of the meeting as itself. I hope that, when there is this meeting, the Honourable Members in charge of this Committee will be able to answer the Members of this House that the inquiry will be on the general lines of what I said in this debate and that it will eventually result in the improvement of work in the medical education of this country. If this is not the case, I would like to know the noble Member of the Resolution what he has proposed by this inquiry, and I think the noble Member of the Resolution should be asked, the result of this inquiry, and I think the noble Member of the Resolution should be asked, the result of this inquiry, and I think the noble Member of the Resolution should be asked, the result of this inquiry, and I think the noble Member of the Resolution should be asked, the result of this inquiry.









...the words from 'in professional experts' to 'of the United Kingdom' be amended, and in their stead the following words be substituted:

...of the Medical Colleges of India, for the purpose of suggesting improvements in education and consultation, to be known as the Imperial Council of Medical Education, to be composed of representatives of the Indian Medical Colleges by means of inter-university practical training in Europe and otherwise.

The question is that that amendment be made.

The motion was negatived.

1 P.M. Mr. President: The question is:

That this Assembly recommends to the Governor-General that he be pleased to appoint a Committee of professional experts, to be selected from the United Kingdom in consultation with the General Medical Council, and the other half from India, to tour India and to inquire into the present state of the various Medical and Surgical institutions, both official and non-official, and to submit recommendations with a view to bringing the Indian Medical Services, on a level with those of the United Kingdom and other countries in which a suitable field of recruitment for its entire Medical Services.

The motion was negatived.

The Assembly then adjourned for Lunch at Five Minutes past Two of the Clock.

The Assembly re-assembled after Lunch at Five Minutes past Two of the Clock. Mr. President was in the Chair.

RESOLUTION RE: EQUALITY OF STATUS FOR INDIANS IN AFRICA.

Mr. K. B. L. Agnihotri (Central Province, 2nd Division: Non-Muhammadan): Sir, I have to move the following Resolution:

This Assembly recommends to the Governor-General in Council that he do represent to the Imperial Government that the various parts of the Imperial Government to meet the needs of the Indian subjects of the Empire, and the equality of status of British subjects in Africa, is a serious violation of equal status promised to Indians in British Empire.

The history of British Africa is a country could be described by an... and the interpretation of... was but natural that... from the... and lost all faith in the promises

It had been a deep-seated... that British statesmanship would... to the occasion and concede equality of civil rights... But, after the acceptance of the... Imperial Conference, excepting General Smuts... who believed that the 'Equality' Resolution would... the Overseas Dominions and the Colonies. I gave notice of this resolution to lay before the British Government and, through them, the South African Government our feelings of deep regret and disappointment which, the non-acceptance of that Resolution has caused in this country. The public was a little reassured by the opening speech of Lord Reading in the Legislative Assembly at Simla.

But, Sir, I thought that I should so soon get another instance of that broad and unfeeling and traitorous... of the Colonial Office. The unsympathetic and tasteless utterance of the Right Honourable Winston Churchill, His Majesty's present Secretary of State for the Colonies, has shocked public feeling to a very considerable extent. It has given Indians sufficient pause to be sceptical in taking English statesmen at their word. It has made them question whether, after all, the non-operations are not right. Sir, it now lies solely in the hands of the British statesmen themselves to remove the feelings of suspicion from the minds of Indians by the fulfilment of the pledges and promises given and the hope raised.

It is a fundamental principle of every Government that its subjects shall enjoy equal rights and status, and be entitled to even-handed justice; and, in consequence with this fundamental principle, when the Crown took over the administration of the country from the East India Company, the late Queen Victoria, in the Proclamation which has well been called 'India's Great Charter', declared that Her Majesty held herself bound to the natives of her Indian territories by the same obligations of duty as bound her to all her other subjects. Indians were to become true British subjects, with all the rights and privileges of British subjects. This promise was reiterated by Lord Lytton in the Proclamation issued by him in the name of Queen Victoria; and was also adopted by His Majesty Edward VII. Our present Sovereign, His Majesty King George V, in his letter of 24th May, 1910, addressed to the Prince and people of India, graciously declared:

These (i.e. the Proclamations of 1858 and November, 1908) are the Charters of the noble and benign spirit of Imperial Rule and by that spirit in all my time to come I will faithfully abide.

I need not say how these solemn promises were fulfilled by the British Government, so far as they affected the Indians in this country, but, for the present, I shall confine my attention to the question as to how far those solemn promises were kept in the case of Indian British subjects abroad. In Africa, the Indians are mostly domiciled in (1) South Africa, comprising the Transvaal, Orange Free State, Natal, the Cape Province and Zululand; and (2) East Africa, comprising Kenya, the British mandated territories of Tanganyika, and Uganda, and British Guiana.

According to Sir Benjamin Robertson, the Indian community in South Africa had its origin in the indentured labour which was introduced by Natal between 1860 and 1911 for the development of her industries, and more specially for the sugar and... plantations. In the wake of the indentured labourer came the trader from the Bombay Presidency. He went to supply



[Mr. K. B. L. Agnihotra.]

were fully cognisant of the Colonials' bitter feelings against the Indians. They knew that they could not, while in power, do much to safeguard or protect the Indian interests in the Dominion; still, without any thought by the latter, they kept on re-enacting laws to restrict the rights of Indians under the old Government laws, and to restrict the rights of Indians at the mercy of the Colonials. This is a sad state of affairs. It is a pity that a Minister of the British Government should have been so ignorant of the feelings of the British Colonials. It is a pity that a Minister of the British Government should have been so ignorant of the feelings of the British Colonials. It is a pity that a Minister of the British Government should have been so ignorant of the feelings of the British Colonials.

This Government of India has been very much interested in the African continent. It has been very much interested in the African continent. It has been very much interested in the African continent. It has been very much interested in the African continent. It has been very much interested in the African continent.

Immediately after the grant, in the very first session of the Union Government, Acts were passed for further restricting the rights of Indians. The rights of Indians were further restricted. Indians were not allowed to get their wives and children from India, and were required to give family impressions at registration. Indian visitors and tourists, of whatever status they be, were not allowed to enter the province.

The Indian Government and the Indian or Imperial Government, had, respectively, no voice and got some relief. Later on, the late Mr. ... relieved the tension of feeling between the ... But the situation continued and the ... gave additional to it, and passive ... under the leadership of Mahatma ... the ... Agreement, ... was ... An Indian ... thereafter ... slightly better ... and were allowed to get their ... affairs ... last long. The ... and passed ... the rights acquired ... Imperial Government ... Indians the rights of ...

... by the laws ... and prohibited from ...

... rights and privi- ... laws are ... in the admin- ... settled there ... to the report ...

... the South African ... and energetic ... of the Indian ...

The Natal Government attempted to pass two bills in 1908 which were destined to restrict the trading rights of Indians and had for their object the complete eviction of Indians. The Imperial Government expressed their views in very forcible language, and the laws were not passed. The Law III of 1885, applies to the northern districts of Natal, where the Indians have the same restricted rights as in the Transvaal.

In Natal there is nothing in the law to disbar Indians from owning land, it is said that they can neither reside nor trade there.

In Natal, which is the sole province where Indians have the franchise, the franchise is given to the Indian community, but they are not allowed to vote in the election of the Legislative Council. The franchise is given to the Indian community, but they are not allowed to vote in the election of the Legislative Council. The franchise is given to the Indian community, but they are not allowed to vote in the election of the Legislative Council.

|                   |         | Proposed possible disabilities  |
|-------------------|---------|---|
| Natal             | 125,000 | Restriction of acquisition of land. Restriction of trading rights. Harsh treatment under immigration laws. Segregation laws. Commercial and industrial should be removed. |
| Transvaal         |         | Restriction of trading rights. Harsh treatment under immigration laws. Segregation laws. Commercial and industrial should be removed.                                     |
| Orange Free State |         | Restriction of trading rights. Harsh treatment under immigration laws. Segregation laws. Commercial and industrial should be removed.                                     |

The General Statute Assurance as the Imperial Conference in 1911 had raised some hopes in our hearts and it was believed that in future the Indians in South Africa would get better treatment. In the Imperial Conference in 1916, Lord Siala, who went as a representative from this country, moved a

Resolution known as the "Balfour Resolution" and it was accepted at the Imperial Conference. It may be that he may have moved it originally with a view to secure such rights as could amply be got, but many of the countrymen thought it to be an unwise compromise. It was inconsistent with the principle of equality of status in the British Empire. It empowered the Colonies to prohibit and restrict immigration, which is the inherent right of every British subject to move within the Empire. The speech which Mr. Balfour delivered while adopting the Resolution on behalf of the Union, further raised our hopes for a satisfactory settlement of the problem. Shortly after the war, a few years were unproductive. In 1916, introduced into the House of Commons, it was rejected. The Indian Government, however, has been steadily asserting its vested rights. The Government of India, however, has been steadily asserting its vested rights. The Government of India, however, has been steadily asserting its vested rights. The Government of India, however, has been steadily asserting its vested rights.

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It was entirely through the influence of these Indian mechanics that we were enabled to hold on to the position that eventually established our position.

It is clear that the Indians had arrived long before the Europeans. The Indian traders and settlers have been the main contributors to the development and prosperity of this province. The Indians were skilled in civilizing the Africans. One of the grounds for the grant of the Royal Charter to the Imperial British East African Company in 1885 was that it was considered to be advantageous to the "commerce, trade, and interests" of the British Empire and that the possession of the British Colony of the East African Coast would prevent the African subjects from being compelled to reside and trade under the overbearing and unscrupulous rule of alien powers. Indians also had a leading part to play in founding this post and in building up the colony.

The Indians were primarily engaged in trade and commerce. The Government of India, however, has been steadily asserting its vested rights. The Government of India, however, has been steadily asserting its vested rights. The Government of India, however, has been steadily asserting its vested rights. The Government of India, however, has been steadily asserting its vested rights. The Government of India, however, has been steadily asserting its vested rights. The Government of India, however, has been steadily asserting its vested rights. The Government of India, however, has been steadily asserting its vested rights.

In 1907, the Land Board recommended that the Government should be authorized to acquire land in certain areas which had been reserved for the Indians and be reserved for the Indians. Unfortunately for the Indians, Lord Elgin said: "The Government has been steadily asserting its vested rights." The Government of India, however, has been steadily asserting its vested rights. The Government of India, however, has been steadily asserting its vested rights. The Government of India, however, has been steadily asserting its vested rights. The Government of India, however, has been steadily asserting its vested rights. The Government of India, however, has been steadily asserting its vested rights. The Government of India, however, has been steadily asserting its vested rights.

Unless measures of this kind be taken for Nairobi, it will lose the opportunity of becoming mainly a European town, as the centre of the European district, and as the capital by right and destiny is to possess.



[Mr. N. M. Sarath.]

for its consideration, while the Joint Parliamentary Committee upheld the views which the Government of India put forward in that despatch, and while negotiations were going on, here comes a Minister of the Crown, no less than the Colonial Secretary, at an East African Banquet, in a post-prandial speech, giving the go-by to all the recommendations and all the proposals which the Government of India and the Joint Parliamentary Committee had made. The Government of India asked for a Royal Commission to go into the whole of the details of this question in order that a satisfactory solution may be arrived at. The Joint Parliamentary Committee accepted that as the right solution and asked also for a Royal Commission. While this proposal is being discussed and has not yet been finally decided upon by the British Cabinet, Mr. Winston Churchill comes to the East African Banquet and makes a pronouncement that the highlands in Kenya will be reserved for all time for European settlers. I am taking Reuter's report, and I take it that it is fairly accurate. If afterwards it is repudiated, then I would say that my condemnation also will be of no avail. But I take it that Reuter could not have given an inaccurate and incorrect report, and upon that I proceed. Reuter says:

Mr. Churchill proceeded to emphasize that the highlands of East Africa should be reserved exclusively for European settlers. The decision must be regarded as final and it was not intended to depart therefrom (as though he was giving the law over the head of the British Cabinet). He further wished to apply broadly and comprehensively as far as practicable, Cecil Rhodes' principle of equal rights for all civilised men, meaning that natives and Indians who had reached and conformed to a well-marked European standard would not be denied the fullest exercise of the enjoyment of civil and political rights.

And who was to determine that standard, and how was it to be determined?

'The standard to be adopted', he proceeded to say, 'was certainly a matter in which the European community would be fully consulted.'

Now, Sir, that constitutes, to my mind, a betrayal of the whole promise that had been made to us that the question would be fully considered and ultimately decided upon by the British Cabinet. The Honourable Member of the Resolution has already placed before you certain facts, namely, that it was by Indian industry and labour that the Uganda Railway had been constructed, that the Indian trader had gone there and settled there long before these European settlers came, that it was by Indian enterprise that what is known as the Kenya Colony to-day had been developed; and yet he is to be squeezed out of the land where he has toiled for the benefit of the Empire! My answer to the Colonial Secretary Mr. Winston Churchill, in brief, is this. I will tell you afterwards who is the author of that answer. My answer is this:

It was the Sikh soldier who bore an honourable part in the conquest and pacification of these East African countries. It is the Indian trader, who, peering in a maintaining himself in all sorts of places to which no white man would go or a white man could earn a living, has since that any one else developed the early beginnings of trade and opened up the first slender means of communication. It was by Indian labour that the one vital railway on which everything else depends was constructed. It is the Indian banker who supplies perhaps the larger part of the capital yet available for business and enterprise, and to whom the white members have not hesitated to repair for financial aid. The Indian was here (that is, in Kenya) long before the first British official. He may point to his many generations of useful industry on the coast and inland as the white settlers complain the most readily of the contingents from South Africa (the coming across him of all) can come from his residence. It is possible for any Government, while carrying out its honest dealing between man and man, to embark upon a policy of deliberately excluding the native of India from regions in which he has established himself under every variety of public faith!

Whose utterance, do you think, is this, Sir? It is Mr. Winston Churchill's in his 'East African Journey'. It is again a case, and a very strange case indeed, of the strange story of Dr. Jekyll and Mr. Hyde. Whom am I to believe? Mr. Winston Churchill who advocates the Indian cause with all the fervour that an Indian can bring to the advocacy of it, or Mr. Winston Churchill who sold away that Indian cause a few days ago in the East African Banquet? I ask the Minister of the Crown, the Colonial Secretary, the same query which he put in that quotation from his book on his East African Journey. Well, Sir, apart from these things, one thing which really pains me is this. The Government of India has advocated the Indian cause—no national Government even could have done better in this matter—it is fighting a battle. It is at the same time confronted with difficulties of a very delicate character at the present moment, and yet here is a responsible member of the British Government indulging in an indiscreet, unwise, reckless and irresponsible utterance. Surely, if the Government of India that no responsible Member of Parliament, any less a responsible Minister of the Crown, should say or do anything so intensely of accentuate the situation in this country and make the position of the Government of India more burdensome and more trying than it is at present. There is another reason, Sir. I belong to that party, I take it that every Member of this Assembly belongs to that party, whichever label it may have—we are here, and there is the bulk of the thinking public outside in the country also,—whose dominating idea and guiding principle is that Englishmen and Indians should join hands and work together in a spirit of camaraderie in order that by their joint efforts India may be speedily uplifted into a self-contained, self-respecting and self-governing unit of the British Commonwealth,—a unit of the British Commonwealth in the rights and responsibilities of which, in the burden and privileges of which, in the glory and benefits of which, His Majesty's Indian and European subjects alike would be partners and participants on a footing of perfect equality. We are striving for it. And, as everybody knows, there is a large party outside against us, and, surely, Members of Parliament, in responsible positions in the public life of England, ought to know that they should say or do nothing at this juncture, or hereafter even, which is calculated to thwart the progress and retard the development of this party. I feel indignant—I use the word indignation in this amendment, and I use it deliberately,—I really feel indignant that a Minister of the Crown should be so oblivious of considerations of this character. But, Sir, there is one more thing which I wish to say. I have no doubt that the Government of India, if capable of this amendment, is adopted, to the Secretary of State, in any terms like this, in whatever phraseology that they should do so immediately in order that this matter, I am anxious that they should do so, immediately in order that the British Cabinet may not uphold and endorse the view which Mr. Winston Churchill has held forth before this East African Banquet. If the British Cabinet is, as you say, so far from doing this, I am sure that I need say no more, but I need say so, that I am sure that I need say no more. I have a newly held opinion that if the British Cabinet were to do this, the decision of the Government of India, in its East African Banquet, then its decision will stand out as a great landmark in the history of the British Empire, and I am sure that the Secretary of State, if he were to do this, would be a masterpiece of a masterpiece of a masterpiece. I feel confident that the British Cabinet will have



country, we should secure the certain rights, seems to me not of the least things that can be done in the name of justice and fair play.

I do not want to take up any more of the time of the Assembly, because I know that, even on the Government benches, the same feeling prevails as amongst us. I may say this much, that ever since I heard the famous speech of Lord Hardinge, the then Secretary of State for India, where, with fine patriotism, he condemned the wrongs committed in East Africa, the people of this country have been in a state of indignation. The subject has been discussed in the House of Commons, and the Government have been criticised. Sir, they have to be criticised, because they are not looking to the interests of the people of East Africa, but to the interests of the British Empire. I do not think that we have any right to demand that the Government should be criticised for the sake of the people of East Africa. The Government are responsible to the British people, and it is for the British people that they are acting. I do not think that we have any right to demand that the Government should be criticised for the sake of the people of East Africa.

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... do not really require. I believe I am right in saying that the Highlands of East Africa have been definitely promised by Lord Esler, and again by Lord Balfour to Europeans, and what the Government ever, facilities were given to European soldiers to go and settle there. The area of the highlands is about 200,000 square miles and the area of the rest of Africa is about 200,000 square miles, so that it is really a fifth that the Europeans want. They do not want Indians to buy land there. (A Voice: Why not?) Well, you can say 'why not.' I shall bring forward the case of Khasia, where we Europeans cannot buy land. (A Voice: That is not British territory.) Well, I cannot buy land there. But apart from that, no European foreigner is allowed to buy land in East Africa unless it is with the consent of the Governor General. Now, the British Government is referred to what was done by the Indians to buy land there. I should like to refer that statement. I have here a copy of the 'Hindustan Times' which is what it contains:

Local Indian papers, 2,000 copies of the 'Hindustan Times' and several copies of the 'Hindustan Times'...

... that is the story. I have seen what the Indians in East Africa are doing. I do not think that we have any right to demand that the Government should be criticised for the sake of the people of East Africa. The Government are responsible to the British people, and it is for the British people that they are acting. I do not think that we have any right to demand that the Government should be criticised for the sake of the people of East Africa.

I was reading a letter from a friend in New Zealand. I do not know if Members of the Assembly realize that there is a growing feeling in the Dominions that if the Government of India continue to proceed in the manner that they are proceeding in, they seriously doubt the feasibility of being able to pull in the same boat with India. I do not want that and you do not want that. The Dominions are afraid of India upsetting the equilibrium of the relationship between the self-governing peoples of the Empire.

There is an amendment to this Resolution by Sir Sivaswami Aiyer, which, had he been here, I would have liked to have supported. I can say...



[Sir Frank Carter.]

this, that I would far prefer to vote for a Conference between the representatives of the South African Union and the representatives of the Government of India and the Indian Legislature than the Resolution of the Honourable the Mover, but there is little use in calling such a Conference until, as I have said, India has set her house in order.

**Mr. Jamsdas Dwarakdas** (Bombay City: Non-Muhammadden Urban): I rise, Sir, to support the amendment moved by my Honourable and esteemed friend, Mr. Samarth, and, in doing so, I wish to associate myself with every word that he has spoken in support of that amendment. I am sorry, Sir, that my Honourable friend, Sir Frank Carter, whose sympathy ordinarily with Indian aspirations is well known to this Assembly, should have thought it proper to take the attitude that he has taken. What does Sir Frank Carter say? Sir Frank Carter says that the demand has never come from Indians in East Africa, that it is the work of agitators who would give them something that they do not want. Sir, as far as I am aware, I have reason to believe that the demand for the rights of citizenship has always come from the people concerned. But, if it is true, assuming for one moment that it is true, that a band of people, backed up by the united opinion of the Indian people, demand for their countrymen the free rights of citizenship that have been denied to them, it does not behove either the British Government or any European Member to come forward and say that the right of citizenship will not be granted because it is not demanded by the people concerned. (Hear, hear.) It is a question of self-respect for us. It is a question for us of demanding the rights that every subject of the British Government has a right to demand. (Hear, hear.) And it does not lie in the mouth of any one, either the Minister of the Imperial Crown or any European in any part of the British Empire, to deny that right to any British subject, however humble his position may be. Sir, we are asked by Sir Frank Carter to set our house in order before we ask for the rights of Indians in other parts of the Empire. Who can deny that the Members of this Assembly and many outside this Assembly in the country are trying their best against all odds to set the house in order? Is His Majesty's Government going to help us in setting this house in order or is His Majesty's Government, by allowing a responsible Minister like Mr. Winston Churchill to make statements of an irresponsible character, going to co-operate with Mr. Gandhi in fanning the flame into a fire? I submit, Sir, that every sensible Indian, every Member of this Assembly, is anxious to set the house in order. I agree that Mr. Gandhi would set fire to this house. I do not want, in the interests of this country and in the interests of the British Empire, that a responsible Minister of the Crown should be a party in co-operating with Mr. Gandhi in setting fire to this house. One word more, Sir, and I will have done. My friend, Mr. Seshagiri Ayyar, has referred to the memorable speech that Lord Hardinge, late Viceroy of India, made on a memorable occasion in Madras. I wish the Government of India at this moment to come out, like Lord Hardinge and proclaim, as Richard II proclaimed in olden times, that they would lead in this matter, that they would fight our battle in England and that, with the help of Mr. Montagu, in whom we have absolute faith, and with the help of Lord Reading, they would defeat the mischievous designs of Ministers like Mr. Winston Churchill. I hope, as Mr. Samarth has rightly pointed out, that the statement is a statement of the Minister and that it will receive no support from

the Imperial Government. It is unnecessary to point out that if the British Cabinet backed up the statement made by Mr. Winston Churchill, the state of affairs that would be created in this country would be something that it is impossible for us to describe. With these words, Sir, I support Mr. Samarth's amendment.

**Rao Bahadur C. S. Subrahmanayam** (Madras ceded districts and Chittoor: Non-Muhammadden Rural): Sir, the words "equal partner of British citizenship" have been dinned into our ears and the simple question I ask is, is the British Cabinet, the British Government, going to stand by those words or is it going to whittle down the essence, the substance and the meaning of those words? That is a simple proposition I put before this Assembly to consider. Are these words unmeaning words, merely words and nothing more than words? If we are citizens of the Empire, no portion of the Empire, no part of the Empire shall say: "You are not members; you shall not enter our territory." Excluding the Indians from any portion of the Crown Colonies territories means destroying the meaning and import of those words. I take my stand—and my countrymen take their stand—on those words, and this action is the breaking of the meaning of those words, and this has been the substance and the motto in every agitation against Government.

Now, Sir, Sir Frank Carter said something about the Indians in Kenya Colony. I will read only the following sentence:

"The claim of the Indian community cannot be lightly disregarded, seeing that they were in the country long before Europeans settled there; and that, but for Indian labour, the Uganda Railway would not have been constructed; that most of the trading wealth of the country was in the hands of the Indians; and finally, that Indians were British subjects."

I think this sentence sums up the whole of the case for the Indians. We have all the three points, capital labour, intelligence and enterprise emanating from the Indians, and their being in the country before the European. This I quote not from an irresponsible paper, but from a statement of the Kenya Commission of 1907. I think this is enough to support the case we have put.

**Mr. N. M. Joshi** (Nominated: Labour Interests): Sir, I shall only confine my remarks to the criticisms which my Honourable friend, Sir Frank Carter, has thought proper to make on this occasion. In the first place, he said that East Africa was developed with the capital of the Europeans, and, therefore, they have a better right to settle in that Colony. Sir, I doubt the accuracy of that statement. Mr. Winston Churchill himself says that the Indian traders financed a large number of Europeans, and, moreover, my friend, Sir Frank Carter, himself knows that in East Africa you do not find a very large number of Indian labourers, but a very large number of Indian traders. But, accepting for the moment that it is British capital that developed East Africa, I say when you do some work of construction, is it only capital that can achieve it? Has not labour any responsibility for that work? Let him answer my question frankly.

Then, Sir, admitting that Europeans in East Africa have got a very large capital, where then is the difficulty for the Europeans buying up the highlands in open competition and retaining it for themselves? If they do it, the Indians will not be able to get any portion of the highlands. But what the Europeans want is not to buy up in open competition but to get the lands cheaper by reservation. They are afraid that the Indians will

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EQUALITY OF STATUS FOR NEGROES IN AFRICA

who went there was the Arab slave-dealer and it was the Britisher who put down that traffic, and the trader came along with the Britisher. That is not a reason why the Englishman should not be allowed to have land in that part of the country.

There is no doubt about it that, by this Resolution that has been proposed, an attack has been made on the Kenyan and on the white man in South Africa. I do not think it can be said that the great General Council of the League of Nations, which has been established only 15 years ago, has done this. It is a very serious matter.

Why should we say that it is a serious matter? It is a serious matter because it is a matter of race prejudice. It is a matter of race prejudice which has been directed against the white man in South Africa. It is a matter of race prejudice which has been directed against the white man in South Africa.

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[Dr. H. S. Gout.]

The correspondent admits that the Indians as a class have served well during the War but he says that, because the Indians then resident in Kenya have not served as well as he should desire, therefore the Indian nationhood in this country and elsewhere must be denied the common right of citizenship within the Empire.

My friend, in championing the cause of the few straggling settlers of this Colony, said: 'Let us set our house in order.' My friend, no doubt, claims India as his home, but he tells us that India is the home of himself and me, but Kenya is his home but not mine. That is the position of the Europeans with reference to the Colonies of the Empire. They are the citizens of the British Empire, but the Indians are denied the right in any of the Colonies of the British Empire. We are told—this is not a home, settle your differences and, after you have settled your differences, make a claim upon the Kenya Colony. My respected friend, on the right (Mr. Spence) stood up to reinforce this argument by saying, upon what authority I know not, that the Kenya Colony highlands had been promised to retired British soldiers. Now, Sir, wherever he got his fact from I do not know, but Members of the House will bear with me when I repeat that in the House of Commons, on a memorable occasion, when the Colonial vote was under discussion, this very question was raised by the Members of Parliament, and Mr. Winston Churchill, speaking from his place, not at a banquet, but from his place in the House of Commons, solemnly declared us the unaltered and the unalterable will of Parliament to treat the Indians on an equal footing with the citizens of the Empire. Let me quote to you the words which he used not many years ago but only in the month of July last. When this question was raised he said this:

'The case of the Indians is one of very great difficulty, first of all because of the relations between the Indians and the whites, and secondly, because of the relations between the Indians and the natives, which are by no means so ideal as is sometimes suggested. In the main, we must make a continuous effort to live up to the principle that racial distinctions do not determine the status or position of any man in the British Empire, a person who is otherwise qualified to occupy a position or exercise a function.'

That is the line on which we shall endeavour to proceed. These are the memorable words of the Colonial Secretary uttered in the House of Commons when he first gave the vote of the Colonial Office but challenged by the respectable Members of the House.

Now, at the end of that very year, this question was agitated in the House of Commons and Mr. Winston Churchill was asked why the claims of Indians in South Africa were not settled, and a suggestion was made for the appointment of a Royal Commission. In the debate, which took place on the 14th of July, 1921, Mr. Winston Churchill expressed a desire that the Government of England would settle this question upon the basis of equality and he, further, gave an assurance to the Members of the House that, if he was unable to settle this question to the satisfaction of the Indian people, he would submit the whole question to a Royal Commission. At the end of the month, this promise was once more alluded to, and the reply that Mr. Winston Churchill gave was:

'I am perfectly agreeable to submit this question to a Royal Commission, but I am hopeful of a just and honourable settlement.'

This was the utterance made by Mr. Winston Churchill late in the month of July last. Now, my friend, Mr. Spence, tells us that responsible Ministers like Lord Esher and Lord Milner had promised the highlands of Kenya to European settlers. I am perfectly certain that my friend must be under some delusion, because Mr. Winston Churchill explained to the House of Commons that these highlands of Kenya, situated as they were at the high altitude of 6,000 and more feet, were not suitable for European settlement.

**Mr. E. A. Spence:** There is some mistake.

**Dr. H. S. Gout:** And it was pointed out that a number of Europeans who had taken land on the highlands of this Colony had to mortgage and give them up, because they were not able to manage them. This was the statement by them made.

**Mr. E. A. Spence:** A terminological inexactitude.

**Dr. H. S. Gout:** Then, Sir, followed the Imperial Conference; and in that Imperial Conference we were told that the rights of Indians in all parts of the British Empire would be respected. General Smuts, as a matter of formal protest, entered his dissentient note. But it was understood, and understood by all concerned, that it was merely a formal protest and that adherence would be given to the deliberate Resolution then arrived at. This was the situation when, all of a sudden, at the East African dinner, Mr. Winston Churchill completed another of these somersaults for which the Colonial Secretary has made himself notorious. As pointed out by Renter, he told us that, as a curious result of the war, the discontented agitators in African and Asiatic countries seemed to think that they had only to express the wish that Britain should lay down the Government and Britain would comply; that it was high time it was made clear that this was not the rule Britain intended to follow. Then, referring to South Africa, he did not say what his wish was, but he evidently meant to imply that he was publishing the conditions at which he had arrived, but whether in consultation with the other Members of the Cabinet or on his own responsibility, I know not.

I give you his exact words as reported by Renter:

'Mr. Churchill proceeded to emphasize that highlands of East Africa should be reserved exclusively for European settlers; that decision must be regarded as final and it was not intended to depart therefrom.'

Now, Honourable Members here have been referring to the fact that this is a post-prandial effusion. Well, Sir, I should be extremely delighted to hear that it was nothing more. But, I submit, it has sent a thrill of indignation coupled with consternation throughout the length and breadth of this country when my fellow-countrymen read that the Colonial Secretary had announced to the assembled East African people that decision, which might be the decision of the British Cabinet, excluding them completely from the highlands of Kenya. If this were all there would be some doubt. Later on he said:

'The interest of the British settlers and native population alike require that the future emigration of Indians should be strictly regulated.'

Here was the benefactor of mankind. Winston Churchill, speaking in the interest of the natives of East Africa, was safeguarding their rights and

[Dr. H. S. Gour.]

preserving their liberty by squeezing out the Asiatic. We are not unfamiliar with these benevolent people. I have two such benevolent gentlemen sitting on my right and on my left. The Honourable Mr. Spence, speaking on behalf of the people of Kenya, tells us that the British soldier would be at sea unless this Colony is reserved for him. The Honourable Sir Frank Carter tells us: 'You would have certainly got all the rights you could had it not been for that mad Gandhi.' Now, Sir, the connection between Mr. Gandhi and his non-co-operation movement and the claim of the British Indians in Kenya is as intimate as Mr. Gandhi's relation with the British. My friend tells us that this non-co-operation movement is responsible for our not getting the rights in Kenya. I ask my friend, is he responsible for the fame of the non-co-operation movement by denying to the people of this country that elementary right? (Hear, hear.) Can he deny that we, the people of this country, are subjects of the British Crown? Sir, you know that the subjects of the British Crown our home is not Calcutta or India, but the British Empire? It is upon that standpoint that the British and the Indian must look to their common Government and to the common Crown.

My friend on the other side tells us that India is our home. I welcome that statement, but let him not deny the consequence which that statement leads to. If India is to be the home of the Britisher, let the Britisher admit that the Indian has equally the right of settling down in any part of the British Empire. This, Sir, is a basic principle; this, Sir, is a fundamental law. Can my friends deny it; can my friends assert that, while they are free to settle and enjoy rights of equal citizenship, and even shake—as my friend on the left has shaken—the pagoda tree in this country, the people of this country, are to be denied the elementary right of leading a decent living on the highlands of Kenya. Mr. Winston Churchill said that that was a country that needed development. I trust the Honourable Members whether it is not the case that we, the people of this country, have been the pioneers of Kenya, who have populated it, who had worked there before the British appeared upon the scene, and who have, by reason of their priority, the greater claim.

We appeal, Sir, not only to the Indian Members of this House, but we appeal to my friends, who are the sponsors of the British interests in this Colony, to reconsider that view and not deny the people of this country the rights of common British citizenship.

The Honourable Mr. B. N. Sarma (Revenue Member): Sir, the House has had a very good opportunity of hearing the views of native Indian, as well as European Members, and I am particularly pleased that Sir Frank Carter and Mr. Spence have put forward before the House what they considered to be the views of the European Members of Kenya, and supported them by such arguments as appeared to them to be just and reasonable. I say, I am glad they have done so because it would have been a useless debate if the House had not an opportunity of hearing both sides of the question, and had not been given an opportunity of arriving at a reasonable decision.







21360

Whitehall,

London, E.C. 4,

Dear Sir,

I enclose a note on the cases in which seats in the Colonial Legislative Council are reserved for representatives of a particular community.

The number of reserved seats is 107 in some cases and 15 in others.

The definition of a community for the purposes of the reservation of seats is given in the note.

It is to be noted that the reservation of seats is not made in the case of the general constituencies.

In order to secure the interests of particular communities included in the general constituencies, seats are sometimes reserved for representatives of those communities; this is done only in selected constituencies, returning two or more members.

The example chosen in the note is that of the reservation of 6 seats to a community in the constituency of the Mauritius.

I am, Sir, very respectfully,  
Yours faithfully,

W. E. Battersby,  
Colonial Secretary.

constituencies in Bombay.

In the statement of suggestions sent by Lord Winterton to Major Wood it is suggested, for the sake of example, that the number of constituencies in Kenya might be seven, that four of these might be two-member constituencies, and that one seat in each of these four constituencies might be reserved for a European member, the other seat being reserved for an Indian member; thus, for example, if there were a constituency of Nairobi returning two members and if at an election there were four candidates, two European and two Indian, the European and the Indian highest at the poll would be declared elected; in the event of there being no Indian or no European candidate the seat would cease to be reserved and become open pro hac vice.

Yours sincerely,

Winterton

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Yours sincerely,

Winterton

Reservation of certain seats to Mahrattas  
in the Bombay Legislative Council.

145

Some of the general constituencies in the Bombay  
Presidency elect more than one member, and in some of these  
plural-number constituencies one of the seats is reserved  
for a Mahratta member. For example Bombay City (North)  
elects three members, one of whom must be a Mahratta  
there is a Mahratta candidate, in which case

and Mahratta candidates are

after a poll is taken and the

three to be elected the officer first declared

first number of Mahrattas who had the

elects the President declares to be

of Mahrattas to have the largest number

of votes. Every elector has as many votes

as the number to be elected, i.e. three in the

under consideration, and is entitled to

their opinions candidate or to distribute

candidates as he pleases. This is the rule

in the Presidency elsewhere the rule is that no elector

give more than one vote to one candidate in plural

constituencies.