

# The Servant of India

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## Topics of the Week.

### An Execution and Its Aftermath

THE terrible Karachi tragedy of last week has sent a thrill of horror throughout the land. The circumstances in which it occurred are too fresh in the public mind to need recapitulation. A Muslim by name Abdul Quayum was sentenced to death in October last for the offence of murdering Nathuram, the Hindu author of a pamphlet which the former thought reflected on the honour of the Muslim Prophet. Abdul Quayum's execution was originally fixed for the 4th inst., but was postponed owing to fear of trouble by his co-religionists. The idea to have his remains sent to his native village in the Frontier province for interment there failed to materialise, thanks to the Frontier Government's opposition. It was eventually decided to carry out the execution on the 19th inst. and to bury the corpse in a cemetery not far from the place of execution.

THE execution passed off, according to plan, at 4 a. m. on that day without any sort of hitch. But a Muslim crowd soon began to assemble near the cemetery and wanted Abdul Quayum's body handed over to it for being carried in a procession through the city. This was when the corpse was half covered with earth. On the police refusing to fall in with the wishes of the crowd, it took the law into its own hands and exhumed the corpse. The procession then started for the City but was stopped in its progress

thither by the police with the assistance of the military which had to resort to firing for the purpose. This resulted in nearly 40 people losing their lives and 90 more receiving more or less serious injuries. Our deep sympathy goes out to the sufferers and their relatives.

THE Karachi happenings, monopolising as they do public attention for the time being, naturally formed the subject of somewhat exciting debates in the Indian Legislature and the Bombay Legislative Council. So far as can be seen, no inclination was noticeable in any quarter to blame the Government for the performance of its obvious duty of seeing the law take its appointed course. What however the public is at a loss to know is why, if the Government were all along apprehensive of a breach of the peace, they did not take all possible precautions to prevent it. Two courses were open to them. They should either have taken the leaders of the public into their confidence as to the disposal of the body or they should have done everything possible to prevent the collection of a large crowd anywhere near the graveyard. It is a puzzle to us why the handy provisions of Section 144 Cr. P. C. which are so freely resorted to for stopping public meetings were not set in motion on this occasion. If this had been done, perhaps the fearful tragedy which has shocked public opinion beyond measure might have been avoided.

THE heavy loss of life that has resulted from the firing has given rise to the doubt in the public mind whether it was really restricted to the minimum needs of the situation and whether it was preceded by the necessary warning to the mob to disperse. It is true there is so far no lack of official assurances to that effect. But bitter experience has taught the public not to take these at their face value. What therefore appears to be necessary is investigation into the circumstances of the firing by an independent committee whose findings alone will serve to set the public mind at rest. The more such a demand is resisted, as was done in the Assembly and the Bombay Legislative Council, the more momentum it will gather. The Government would do well therefore to accede to it with good grace.

**Motor Taxation Bill.**

THE Bill designed to consolidate taxation on motor vehicles in the Bombay Presidency had an unexpected end on Saturday last. Though by no means a piece of non-controversial legislation, its first reading was carried, by a majority of one, 41 voting for and 40 against it. This itself should have made Government halt and seriously consider whether something could not be done to meet the objections urged against it. But on the strength of the sure majority which they can generally command in the Council, they hoped to be able to carry the measure in defiance of public opinion. Unfortunately their calculations went wrong on this occasion with the result that the motion for the second reading of the Bill was thrown out by 47 votes to 35.

On the question of the abolition of tolls, there seemed to be general agreement. But there was a tendency in some quarters to regard the new scheme as an experimental measure, whose working needed to be carefully watched before any definitive view could be formed about it. The section holding this view would have favoured a limited life to the measure instead of the unlimited one proposed by Government. Indeed a suggestion to this effect was put forward by Mr. B. S. Kamat; but it failed to receive the consideration which its importance deserved. If the Government had deferred to public opinion on this point, there seemed every reason to hope that the passage of the Bill would not have been obstructed as it was.

**Zanzibar Cloves and London Chamber.**

THE clove situation in Zanzibar recently received consideration at the hands of the East Africa Section of the London Chamber of Commerce. This body is never known to go out of its way to pick holes in Government policy or to be unduly critical of Government's actions. But even it finds itself unable to approve of the measures adopted by the Zanzibar Government in the name of the protection of the clove trade. It takes very strong objection to the control of the clove trade there by the Clove-Growers' Association hurriedly brought into being last year. The result of the operations of this body has been to bring about an artificial increase in the price of cloves. This has led to the diversion of the clove trade, which may almost be said to have been Zanzibar's monopoly so far, to Madagascar, which now threatens to be a formidable rival to it. What better proofs of this phenomenon are needed than the fact that America has recently gone in for 700 tons of Madagascar cloves and that a clove stock worth over Rs. ½ crore is lying undisposed of with the Clove-Growers' Association? If the object of the creation of the Association was to facilitate the disposal of Zanzibar cloves at monopoly prices, it is obviously defeated.

THE East Africa Section therefore suggests that this attempt to artificially regulate the clove trade through the instrumentality of this Association be given up, the trade being allowed to adjust itself to the dictates of normal economic laws. One of the main purposes of the Association was to fix the price of the commodity. The inquiries made by the London Chamber go to show that this attempt to fix the price of cloves is disliked by the consumers, not to mention the hostility it has aroused in Zanzibar itself. The Chamber is also unable to see the utility of the grading system introduced by the Association and asks for its abolition. This is not to demand the stoppage even of the system of inspection by

officers of the local Government which had been in force before the scheme of control of the trade became effective last year. The Chamber also holds the view that the costly organisation of the Association too is bound to have a prejudicial effect on the Zanzibar clove trade. It may be hoped that the representations of this weighty body, uninfluenced as it is by political considerations of any kind, will not pass unheeded by the authorities.

**Kapurthala State Assembly.**

THE Committee appointed by the Maharaja of Kapurthala to prepare a scheme of a Legislative Assembly for the State with a view to associating his subjects with the administration of the State has submitted its report. The Committee proposes the establishment of an Assembly with a total membership of 45, 30 of whom will be elected and the rest nominated. The latter will include, besides the heads of departments, some non-officials and must include at least two women. Five years have been proposed as the normal life of an Assembly, the State Government taking to itself the power to dissolve and prorogue it. It is proposed that the Assembly should meet at least twice a year, twenty members forming the quorum. It will have the Chief Minister as its president ex-officio and even its deputy president will not be elected by it but be nominated by the Kapurthala Government and that too not necessarily from the elected element!

AS for the powers of the Assembly, these will apparently extend over the whole administrative field, the Assembly being free to amend or repeal any existing law. Only no proposal affecting land revenue can be brought forward except with the previous sanction of the President or Chief Minister. But this is not all. The powers of the proposed legislative body would be subject to safeguards and special responsibilities on the lines of the J. P. C. report, which would be exercised by the Chief Minister. He will thus occupy a position somewhat akin to that of the provincial Governor. He will be the Governor, Chief Minister and President of the Legislative Assembly rolled into one individual, an arrangement which, constitutionally speaking, leaves very much to be desired. The J. P. C. report, which is branded as wholly unacceptable by the whole of British India, has obviously served as an inspiration to this Committee in all other matters but this. Even that reactionary document does not go the length of proposing the Governor or any other Government servant for presidentship of the legislature. But the Kapurthala Committee has done what the Joint Select Committee thought it could not decently do. It is to be hoped that the Maharaja in giving effect to the Committee's recommendations will so amend them as to declare any State servants ineligible for election either as President or Deputy President.

ALL proposals of fresh taxation or revision of the existing one will be placed before the proposed body, not apparently for its approval, but only for discussion by it. In other words the so-called Assembly will not enjoy any power over the purse which is really what matters. The budget of the non-reserved departments will however be placed before it for its sanction, which it may or may not give at its discretion. Will its decisions in such matters be mandatory on the State Government or will the Government have special powers given to it to upset them? These are acclaimed as far-reaching reforms in some quarters. They cannot obviously bear that appellation unless the meaning of the word 'far-reaching' is to be perverted.

## REAL ANOMALIES AND FALSE ANALOGIES.

SOME important questions relating to the Indian States were discussed in the Committee of the House of Commons on March 12 and 13, the full reports of which have now arrived in India by air mail. One of these questions is the co-existence in the federation of two sets of subjects: one set applicable to both the States and the Provinces and the other to the Provinces alone. Even this is an understatement of the difficulty facing the federal government. All the States will not cede authority to the federal government even in respect to the whole of the former set of subjects; some States will be allowed to reserve some of these subjects to themselves. There will be uniformity only in regard to the Provinces, who will be required to surrender to the federation the largest number of subjects, which will be the same for all of them. This necessitates the introduction of a system of in and out voting of a peculiarly complex character, of which the like has never been experienced in the world before. The unique and unprecedented nature of the question must first be fully realised. On the contrary, in the House of Commons, there were attempts made by prominent supporters of the Government to minimise the difficulties inherent in the problem. For instance, Sir Arthur Steel-Maitland and Mr. Amery brought forward the analogy of Northern Ireland to show that such anomalies are frequently to be met with and can easily be overcome. This is, however, very misleading. Before a separate Parliament and executive government were established for Northern Ireland in 1920, the counties comprised in it returned 13 members to the Imperial House of Commons, and afterwards too the privilege was continued to the Province. But the privilege was allowed only because these 13 members in a House of 615 was too small a proportion to cause any serious embarrassment. However, in the Indian Assembly the States' representatives will be only a little less than a half of the British India representatives, and to say that this is in any way similar to the practice that obtains in England is deliberately to misrepresent facts. A better illustration would have been if Mr. Gladstone in his Home Rule Bill of 1886 had allowed the Irish members to retain their seats in the British Parliament. Even then they would have been only 103 among 670, which was the strength of the House of Commons at the time. But it was an essential feature of that Home Rule Bill that the Irish members were to be withdrawn from the British Parliament thereafter and the interests of fiscal unity in Great Britain were to be secured in another way. If 15 per cent. of Irish members could not be allowed to interfere with the control of English affairs by the House of Commons, it follows that 30 per cent. of the States' representatives cannot be allowed to interfere with the control of British Indian affairs in the House of Assembly. British India cannot afford therefore to treat the subject with the nonchalance that Sir Arthur Steel-Maitland and Mr. Amery displayed in the House of Commons.

Another instance that was given was about Scotland, but this also is misleading. Scotland accepts in full the jurisdiction of Parliament over the whole field, and so does England. There is no subject, laws passed on which are not binding on both England and Scotland. But a friendly arrangement has been arrived at between English and Scotch members that if any questions of particularly Scotch interest come on for consideration, on which Englishmen may not feel qualified to speak, the questions may be considered and decided by a Committee composed predominantly of Scotch members. It is like Hindu members in our Assembly for instance leaving the Wakf Bill to the vote of the Mahomedan members or the Mahomedan members leaving the Temple Entry Bill to the vote of the Hindu members. No one suggests that the Hindus in one case and the Mahomedans in the other have not as full a right to vote on all the questions that come up for consideration; neither community asks for a privileged position for itself. But, as a means of dealing with every question with the requisite amount of knowledge, those who feel that they are not competent to give an intelligent vote on the subject, abstain from voting. This is of course very different from the claim of the States that the federation shall exercise authority in their case over only some of the subjects over which it will exercise authority in the case of British India. It necessitates the setting up of two classes of members, one competent to deal with all kinds of business and the other only with some kinds of business, and this involves what Mr. Gladstone called "a mutilation of all our elementary ideas about the absolute equality of members" in our legislature. The practice followed in the British Parliament in dealing with Scotch business does not entail such a consequence. This point was well brought out by Viscount Wolmer in his speech. He said:

I was amazed to hear my right hon. Friend the Member for Tamworth (Sir A. Steel-Maitland) cite the example of Northern Ireland as a precedent, and the Under-Secretary talk about the position of Scotland. There is no sort of analogy at all. What acts of Parliament have Scotland contracted out of? What Act passed by this House does not apply to Scotland? (AN HON. MEMBER: "Housing!") This House has the power to legislate for Scotland, and it does legislate for Scotland. This House can make any Act it likes applicable to Scotland. In all respects Scottish Members are in exactly the same position as English Members, although they do not happen to be so numerous. Therefore, there is no difference between England and Scotland in this respect. If you want an analogy for the plan the Government are pressing, you must visualise a situation in which it was a condition of the Act of Union that this Parliament should not be competent to legislate for Scotland in regard to, let us say, whiskey—some subject that we could not touch. To make the analogy real, take Income-Tax. That is going to be the case in regard to all the States. Assume that it was a condition of the Act of Union with Scotland that this House could not impose Income-Tax on Scotland. There you have the sort of position which will arise under Federation; and it will not only be in regard to such vital matters as Income-Tax, but it will be in regard to all the reserved subjects. That is a wholly different situation from what

prevails in regard to Scotland and Northern Ireland. My right hon. and hon. Friends are talking absolute nonsense and throwing dust in the eyes of the Committee in producing analogies of that sort.

The Indian federation is the first of its kind, in which the federal units refuse to part with the same amount of authority to the federal government. In all other countries a federation was postponed till an agreement was arrived at on this important matter. In some federations more power was reserved to the constituent members and in some federations more power was given to the national government, but in every federation the range of federal authority was the same for all the units. In India it is to be different; but if it is to be so, let us not minimise the magnitude of the difficulty. It is very great indeed. It was on this rock that Mr. Gladstone's Irish Bills broke, and no over-facile solution can be devised for India. The Joint Select Committee recommended that, by a convention, the States' representatives should refrain from voting on questions which they refuse to put into the common pool. This is at best a very unsatisfactory solution, but even this Committee did not leave everything to convention. It recommended that "the Constitution Act might require that any Bill on a subject included in List III should, if extending only to British India, be referred to a Committee consisting either of all British India representatives or a specified number of them, to whom two or three States' representatives could, if it should be thought desirable, be added." Even if this recommendation were carried out, British India would not be altogether free from the interference of the States' representatives in matters in which the States refuse to place themselves under federal control. For instance, income-tax, although applicable to British India alone, is not put in List III, but in List I, and the States' representatives would certainly claim the right of voting on questions relating thereto. But, as Miss Rathbone pointed out in her speech, the Joint Select Committee's recommendation has not been given effect to in the Bill. Under the Bill the discretion of the States will be absolutely unfettered.

In considering how the convention will work, we must remember that the federal legislature will not deal exclusively with legislative business. It is a legislature which is to control the executive, and the executive is to work upon the principle of collective responsibility. The downfall of a Cabinet member on a subject concerning British India alone will involve the downfall of the whole Cabinet, and in order to prevent British India representatives successfully dislodging the entire government by impugning its policy in respect of British Indian questions, the States' representatives are to be given the right to vote on all questions affecting the Government's life and future. What are such questions? They are not confined to votes of no-confidence. As the Joint Select Committee points out in its Report: "Circumstances may make any vote of a legislature, even on matters intrinsically unimportant, an unmistakable vote of no-confidence; the distinction between formal votes of no-confidence

and other votes is an artificial and conventional one, and it would be impossible to base any statutory enactment upon it." Where does this lead? It means that the States' representatives will be entitled, perfectly consistently with the convention, to vote on any subject on the ground that, in their belief, the Government required the support of their votes for its existence. This is precisely what the Attorney-General, Sir Thomas Inskip, said in opposing Sir Henry Page-Croft's amendment for the addition of the following Sub-section to Clause 38. The Governor-General shall make rules—

"(c) for securing that no member of either Chamber who is a representative of a Federated State shall be entitled to vote on any matter mentioned in the Federal Legislative List, or on any other matter within the competence of the Federal Legislature, if such matter has been reserved to the competence of that State by the Instrument of Accession of that State."

"I venture to think," Sir Thomas said, "it is much better on the whole that we should allow the representatives of the States to support the Ministry with their votes when occasion requires, and to use the common sense, with which, I suppose, we may allow them to be endowed as well as ourselves, in deciding upon what matters they will use their votes, or their influence, or their counsel." British India, if its voice is at all heard, will refuse to listen to these words of wisdom of the Attorney-General in which he asks it to leave the matter to the sole discretion of the States' representatives.

Another question that was raised in the House of Commons Committee was the extent to which it would be competent for the federal legislature to discuss things happening in the States. It is clear, as Col. Wedgwood said, that "it will be impossible to discuss the rent strike, or the putting down of the rent strike, or the gaoling of any person in that State." All questions concerning the oppression of the States' subjects or the remedying of the injustice done to them will be excluded from the purview of the federal legislature. But if a British Indian is ill-treated in a State? Can the question be raised in the federal legislature? Clause 38 provides for the Governor-General giving his consent to a matter being discussed if it affects federal interests or affects a British subject. But does "a British subject" here mean a British Indian subject or only an Englishman? The Secretary of State was asked, and he answered: "It means both." He also added: "Such cases as have been mentioned, cases of the treatment of a British Indian citizen in the States, that is the kind of question that undoubtedly would be discussed." So far so good. A further question was asked as to whether, when federal troops have to be used in quelling a revolt in a State on account of gross misrule there, the matter could be discussed in the federal legislature. The Secretary of State did not answer the question, but Mr. Herbert Williams said: "Clearly there you get a case which affects British India, and, therefore, comes within the qualification mentioned in the second half of paragraph (c)" which gives discretion to the Governor-General to permit discussion. But the question that was raised by Miss Rathbone was

wider than this. Will it be open to the federal legislature to discuss "the origin of the disaffection in that State"? And can it discuss misrule in the States in general necessitating the use of federal troops? The question was not answered, but the analogous case of the Governor-General's intervention in a Province was discussed. In regard to this, Mr. Morgan Jones asked: "Might it not happen that action taken by the Governor-General in relation to a particular Province would involve a matter of general principle affecting not only that Province but other Provinces as well? In such a case are we to understand that this provision. (Clause 38) (1 d) (iii) would prevent a discussion on that principle being raised in the central Assembly without the consent of the Governor-General?" To this question the Solicitor-General replied that, such a matter could be discussed, "but it would have to be raised as a question of principle and not in relation to some action taken concerning the affairs of a Province... In such a discussion it might be in order to make a passing reference—as so often happens in our own proceedings here—to the fact that certain action had been taken, but we adhere to the view that action taken in the Provinces would not be a proper subject matter for discussion in the Federal Assembly."

The admissibility of questions concerning the use of troops in a State is not, however, entirely free from ambiguity. Might it not be contended that the federal troops are used not on the authority of the Governor General but on that of the Viceroy, acting as the representative of the Crown, and that his intervention is thus beyond the scope of the federal legislature? This would only mean that the federal government is under an obligation to maintain such troops as are required for paramountcy purposes, that it is further under an obligation to place these troops for which it pays at the service of the Viceroy whenever he may want to use them, but that it will not be within the competence of the federal legislature to ask an interpellation about or discuss the circumstances in which the troops were used. The same question was raised in the Committee in another form: Is the federal government to pay for the expenses incidental to the intervention of the Viceroy in the States' domestic affairs? The Bill answers the question in the affirmative. Clause 3 (2) provides that:

"His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States is appointed by His Majesty in like manner and has such powers and duties in connection with the exercise of those functions (not being powers or duties conferred or imposed by or under this Act on the Governor-General) as His Majesty may be pleased to assign to him."

And Clause 143 provides that:

"There shall be paid to His Majesty by the Federation in each year the sums required to defray the expenses of His Majesty incurred in discharging the functions of the Crown in its relations with Indian States, including any payments in respect of any customary allowances to members of the family for servants of any former Ruler of any territories in India."

And, finally, Clause 33 (2F) provides that the estimates of expenditure embodied in the annual financial statement shall show:—

"The sums payable to His Majesty under this Act out of the revenues of the Federation in respect of the expenses incurred in discharging the functions of the Crown in its relations with Indian States."

It seemed to members of Parliament very strange that the exercise of paramountcy was put outside the federal sphere, and yet federal funds were to be appropriated for the purpose. It is true, as was explained by the Solicitor-General, that "if expenditure was incurred as a result of misgovernment in a State the expenditure might fall on federal revenue, but there might be a levy on the State concerned." But this means that if in some cases the expense incurred in the first instance by the federal government out of its funds for action taken against a State may be recovered subsequently from the delinquent State in some cases it may not be so recovered, and it will be borne ultimately by the federal government. The injustice involved in this arrangement was pointed out by several members, but the only defence that was advanced was that this only continues the present practice. Members of Parliament were not informed enough to challenge the statement that it represents the present position. At present the functions of paramountcy are vested in the Government of India, and it is but right that the Government of India's funds should be expended on the discharge of these functions. But the Bill divests the Government of India of these functions and entrusts them to the Viceroy dissociated from the Government of India and even the Governor-General. Why should Indian money then be spent on the enforcement of paramountcy rights? This should be a charge either on the States or on the British Government.

## SPARKS FROM THE COMMONS' ANVIL.

*12th and 13th March.*

### MONEY BARONS AND MAHARAJAS.

THERE was a barrage of criticism, not only from the Labour but from the Conservative Opposition benches, against Clause 18 of the India Bill dealing with the constitution of the federal legislature. Mr. Seymour Cocks led off with a vigorous speech, from which the following extract is worth bringing to the attention of the reader:

I think the Clause embodies one of the greatest mistakes that the Joint Select Committee made in departing from

the original scheme of the White Paper. In that White Paper, as a result of the Round Table Conference, the scheme was very different from this one. We had a lower Chamber directly representing the people of India and we had a revising Chamber representing the lower Chambers of the Provincial Legislatures. All that has gone. The original upper Chamber has become the lower Chamber, and in place of the lower Chamber we have a Chamber representing the Princes and the Upper Chambers of the Provinces. We have there reaction doubly enthroned... We have in the proposed second Chamber all the interests and the despotisms. We

have the money Barons and the Maharajas sitting cheek by jowl and turban to turban, and they will present an insuperable barrier to social reform and progress.

On one point Mr. Cocks was a little inaccurate. The Joint Select Committee no doubt made a change in the White Paper in respect to the mode of election of the British India representatives, changing direct into indirect election, but it made no change, or a very slight change, in the powers of the second chamber. The Council of State, as shadowed forth in the White Paper, was not a revising chamber merely, but a chamber of co-equal authority with the House of Assembly. The White Paper says: "The federal legislature will be bi-cameral, the two chambers possessing identical powers. . . . Equality of powers necessitates arrangements made for the solution of deadlocks." The exception to this equality consisted in the fact that the Council of State was empowered in the White Paper only to restore the demands for grants reduced or rejected by the Assembly, but the Joint Select Committee recommended that it should also have the power of reducing or rejecting the demands passed by the Assembly; however, this is a minor change.

#### AN OUTRAGE ON DEMOCRACY.

SIR SAMUEL HOARE was not slow to perceive this and bring it to the notice of the Committee. He said that on the question of direct or indirect election there was no doubt a serious difference of opinion but apart from that "there has been a very general agreement behind the structure of the legislature set out in this Clause. For several years past we have discussed the question of one or two chambers, of the kind of chambers that they should be, and the number of members; and there is a general body of Indian agreement behind our proposals." This brought Mr. Lansbury, the leader of the Labour Party, to his feet. He bluntly declared that if even Indians had agreed, the Labour Party could not agree to a second chamber and to such a second chamber at that; and he said, further, that although the introduction of indirect election for the Assembly had made the setting up of a second chamber wholly illogical and ridiculous, even if direct election had been retained, the Labour Party would have opposed the second chamber all the same. He said:

While it may be true that some people have agreed to the proposals in Clause 18, we are most emphatically against them. We are against the Council of State, not because of indirect election or anything of that kind, but because we do not want this sort of Council of State to be set up. We also think it is an outrage on what is called the democratic Constitution which the Government are bestowing on India that they should give such enormous powers to the Princes. Those are the main reasons why we are voting against the Clause.

#### THE FACADE OF DEMOCRACY.

COL. WEDGWOOD was as usual very devastating in his attack on the reactionary character of the federal legislature. He said:

We all know that Federation has a magical attraction as if this were a proper Federation, as if this new House that we are setting up to rule in India at the Centre were indeed a Federation such as we have in Australia and

South Africa. If that were the case, it would indeed be a very different attitude that we should find in India today, but the difficulty is that they have just discovered that this Federation, with all its apparent attractions, really means the establishment of an upper and a lower Chamber at Delhi which are a contradiction of everything that we understand by democracy.

While it is useless to continue to express that opinion indefinitely in this House the Government should realize that in passing this Clause they are creating a permanent, a fatal position in India. We know perfectly well that this is a substitute for the official bloc. The official bloc nominated by the Secretary of State is an infinitely preferable system to this facade which obviously involves a certain amount of difficulty on our part, and which, moreover, involves us not merely in India but throughout all the world in the charge of insincerity and hypocrisy.

We are not giving something to India; we are simply substituting for a fairly honest form of British control a new form of control by people who have not our standards and traditions, who may be everything that Indians should be, but who cannot by the very fact of the form of their representation, by the fact that they are irresponsible, have the real good of India at heart, and ought not to be put on a par with Indians who do legislate for themselves and who represent either by nomination or election some people in India.

#### PRINCIPLES DO NOT MATTER!

IN his defence of indirect election, against Mr. Churchill's attacks, Sir Samuel Hoare relied chiefly upon the federal character of the proposed constitution, as if a federation necessarily requires an indirectly elected first chamber. "It is essential," he said, "that a federal legislature should be in the closest touch with the federal units." Apparently, according to Sir Samuel, it can be in the closest touch with the federal units only if the legislatures of these units elect the members of the federal legislature. How wide of the mark this assumption is was shown by an interjection of one of his own followers, Mr. Herbert Williams, who asked: "Can my right hon. Friend tell me of any other important federation like this one which it is proposed to set up?" Sir Samuel Hoare could only answer: "The case of India is indeed in many ways unique." This is the stock argument used to justify every kind of anomaly. Mr. Williams pursued this matter in his own speech. He said, referring to the Secretary of State's reply: "The purport of his comment was that the right hon. Gentleman the Member for Epping (Mr. Churchill) had forgotten the principles of federation, but when I asked him what those principles were, as illustrated in other countries, he said that had nothing to do with the matter because we were dealing with India." In dealing with India it would appear principles do not matter.

#### THE ABSURDITY OF IT.

MR. ISAAC FOOT took up this question and answered Sir Samuel Hoare effectively as follows:—

The Secretary of State said just now that one of the reasons for the substitution of indirect election for direct election was that there should be this close association between the federal units and the centre. I cannot accept that argument. There would have been an association between the federal units and the centre under the White Paper, until the alteration was made by the majority of the Joint Select Committee. That association would have been in the representation through the Provincial Parlia-

ments to the Council of State. That would have maintained an association which certainly is desirable.

If it is suggested that this additional association is needed, and that was the point of the right hon. Gentleman's speech in advocating indirect election for direct election, I put this question to the House: Assume that your members have been elected by these little groups of people in the Provinces and these groups disappear, as they might, in Province after Province. A new election might take place in a Province and the group that sent representatives on to the centre has gone. What this House has never answered in the course of the Debate and what has not been answered to-day is: Who will these people at the centre represent in that event? Someone has elected them, but the electorate consisting, it may be, of six, seven, eight or nine people in a room in the Provinces has gone, in consequence of the disappearance of the Provincial Parliament in the meantime. You are left at the centre with central representatives at the Assembly who have no constituencies at all.

#### A MOCKERY OF SELF-GOVERNMENT.

MR. CHURCHILL showed how the provisions in the Bill would reduce the much-vaunted Indian self-government to a mockery. He said:

I have not had time to count the numbers accurately but I think there are some 600 gentlemen, or 615, who will be gathered at Delhi. I agree with the hon. Member for Limehouse (Mr. Attlee) that they will have very little to do. What are they to do? You have only to read Clause 12 and see what they may not do to realise that it utterly destroys the reality of responsible government. No one can read that Clause and Clauses which immediately follow, which enable the Governor-General himself to legislate by ordinances or by proclamation, or to take over at any time the entire Constitution, in conjunction with Clause 18, and imagine that what is being given to this new body, to these institutions, is responsible government or anything like it. It is a farce and a mockery on the name of responsible government. When we are told that the Princes insisted on responsible government and now say that they will not come in, they have a right to say that the condition of responsible government has not been made good.

#### A CHORUS OF JUBILATION.

INCIDENTALLY, Mr. Churchill showed how the prospect of the whole constitution being held up on account of the difficulties which the Princes felt in entering the federation was being greeted all over India with rejoicing. He said:

The Lord Chancellor said some time ago that the Princes would not dash the cup from the parched lips of India. They have dashed the cup from the parched lips of India, from one end of the country to other, and drawn forth a chorus of jubilation hailing them as deliverers. The policy of the Government, the aim and the ideal they set before themselves, is a united India. We may congratulate them. They have united India, from one end to the other, from Karachi to Rangoon, from Khyber Pass to Tuticorin, from rajah to ryot, from untouchable committees to mahasabha. All, without exception, have joined together, united, speaking with one voice and one heart, and repudiating this scheme of which Clause 18 is one of the central and perhaps the most peccant part.

#### RATHER ROUGH ON THE PRINCES.

MR. P. W. DONNER took a somewhat unusual point. In removing the official bloc and putting the Princes in its place, the Government, he pleaded, was

hard on the Princes. For what would be the effect of it? The Princes would become so unpopular with British India by taking a so-called stable, i. e. pro-British, line in the federal legislature that the agitators would turn their attention to the States, go in *jathas* across the border and stir up trouble there. Thus the rulers of Indian States would be faced with a serious problem. He said:

I think the Government are putting an undue strain on the Princes and placing them in a position which no Government has a right to put them in. I have always understood that we, as the paramount Power in India are called upon to defend the Princes both from external aggression and internal commotion, but if you set up this Assembly and ask the Princes to carry out the duties which you are now imposing upon them, you are not carrying out your obligation to save them from internal commotion, even if you are defending them from external aggression.

#### PRINCES IN CONTROL.

MAJOR NATHAN on behalf of the Labour Party moved an amendment removing from the Council of State the power proposed to be conferred on it to amend a financial Bill. In moving the amendment he said that in the constitution of no other country was the upper chamber allowed to increase the burden upon the people, and that in India too the upper chamber must not be allowed to do so. Under-Secretary Butler, in defending the provision, very foolishly denied that the Council of State was being given the power of increasing the burden. His exact words were: "In answering the arguments he (Major Nathan) has used to support his contention, I think it would be wise to remember that what he calls 'the burden on the people' which might be occasioned by this method of dealing with financial procedure does not apply to the same extent here—if it is a burden at all—as in the Provinces."

Major Attlee took the Under-Secretary severely to task for misrepresenting the position to the House. He said:

I think it is entirely fallacious to suggest that this question of finance at the centre does not concern the mass of the people.

Mr. Butler: To the same extent.

Mr. Attlee: What is going to be the biggest issue at the centre? It will be the question of whether there is to be direct or indirect taxation. There is the whole question of the Customs revenue, which presses very hardly on the masses in many cases, and also the question of income-tax. This is a vitally important matter. This is really the only big piece of business of a semi-administrative kind that comes before the Centre at all. In setting up two Chambers both of which are very unrepresentative—the Second Chamber undoubtedly entirely unrepresentative of anything except vested interests—we are loading up the Second Chamber with representatives from the Second Chambers of the provinces or from the groups of persons of similar type that would be elected to a Second Chamber. Therefore this Second Chamber is going to be predominantly representative of the richer portion of the population and there are also to be representatives of the Princes. It is going to be a far more reactionary body than "the other place" in our Parliament here.

This Second Chamber is to be given powers with regard to finance equal to those of the lower House. Not only are they to have power to reject financial proposals but power to amend. I can see no reason for giving them

equal powers. Once we get to the point of giving them equal powers we take away the utility of a Second Chamber at all. We on this side regard this as one example of the way in which effective power at the Centre is being taken from the representatives of the Indian people. Complete control over finance is really being given to the nominees of the Princes and representatives of the small and very wealthy section of the community. That is why we are moving this Amendment.

#### MAKING A GRIMACE AT GOVERNMENT!

MR. CHURCHILL made a speech full of shrewd common sense and sparkling wit in support of Mr. Lansbury's amendment for the removal of the disqualification of membership from those convicted of political offences. He said:

*Prima facie* it seems to affect two very large principles. The first is that a man who has served his sentence has purged his offence. If the offence has been a very grievous one the sentence will have been a very long one. There has always been a broad principle on which we have worked here that when the full time of servitude has been undergone, that is the end of the story. Just as a man is innocent until he is proved guilty, so after he has satisfied the severe and dread demands of the law, he is cleared. That is a large principle, and I should like to hear from the Attorney-General or the Secretary of State why it is necessary to frame this Clause in a way to overset that principle.

Then there is the principle of the right of the elector to choose freely. It is true that in by-gone days, in Ireland and elsewhere, the electors have chosen men who have served terms of penal servitude for political offences or for grave offences connected with political agitation, and have sent them up to this House just because of what they had done. I am sure my right hon. Friend would not take so gloomy a view of the healing effects in India of his legislation as to suppose that anything like that will occur in these new legislative bodies. I am accused sometimes of taking a gloomy view, but that would strike a knell which would extinguish what little hopes I have. If he imagines that after those Indians have received the Constitution, are exercising all their rights of responsible government and have the whole of the advantages that are offered to them, they are going to pick out persons of criminal record and send them up to the legislature for the purpose of making a grimace at the British Government and the high authorities, and that that is a matter which requires to be so seriously legislated for that is a revealing sidelight on the interior feeling of the Government as to the character and constitution of their legislation.

#### WHAT HAS BEEN MUST BE.

CLAUSE 32 provides that a Bill passed by both chambers of the federal legislature and assented to by the Governor-General in His Majesty's name may yet be disallowed by His Majesty within twelve months from the Governor-General's assent—in order that the prerogative of the Crown be preserved. The Governor-General gives consent, not upon the advice of the responsible Ministers as in a self-governing Colony, but upon the advice of the Secretary of State, and why should such an Act which may already be in operation be liable to disallowance and why should disallowance take as long as twelve months in these days of the electric cable and wireless, asked Mr. Cocks. Major Attlee also put the same point as follows:

We have heard something vague to the effect that it is necessary to preserve the prerogative of the Crown. Can

the learned Attorney-General tell us how the prerogative of the Crown is preserved, and why it needs 12 months to preserve it? The reply of the Secretary of State is open to the same objection which St. Joan in the play made to the other side, when they said torture was always customary, "Thou art a rare noodle, master, that what has been must be."

The Secretary of State and the Attorney-General explained that such a power of disallowance existed in the Dominion constitutions too, but that it was never used and was not therefore worth worrying about. As for twelve months, it was admitted that it was too long a period and that it was a piece of "conservative constitutionalism."

But Mr. Aneurin Bevan gave an excellent reason why Indians should welcome this Clause. He said:

While I have been sitting here I thought of one reason why perhaps it ought to be left in the Bill. It has probably not occurred to the Secretary of State for India. In the constitution which we shall be giving to India it is very probable that the legislation will be carried in India against the Indian masses and, in view of the fact that they will have 12 months to agitate against the Act, they may transfer the agitation from India to England in order to try to secure a repeal of the Act within 12 months. If, therefore, the Secretary of State for India thinks that it is desirable that the veto of the Crown should become the football of Indian politics, and that we should have the game played over here and not there, it is as well that we should have this provision left in. We should have merry times in the future if the Secretary of State for India and Members of the House of Commons were importuned to repeal within a year an Act of Parliament which would become universally objectionable to the masses of India. I do not know whether the Secretary of State has considered that point, but if he has perhaps he will take this out before the Report stage.

#### CAN THE CONSTITUTION BE DEMOLISHED?

A VERY interesting discussion took place on Clause 45, which may be described as the breakdown Clause. This Clause provides that if, by resolution of both Houses, Parliament sanctions the suspension of the constitution, the suspension may continue for any length of time. To this Clause Mr. Rhys Davies moved an amendment requiring the Government every six months to obtain Parliament's sanction for the suspension of the constitution or, as Mr. Churchill put it, to obtain "a refresher of the authority given by Parliament", thus providing against the possibility of a state of emergency becoming a permanent system. The Princes have taken exception to the Clause, and therefore the Secretary of State is willing to reconsider the matter. He has promised to examine it "with a view to Parliament keeping a check on any renewal (of suspension), and also from the point of view of whether it is wisest to say that after a period of years, say three years—I suggest that as possible—the constitution should lapse—the whole Constitution."

#### A RAY OF HOPE?

THIS announcement of the possibility of a constitution providing for an indissoluble federation being "demolished" (to use Mr. Churchill's phrase) gladdened the heart of Col. Wedgwood, who is the bitterest opponent of the federal plan. He said:



The announcement made by the right hon. Gentleman (Sir Samuel Hoare) is of enormous importance, and I do not think that it ought to go unnoticed. That announcement will be welcomed greatly in India and will make all the difference to the Indian attitude. If we can carry through an Amendment to that effect and say that when a breakdown occurs and after a period of years that breakdown continues, the Act lapses, obviously that will make a whole world of difference to the Indian attitude towards the Bill. What we ought to find out as soon as possible is whether the right hon. Gentleman means that the Federation will lapse and that the Provincial Constitution will remain while the Federal Constitution lapses. Would that mean the recasting of the whole of the Act or could it not be arranged that it is merely a cancellation of the federal scheme as it stands during the three years while the Government are making up their mind?

What will happen at the end of those three years? Obviously, legislation will have to be introduced and considered. If it is to deal with the federal side, well and good; that is a simple problem. But if it is to deal with the whole provincial side as well it is an almost insoluble problem. I do hope that the suggestion made by the right hon. Gentleman will bear fruit and that there will be introduced into the Bill a proviso which I have not the slightest doubt would make the Bill infinitely more palatable to the Indian people. One of the chief objections to it has been that it is irremovable, that it is the last word and not the beginning of a series of steps. If it can be known that if a breakdown can be brought about—a breakdown may be brought about quite amicably and not by hostile action—then we shall have a chance of undoing the ill that we have done in establishing a Constitution on an un-English basis, it will make all the difference.

#### LAPSED CONSTITUTION TO BE REVIVED!

THIS speech frightened the Secretary of State, who hastened to remark that the constitution declared to have lapsed might yet be revived. He said:

Suppose the emergency was brought to an end, namely, that you could not have an emergency lasting longer than, let us say, three years, we should not be left with no government in India at all. We should then revert to the provisions of this Act, and Parliament then would have to choose between reverting to the provisions of this Act or passing an amending Act. I make that point clear, not in any way to impose my views upon hon. and right hon. Members, but in order that they may keep it in mind when they consider further the proposition that in due course I shall make on the subject.

#### CUP DASHED FROM THIRSTY LIPS!

UPON this Col. Wedgwood remarked:

This is about the quickest change of mind I have ever come across even in this House. The right hon. Gentleman the Secretary of State has completely altered his story. Five minutes ago he told us that a lapse of the Constitution would not last for more than three years. Now he tells us at the end of these three years all that will happen will be that the breakdown legislation will lapse, not the Constitution. We shall simply get back to the position we were in when the breakdown legislation was instituted. Thank you for nothing.

And Sir Henry Page-Croft said:—

May I add my word to that of the right hon. and gallant Member? The cup has been dashed from the thirsty lips of many in this House and in India. We had hoped from what the Secretary of State said that if there was a breakdown of this character there was a speedy way out of the mess. The Secretary of State has varied his phrases, and has certainly very much upset the right hon. and gallant Member and others of us.

#### "AN EYE FOR AN EYE".

THE proposal to create a new Governor's Province in Orissa met with a good deal of opposition. Sir Reginald Craddock put the objection tersely. He said: "For administrative reasons this scheme is sheer folly; for financial reasons it is extravagant; and for political reasons it is mostly make-believe". Mr. Godfrey Nicholson, like Sir R. Craddock, favoured Orissa being made a sub-province and deprecated the federal Government being required to make an annual subvention of 30 lakhs of rupees for running the new Province.

But the most serious objection was raised to the separation of Sind from the Bombay Presidency and violent speeches were made denouncing the motives with which the demand was put forward by the Mahomedans. Mr. Donner said:

The point that I wish to make before sitting down is that the real reason for this proposal seems to me to be that, unless this Province is created, unless this minority of Hindus is placed under the control of a Government of Moslems, there will be no safeguard against the misbehaviour of Hindus in other parts of India. But I would remind the Committee that the minority in Sind is a most aristocratic, civilised, and highly educated minority, and they are going to be exposed as hostages for the good behaviour of Hindus in other parts of India, where the Hindus are in a majority. In the evidence it is distinctly stated, both by Hindus and by Mohammedans, that this Hindu minority in Sind are regarded as so many hostages for the good behaviour of Hindus in other provinces. That seems to me to be a terrible thing; it seems to me a most cynical proposal to emanate from any civilised government, let alone a British Government, that we should be prepared to consider placing the minority of Sind in the position of hostages. That minority realises that that is the position; in their evidence they declare that the majority population regard them as so many hostages. If the Hindus who are in a majority in other Provinces in India were to turn round and massacre Mohammedans, then in Sind you would have this highly civilised and aristocratic minority at the mercy of Mohammedans who have been provoked and may work vengeance upon them. That seems to me to be a dreadful position.

I suppose that it would be ironical to congratulate His Majesty's Government on the invention of one safeguard which cannot fail, because that is the real kernel of the matter. This safeguard cannot fail. If you create this Province you make it possible for Mohammedans all over India, where Hindus have great majorities, to say, "You can massacre us in many Provinces in India, but by Jove if you do, we know what to do in Sind."

#### "SPRAWLING OVER ENTIRE POLITICS."

MR. CHURCHILL thus described the injustice that would be done to British India by allowing the States jurisdiction over the whole federal field while allowing them to make all sorts of reservations for themselves.

Here you have the Princes coming in on a variety of Instruments of Accession, some on a limited liability principle, some going the whole hog, taking the same out of the federal pot. It is abhorrent and repulsive to the human mind, it grates on the core of reason; no one can bear a thing like that. One of the most profound ideas of life is that you can take no more out of it than you put into it. Here are these Princes, who are to come in with every kind of reservation for themselves, and at the same time are to sprawl over the entire politics of British India.

## BROWN AUTOORATS AND WHITE BUREAUORATS.

*Miss Eleamor Rathbone, M. P., has contributed the following article in a recent issue of the New Statesman and the Nation.*

**T**HE news that the Indian Princes are pressing for a tightening up of the provisions of the India Bill protecting their interests, as a condition of their acceding to Federation raises an issue which concerns all lovers of liberty. On the Second Reading of the India Bill, Sir Herbert Samuel said :

The ideas which maintain a democracy at home will not maintain any form of tyranny abroad.... A free Britain and a coerced India cannot go together.

Sir Herbert was thinking of British India. Perhaps he forgot that our democracy at home is already pledged to coerce, if necessary under certain conditions, 562 little Indias, sometimes called the Indian Indias of the States, if they attempt to rebel against their autocratic rulers. Very little has been heard of the effect of the India Bill on the relationship between this country and the Indian Princes as it affects their own subjects and also those of British India. Briefly, it may perhaps be summarised by saying that whereas in the past the Princes have been buttressed upon the British Raj in the future the British Raj will also be buttressed on the Princes. The two will be propped against each other like the two sides of a corn stack. To believers in democracy it is a disquieting relationship, which deserves more consideration than it has received.

The dependency of the States upon the Paramount Power is thus defined in the Report of the Butler Committee.

It seems to imply that in no case can the Paramount Power acquiesce in attempts to "substitute another form of government" for the autocratic rule of Princes, though in cases of insurrection due either to "legitimate grievances" or to "a widespread popular demand for change" it may insist on some steps being taken to alleviate popular discontent. Elsewhere the Report boasts how sparingly the Paramount Power has exercised its powers of intervention.

That the Paramount Power has acted on the whole with consideration and forbearance towards the States, that many States owe their continued existence to its solicitude is undoubted and admitted.... In the last ten years the Paramount Power has interfered actively in the administration of individual States in only eighteen cases. In nine of these interference was due to maladministration; in four to gross extravagance, or grave financial embarrassment. The remaining five cases were due to miscellaneous causes. In only three cases has the ruler been deprived of his powers. No bad record this, considering the number of States and the length of time concerned? We have heard comments from some of the Princes themselves that in certain of these cases intervention should have taken place sooner than was actually the case (p. 22).

Eighteen "active" interventions scattered over ten years and five hundred and sixty States is indeed "no bad record" from the Princes' point of view. But what about that of their subjects? Other passages in the same Report indicate that only "gross abuses", "gross" or "flagrant" misgovernment, "persistent neglect" are held to justify intervention. Notoriously, however, influence amounting to considerable pressure can be and often is exerted by the Political Resident. In Mr. Panikkar's study of the Indian States, generally recognised to be able and dispassionate but if anything pro-State, he maintains that this latter form of intervention is exercised only too freely. Yet he says :

In olden times a despot who oppressed his subjects or a debauchee who looked only to his pleasure was not left

long undisturbed. Either an outside invasion or an internal rebellion put an end to his career. But the British Government now supports the ruler as long as he is loyal to his agreement and does not too openly violate civilised conventions. The ruler is left in such a case to do whatever he pleases with his treasury and to gratify his personal pleasures at the expense of his subjects....

A strange relationship this, between the freest and most successful democracy in the world and oriental despots! How is it affected by the new Bill? Directly, the "special responsibilities" of the Governor-General are to include "the protection of the rights of any Indian State". This might be held in effect to imply the reinitialling of the treaties and sanads alluded to in the above quotation from the Butler Report. Yet the Princes apparently are not satisfied, since the specific points which they criticise in the Bill include "the lack of specific mention and preservation of treaties and agreements concluded with the States." We are asked then to reaffirm these documents. And the Government has yielded. Sir Samuel Hoare undertook on Tuesday to make it clear "in the most solemn and formal manner but not within the Bill", that "we regard the treaties between the Crown and the Indian States as inviolate". That is a very serious matter. For, as the Butler Report itself points out.

The relationship of the Paramount Power with the States is not really contractual relationship resting on treaties made more than a century ago. It is living, growing relationship, shaped by circumstances and policy, resting on a mixture of history, theory and modern fact.

Will it continue to be a living, growing relationship, if stereotyped by Parliament in 1935 as part of a solemn bargain with the Princes? Even without this reaffirmation the Bill indirectly strengthens the Princes' position, because of the reliance placed on their known conservatism and loyalty to the British connection as a guarantee for stability and resistance to revolutionary forces. That is apparently the main argument for insisting on waiting for their accession before granting "responsibility at the centre". But if the smooth working of the constitution is to depend on the Princes' good-will, will there not be an even greater reluctance than at present to intervene on behalf of the States' subjects? As a set-off against this danger, many well-informed people maintain that the closer relations thus set up between British India and the States will inevitably influence the Princes towards progress and better government. But can we trust to this? Is it a sufficient set-off?

Turning to the effect on British Indian subjects, the influence which the Princes may exert upon the Central Legislature is worth noting. Even in the Lower House their nominees will hold 125 out of 375 seats, or about three times as many as the seats reserved to the depressed classes, labour and women, all put together. In the upper House there is no reservation of seats for any of these three interests, while the Princes' nominees hold 104 out of 260 seats. Yet this amazingly conservative Federal Legislature, mainly representative of large vested interests, will be competent to pass laws concerning marriage, rights of inheritance, labour conditions, industrial disputes—laws which will override, if in conflict with, provincial legislation. No corresponding rights are given to the Federal Legislature to interfere with any of these matters in the Indian States. It is said that the Princes will not desire to interfere in purely British Indian matters. But what matters will be

so regarded? May not the representatives of the States plausibly argue that, say, an advanced Factory Code will influence their own labour supply and cause disaffection among the subjects of the Princes?

To raise these doubts is not inconsistent with holding, as the writer does, that the proposals of the Bill as they affect the Provinces represent not merely a substantial advance towards self-government, but also—through the immensely enlarged electorate—a far better means than has existed hitherto of securing attention to the just grievances of the poverty-stricken masses, the depressed classes and the women. But for these advantages we seem to be paying a heavy price. A British Parliament and people which last summer worked themselves into a fever of excitement over a Sedition Bill which threatened invasions of the privacies and liberties of a few individual British

citizens are bound, before they assent to this India Bill, to ask themselves two questions.

First, how will the Bill affect the eighty-one million subjects of Indian States? May it result in shackling their fetters permanently upon their limbs? Granted that many of them, in some States, are happy and contented under a form of government congenial to them, yet is not an autocracy always a potential tyranny and should a democracy assent by its own act to the stabilising of some five hundred autocracies?

Secondly, does a Federal Legislature such as that proposed sufficiently guarantee the welfare of the British Indian masses? Or will it result, as one Indian writer has suggested, in merely substituting "brown autocrats for white bureaucrats" when the nominees of the Princes take the places of the official "bloc," now to disappear?

## PROVINCIAL AUTONOMY, INDEED!

### MR. COCKS SHOWS HOW ATTENUATED IT IS.

*Mr. Cocks, in the following speech made in the Committee of the House of the Commons on 18th March, showed how severe were the restrictions imposed upon the power of the Provincial Ministers by the special responsibilities of the Governor.*

**A**LTHOUGH on this side of the Committee we have many objections to this clause (Clause 52), chiefly because we think that the Governor's special responsibilities are too widely defined, I want to concentrate my remarks on one point only in the hope that the Secretary of State may at a later stage meet us on this matter. The point I want to address my remarks to is of great importance, one which was supported by every delegate from British India to the Joint Select Committee. In paragraph (a) the Governor has a special responsibility for the prevention of any grave menace to the peace or tranquillity of a Province or any part thereof. It is the opinion of the Indian delegates, of myself and those on this side of the Committee, that that power was too widely drafted. A great many do not object to the Governor having special responsibility for anything causing a grave menace, such as a terrorist movement, a movement of violence, a movement against the law and order of the Constitution, but we feel these words cover a much wider sphere than that—that they cover a sphere described earlier in the evening by the hon. Member for Limehouse (Mr. Attlee). The point that was urged upon the Joint Select Committee was this. Suppose the Indian Government bring forward a Measure, desired by the majority of the members, that impinges to some extent upon the rights, liberties or feelings of another section of the population. It may be a case of temple entry, of child marriage or of land legislation. The fact that the Bill had been produced and that arguments were put forward strongly in support of it, might cause a very active opposition, which might not confine itself to the ordinary arguments of the Chamber, but might cause communal and social disturbances. We feel that in a case of that sort the Governor might be approached by the representatives of the minority, who might say: "This is a Bill which the Government are forcing forward which is causing certain disturbance in a part of the Province. We feel that it is causing great

menace to the peace and tranquillity of the Province, and therefore we urge you to use your powerful hand to see that the Bill is withdrawn." In our opinion, that is a wrong thing.

As my hon. Friend the Member for Limehouse said, in the earlier years of the last century the object of the British Government was to remove any grievances which arose from deep-rooted customs in India. Under Lord William Bentinck and the Marquess of Dalhousie a forward policy was pursued to put an end to certain Indian customs which were thought not to be fitting in civilised society, but after the mutiny we were afraid to go on in that way and it was considered that the English people ought to confine themselves to administration and not to interfere with these Indian customs. One of the arguments for putting more power into the hands of the Indians was that they would be able to deal with these problems which we ourselves felt that we could not do; that we must not interfere with these things but leave the Indians to deal with them when they had control. Now we are giving India control in this Bill. This particular Clause would enable the Governor-General to say: "You must not go on with that particular Bill, because it is causing wide disturbance, which may be a menace to the peace and tranquillity of the realm."

The second point is this, and we think it is very important—I know that the Secretary of State shares my view in regard to it—that the ministers should learn responsibility by the old method of trial and error. If they bring in a measure which is unpopular they should face the consequences of the unpopularity of that measure. If the Governor is given this particular power in this Clause what will happen will be that those who are opposed to this particular thing will throw the blame not upon the ministers but upon the Governor. Therefore, instead of building up a responsible ministry such as we have in this country, understanding what the difficulties are and tackling them, we shall have ministers throwing responsibility upon the Governor, and the Governor will have to take the blame and the responsibility.

## A PLUTOCRACY.

## MISS RATHBONE'S SPEECH.

*In the course of her speech on Clause 18 on the structure of the federal legislature Miss Eleanor Rathbone said:—*

I SEE two grave objections to the Clause. The first is the extraordinarily reactionary character of the proposed upper Chamber. Whatever may be the motives of the right hon. Gentleman the Member for Epping (Mr. Churchill)—and the Secretary of State appeared to throw some doubts upon them—nobody can question the truth of what he said, that this Chamber is going to be one of the most plutocratic bodies the world has ever seen. It will be almost exclusively representative of great vested interests. There seems to be all the less justification for setting up that kind of second Chamber since the change in the method of election to the lower Chamber from direct to indirect. As it is, the lower Chamber itself will be a body very largely representative of vested interests and any sort of contact that it has with the poorer electors will be through the medium of the provincial assemblies. If there is to be that kind of lower Chamber I cannot see that the arguments which are usually employed to justify the sort of upper Chamber proposed here can continue to have any weight.

The second objection is this. If there is to be this amazing kind of upper Chamber, why is it necessary to give the Princes the heavy representation which is given to them in the lower Chamber? I agree with the hon. Member for Windsor (Mr. A. Somerville) who doubted whether British India would long stand a form of central legislature in which the representatives of the Princes are to be so numerous in both Chambers and are to be permitted to interfere in many affairs which affect the poor. We all know the range of legislation which this legislature may dominate, and it is difficult to believe that British India would long endure such interference as is possible by the representatives of the Princes with all these subjects, while the representatives of British India themselves are not permitted even to ask questions about the way in which these same subjects are being dealt with in the Princes' own States. The whole influence of the Princes seems to me to be far weightier than the facts justify and far weightier than is fair to British India. When the Joint Select Committee thought it necessary to change the mode of election from direct to indirect I wonder that they did not at the same time recognise that that change, whatever its merits, did away to a large extent with any necessity for the kind of second Chamber which we are setting up under the Bill, or for such a large representation of the Princes in the lower Chamber.

## RIVETING SHACKLES UPON INDIA.

## MR. CHURCHILL'S SPEECH ON THE FEDERAL LEGISLATURE.

*Mr. Churchill, in the following extract from his speech on Clause 18, showed clearly what kind of legislature would be elected in British India at the centre and how it will work.*

THE Government have taken away from the people of India, from the electors, 1,500,000 of them, direct election to the existing Assembly, and in place of that they have substituted indirect election, which the Secretary of State opposed, which the Government of India opposed, which the White Paper opposed and which was introduced into the Joint Select Committee as the result of all kinds of negotiations, over which the veil of hitherto unviolated secrecy had been thrown.

I certainly was told that one of the reasons which weighed with the Commissioners who went out there in advocating direct election was the danger of a caucus, the danger of corrupt influences being brought to bear on the comparatively small number of people who now will choose. That danger resumes itself in all its force, and at the same time the salutary relief of a dissolution, is practically robbed of its efficacy. The same answer will to a large extent be returned even if the Assembly is sent about its business. One of the greatest safeguards of parliamentary institutions is the power of dissolution, the certainty that assemblies can be scattered to the winds, and there is what is called a new deal operating in parliamentary and political affairs. But for that destruction would overtake all legislative assemblies. They would become odious to those in whose name they presume to act. In this system you will have an assembly increasingly hide-bound and stable. You will take away altogether from your Indian polity that indispensable device—namely, a dissolution, and a new set of men, which has everywhere been found necessary for parliamentary procedure.

As for the second Chamber, I suppose it will be about the richest body in the world, man for man. It will certainly be a chamber which will be well able to protect the rights of property, but Indian property. They may not take a very high view about the interests of British merchants and manufacturers, or of the Lancashire traders, but I think it will be very strong in interpreting the rights of property when it is a question of the interests of the Ahmedabad, or Bombay mill-owners, who are large subscribers to the funds of the dominant party in India. It will be strong in enforcing the sanctity of contracts and the interests of the money-lending classes, and will no doubt take a robust view of the interests of landed proprietors. In religious matters it is highly probable that their bias will be strongly conservative. As for the general questions of social legislation and so forth, it is unlikely that any strong initiative will come from this body. And remember that this institution which you are now ramming down the throats of Indians, whether they like it or not, will be largely unalterable. There they will be, and there they will remain. You are riveting the shackles of the worst aspects of capitalism without its progressive reforms, and without its continued elections and refreshed assemblies. And you are riveting these shackles upon the people of India for an indefinite period.